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Submission concerning the proposed *Firearms Amendment (Community Safety) Bill 2023*

The Minister for Police, Fire and Emergency Management.

The Honourable, Felix Ellis

Department of Police, Fire and Emergency Management

Strategy & Support

P.O.Box 308

Hobart Tas. 7001

Dear Minister,

A number of members of our Militaria Collectors organisation have expressed concerns about proposed amendments to Tasmania's firearms laws. Many, but not all, of our members collect firearms or participate in shooting sports. They feel that there may be unintended consequences from the amendments which will impact them. The amendments of concern are: Recognition of toy firearms as firearms when used in specific crimes; Possession of digital blueprints for manufacture of firearms; and increased capacity for Tasmania Police to issue infringement notices.

One of our members makes a logical suggestion regarding the recognition of toy firearms as firearms in certain circumstances. A criminal intending to commit an offence may consider that they would receive the same sentence for using a 'toy' over the genuine item. If they had access to an illegal firearm then there would be fewer disincentives for using it instead of a harmless toy. In both cases they would be committing the same offence. I know one *Arms Collectors Guild of Tasmania* member who has an award winning collection of 'toy' guns. While this amendment should not affect him, relating only to "criminal intent," will future changes see restrictions placed on 'toys'? A natural progression would be restricting access to 'toys' and requiring them to be stored in the same manner as is now required for firearms and firearms parts.

I note that Firearms Services provide a FAQ sheet on their website relating to the Firearms Amendment Bill 2023. The section relating to digital blueprints still does not make clear that our members and Licenced Firearms Owners will not be committing an indictable offence for having technical drawings relating to firearms manufacture and repair. The FAQ sheet states "The offence has specific legal defences to the offending, such as if the conduct was of public benefit, military or law enforcement research purposes..." If these groups require protections from this amendment, why are

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Licensed Firearms Owners expressly excluded in this area? The Bill defines a digital blueprint as:

- “(a) any type of digital, or electronic, reproduction of a technical drawing of the design of an object; and
- (b) any electronic coding by the application of which an object may be manufactured;”

I think that this definition is wide open to misinterpretation; surely a digital photograph or scan of a technical drawing would fall under this description. The FAQ section on this provided by FAS states “Will firearms diagrams, exploded parts views, detailed drawings, collection books and other historical images, either in digital or hard copy be subject to the bill? No, these types of materials will not be captured by the definition of digital blueprint.” If this is actually the case why doesn't the definition provided in the Bill exclude firearms diagrams and detailed drawings? Who will make the determination over whether a person is in possession of a reproduction of a technical drawing (indictable offence) or else firearm diagrams and detailed drawings (Ok), the Commissioner or a magistrate?

The FAQ sheet also provides a poor example in that it states “...diagrams or schematics that a licensed firearms dealer uses to repair a firearm will not be affected by these changes.” 119A (2) (a) of the amendments permits a person “authorises by a licence to manufacture the firearm, firearm part... [exemption from this part of the Act]”. This protection is not afforded to regular licensed firearms owners. This example seems to reinforce the fact that they will be committing an offence through possessing or controlling diagrams or schematics.

Our members also question how the extension of Tasmania Police issuing infringement notices for storage and similar technical faults will be administered. Will it be a police officer or Firearms Services issuing the infringement notice? What recourse will there be to those being issued infringement notices, can an appeal to a higher ranked officer result in the infringement being quashed, or is it locked in? Many of our members have had experience with police officers finding faults with storage that was fully compliant. Will they now have to contend with the inconvenience of defending themselves from an incorrectly issued infringement notice?

In making this submission I have been assisted by a number of our members. Due to conditions of their employment or personal circumstances, a couple do not wish to be named as contributors; they are however happy for me to reproduce letters they have forwarded to me. These two letters are included as annexes to this submission.

Yours faithfully,



Shaun Gleeson

President

Appendix 1

Hi Shaun,

I have found some issues with the amendments, some good, some not so.

- For instance the amendments to the lever action capacity don't take into account the size of the round being shoved in it, making the round limit a moot point if for instance you may be able to get at least 7 or 8 1.75" mini shells in a 5 shot cat B lever shotgun where by it magically becomes a cat D..

- They don't appear to be fiddling with air rifles and their actions which is a win for shooters.

- The infringement notices, are Tasmania Police going to be issuing infringements for firearm offences to licence holders? Will it be FAS issuing the infringement or will it be a random officer conducting the storage inspection, what is the right of reply/review besides electing a court hearing.

The biggest issue I can see is within the amendments for 119A.

119A. Possession of digital blueprints for manufacture of firearms (1) A person is guilty of an indictable offence punishable under the Criminal Code if the person possesses a digital blueprint for the manufacture, on a 3D printer or on an electronic milling machine, of a firearm, a firearm part or a firearm sound suppressor.

It then defines within subsection 8

(8) In this section – digital blueprint means – (a) any type of digital, or electronic, reproduction of a technical drawing of the design of an object; and (b) any electronic coding by the application of which an object may be manufactured;

This section and definition is far too vague in my opinion as it does not specify the actual types of files required to utilise a 3d printer or CNC and opens up a can of worms in particular with cookies and images stored when visiting websites.

This proposed definition would potentially not allow for you to have an image of a work mat such as [tekmat]

This is clearly not their intention however in its current form it would also affect members/shooters with digital plans for precision/target rifles and digital armourers manuals be that recent ones or scanned copies of older paper manuals.

The proposed amendment would also affect people outside the shooting community i.e. cosplayers who manufacture their own weapons for their costumes and conventions, kids 3d printing parts to modify their nerf guns, actors making prop guns on a 3d printer as the toy would be printed in pieces and one of which would be the trigger mechanism which constitutes a firearm part. The proposed amendment would in its current state prohibit the manufacture of a rubber band gun. Thingiverse.com is literally filled with all sorts of 3d printed toys that would be banned due to their method of construction because of this poorly defined proposal. (Have a look at this one for instance that could be used by a cosplayer or a kid

- <https://www.thingiverse.com/thing:5852011>).

The proposal in its current state does not allow for differentiation in the term firearm part to allow for the manufacture of a toy as the Act does with the definition of firearm *(e) an imitation firearm, other than a toy;*

The amendments for 119A are almost unnecessary as the vast majority of 3d printed firearms require barrels/liners, springs and slides all of which are already regulated within Tasmania and cannot be purchased without a licence or they are border controlled and require a permit to be let in.

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I think a great question for the minister to answer is - how many 3d printed firearms have been seized in Tasmania as opposed to black pipe slam fire shotguns?

Feel free to cut and shut this for your letter, but I think the major issue is the vagueness around the digital files, I get that 3d printing is an emerging technology for most people and that the government doesn't want to play whack a mole with specific file formats however that is what they do with synthetic drugs and it is the only sensible solution that is better than what is proposed currently in these amendments.

Appendix 2

Hello Shaun,

I refer to the Legislation Amendments and offer some thoughts for your perusal. I would be appreciative if my name was not published or disclosed to anyone please.

11. Section 114 amended (Carrying firearm, or toy firearm, with criminal intent)

Section 114 of the Principal Act is amended as follows:

(a) by omitting from subsection (1)

“firearm” and substituting “firearm, or an imitation firearm that is a toy,”;

(b) by inserting in subsection (2)(a) “, or an imitation firearm that is a toy” after

“firearm”;

(c) by omitting from subsection (2)

“firearm” second occurring and

substituting “firearm, or the imitation firearm that is a toy,”.

I make the following points:

1. Defining toy guns as firearms is not consistent with sound public policy. No one ever has been shot dead with a toy gun. As the law stands criminals generally get a lighter sentence if they use a toy gun. That situation should be encouraged for a number of reasons
2. (a) It is safer for the victim, the general public and the Police if a toy gun is used
- (b) It erodes the business model of the illicit gun trade if criminals can access toys cheaper, faster and more readily than a real gun thereby reducing profitability and volume of sales.
- (c) The Courts are well experienced in dealing with offenders using toy guns. There is no evidence of judicial dissatisfaction with the status quo.

- (d) The existing laws have not been shown to be inadequate.
- (e) The proposed legislation will inevitably trap innocent children playing childish games.
- (f) From the victim's perspective it is irrelevant whether a toy or real gun is actually used. If the victim believes that the gun is real then trauma may be suffered and that is a sentencing consideration.

119A. Possession of digital blueprints for manufacture of firearms

(1) A person is guilty of an indictable offence punishable under the Criminal Code if the person possesses a digital blueprint for the manufacture, on a 3D printer or on an electronic milling machine, of a firearm, a firearm part or a firearm sound suppressor.

I make the following observations.

1. This is tantamount to thought police - having an electronic drawing, blueprint; download should not in itself be an offence. The offence is and has been the manufacture of the firearm - the means, be it digital or handraulic, is just not relevant.
2. The term "blueprint" is defined as a 'technical drawing' in the proposed legislation. A "technical drawing" is not defined in the proposed legislation and as a matter of Statutory Interpretation takes on its normal dictionary meaning. In essence a drawing including measurements or to a specified scale for example. Consequently, just about every advertisement/magazine/instruction manual/encyclopaedia/reference book that can be accessed on line or downloaded dealing with a firearm carries drawings that may constitute a 'technical drawing'. Clearly the drafting needs to be re-visited.
3. One can find all the materials necessary to make a gun at Bunnings. Prisoners in prisons have made guns. One does not need a 3D printer.
4. Singling out 3D printers or electronic milling machines is like King Canute commanding the tide to turn - an exercise in futility.
5. It is better to know who is acquiring digital blueprints so they can be 'monitored'. The proposed legislation drives that activity underground and consequently makes policing more difficult. It is in the public interest to have those activities open to scrutiny.
6. There are plenty of non-digital/electronic sources of hard copy drawings of firearms legally available that would enable the setting up of a milling machine or 3D printer to produce an item.

Finally, I make no comment on limiting lever action shotguns to five rounds when rimfire and centrefire rifles are not so constrained.

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