

214

Police Offences Amendment (Firearms).

EXPLANATORY MEMORANDUM.

The main objects of this Bill are—

- (a) to regulate and restrict the use of firearms, pea rifles, and air guns by persons under the age of sixteen years;
- (b) to make it an offence—
 - (i) to knowingly supply a firearm to a person who is intoxicated or of unsound mind;
 - (ii) to discharge firearms on private property without the consent of the owner;
- (c) to throw on the parent or guardian of a child under sixteen an obligation to see that the child does not have or use a firearm except under supervision.

The Bill also amends the Pistol License Act, 1927, by altering the definition of "pistol." It was found by experience that the provisions of that Act might be evaded by making the length of the barrel slightly longer than the length stated in the definition.

215

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1928.

A BILL

To restrict the use by young persons of firearms and air guns; and to regulate in certain respects the sale, use, and possession of firearms; to amend the law relating to concealable weapons; to amend the Police Offences Act, 1901, the Pistol License Act, 1927, and certain other Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Police Offences Amendment (Firearms) Act, 1928."

Short title
and com-
mencement.

50595

(6)

(2)

mb

(2) Section two of this Act shall not come into operation until a day appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 5, 1901. New Part IIA. (Firearms, &c.)

2. The Police Offences Act, 1901, is amended—
(a) by inserting next after section forty-one the following new Part:—

PART IIA.—FIREARMS, &c.

Application of this Part to the whole State.

41A. The provisions of this Part shall apply and be in force in every part of New South Wales. 10

Interpretation. cf. Vict. Acts 1912 No. 2,380; 1915 No. 2,708; 1922 No. 3,262.

41B. In this Part of this Act unless inconsistent with the context or subject-matter,—

“ Air gun ” means a rifle or gun of any kind, whether rifled or not, irrespective of the length of barrel, which is known or described as an air gun, and which is capable of propelling a projectile of any kind by means of compressed air the force of which is released by means of a trigger or similar device. 15

“ Firearm ” means any weapon from which a shot may be discharged by an explosive, and includes a gun, rifle, pistol, pea rifle or saloon gun. 25

“ Prescribed ” means prescribed by this Part or the regulations under this Part.

“ Shooting gallery ” means any room, gallery, saloon, land or premises used for the purpose of practising shooting with pea rifles or saloon guns whether on payment or otherwise. 30

Penalty on using, buying, selling or having a firearm.

41c. (1) No person under the age of sixteen years shall use, discharge, carry, buy, sell, keep or knowingly have in his possession a firearm or air gun. 35

(2) No person shall sell, let or hire, give or lend any firearm or air gun to any person under sixteen years of age. 40

(3)

21 27

(3) No person shall knowingly sell, let or hire, give or lend a firearm to a person who is intoxicated or of unsound mind.

5

(4) No person who is intoxicated shall use, carry or have in his possession any firearm or air gun.

10

(5) No person shall discharge a firearm or air gun on private property without the consent previously obtained of the owner or occupier of such property.

(6) Any person who is guilty of a contravention of this section shall be liable to a penalty not exceeding *ten* pounds.

15

(7) Subsection one of this section shall not apply to—

20

(a) any officer or member of the Commonwealth naval or military cadets using or carrying a firearm in the performance of his duty or when engaged in target practice at an authorised range or travelling thereto or therefrom; or

25

(b) any employee of a gunsmith or gun seller; or any other employee under the age of sixteen years who carries or has in his possession a firearm in the ordinary course of his employer's business; or

30

(c) the proprietor or lessee of any shooting gallery, his agent or servant, while employed therein, or any person shooting at a target or figure in such gallery.

35

(d) a person over the age of twelve years and under the age of sixteen years using a firearm or air gun under the personal supervision of a responsible adult.

40

41D. When a firearm or air gun is carried in parts by two or more persons, each and every one of such persons who is under the age of sixteen years shall be deemed to carry a firearm or air gun (as the case may be).

When firearm carried in parts.

41E.

218

Police Offences Amendment (Firearms).

Restriction on sale of certain cartridges to young persons.

41E. Any person who—

- (a) sells to any person under the age of sixteen years any cartridges or any bulleted caps ;
- (b) being under the age of sixteen years is found in possession of any such cartridges or bulleted caps ; or 5
- (c) gives or disposes of any such cartridges or any bulleted caps to any person under the age of sixteen years, 10

shall be guilty of an offence under this Part and shall be liable to a penalty not exceeding *ten* pounds.

Maxim silencer.

41F. Any person who within the boundary of any municipality uses any contrivance commonly called or in the nature of a maxim silencer shall be liable to a penalty not exceeding *twenty* pounds. 15

Seizure of firearm.

41G. A firearm, air gun, cartridge or bulleted cap which is being used or carried by or which is in the possession of any person apparently in contravention of this Part, may be seized by any member of the police force, and shall be retained possession of by him until a court of petty sessions makes an order (which it is hereby authorised to do) with regard to the forfeiture, disposal, destruction or return to the owner of the firearm, air gun, cartridge or cap. 20 25

Precaution to be taken by owners.

41H. Any person who has a firearm or air gun in his possession and who does not take all reasonable precautions to ensure the safe keeping of such firearm or air gun shall be liable to a penalty not exceeding *ten* pounds. 30

Power to search premises for firearms.

41I. If a justice is satisfied by information on oath that there is reasonable ground for suspecting that any firearm is concealed or lodged in any premises or place in breach of this Act, he may grant a search warrant authorising any member of the police force named 35 40

5

named therein to enter at any time if necessary by force and to search any premises or place named in such warrant and every person found therein, and to seize and detain any firearm which he may find on the premises or place, and in respect of which he has reasonable grounds for suspecting that there has been or is a breach of this Act.

10

41J. (1) The Minister may by order in writing appoint persons to exercise all powers and authorities conferred by this Part on members of the police force; and every person so appointed shall until such appointment is revoked by the Minister have and may exercise, subject to such order, all or any of the said powers and authorities.

15

20

(2) Every person so appointed shall, if demanded, produce his authority from the Minister when exercising any of the powers conferred upon him pursuant to this section.

25

41K. In every prosecution for an offence against this Part where it is averred in the information that a person is under the age of sixteen years this shall be deemed to be proved in the absence of proof to the contrary.

30

41L. If any child under the age of sixteen years uses or has in his possession any firearm or air gun, the parent or guardian of the child shall be liable to a penalty not exceeding ten pounds.

35

It shall be a sufficient defence to any proceedings under this section if the person charged proves that the use or possession was without his consent or knowledge, and that he took all reasonable precautions to prevent the use or possession of the firearm or air gun by the child, or that the child was over the age of twelve years and was using the firearm or air gun under the supervision of an adult.

40

41M.

Discharging
firearms in
street, &c.

41M. Whosoever discharges a firearm or air gun in or near a street or public place without lawful excuse shall be liable to a penalty not exceeding *ten* pounds.

Regulations.

41N. (1) The Governor may make regulations for carrying out the provisions of this Part, and may in such regulations prescribe any penalty not exceeding *ten* pounds for any breach thereof. 5

(2) The regulations shall— 10

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and, if not, then within fourteen sitting days after the commencement of the next session. 15 20

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof such regulation or part shall thereupon cease to have effect. 25

Sec. 1.

- (b) by inserting in section one thereof after the words and figures "PART II.—OFFENCES GENERAL TO THE WHOLE STATE—ss. 5-41" the following:—"PART IIA.—FIREARMS, &C.—ss. 41A-41N"; 30

Sec. 9.

- (c) by omitting from section nine the words "discharges any firearm without lawful cause; or,"; 35

Sec. 75.

- (d) (i) by omitting from section seventy-five the words "discharges any firearm without lawful cause or";
- (ii) by omitting the proviso to the same section; 40

Fourth
Schedule.

- (e) by omitting the Fourth Schedule. 3.

221

Police Offences Amendment (Firearms).

3. The Pistol License Act, 1927, is amended by omitting from section three the definition of "Pistol" and by inserting in lieu thereof the following new definition:—

Amendment
of Act No.
10, 1927, s. 3.

5 " Pistol " means any lethal weapon of any length
 of barrel from which any shot, bullet, or other
 missile can be discharged, designed for aiming
 and firing from one hand, and which is reason-
10 ably capable of being carried concealed about
 the person, but does not include a toy pistol or
 an antique pistol which is kept or sold as a
 curiosity or ornament.
