

FIREARMS.

No. 61 of 1976.

AN ACT to amend the Firearms Act, 1973.

[Assented to 16th September, 1976.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Firearms Act Amendment Act, 1976*. Short title and citation.

(2) In this Act the Firearms Act, 1973 is referred to as the principal Act. Act No. 36 of 1973.

(3) The principal Act as amended by this Act may be cited as the Firearms Act, 1973-1976.

Section 17A
added.

2. The principal Act is amended by adding after section 17 a section as follows—

Interstate
group
permits.

17A. (1) Subject to this section where the Commissioner receives a written application from any person purporting to reside outside the State and purporting to be a responsible officer of a *bona fide* shooting club or similar body or sporting organisation conducting occasional shooting contests or activities the Commissioner may, if he is satisfied that—

(a) the members of the club, body or organisation are desirous of participating within this State in any shooting contest or sporting activity; and

(b) the members of the club, body or organisation are of good repute,

grant to the club, body or organisation an interstate group permit.

(2) An interstate group permit under this section—

(a) shall be in the prescribed form;

(b) shall be issued to the club, body or organisation on whose behalf the application for the permit has been made;

(c) shall set forth—

(i) the names and addresses of the persons of the group in respect of whom it is issued; and

(ii) the day or days and the occasion or occasions in respect of which it is issued; and

(d) shall be issued without the payment of a fee.

(3) An interstate group permit issued under this section shall not be granted for any period in excess of twenty-eight days.

(4) Sufficient copies of a group permit shall be issued to the applicant to enable him to furnish each person named in the interstate group permit with a copy of the permit.

(5) An interstate group permit entitles the persons named in the permit to possess or carry the firearms named and identified in the permit and ammunition for that firearm as if each such person were the holder of a firearm licence for the period specified in the permit. .

3. Section 18 of the principal Act is amended— Section 18 amended.

(a) by adding after the word “Act” in line two of subsection (1) the passage “, other than an interstate group permit issued under section 17A,” ; and

(b) by repealing subsections (2) and (3) and substituting the following subsections—

(2) Subject to any other provisions of this Act and anything endorsed to the contrary on the licence, a licence, other than a Firearm Curio Licence, is valid for a period of twelve months from the date of its issue or renewal and may, on the payment of the prescribed fee, be renewed from time to time for further periods on application made within one month before, or within twelve months after, its expiry.

(3) Subject to any other provision of this Act and anything endorsed to the contrary on the licence—

(a) where a licence is renewed on application made within the period of one month immediately preceding the day on which the licence expires or within the period of three months immediately succeeding the day on which the licence

expired, the renewal shall be deemed to be a continuation of the licence and to have effect for the period of twelve months commencing on and from the day next succeeding the day on which the licence expires or expired; and

- (b) where a licence is renewed on application made more than three months but not more than twelve months after the day on which the licence expired, the renewal shall take effect on and from the day on which it is effected and shall have effect from that day until the day that is twelve months after the day on which the licence expired.

(3a) Where the renewal of a licence is not effected within twelve months after its expiry, a person who desires to do anything in relation to which a licence is required under this Act shall make an application for a licence pursuant to subsection (1) of this section. .

Section 19A
added.

4. The principal Act is amended by adding after section 19 the following new section—

Infringement
notice.

19A. (1) Where a person who has been the holder of a firearm licence—

- (a) applies for the renewal of that licence more than three months but not more than twelve months after the date on which the licence expired and the renewal is effected;
- (b) has been served with a notice referred to in subsection (2) of this section; and

- (c) has paid, within the time specified in the notice, the penalty of twenty dollars referred to in subsection (2) of this section and the notice has not been withdrawn within twenty-eight days after the service of it upon him,

proceedings shall not be brought against the person for any offence against this Act which was committed by him between the date on which the licence expired and the date on which its renewal was effected but which would not have arisen if the licence had been renewed within the time specified in paragraph (a) of subsection (3) of section 18.

(2) The Commissioner may by notice in the prescribed form notify any person who has failed to renew his licence after a period of three months immediately succeeding the expiry of his licence that an allegation can be made that he has contravened subsection (1) of section 19 and that he may, if he does not wish the complaint relating to that alleged contravention to be heard and determined by a court—

- (a) pay to the holder of an office specified in the notice an amount of twenty dollars by way of penalty for the alleged contravention; and

(b) obtain the renewal of the licence, within the time specified in the notice, if dealt with under this section.

(3) A notice referred to in subsection (2) of this section may be served on an alleged offender personally or by posting it to his address as ascertained from him or pursuant to any inquiry conducted under the direction of the Commissioner.

(4) A person who receives a notice referred to in subsection (2) of this section may decline to pay the penalty referred to in that subsection and where he fails to pay that

penalty within the time specified in the notice or within such further time as may in any particular case be allowed, he is deemed to have declined to be dealt with under the provisions of subsection (2) of this section.

(5) A notice referred to in subsection (2) of this section may, whether or not the penalty has been paid, be withdrawn, at any time within twenty-eight days after the service of the notice, by the sending of a notice, in the prescribed form, signed by an officer authorized by the Commissioner, to the alleged offender at his last known place of residence or business, advising him that the notice has been withdrawn.

(6) The payment of a penalty pursuant to this section shall not constitute a conviction of an offence against this Act and shall not be regarded as an admission of liability for the purpose of, or in any way affect or prejudice, any civil claim, action or proceeding.

Section 24
amended.

5. Subsection (6) of section 24 of the principal Act is amended by adding after the word "misleads" in line one of paragraph (b) the words "or wilfully attempts to mislead".
