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28-10-23

To The Sentencing Council of NSW,

My name is Jason Ross Maloney
and I am an inmate at

I am serving a ^{for}
Ongoing supply of - firearms, Ongoing Supply of
Prohibited Weapons & other firearm, & drug
/ Prohibited weapons offences. I've served 12½
years in prison all up and have changed my ways.
Needless to say I have felt the full experience
of NSW's Mandatory SNPP's in regards to
Firearms & Pro/Weapons Laws. But my letter
& submission I wish to forward is not about
me, but rather the draconian Prohibited
Weapons Laws we currently have in NSW that
prohibit the following NON-LETHAL DEFENCE ITEMS:-
1) Capsicum Spray, 2) Rape Alarms, 3) Stun guns
(Tasers), 4) Extendable Batons & 5) Body Armour.

I wish to put forward a submission that it is NOT
in the public interest to Prohibit these NON Lethal
Self Defence items. In fact I propose that
the current prohibition is leading to more women,
the disabled & the elderly becoming victims of
Rape, violence, robbery, home Invasion & murder. I
will show evidence that the NSW Govt. is complicit in this.
Today I will outline a brief submission, however
I would like the NSW Sentencing Council to send
me the entire "Submission of Enquiry" Package
to read, so I can make a full submission
before Submissions close in December 2023. I
do not have enough information currently in regards

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to the "Weapons related offences: Sentencing adult offenders CONSULTATION PAPER, & other viable information I would need to read to make a full submission. I believe it is true justice for the NSW Sentencing Council, to hear from an inmate impacted by these laws & my concerns for my fellow citizens. It is often grass-roots para-legal movements that truly illuminate the raw realities of laws passed & their consequences. For now, here is a brief outline & minor Submission to the Sentencing Council of NSW in regards to the current impact of NSW Firearms & Prohibited Weapons Legislation & the impact of these laws & mandatory sentences.

Minor Submission

1) Prohibition of Non-Lethal self defence weapons incongruous with a free liberal western democracy.

In NSW, our current Prohibited Weapons Legislation is broad, un-dynamic, far sweeping & a chronic human rights abuse that puts the lives of our most vulnerable citizens under more threat. Due to the prohibition of:-

1) Capsicum Spray / Mace, 2) Rape Alarms
3) Stun guns / Tasers, 4) Extendable Batons &
5) Body Armour. (All available online via e-commerce sites).

Prohibiting these self defence items increases violence, rape, robbery, home invasion & murder of our most vulnerable citizens in NSW. It is abhorrent law.

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These 5 self defence items are in the same category as; 1) Rocket Launchers, 2) Grenades, 3) Land mines & 4) Flame Throwers. Due to this, sentencing & SNPP's are the same regardless of the weapon you possess. This is unjust & a chronic abuse of law. It is Tyrannical & an example of a run away police state. The Act must have categories of different levels of seriousness of each weapon.

How can possession of capsaicin spray & a rape alarm carry mandatory minimum prison sentences? How can it be in the exact same category as weapons of war banned under international conventions for use, like "flame throwers"?

Recent ABS data proves 30% of violence & sexual assault against women in this country is perpetrated by an attacker UNKNOWN to the victim. We must ask ourselves. If 30 out of the last 100 rapes & murders of innocent women were committed randomly, what tools do we provide to these women to defend themselves from a stranger attacker? Of those 30 unknown victims, how many could of been saved from rape or murder if they were carrying 1) Capsaicin Spray, 2) Stun guns, 3) Rape Alarms or, 4) Extendable Batons? & perhaps (5) Body Armour

Australia is one of the few countries in the world that prohibits it's citizens from owning the said 5 items previously.

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We are the only Western Liberal Democracy & OECD country that imprisons its most vulnerable citizens for mandatory jail terms & up to 14 years for possessing the 5 said items, yet no one ever questions this?

These laws are a disgrace & international embarrassment. Right now there are female rape victims in jail, purely for possessing capsaicin spray & stun guns in their own home. A home undefended, where often they must protect children, (from AVO active men).

The fact is Police cannot be everywhere to protect everyone. Non-lethal self defence weapons must be legalised & given to our most vulnerable to prevent rape, murder, robbery & home invasion, to give them a chance at escape.

How is it that I can legally own in my own home: 1) A spear gun, 2) A compound Bow, 3) A real working Katana or sword, with No license & No training, yet if a woman possesses capsaicin spray she faces 14 years in jail in NSW, (or even a noisy screeching "Rape Alarm").

Even women in China & Iran can carry capsaicin spray & stun guns & batons. So who are the real human rights abusers? Australia & it's majority of states Non-lethal Self defence weapons laws must change to save women from Rape & Murder. (Note W.A)

How to change the Law to protect our most vulnerable citizens.

- 1) An instant halt/moratorium must be placed on imprisoning further women, the disabled & elderly from possessing:
 - 1) Capsicum Spray
 - 2) Stud guns,
 - 3) Extendable batons,
 - 4) Rope Alarms
 - 5) Body Armour. (Capsicum Spray is legal in Western Aus.)

All current women, disabled & elderly people in jail in NSW for possessing these items should be immediately pardoned by the Governor pending law overhaul. (The same pardon as "Ms. Kathleen Folbigg".)

- 2) At the minimum, a full enquiry into how many rapes, murders, robberies & home invasions could of been stopped or prevented if the victim owned these items to defend themselves, must be investigated.

- 3) Upon legalising these items, These items could be licenced, registered & overseen by the NSW firearms registry, creating jobs, tax income & safety.

- A) Women, the disabled & Elderly could apply for a license to own one of each weapon. Legally they could own & carry these weapons at home & in public to protect themselves & children.
- B) Safety & training courses would have to be completed by accredited providers to get a "Non-Lethal" weapons license. Similar to firearms safety mandatory training. Revenue could be made for the state Government in Licensing.

⑥ Note: - Money saved in court, policing & prison costs drop.
c) Any person caught misusing or undertaking "Horse play" with weapons in their possession would lose their "Non-Lethal" weapons license, and be fined \$5000, generating more state revenue. There is NO logical reason to prohibit the 5 mentioned items. Law abiding vulnerable citizens should have the ability to protect themselves with non-lethal weapons, not be imprisoned for it. The current laws, prohibition & mandatory sentences are morally repugnant & contribute to violence against women & the rape & murder & robbery of countless law abiding citizens. These draconian laws must change to be in line with the dozens of other Western Liberal Democracies & OECD countries that legally allow their citizens to own & possess them, saving lives & preventing sexual assault.

Gel Blaster Toy Gun Prohibition. (And "Air-Soft")

Recently the case of Adam Smith @ the Downing Centre on the 29-3-2023 under D/C Judge Hon. Paul Conlon.

Strike Force Raptor spent countless hours time & tax payer money to arrest Adam Smith, a NSW prison guard for owning Gel Blasters & some other non-lethal weapons in his own home, ruining his life & costing his savings.

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What free country jails thousands for toys?

Once again, Australia is one of the only Western Liberal Democracies & OECD countries that has BANNED the sport of "Air-soft" & "Gel-Blasting". Instead NSW jails have hundreds of young men going in & out of jail for buying toy guns online from Queensland for \$100 or knowingly; while NSW tax payers spend millions in Police, court costs & imprisonment costs over toy gun prohibitions.

So literally thousands of NSW citizens who otherwise would of NEVER seen inside a jail, are being imprisoned & convicted of owning Gel-Blaster toy-guns, sent via Aus-Post in the mail from QLD off Ebay straight to their doors, while there is no NSW Govt. TV or media info on illegality. Most NSW citizens have zero knowledge "Gel-Blasters" are illegal.

How many thousands of lives have been ruined by this nanny state madness? The Police & ADF can't find any new recruits because current police are imprisoning any young man who likes to hold toy guns. If one actually thinks about it, due to nanny state policing in this country with laws like this for Gel Blasters, you mollify an entire generation with anti-gun rhetoric & mental brain washing.

⑧ Australia's latent social engineering laws & policies, pushing the anti-gun agenda & jailing citizens for toys, does have knock on effects yet unstudied. We denigrate the U.S Gun freedom, yet expect U.S Guns to protect our nation.

I propose the anti-gun agenda in Australia over 27 years post 1996, has worked so well that no one wants to really join the Military or Police forces & people are also leaving in droves. This has left a nation undefended and with a disarmed population.

There was a day where across the whole nation army cadets, the countries next generation of soldiers would get on the train with their SMLE .303 rifles & attend evening parade in Uniform. Now we instead jail thousands of potential Army reservists & recruits for owning toy guns. It is ridiculous. Outrageous tyrannical laws once again pushed down our throats by autocratic police, without thought to the unintended social consciousness created, "de-militarising" young minds.

Let's juxtapose this situation with the country of Japan. Essentially the Japanese govt. promotes gel-blasters / Air-soft as a passive way for their citizens to safely train with firearms & weapons tactics in a sporting environment. They do this due to risk of invasion by China. In Taiwan, also, the same Air-soft / Gel-Blaster Para-Military tactics & training are encouraged. Why does Australia not do the same thing?

⑨ Shouldn't our citizens all be firearm trained?
I believe if Air-soft & Gel-Blasting was legalized, regulated & encouraged for youth & citizens then Australia would cure alot of it's ADF & Police recruitment issues, and remove the toxic taboo of firearms.

The psychology is simple. If you "De-gun" & "de-weaponize" a nation by demonizing people for possessing toy guns, which is an extreme measure. The bitterness, resentment & mollifying you create leads to a generation of people that will never fight for their nation. By creating constant fear of all firearms, Gel-blasters & such is dangerous.

This is not a crazy aspersion to cast. It is grounded in logic. Air-soft & Gel-Blaster laws must change. Regulate them all, like Paint-Ball, encourage it as a sport & use the sport as a recruitment tool to build the ADF, like they do in Japan & Taiwan preparing citizens for war.

How many young lives have been destroyed & wasted through paying to imprison hundreds, if not thousands of NSW citizens for toy gun possession? The exact same applies for "Zombie Knives" also bought from all other states & mail ordered to homes. Legalise & regulate Air-soft & Gel-Blasters. Stop imprisoning citizens for toys. No other country does this. It's insane law & policy, it serves no public interest & costs too much in Police & prison & courts resources.

⑩ Stopping Youth Knife Crime

I realise a lot of what the sentencing council is assessing is the growing number of youth, now forming into street gangs & all carrying knives. This is an issue, but must be resolved through social policies promoting social cohesion, and creating Military service & sentencing. Young wayward men need "Patriarchal" discipline they miss.

In jail, I see countless young men, many Polynesian & African in jail for knife crime. Ethnicity does matter here. A lot of Ethnic groups of young men feel ostracised & disenfranchised. They turn to gangs because they look for belonging. It's that simple. In jail biker clubs & big gangs recruit them, worsening them.

I believe Australia needs dynamic change with the next generation before we loose them to gangs & other stupid manipulations. Australia needs Mandatory National Service. A cure all. Give them the "GANG" of ADF discipline & honour.

Firstly national service does not need be 18 months in the military, although a lot of National Service should be with the ADF as the world is getting more dangerous & we desperately need to grow our ADF ASAP. To do this we must change the mental conditioning of our young people & fast. Now I know this is mostly out of the purview of the NSW sentencing council, but it still relates & is relevant and a cross over fashion, so please bear with me, as it does relate to sentencing alternatives.

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The current young offender programs in NSW prisons & out of prison are mostly useless. Firstly, we need to divert these wayward first time young offenders to the ADF. To start with through a "transitional Bootcamp". NSW working with the ADF should start a military diversion pathway from jail to the military. I understand many people will be in-eligible. But a select few will most certainly meet the right criteria. We can save these angry young men & women & turn them into soldiers. It's time we think big. Be bold.

I note

Perhaps his opinion on the failures of current PCS NSW young offender programs ought to be sought. Currently the original "Oberon" Young offenders prison Farm & Camp, has been shut for years now. What are the recidivism rates over the last 20 years for young offenders that completed various young offender programs within NSW prisons? I know for a fact they are all terrible & youth crime is growing across the country. Of course poor parenting is a huge contributor to this. We have become so scared in this country to call out welfare degenerate parents who choose welfare as a lifestyle choice creating inter-generational welfare dependancy, draining taxpayer dollars paid by our nations most industrious citizens to fuel growing families of non-contributors that are parasitic upon us all.

(12)

This is an uncomfortable truth. Youth crime is a product of run-away inter-generational welfare degeneracy. We have a huge break down in teaching & enforcing "Social Responsibility" & moral social contracts & constructs. These young people have not learnt any of these latent obligations that are the backbone of civil society. We must break the spine of the growing welfare state, draining our nation, declare & shame bad toxic parenting & direct wayward young people to disciplined state institutions, especially a waning ADF, to re-invigorate social cohesion & social responsibility to the collective good will of the Australian citizenry. Create pride & passion.

This may sound a bit "Socialist", but it is not. We cannot have a vibrant free market capitalistic democracy without high levels of education relating to civic responsibility. Welfare degeneracy has no concept of this & produce more children per capita compared to tax paying industrious families. We must not be afraid to speak the truths of this albeit rather uncomfortable and not "Politically Correct".

Over 12 1/2 years inside NSW prisons, I have steadily watched all youth offenders degrade & get worse & worse. They all leave prison on welfare & the NDIS with no skills, no direction & no future. There is no Re-habilitation, so the cycle continues.

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and it also gets bigger & bigger. We must halt this burgeoning cancer upon the state.

I truly believe the NSW Sentencing court, must not imprison young offenders unless there is no other choice. They CAN however be detained instead, in newly minted "boot camp military sentencing facilities". If they complete these boot camps, then the ADF takes them on & the cycle of ruin can end. We can create soldiers, trades people, and ideally the start of a "Marine Corp", which the ADF needs considering how much coast line Australia has to defend.

Military Sentencing Options are serious cures. We need radical new ideas, to stop this cycle of youth crime, especially gang related knife crime poisoning our suburbs. The only way to save them is give them extreme discipline, with real people to look up to & respect. That would be various ADF/DCS combo officers that truly care & create complete tailored pathways into the ADF. This system does work in many other nations, producing proud, honorable, skilled contributing members of society, taken from toxic, unproductive welfare cycles that drain societies resources. Militarising young offenders through some form of Military Service/National Service sentencing, instead of jail would be a dramatic leap forward in preventing losing our troubled youth. Give them hope & a career with direction.

⑭ Coming from the Coal Face

Quite often, those in power refuse to listen to people with massive lived experience. When it comes to the consequences & realities of sending people to prison in NSW, I know what I'm talking about. It's counterproductive & destructive.

This is not egotism, ask yourselves, how many of you have walked through Galburn, Old Bathurst & Long Bay MSPCI Remand yards, to see literal torture & the abject destruction custodial sentences can do. Once you enter jail the cycle does not end. DCS NSW is so far behind other working systems of corrections such as the Nordic countries. This is why DCS NSW refused mandated access to UN ^(OPCAT) inspectors.

People think prison is O.K, that it works, that it's a deterrent to crime. This is false. It makes all inmates worse & worse. It's so hard to break the cycle once you're in. Like a veteran returning from war, you never recover from it.

Therefore, imprisoning citizens for mandatory sentences for NON-lethal self defence items is an abhorrent human rights abuse. Jailing people for Gel-Blasters, ruining their lives, also an abuse of power & not needed. The destruction of young offenders, groomed for a life of crime by older criminals, again a terrible social crime. The abject waste of money, resources, destruction of human souls through jail must be considered. There is no need to imprison most of these people

15

who are trying to protect themselves, collect toys, or who are just young lost humans from horrible abusive families that need saving.

I hope the NSW Sentencing Council heeds my words. The topics I have spoken about truly do need sentencing review. Australia has this knee-jerk attitude to anything to do with anything mildly related to weapons. Why?

The reality of what these SNPP's & mandatory sentences do to humans is truly cruel & destructive. People do not deserve to be jailed for owning Capsicum spray, batons & toy-guns among others. In fact criminal law is meant to protect society. These current laws mentioned are not ambivalent to public safety but rather complicitly allow societies most vulnerable to be hurt, harmed, raped or killed or, alternately, peoples lives & finances are ruined, families broken & destroyed & a persons life never the same again, after being jailed for toy-guns, purchased in other Australian jurisdictions. My sentencing comments on youth crime, also salient. No other Liberal Democracy imprisons for NON-lethal self-defence items. I strongly believe our current Prohibited Weapons Legislation is immoral & kills citizens plus costs hundreds of millions. Our Gel-Blaster laws also are morally repugnant, jailing people for toys, ~~ruining~~ ^{ruining} lives and finally our treatment of young offenders has completely failed. I humbly ask you seriously consider my opinions. Sincerely, Jason Ross Maloney.

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22-11-23

To:- The Sentencing Council of NSW,

Thank you for your reply dated 20-11-23

Enclosed is a more formal and polished version of my entire submission, RE:-

Submission to firearms, knives and other weapons Review.

I can not explain how happy I am that in the name of true justice the NSW Sentencing Council intends to assess my knowledge and lived experiences of specifically firearms & Prohibited weapons Sentencing, over 16 years of my life.

As I mentioned before, my submission is not about me. It is born out of my genuine quest to help my country & citizens become a more just society that values true human rights, and seeks ethical progression.

It is my 3rd time in NSW prisons and it will be my last! I am determined to leave a positive legacy and cast light upon issues and subjects not yet explored. (I have included a 4th submission on education in prison also.) Change is hard. So many vested interests. In my submission, I have tried to remain objective and apolitical, but at times, obviously given my lived experiences, I do get passionate and reflect personal values.

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That said, I have re-read my final submission over 20 times to erase any subjective inferences identified. I want fact and logic to shine through only.

For transparencies sake, certain elected NSW and Federal politicians, specifically Senators have taken an interest in my submission also. My submission crosses over into other relevant territories and policy areas related to the unique subject matter, such as the protection of women.

Primarily, I wish to save vulnerable lives, reduce the destruction of young offenders and hopefully, bolster the ADF through new sentencing diversion programs I hope are seriously considered. We must be bold.

Also, I do have another individual in mind, that can share valuable insight into the review.

③ (P.S, I would like all my submissions made public)
with no secrecy or confidentiality.)

As I have stated previously, I think it is vitally imperative, for the council to hear from a broad diaspora, with real knowledge and lived experiences, across a wide spectrum.

Highly qualified firearms, weapons and ballistics experts are hard to find in Australia, due to the "trade" being essentially eliminated post 1996.

I would like to think that the council would be open minded enough to seek answers from on technical questions.

Sincerely Jason Maloney

Gel Blaster Toy Guns and ("Air-Soft") Prohibition and its Consequences

Submission to the NSW Sentencing Council 2023

By Jason Ross Maloney

Recently the case of *Mr Adam Smith (a NSW Prison Officer) at the Downing Centre on the 23/3/2023 under District Court judge, the Hon. Paul Conlon*, exemplified everything that is wrong and unjust in regards to our current laws in NSW to do with **"Gel-Blasters" and "Air Soft" Sporting Equipment**. Once again, NSW and most Australian states are outliers in their administration of draconian laws in the above items. Most other Western Liberal Democracies and OECD nations have legalised and supported the **sport of Gel-Blasting and Air Soft, no different to paintball**. Paint ball is legal all across Australia. This is ironic as paint ball is more dangerous than *Gel-Blasting or Air-Soft* sports.

Strike force **"Raptor"** spent countless hours, time and tax payer money to arrest and prosecute Mr Adam Smith, a NSW prison guard all for owning some *Gel-Blasters* and other NON-LETHAL self-defence items all bought online, in his own home. This is an absolute abject waste of resources and chronic abuse of a NSW citizen whom works in law enforcement. This is ludicrous policing and nefariously unjust law.

These laws are totalitarian.

It has got to the stage where an autocratic government now dictates what sport, activities and recreation are acceptable in our so called free liberal society. **What "free country" jails thousands of citizens for toy guns**, ruining their lives and that of their families and friends whilst costing the NSW tax payer tens of millions of dollars? It is a moral outrage that could lead to potential acts of insurrection and tears at the moral fabric of our nation.

Once again, Australia and NSW are one of the only nations and states to have such laws of injustice abusing their citizen's human rights. We are the only Western Liberal Democracy and OECD nation to outlaw the sport of *Gel-Blasting and Air-Soft*. Instead we have hundreds of citizens currently languishing in NSW prisons for buying these toy guns online and having them mailed straight to their doors via Australia-Post from vendors in Queensland and South Australia for under \$100 AUD. These citizens often do this unknowingly as there is no public campaign illuminating these nefarious laws of injustice. NSW tax payers continue to spend tens of **millions of dollars on toy gun law enforcement** using the most elite units of the NSW police to **arrest prison guards with toy guns**. This is an abominable abuse of state power that has gone unchecked and manifested out of Australia's various knee jerk firearms and weapons laws.

Literally thousands of NSW citizens who would of otherwise **NEVER** seen inside a jail cell, are being imprisoned and convicted of "*possession of prohibited firearms*", which is the same charge as having a fully operational AR-15,AK-47, or FN-FAL Assault Rifle. It is an absolute ethical outrage and legal abuse. How can the NSW police morally continue this campaign of terror without any decent public service announcement at the minimum to **inform NSW citizens of the legality around Gel-Blasters and Air-Soft toys**? The fact is most citizens can't believe for a moment buying a toy gun online from Queensland or South Australia will get you the same prison sentence as the private possession of an Assault Rifle. How many more thousands of NSW citizen's lives will be ruined by this abject legal abuse before this madness is stopped?

Australia's latent social engineering through laws and policies, pushing the anti-gun rhetoric whilst jailing it's citizens for toy guns, does have chronic social "knock-on" effects to the strength, will and courage of a nation that are yet unstudied through empirical data. I believe such laws erode public confidence in the state and cause derision and further degrade our already growing lack of social cohesion and a healthy sense of loyalty and pride in our nation. These laws destroy freedom of expression through dictating what an individual should "want" to possess. No consideration is being given to the psychological imprinting being done to the next potential generation of citizens of fighting age that may be needed in a coming future war scenario. These laws make Australia weak on the world stage and create a population of socially engineered citizens that will refuse to fight for their country. I will explain why in a moment, through comparing our laws to other nation states **utilising Gel-Blasters and Air-Soft sports for the good of national defence initiatives**. My argument is supported by logical initiatives in other countries around the globe.

Australia and its states are struggling to recruit in the ADF, Police Forces and Corrective Services. Compound this with the fact that **hundreds of citizens are leaving these careers in droves**. We must ask why? This is leaving the nation undefended with a disarmed population with no basic firearms training that could be invaded and conquered with ease without any external interventionist forces. Is this something we should not consider? Are not the tyrannical state gun laws to blame for this in part? I ask we assess this with impartiality and remain apolitical, which is extremely hard given the subject matter. It is an agenda which is hard to change considering the polarisation such issues present. We must observe the fact that **Gel-Blaster and Air-Soft sports, regulated and licensed properly can contribute greatly to the public good as is done in other jurisdictions and nation states**.

There was a time previously where across the whole country, army cadets, who are the nation's next generation of soldiers could freely parade with rifles. No one would give this a second thought. Now we imprison those same cadets in juvenile prisons for possessing toy gun *Gel-Blasters*. We ought to be very wary of de-militarising our nation state through these abysmal laws of injustice. We are harming the collective consciousness.

Let's juxtapose this situation with the nations of Japan and Taiwan to support my argument. The Japanese and Taiwanese governments know **China is a threat**. There is a constant real reality of invasion by an autocratic state that has freely made it known of its territorial expansionist policies. The Japanese and Taiwanese governments have therefore encouraged the ***sports of Gel-Blasting and Air-Soft as a passive way for their citizens to safely and effectively train with firearms*** and weapons tactics in a fun and healthy way. The sport is much like paint ball, but with more dynamic mechanical realism such as magazine stripping and loading as well as prompt bolt cocking and increased accuracy/marksmanship. They do this so more of their citizenry are socially engineered to take up arms readily and are familiar with holding and using these devices that are 1:1 scale models with tactile moving parts, although harmless. ***Gel-Blasting and Air-Soft are used for paramilitary training tactics for the citizenry***. Should Australia not consider the logic in doing the same seeing as though our nation is so heavily undefended by a shrinking ADF? Or should we be unprepared for invasion as The Ukraine was, putting advertisements on television instructing civilians how to make Molotov cocktails at home whilst the Russians marched on Kiev due to their complicit lack of preparedness for war. This really did happen. Shouldn't all our citizens have the opportunity to be **"imitation firearms" trained** to some degree, teaching firearm safety, respect and responsibility? I believe if *Gel-Blasting and Air-Soft* sports were responsibly legalised, regulated and encouraged for our youth and citizenry then Australia would ameliorate a lot of its ADF recruitment issues potentially, and remove the negative image of firearms, currently psychologically pervasive within the Australian consciousness reducing any impetus to take up arms in national defence.

There may come a day, like in The Ukraine where government arsenals are being dispensed rifle by rifle, at community halls and local public schools to regular Australian citizens ready to fight an invading force upon our lands. This possibility must NEVER be ruled out. Most Ukrainian citizens certainly didn't think that they could be issued a Kalashnikov rifle with no prior training. The fact our nation does not have spare stock piles of small arms for the purpose of Paramilitaries or Militia units is also extremely concerning. The need for national service is an argument for another time but should be considered and will be broached in a further submission on youth sentencing options to divert young offenders to the ADF. In most Nordic nations and many other countries globally, national service is mandatory, giving the country strength and great social cohesion. With all the accoutrements of modern warfare, Afghanistan, The Ukraine and now Gaza should be a salient reminder that all modern wars descend into small arms combat relying heavily on all citizens' marksmanship skills made up of civilian militia. A skill set that has been destroyed in Australia by our consecutive governments through social engineering and dis-armament. ***Gel-Blasting and Air-Soft sports assist in filling the training void in other countries***. There is no reason why Australia could not do the same responsibly and safely with regulation, licensing and oversight. Once again the tax payer would save money on law enforcement, imprisonment and court costs for toy gun charges and instead another industry could be created around this sport generating revenue for the state coffers in various ways, through licensing costs and private industry generating tax income for the state. This model has been adopted in South Australia safely.

The logic is simple but overlooked by almost all of our strategic/recruitment professionals in this nation; If you psychologically “De-Gun” a nation by demonising people for possessing toy guns or any weapon for that matter, the bitterness, resentment and contempt you create through this enforced mollification of our citizens will undoubtedly lead to many citizens not wanting to join the likes of the ADF or Police or Corrections, especially when you start imprisoning these people already working in these state bureaucracies such as the case of Mr Adam Smith. Think of how ludicrous this situation is, as well as immoral. Mr Adam Smith a NSW Corrections Officer,

He is a law enforcement professional, yet at the same time the highest NSW police criminal squads, namely “*Raptor*” generally used to stop high level organised crime

. This is chronic autocratic police-state madness and absolute abuse of the law. In fact it destroys the moral fabric of law enforcement and justice. Can you imagine how many of his colleagues who watched this unfold now despise the system they work for? It could potentially sow the seeds for his colleagues to leave their jobs, or become less effective in their positions due to the ill will felt because of this miscarriage of justice. They may feel they are next in line, constantly anxious at any moment of having their lives turned upside down over an insane surreptitious law levelled against them. No doubt the entire event has left many in NSW Corrective Services feeling betrayed by the NSW police who they should rather feel a collegial team spirit with instead. This hunch is not supported by empirical data sets, but I believe if it was studied by the right sociologists, criminologists and demographers then my ideas will prove true.

The above is not a crazy aspersion to cast; it is logical, yet completely overlooked by our law makers and those who enforce these unjust tyrannical laws. *Gel-Blaster and Air-Soft* laws must change. We should be using these **sports as recruitment tools for the ADF** and other armed bureaucracies and also as they do in Japan and Taiwan, **preparing their citizens for war**. How many young lives have been destroyed and wasted through paying millions to imprison hundreds if not thousands of NSW citizens for toy gun possession?, and “**Zombie Knives**” as well? (Another law of injustice introduced by Troy Grant, previous NSW police minister further imprisoning hundreds of young Australians for essentially owning knives painted in fluorescent colours that can be purchased in any other Australian state or territory). It should not be currently overlooked in NSW prisons that there are people serving time over painted fantasy knives which are another chronic injustice and human rights abuse. It is time to legalise and regulate *Gel-Blaster and Air-Soft sports*.

How to change the Law to Legalise Gel-Blasters and Air-Soft Sports for NSW Citizens

The following is a path to liberal humanitarian progress that the NSW Sentencing Council should consider if it truly believes in justice and the core tenets and values of democratic freedom and its citizens rights to choose their own private pursuits that harm no others as well as maintaining an integral training aid with a variety of defence applications, that *Gel-Blasting and Air-Soft* provide.

- 1) An instant moratorium must be placed on imprisoning further citizens for *Gel-Blaster and Air-Soft* implement possession in their own homes. Use of these items in any way of threat or public nuisance should remain illegal.
- 2) All current citizens in prison in NSW for possessing *Gel-Blasters and Air-Soft* items and implements in their own homes should be immediately given a Royal Pardon by the Governor of NSW pending legal overhaul.
- 3) At the minimum, a full enquiry into how many citizens have been imprisoned for possessing *Gel-Blasters and Air-Soft* items and implements should be investigated, to grasp the size of the problem and level of injustice.
- 4) Upon legalising these items, these items could be licensed, registered and overseen by the NSW Firearms Registry, creating jobs, and tax income as well as dramatically increasing the responsible use of these items for sport and recreation.

Citizens could apply for a license to own *Gel-Blasters and Air-Soft* items and implements. Legally they could own and use these items for legal sporting and recreation use. A well-functioning Western Liberal Democracy must give their citizens the legal means to choose what sport and recreation they pursue as long as it does not negatively impact the majority of the population and logically assess the benefit these sports can provide in tacit firearms safety training and military tactics for the ADF.

How to Change the Law Safely and Responsibly

Safety and training courses would have to be completed by *Gel-Blaster and Air-Soft* license applicants through accredited providers to procure a *Gel-Blaster and Air-Soft* license, similar to firearms safety training courses that are already mandatory. Revenue could thereby be made through licensing and tax revenue generated by creating a new domestic industry. Money would be saved through not policing and dragging vulnerable citizens through the courts for possessing these items and jailing them with mandatory sentences.

Any person caught misusing or undertaking in "Horse-play" with *Gel-Blaster and Air-Soft* items in their possession would lose their license and be fined up to \$10,000. By following the above mandate or similar, there is no logical reason to prohibit the *Gel-Blasters and Air-Soft* items. Instead we currently imprison NSW citizens for SNPP's ruining their lives and costing the tax payer tens of millions of dollars. The current laws, prohibition and mandatory sentences for *Gel-Blasters and Air-Soft* items are ethically unsound and a social injustice against the citizens of NSW. How is it we have current laws that treat our citizens in such an abhorrent way? These draconian laws must change to be in line with the dozens of other Western Liberal Democracies and OECD countries that legally allow their citizens to pursue *Gel-Blaster and Air-Soft* sports and recreation. To continue prohibition will not improve public safety and is not congruous to a just and free democratic nation.

Minor Submission to the Sentencing Council of NSW

RE: Enquiry into firearms/prohibited weapons sentencing statutes

Close of Submission December 2023.

The Sentencing Council of NSW,

My name is Mr Jason Ross Maloney, and I am an inmate at
. It is my third time in prison in NSW

In total I have served 12
½ years in NSW prisons. Currently I am undertaking tertiary distance education with Curtin University studying a Bachelor of Business Administration and am endeavouring to completely rehabilitate myself. I am done with crime.

Needless to say I have felt the full experience of NSW's mandatory SNPP's in regards to firearms and prohibited weapons sentencing options imposed upon me. But my letter and submission are not about me, rather this submission is out of concern for my fellow citizens many of whom are dying and imprisoned un-necessarily due to the current draconian prohibited weapons laws in NSW, that are completely incongruous with improving public safety. On the contrary many elements of the current prohibited weapons legislation in NSW are causing chronic harm, suffering and needless imprisonment.

My major concern is the current laws and punishments for the following specific prohibited weapons:

- 1) Capsicum Spray/MACE.
- 2) "Audible Rape Alarms"
- 3) Extendable Batons
- 4) Stun Guns/TASERS
- 5) Ballistic rated Body Armour

All the above carry a maximum of 14 years imprisonment for possession, with a SNPP of 12 months mandatory jail time. These NON-LETHAL self-defence items are all legal to possess in all other OECD nations, Western Liberal Democracies and even vulnerable citizens in China and Iran can carry these items for self-defence. Why are Australia and the majority of its states completely out of touch with these laws compared to the rest of the world? These NON-LETHAL self-defence items, in fact save tens of thousands of civilian lives worldwide each year, as well as prevent rape, robbery and home invasion. The laws must change. Instead of allowing our most vulnerable citizens to own and possess these items to protect themselves, we imprison them. This is a chronic human rights abuse and tyrannical law and order that serves zero public interest.

I wish to put forward a submission that it is not in the public interest to prohibit the above 5 self-defence items. In fact they should be legalised and licensed for law abiding citizens. These draconian laws lead to more women, the disabled and elderly to become victims of rape, murder, violence, robbery and home invasion. I will show evidence that the NSW government is not just ambivalent

towards the safety of its citizens but complicit in their chronic erosion of personal safety. I may be an inmate, but I believe in true justice. In fact I believe that if the NSW Sentencing Council believes in fairness and equity of justice then they should allow submissions from those impacted by these laws and people with the lived experience of what these laws can do to someone's life and others. It is often "grass-roots" Para-legal movements that truly illuminate the raw realities of laws passed and there inherent consequences. Consequences often unfelt by those in the higher echelons of society that make the laws. For now with the limited information I have, I will make a minor submission to the council on three primary issues, including gel-blasters and youth knife crime also. I humbly ask you see the true logic and compassion for my fellow citizens, state and country in my submission and do not mistake my passion for justice as hubris. I sincerely compel you to consider the following submission.

Minor Submission

Prohibition and mandatory imprisonment for NON-LETHAL

SELF DEFENCE ITEMS in a Free Western Liberal Democracy

In NSW, our current Prohibited weapons legislation is broad, un-dynamic and far sweeping, built on knee jerk reactive individuals with no foresight. The laws are chronic in their abuse of fundamental human rights that put the lives of our most vulnerable citizens at risk as well as cost the NSW economy time, money and resources better spent elsewhere. The prohibition of the following self-defence items is therefore abhorrent and immoral leading to more rape, murder, violence, robbery and home invasions in NSW. Legalising the following will save hundreds of lives:

- 1) Capsicum Spray/MACE.
- 2) "Audible Rape Alarms"
- 3) Extendable Batons
- 4) Stun Guns/TASERS
- 5) Ballistic rated Body Armour

These 5 NON-LETHAL self-defence items are in the same current legal category hence carrying the same punishment by law as:

- 1) Rocket Launchers
- 2) Grenades
- 3) Land Mines
- 4) Flame Throwers

To juxtapose the above four weapons of war, some banned by international convention, with NON-LETHAL self-defence weapons that are legal in almost every other country on earth for civilian possession should be an absolute damning and glaring example of how incongruous to justice and

liberty the current laws in NSW are. These laws **HARM** our citizens chronically. To prohibit these self-defence items is an abuse of law and a perfect example of the police state that NSW and other jurisdictions have become. It is cruel, nefarious and an example of run-away legal decadence killing our most vulnerable citizens. At the minimum the prohibited weapons act in NSW must have different categories of prohibited weapons to discern lethality and danger of each weapon type. There is no comparison from an audible rape alarm to a land mine. This is completely unjust. How can such things even be contemplated to be in the same legal category? It is illogical and immoral. It is quite honestly absurd.

Recent ABS data proves that 30% of violence and sexual assault against women in this country is perpetrated by an attacker **UNKNOWN** to the victim. We must ask ourselves, *"If 30 out of the last 100 rapes and murders of innocent women were committed randomly, what self-defence tools do we provide to these women to defend themselves?"* **The current answer is none**, but all over the rest of the free world, OECD nations and even autocratic nations such as China and Iran the answer is simple, give citizens the right to own and carry:

- 1) Capsicum Spray/MACE.
- 2) "Audible Rape Alarms"
- 3) Extendable Batons
- 4) Stun Guns/TASERS
- 5) Ballistic rated Body Armour

Australia and its majority states (Western Australia has legalised capsicum spray) is one of the few nations in the world where the above NON-LETHAL self-defence items are prohibited. In fact we go further in our abominable human rights abusing law and actually imprison our citizens for up to 14 years with a SNPP of 12 months for owning any of them. Right now in NSW there are **female rape victims in custody for owning audible rape alarms and capsicum spray**. I also have access to their solicitors that will attest to this. Every week in this country we hear another horror story of murder or rape of an innocent woman, we denigrate these acts, **yet no one questions it when we imprison a woman for owning capsicum spray to try and protect herself** in this state of NSW.

These laws are a disgrace and an international embarrassment. Just think about the reality of the next statement and its impact on your fellow innocent citizens: **Right now, in NSW there are women in prison for SNPP's for possessing capsicum spray, stun guns, rape alarms, extendable batons and perhaps body armour in their own home, a home undefended with their children in it, where often a current AVO active ex-partner is seeking to hurt, rape or murder that woman and her children.** Now ask yourself, how can the NSW Sentencing Council sleep at night knowing they support such laws. Will you stand up, be bold and make the change to save lives and release women from prison back to their children that they were trying to protect? Or let them suffer, die, be raped and imprisoned due to these most abominable laws?

The fact is that the Police CANNOT be everywhere at once to protect everyone. NON-LETHAL self-defence weapons must be legalised and given to our most vulnerable to prevent rape, murder,

robbery and home invasion. Give these vulnerable citizens; women, the disabled and the elderly a chance to not be victims on the street or in their own homes.

How is it that I can legally own these 5 EXTREMELY LETHAL weapons in my own home but not the 5 NON-LETHAL self-defence weapons mentioned earlier?

- 1) A Spear-gun
- 2) A 70 pound Compound Bow that can pierce bullet proof vests
- 3) A Fully functioning Katana or working sword?
- 4) A Halberd
- 5) A Throwing Axe

Owning all the above require no license and no registration. No jail time possible. Now once again juxtapose that fact with our laws on the 5 NON-LETHAL self-defence weapons. It is patently obvious that the current laws are completely abhorrent, serve zero justice and in fact put our most vulnerable citizens in abject danger. The point of criminal law is to protect the most amounts of citizens from harm. The current laws in regard to NON-LETHAL self-defence items do the opposite. Hence why these items are legally in the hands of almost all other nation state citizens on the face of the planet including autocracies and dictatorships. Even North Korea does not imprison its citizens for owning these items. The laws must change.

How to change the Law to protect our most vulnerable Citizens

The following is a path to liberal humanitarian progress that the NSW Sentencing Council should consider if it truly believes in justice and the core tenets and values of democratic freedom.

- 1) *An instant moratorium must be placed on imprisoning further women, the disabled and elderly caught in possession of: A) Capsicum Spray/MACE. B) Stun Guns/TASERS. C) Extendable Batons. D) "Audible" Rape Alarms. E) Ballistic rated Body Armour. [Note Capsicum Spray is currently legal in Western Australia].*
- 2) *All current women, the disabled and elderly people in prison in NSW for possessing these NON-LETHAL self-defence items should be immediately give a Royal Pardon by the Governor of NSW pending legal overhaul.*
- 3) ***At the minimum, a full enquiry into how many rapes, murders, robberies and home invasions could have been prevented or stopped if the victim owned these items to defend themselves, MUST be investigated.***
- 4) *Upon legalising these items, these items could be licensed, registered and overseen by the NSW Firearms Registry, creating jobs, and tax income as well as dramatically increasing community safety for the most vulnerable citizens.*

Women, the disabled and the elderly could apply for a license to own one of each self-defence item. Legally they could own and carry these items at home and in public to protect themselves, their children and potentially other vulnerable citizens under attack. It is incongruous to a truly free society to outsource personal defence to state paramilitaries such as the police force, who are often more likely to kill you, escalate the situation or not be there on time at all. A well-functioning western liberal democracy must give their citizens the legal means to protect themselves, less we

risk stratifying life values of our citizens and allowing the lower classes to die whilst the higher classes can afford body guards and armed guards payed for by tax payers such as that which politicians and other high level bureaucrats have. They do not need NON-LETHAL self-defence items as the tax payer pays for firearms to be issued to other state employees to protect their lives. The lower classes in society are therefore left defenceless and I believe the majority of the higher classes like it that way and feel entitled to a higher level of protection for themselves and their families protected by state owned firearms, firearms banned for self-defence in NSW for the lower classes. Indeed an "Orwellian" situation of "*Some animals are created more equal than others*".

How to Change the Law Safely and Responsibly

Safety and training courses would have to be completed by NON-LETHAL self-defence item license applicants through accredited providers to procure a "NON-LETHAL" Self Defence Weapons License, similar to firearms safety training courses that are already mandatory. Revenue could thereby be made through licensing and tax revenue generated by creating a new domestic industry. Money would be saved through not policing and dragging vulnerable (*often indigenous female*) citizens through the courts for possessing these items and jailing them with mandatory sentences.

Any person caught misusing or undertaking in "Horse-play" with NON-LETHAL self-defence items in their possession would lose their license and be fined up to \$10,000. Any "deployment" of a NON-LETHAL self-defence item would also have to be legally reported to the police straight after a critical incident.

By following the above mandate or similar, there is no logical reason to prohibit the five mentioned items. Law abiding vulnerable citizens should have the basic human right to protect themselves and their immediate family from a violent, stronger attacker. Instead we currently imprison them for SNPP's ruining their lives and costing the tax payer tens of millions of dollars. The current laws, prohibition and mandatory sentences for NON-LETHAL self-defence items are morally repugnant and contribute to violent rape, robbery, murder and home invasion against the most vulnerable Australian women, disabled and elderly. How is it we have current laws that treat our citizens in such an abhorrent way? These draconian laws must change to be in line with the dozens of other Western Liberal Democracies and OECD countries that legally allow their most vulnerable citizens the basic human right to protect and defend themselves by possessing:

- 1) Capsicum Spray/MACE.
- 2) "Audible Rape Alarms"
- 3) Extendable Batons
- 4) Stun Guns/TASERS
- 5) Ballistic rated Body Armour

By changing these laws countless lives will be saved through reducing the chronic increases in violence and rape against women as well as protecting women in safe homes fleeing domestic violence. If a woman or elderly person can own capsicum spray and a stun gun in China and Iran, what does that say about NSW? Or the fact we imprison our citizens for owning capsicum spray?

Stopping Youth Knife Crime and Sentencing Alternatives

Submission to the NSW Sentencing Council 2023

By Jason Ross Maloney

I realise a lot of what the NSW Sentencing Council is assessing is the growing number of youth, now forming into street gangs and other anti-social groups of which many are now carrying blade-ware and other weapons. There are novel ways to reduce and stop this, currently unused by the state. To prevent this growing cancer, we must be bold in our ideas and willing to try new things. We must maintain moral courage and be prepared to end the status quo as difficult as change can be. This issue must be resolved through creating policies that promote social cohesion, a vital element of our society that continues to wane more and more. It is often the case that anti-social behaviour and a path way towards a rebellious criminal nature is born out of the fact that young people have no strict solid direction any more that was more prevalent in past generations.

Our young offenders need military service as a sentencing option. It works in other countries and must be tried here in Australia. Besides, we need more ADF recruitment desperately. Young wayward men need "Patriarchal" discipline that they have often missed growing up in bad environments. The military is the perfect vehicle to give this to them and save a generation from being captured by criminals in prison instead. Of course not all young offenders would be eligible, but even if we can turn 15-25% into honourable young soldiers, airpersons or sea persons then it would be worth it. (Of course female offenders are just as eligible). In jail, I see countless young men, many from ethnic minority backgrounds in jail for knife crime. Some of their offending really isn't that bad and often the offences are minor weapon possession, robbery, break and enter, property crime or other anti-social behaviours, without any victim physically harmed. While these young offenders are not yet fully hardened criminals we must save them and divert them to the ADF. More jail time will only lead them to become further intractable. A lot of young offenders feel disenfranchised and ostracised, especially ones from ethnic minorities that might not feel a part of Australian society. Many of them crave the desire to fit in to a group. Lack of inclusion hurts their minds and development. We must give them the inclusion they need. These young people often turn to gangs because they are looking for the belonging I speak of. The ADF can give them the belonging, safety structure and life long career path they need. It can become a positive outlet for them leading to stability and diverting them away from negative criminal influences readily poisoning young minds in our states prisons, if we give them the chance under strict training and engagement. In jail these young offenders worsen when they are recruited by bikie clubs and other criminal groups that manipulate their pliable minds that are vulnerable. As we know their minds are very underdeveloped still even up to the age of 25 years.

It should be noted that the idea of national service does not necessarily mean military service alone. National service pathways could be served in a number of different government bureaucracies, NGO's and charities perhaps. I know this is out of the purview of the NSW sentencing council, but it is still relevant considering the ideas around military service as a sentencing option alternative. The current young offender programs in NSW prisons do not really work, it is a sad fact. I believe that by diverting many young offenders straight into the ADF via a unique pathway/program we can save a lot of young offenders. It would have to start with some sort of transitional boot camp, with DCS

NSW handing over custody to the ADF or working in some transitional joint venture. I would imagine that this boot camp could be set up in the ACT, so young offenders from any state or jurisdiction could join too. The boot camp would have to be a secure compound and a mix of a modern prison and military barracks that is secure. I would imagine that this idea would have to be put forward to the federal government obviously, but I can see no reason why the NSW Sentencing Council could not put a prospectus to them for this initiative. There is no doubt that a lot of serious offenders and other offenders with various issues would not be eligible, but we could most certainly save a large amount of young offenders from a life of crime learnt and encouraged within the prison system. It is time we think big and dynamically by breaking the current toxic cycle of economic, psychological and social waste that prison inflicts upon young offenders. We must be bold.

I note also that

Perhaps he could opine on this salient idea and his previous experiences could be sought. Currently the original young offenders program out at "Oberon" prison has been shut for quite some time. It would be interesting to assess what the recidivism rates are for young offenders over the last decades that completed this program are compared to those that did not. Any young offenders program must work. We must get value for tax payer money. It seems youth crime is growing across the nation. This must be stopped. It can only be stopped through a radical program not yet available. Surely the ADF is the answer. The idea of even creating a "Marine Corp" could be built off this endeavour. Considering the amount of coast line Australia has to defend and the presence we have in the Indo-Pacific with various archipelagos' and island chains that are militarily vulnerable, it is a strategic oversight that Australia does not yet have a "Marine Corp", dedicated mostly to coastal combat scenario's..

There is no doubt that poor parenting from lower socio-economic backgrounds is the prime catalyst for wayward youths. We must also ask what we are doing to hold these parents responsible. Due to political correctness, most people are now too afraid to call out poor parenting and specifically inter-generational welfare dependency as a lifestyle choice which is corrosive to society and unfair to the industrious tax payer. It is an uncomfortable truth that the system continues to support and reward less than desirable behaviours and welfare choices that are a serious drain on the economy. There has been a huge breakdown in teaching social responsibility and our civil obligations of morals, integrity and ethics to our fellow citizens. Almost all young offenders have not learnt any of these latent obligations incumbent upon citizens to maintain a first world free civil society. What has their contribution been? The growing welfare state is a burden and it is incumbent on creating sentencing models that break the inter-generational welfare cycle loop to stop producing inmates that become lifelong welfare recipients. By diverting many young offenders to the ADF we can re-invigorate social cohesion and social responsibility to our wayward youth for the collective good will of the Australian citizenry. We must imbue them with pride, passion and a strong sense of civic duty and responsibility. Currently DCS NSW has no program or policy that teaches anything like that. On the contrary they seem very happy to push most inmates onto the NDIS for being "institutionalised" or the Disability Support Pension. This is alarming as is the fact that maybe 1% of inmates make it to works release earning money to take home in NSW. It is a broken system when 99% of inmates leave NSW custody with no earnings as they are refused that chance to generate any real income to save and take home after prison in stark contrast to the Nordic model where the majority of inmates leave custody with vast wealth accrued and no welfare dependency.

We cannot have a vibrant free market capitalistic democracy, functioning in its prime whilst we encourage and allow high levels of inter-generational welfare dependency constantly exacerbated by prison sentences that serve no rehabilitative function. We must not be afraid to challenge such broken systems and introduce something completely new. ADF sentencing options for young offenders would do a lot to break this toxic cycle. Yes it will be difficult and hard to get going, but we must rise to the challenge and show moral courage and fortitude. After serving over 12 ½ years in NSW prisons I have steadily watched all young offenders degrade and get worse and worse. Most really do leave prison so much more jaded, embittered and chronically opioid dependant. The chronic prison drug use is born out of absolute abject boredom felt by these inmates inside most NSW prisons. The NSW Sentencing Council ought to pay a visit to Old Goulburn MAX, Old Bathurst, and Long Bay MSPC1 and 2 to see the abject pain, suffering and misery that can only be currently ameliorated through chronic opioid abuse. The system has been made this way. It destroys young offenders who often spend 2 to 3 years on remand in places like this, leaving drug riddled, unhealthy and full of Hepatitis through needle sharing. The NSW tax payer deserves to know the true conditions within these NSW prisons to see and understand why people continue to come back to prison after being broken by the system that is meant to fix them.

I truly believe the NSW Sentencing Council **must not encourage the imprisonment of young offenders** unless there is no other viable alternative. They can however, be detained instead in newly minted "military boot camps" that provide a pathway to real rehabilitation, career prospects and zero welfare degeneracy. If they complete these "military boot camp" training programs, then with the oversight of the ADF and others they can become new ADF recruits in some capacity. We would not only create soldiers and possibly marines, but also huge numbers of trades people that are in need. Military sentencing options are serious cures. We need radical new ideas, to stop this cycle of youth crime, especially gang related knife crime poisoning our suburbs. The only way to save them is give them the extreme discipline needed away from entrenched criminal influences with real world decent people to look up to and respect. This model as mentioned before has been used successfully in other nation states, producing proud, honourable, skilled contributing members of society, as opposed to the state prisons turning out drug addicts on welfare draining public resources. Militarising young offenders through some form of Military service or National service sentencing, instead of prison would be a dramatic leap forward in preventing our society losing large numbers of our youth to a life of crime. We must give them hope and a career with direction.

Coming from the Coalface

Quite often, those in power refuse to listen to people with massive lived experience. When it comes to the consequences and realities of sending people to prison in NSW, I know what I'm talking about through living this chaos for 12 ½ years. I have really seen it all in here. These places are counter-productive to real rehabilitation and are destructive in their archaic colonial posture that is still pervasive today.

This is not an act of hubris by me. I genuinely care about the next generation of young offenders and my nation. , how many members of the NSW Sentencing Council have walked the yards of Goulburn, Old Bathurst and Long Bay MSPC 1 and 2? These are houses of abject torture and pain. By visiting you will see for yourselves the destruction of humanity on an industrial scale. Once you are tainted by these places you are forever wounded. DCS NSW is so far behind other

working systems of Corrections worldwide such as the Nordic nations we so often hear about. This is why DCS NSW refused mandated access to UN OPCAT SPT Inspectors recently, embarrassing the nation at the UN Human Rights Council. Once you are tarnished by the NSW prison system it's very hard to break the cycle of recidivism. Like a veteran returning from war, only those that have been through it can understand, which in itself is counterproductive again, as former inmates often only find comfort associating with other former inmates from "The Coalface". Therefore imprisoning so many of our youth without any other option is dangerous. The destruction of young offenders, groomed for a life of crime by older criminals (many who also sexually abuse them in prison) is in itself a terrible social crime and an abject waste of money.

People think prison is O.K, that it works and that it is a deterrent to crime. This is false, especially when you criminalise the most trivial of things such as toy guns and capsicum spray. Prison just makes young people worse. Imprisoning young offenders and others for SNPP's is counterproductive to rehabilitation. These huge sentences ruin and embitter citizens and destroy lives. So many people are in prison in NSW for non-violent crimes that have had no real impact on society. Often people are jailed for pursuing the wrong hobby or not "toeing the party line", this police state has really come to that now in certain ways. Imprisoning citizens for mandatory jail for NON-LETHAL self-defence items, *Gel-Blasters and Air-Soft* equipment is an abhorrent human rights abuse. Nothing less. It is an abuse of power and not needed. The destruction of young offenders in the current system must be ameliorated.

To: The NSW Sentencing Council,

I hope these last minute submissions make it in time for the enquiry.

If not can they be admitted post 4/12th on extension.

Please send copies of these submissions to:-

Hon. Lidia Thorpe MLC

Parliament House / Senate

P.O. Box 6100

Canberra, A.C.T. 2600.

Ms. Thorpe has asked to be kept abreast of all my submissions regarding first nations people & the current negative effect many NSW weapons prohibition laws have upon them.

Regards, Jason Maloney



27-11-23

NSW Sentencing Council Submission Re: Prohibition of "Sling-Shots"

Currently in NSW, basic "Sling-Shots" are banned. In many other states & territories such as QLD & S.A they are not. A sling shot is a very cheap & easy to use hunting tool & recreational tool. Yes, they can be mis-used like anything, but are much less dangerous than a Compound Bow or Spear currently legal.

Considering its ease of use, manufacture & economic practicality, I believe sling shots are important modern hunting-tools for indigenous Australians or country to hunt small game. Although not traditional, hunting with sling shots, is a great way for elders to take out young mob into the bush & teach basic, low impact easy hunting. It is unjust to imprison citizens for sling shots & they ought to be completely legalised like Bows & Spearguns.

I propose the sentencing council:-

- 1) Recommends NON custodial Sentences for Sling shots
- 2) Decriminalises Sling Shots
- 3) Creates a pathway to legalising and or regulating sling shots for general use for hunting & sport
- 4) Ask anyone currently imprisoned for a sling shot be given a Royal Pardon.

Sincerely Jason Ross Malony



27-3-23

NSW Sentencing Council Submission Re: Prohibition of "Laser-pointers"

It is a well known fact that high powered laser pointers have been used for nefarious purposes. But many indigenous Australians on country & other responsible Australians should be able to own & use these items in the bush & country, especially at night to point & identify objects & stars/planets in the night sky. Many countries & jurisdictions use these items responsibly, an outright ban is unjust. No doubt, irresponsible use against a person or vehicle should be illegal, but these modern tools serve a purpose. I propose the sentencing council

- 1) Recommend easy licensing & registration of laser pointers for citizens that need them for use in the bush & field & astronomy purposes
 - 2) Remove custodial sentences for possession in a persons home or private residence
 - 3) Similar to small "drug", possession "de-criminalise" laser pointers.
 - 4) Allow registration of 1x laserpointer per person on license with the firearms registry.
 - 5) Still follow safe storage requirements.
 - 6) Allow any Firearms license holder currently to apply for a laser pointer, considering they can be used in hunting to safely identify game, & objects in need of immediate I.D for quick safety.
- These tools serve a purpose. Architects, surveyors & other professionals need easy access to these on license. Sincerely Jason Maloney

The Sentencing Council of NSW
 Re: Prohibition of "Maces" & "Flails"
 Weapons Sentencing enquiry.

It is obvious that the sentencing council is looking for incongruous unjust sentencing for certain categories of less-lethal & NON-lethal weapons. It is incumbent on a just free society not to adversely punish people that in effect have not harmed society at all & may possess a weapon they think is legal, due to many other similar weapons being legal. It is unjust not to have public awareness campaigns illuminating what is & isn't illegal & re-assessing the illegality of an item.

In regards to the medieval weapons of "Maces" & "Flails", I believe upon logical assessment, they should be legalized along side a wide range of other medieval weapons used & collected by hobbyists.

Medieval "Re-enactment" & "Cos-play" is a growing sport & hobby. Participants dress up & hit each other for fun whilst covered in full suits of armor often. It is not just & incongruous that these citizens face up to 14 years in prison for a Mace or Flail. Especially so, that they can currently legally own so many other medieval weapons for re-enactment & collecting purposes. It is very odd, strange & arbitrary that "Maces" & "Flails" have been prohibited & targeted under NSW law.

②

Upon research it seems there is no occasion in NSW history where a Mace or Flail has been used to injure a citizen. Yet there are numerous occasions where a sword, spear & Bow have been used. Yet those 3 weapons are legal. The following is a short list of LEGAL Medieval weapons used for Re-enactment & Collecting: 1) Sword, 2) Dagger, 3) Dirk, 4) Spear, 5) Lance, 6) Halberd, 7) Pike, 8) Broad Sword, 9) Quater-Staff, 10) War-Hammer, 11) War-Club, 12) Recurve Bow.

Many of these blunt force & edged weapons are much more dangerous than a relatively small weapon of "Mace" & "Flail". In fact one must be very strong & need alot of dexterity & co-ordination to use a "Mace" or "Flail" due to it's moving parts. They are very clumsy weapons & certainly not popular in history. Yet they are prohibited.

I ask the sentencing council:

- 1) Recommend NON-Custodial Sentences for these items
- 2) Recommend legalizing possession for use in re-enacting, collecting & display
- 3) Recommend immediate pardons for anyone charged or in custody for these weapons

"Also", the traditional Aboriginal "Coiche" which is a small "Mace" comes under this category yet is not mentioned. It is abject racial discrimination for white law to prohibit a hunting & war tool of 60,000 years easily manufactured still today by First Nations people. Sincerely Jason Ross Maloney