

FIREARMS.

No. 54 of 1978.

AN ACT to amend the Firearms Act, 1973-1976.

[Assented to 6th September, 1978.]

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, 1978*.

Short title
and
citation.

(2) In this Act the Firearms Act, 1973-1976 is referred to as the principal Act.

Act No. 36
of 1973 as
amended by
Act No. 61 of
1976.

(3) The principal Act as amended by this Act may be cited as the Firearms Act, 1973-1978.

Section 19
amended.

2. Section 19 of the principal Act is amended—

- (a) by deleting the passage “Penalty: two hundred dollars, or imprisonment for six months, or both.” at the end of subsection (1) and substituting the passage—

“Penalty: if, in relation to the firearm concerned in the offence or a firearm of the same kind, the offender—

- (a) has been refused such a licence or permit;
- (b) is disqualified from holding such a licence or permit; or
- (c) has had such a licence or permit cancelled under section 27 or revoked,

five hundred dollars, or imprisonment for twelve months, or both; otherwise, two hundred dollars, or imprisonment for six months, or both.”; and

- (b) by adding after subsection (1) the following subsection—

(1a) For the purposes of applying the penalty provisions of subsection (1) of this section, a firearm shall be taken to be of one of the following kinds—

- (i) a firearm to which subsection (1) of section 13 applies;
- (ii) a firearm to which subsection (2) of section 13 applies other than a pistol; or
- (iii) a pistol.

Section 23
amended.

3. Section 23 of the principal Act is amended—

- (a) as to subsection (5), by inserting after the word “firearm”, in line one of paragraph (c), the words “from the design or characteristics of its original manufacture or”;

- (b) as to subsection (8), by deleting the passage "Penalty: one hundred dollars." and substituting the passage "Penalty: two hundred dollars, or imprisonment for six months, or both." ;
- (c) as to subsection (9)—
 - (i) in paragraph (c), by deleting the passage "road;" at the end of the paragraph, and substituting the passage "road,";
 - (ii) by deleting paragraph (d);
 - (iii) by deleting the word "fifty", in the last line, and substituting the words "two hundred";
- (d) by inserting after subsection (9) a new subsection, to stand as subsection (9a), as follows—

(9a) A person who from any place, knowingly discharges any firearm, or any shot, bullet, or other missile from a firearm, to the danger of, or in a manner to cause fear to, the public or any person, commits an offence.

Penalty: four hundred dollars, or imprisonment for six months, or both. ;

- (e) by deleting subsection (10) and substituting three new subsections as follows—

(10) A person who, without reasonable excuse, uses a firearm on land belonging to another person without the express or implied consent of the owner or occupier of that land or some person apparently authorized to act on behalf of the owner or occupier, commits an offence.

Penalty: two hundred dollars.

(10a) A person who, without reasonable excuse, carries a firearm, other than on a road open to the public, onto

or across land that is used for or in connection with primary production without the express or implied consent of the owner or occupier of that land or some person apparently authorized to act on behalf of the owner or occupier, commits an offence.

Penalty: twenty dollars.

(10b) For the purposes of subsection (10) and subsection (10a) of this section, the holding of a permit issued under the Wildlife Conservation Act Regulations shall not be taken to be a reasonable excuse. ; and

- (f) as to subsection (11), by deleting the word "twenty", in the last line, and substituting the words "two hundred".

Section 24
amended.

4. Subsection (6) of section 24 of the principal Act is amended by deleting the word "fifty" in the last line and substituting the words "one hundred".

Section 30
amended.

5. Section 30 of the principal Act is amended by deleting the passage "Penalty: forty dollars." at the end thereof and substituting the passage "Penalty: one hundred dollars.".

Section 34
amended.

6. Subsection (3) of section 34 of the principal Act is amended by deleting the word "forty" in line one of paragraph (d) and substituting the words "one hundred".
