

[CONFIDENTIAL.]
(Rough Draft for Consideration Only.)

No. , 1927.

A BILL

To restrict the use by young persons of pea
rifles, saloon guns, and air guns; and to regu-
late the sale and possession thereof; to make
further provision as to the licensing, regu-
lation, and control of shooting galleries; to
amend the Police Offences Act, 1901, and
certain other Acts; and for purposes con-
nected 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. This Act may be cited as the "Police Offences Amendment (Pea Rifles) Act, 1927," and shall come into operation on a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Short title—
and com-
mencement:

2. The Police Offences Act, 1901, is amended—

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

(a) by inserting next after section forty-one the following new Part:—

**PART IIA.—PEA RIFLES, SALOON GUNS,
&c.**

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

Application of
this Part to the
whole State.

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

Interpre-
tation.

"Air gun" means a rifle or gun of any make, whether rifled or not, which is known or described as an air gun, and which is capable of propelling a projectile by means of compressed air the force of which is released by means of a trigger or similar device;

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

"Local authority" means within the parts of the State to which the Local Government Act, 1919, applies, the council of a municipality or shire; within the City of Sydney, the Municipal Council of Sydney; and within other parts of the State, such police magistrate or other officer as the Governor may appoint and notify in the Gazette as the local authority for the purposes of this Act within the district specified in the notification.

"Pea

“Pea rifle” unless otherwise prescribed means a firearm of any make, whether rifled or otherwise, capable of carrying cartridges of any calibre not exceeding decimal two hundred and fifty of an inch, and consisting of a charge of any weight not exceeding thirteen grains of gunpowder or its equivalent in any other explosive, and a bullet of any weight not exceeding fifty-six grains or shot.

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

“Saloon gun” unless otherwise prescribed, means any gun or rifle usually known or described as a “saloon gun” or “saloon rifle”—

(a) capable of carrying ammunition usually known or described as number one, number two, or number three bulleted caps; or

(b) capable of carrying a .340 cartridge containing a charge of gunpowder weighing eight grains and a bullet weighing eighty-five grains or shot.

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

41c. (1) No person under the age of fifteen years shall use, discharge, carry, buy, sell, keep, or knowingly have in his possession a pea rifle, saloon gun, or air gun, and no person shall make use of a pea rifle, saloon gun, or air gun on private property without the consent of the owner or occupier of such property.

Penalty on using, buying, selling or having a pea rifle or saloon gun.

(2)

(2) No person shall sell or give or lend a pea rifle, saloon gun, or air gun to any person under fifteen years of age.

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

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

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

(b) any employee of a gunsmith or seller of guns ; or any employee under the age of fifteen years accompanying the owner of a pea rifle, saloon gun, or air gun if such employee carries but does not use such pea rifle or gun ; or

(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.

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

41E. And person who—

(a) sells to any person under the age of fifteen years any cartridges containing (unless otherwise prescribed) not more than thirteen grains of black powder or its equivalent in any other explosive or any bulleted caps ; Restriction on sale of certain cartridges to young persons.

(b)

- (b) being under the age of fifteen years is found in possession of any such cartridges or bulleted caps; and
- (c) purchases and afterwards gives or disposes of any such cartridges or any bulleted caps to any person under the age of fifteen years,

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

41F. A pea rifle, saloon gun, 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, and whether or not such pea rifle, saloon gun, air gun, cartridge or bulleted cap is found in any enclosure or boat, or house, or tent, or vehicle, or bag, or parcel whatsoever may be seized with or without warrant 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 any such pea rifle, saloon gun, air gun, cartridge or cap.

Seizure of
pea rifle.

41G. (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.

Power to
appoint
persons to
execute Act.

(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.

41H. For the purpose of any proceedings under this Part where a person is apparently under

Proof of age.

under the age of fifteen years it shall lie on the defendant to prove that he is at least fifteen years of age.

41I. If any child under the age of fifteen years uses or has in his possession any pea rifle, saloon gun, or air gun, the parent or guardian of the child shall be liable on summary conviction to a penalty not exceeding *ten* pounds.

Liability of parent or guardian.
cf. Com. Ord. No. 14 of 25, s. 16.

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 reasonable precautions to prevent the use or possession of the pea rifle, saloon gun or air gun by the child.

41J. (1) The Governor may make regulations—

Regulations.

- (a) prescribing what classes or descriptions of rifles, guns, cartridges, or bulleted caps are pea rifles, saloon guns, air guns, cartridges, or bulleted caps within the meaning of this Part; and
- (b) providing for the licensing, regulation, and control of shooting galleries within those parts of the State in which councils are not local authorities under this Act, and the fees to be paid for such licenses; and
- (c) generally for carrying out the provisions of this Part.

(2) The regulations shall—

- (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.

If

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.

- (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.—PEA RIFLES, SALOON GUNS, &C.—*ss.* 41A–41J."

3. The Sydney Corporation Act, 1902, as amended by subsequent Acts, is further amended by inserting at the end of section 150G the letter and words "(d) shooting galleries."

Amendment
of Act No.
35, 1902.
Sec. 150G.
(Shooting
galleries.)