

FIREARMS AND GUNS.

2° Elizabeth II., No. LXXXV.

No. 85 of 1953.

AN ACT to amend the Firearms and Guns Act,
1931-1939.

[Assented to 18th January, 1954.]

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:—

Short title
and citation.

1. (1) This Act may be cited as the *Firearms and Guns Act Amendment Act, 1953*.

(2) In this Act the Firearms and Guns Act, 1931-1939,

Act No. 8 of 1931 reprinted as amended by Act No. 25 of 1931 pursuant to the Amendments Incorporation Act 1938 in Volume 1 of the Reprinted Acts of the Parliament of Western Australia, 1939 and further amended by Act No. 42 of 1939,

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Firearms and Guns Act, 1931-1953.

2. Section five of the principal Act is amended S. 5 amended. by adding the following subsection:—

(4) A license issued under either paragraph (b) or paragraph (c) of subsection (3) of this section, authorises the holder or an employee of the holder, to carry and use a firearm for the purpose of testing or demonstrating it to a prospective purchaser of the firearm.

3. Section nine of the principal Act is amended S. 9 amended. by adding paragraphs to follow paragraph (c) as follows:—

(d) who is the Governor;

(e) who is sent to the State to reside temporarily therein as the diplomatic or consular representative of a foreign state.

4. Paragraph (d) of section eleven of the principal Act is amended by deleting the words "and who refuses or fails on demand to state his correct name and address", in lines three and four. S. 11 amended.

5. The principal Act is amended by adding after section eleven a section as follows:— S. 11A added.

11A. (1) Where a firearm is in the possession of a police officer if— Disposal of firearms.

(a) the owner of the firearm cannot be found; or

(b) the firearm is in the opinion of the Commissioner of Police unfit for use; or

(c) the owner of the firearm not being the holder of a license to possess it, refuses to lawfully dispose of the firearm within six months of it coming into the possession of the police officer unless the owner of the firearm requests the Commissioner in writing to retain the firearm in his custody, in which case, upon payment of such annual fee as may be prescribed, the Commissioner shall retain the same, from year to year, either until the owner, obtains a license, or requests the same to be sold, or dies, the Commissioner of Police may dispose of the firearm as he deems necessary either by destruction or sale in accordance with the regulations.

(2) Where a firearm is sold by the Commissioner of Police the net proceeds of the sale shall be paid to the owner of the firearm, if he is known, otherwise the net proceeds shall be paid to the Consolidated Revenue Fund.

S. 12
amended.

6. Section twelve of the principal Act is amended by—

- (a) adding after the symbol and figure “£50” in line two of the second column in the table in the section the words “If the firearm in the possession of the offender is a pistol not less than £10 nor more than £100 or imprisonment with hard labour not exceeding six months or to both the fine and the imprisonment.” ;
- (b) adding after the symbol and figure “£50” in line four of the second column in the table the words “If the firearm used or carried by the offender is a pistol not less than £10 nor more than £100 or imprisonment with hard labour not exceeding twelve months or to both the fine and the imprisonment.” ;
- (c) adding after the word “addition” in line nine of the second column in the table the words “If the firearm used or carried by the offender is a pistol not less than £25

nor more than £200 or imprisonment with hard labour not exceeding two years or to both the fine and the imprisonment.”;

- (d) adding after the word “delivering” in line one of item 4 in the table the words “knowingly permitting possession to be taken of”, and adding after the word “to” in lines two and four of the item the words “or by”;
- (e) substituting for the word “two” in line twenty-eight of the second column in the table the word “twelve”;
- (f) adding in the first and second column in the table after item 5 an item and opposite the item a penalty as follows:—

5A. Defacing or altering without lawful excuse, any number or identification mark on a firearm or being in possession of a firearm whereon any number or identification mark recorded on the license has been altered or defaced. A misdemeanour punishable by imprisonment with hard labour for two years, or on summary conviction to a fine not more than £100 or imprisonment with hard labour not exceeding twelve months or to both the fine and the imprisonment. ;

- (g) adding after the word “Act” in line three of paragraph (c) of item 14 in the first column of the table the words “or a firearm in respect of which any license is issued”; and
- (h) adding in the first and second column in the table after item 15 an item and opposite the item a penalty as follows:—

16. Pointing a firearm at any other person. £25.

7. The principal Act is amended by adding after section twelve a section as follows:—

12A. Where a firearm is carried in parts by two or more persons, each and every one of the persons is deemed to be in possession of a firearm.

S. 12A
added.

Possession of
firearm
carried in
parts.

s. 15 repealed
and
re-enacted.

8. Section fifteen of the principal Act is repealed and re-enacted as follows:—

15. In the prosecution of an offence against this Act an averment made by the complainant and contained in the complaint of the offence that at a particular time a person was not the holder of a particular license under this Act is evidence of the matter averred.
