

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 10 September, 1970.*

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1970.

An Act to make further provisions relating to pistol clubs and the use and carriage of pistols; for these purposes to amend the Pistol License Act, 1927, and certain other Acts; and for purposes connected therewith.

BE it enacted by the Queen'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 "Pistol License (Amendment) Act, 1970".

Short title
and com-
mencement.

(2)

Pistol License (Amendment).

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Pistol License Act, 1927, is amended—

Amendment of Act No. 10, 1927.

5 (a) by inserting at the end of paragraph (c) of subsection three of section four the following new subparagraph :—

Sec. 4. (License for purchasing, using, carrying, or possessing a pistol.)

10 (vii) any member of an approved club within the meaning of section 5A of this Act, who uses or carries a pistol for which he does not hold a pistol license, in so far as he is authorised by that section so to use or carry such pistol.

15 (b) (i) by omitting from paragraph (a) of subsection one of section 5A the words "Such approval may be revoked by the Commissioner of Police if the number of active members of the approved club falls below ten or if he is satisfied that the approved club is not being conducted in the interests of public safety or that the secretary or members thereof are not complying with the provisions of this Act or the regulations thereunder." and by inserting in lieu thereof the following paragraphs :—

Sec. 5A. (Approved pistol clubs.)

25 The Commissioner of Police may attach, and shall be deemed always to have been authorised to attach, to such approval, whether at the time such approval is given or subsequently, such terms and conditions relating to the control, administration and management of the approved club or the preservation of the public safety or the peace as he thinks fit, and may revoke any terms and conditions so attached.

Pistol License (Amendment).

One of the terms and conditions that may be so attached is that the approved club shall be and remain affiliated with the State Controlling Authority.

5 Such approval may be revoked by the Commissioner of Police if he is satisfied that—

- (i) the number of active members of the approved club is less than ten;
- 10 (ii) the approved club is not being conducted in the interests of public safety or the peace;
- (iii) the secretary or members of the approved club are not complying with the provisions of this Act or the regulations thereunder; or
- 15 (iv) the terms and conditions attached to such approval are not being complied with,

20 or may be revoked by the Commissioner of Police for any other reason considered sufficient by him.

- (ii) by inserting at the end of paragraph (b) of the same subsection the following new paragraphs :—

25 The Commissioner of Police may attach, and shall be deemed always to have been authorised to attach, to the use of any approved range, whether at the time any approval is so given or subsequently, such terms and conditions relating to the use, control, administration and management of the approved range or the preservation of the public safety or the peace as he thinks fit, and may revoke any terms and conditions so attached.

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Any

Pistol License (Amendment).

Any approval so given in relation to a shooting range may be revoked by the Commissioner of Police if he is satisfied that—

- 5 (i) the approved range is not being used in the interests of public safety or the peace; or
- (ii) the terms and conditions attached to the use of the approved range are not being complied with,

10 or may be revoked by the Commissioner of Police for any other reason considered sufficient by him.

(iii) by omitting from paragraph (a) of subsection three of the same section the words “and any pistol in respect of which a license is so issued may be used in club target practice at an approved range by any member of such club of or above the age of eighteen years, or by any visiting member of any approved club of or above the same age, under the supervision of a responsible range officer of an approved club”;

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(iv) by omitting from subsection four of the same section the word “three” and by inserting in lieu thereof the words “the prescribed number of”;

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(v) by inserting at the end of the same subsection the following new paragraph :—

30 The regulations under this Act may, in addition to prescribing the number of pistols for which licenses may be issued to a person as such a member, limit the number of pistols of a class, specified or described in the regulations, for which licenses may be issued to a person as such a member.

35

(vi)

Pistol License (Amendment).

(vi) by inserting next after the same subsection the following new subsection :—

5 (4A) (a) Where a member of an approved club is the holder of a license issued by virtue of subsection two of this section in respect of a pistol—

- 10 (i) such member may lend such pistol to or permit such pistol to be used or carried by any other member of an approved club who uses when engaged in club target practice or carries such pistol at an approved range under the supervision of a responsible range officer of an approved club; and
- 15 (ii) the other member referred to in subparagraph (i) of this paragraph may use when engaged in club target practice or may carry such pistol at an approved range under the supervision of a responsible range officer of an approved club.
- 20

25 (b) Where the secretary of an approved club is the holder of a license on behalf of such club issued by virtue of paragraph (a) of subsection three of this section in respect of a pistol—

- 30 (i) the secretary may permit such pistol to be used or carried by any member of an approved club who uses when engaged in club target practice or carries such pistol at an approved range under the supervision of a responsible range officer of an approved club; and
- 35 (ii) the member referred to in subparagraph (i) of this paragraph may use when engaged in club target practice or may carry such pistol at an approved range

Pistol License (Amendment).

- range under the supervision of a responsible range officer of an approved club.
- 5 (vii) by omitting from subparagraph (ii) of paragraph (a) of subsection five of the same section the words "the holder of a license issued by virtue of subsection two of this section" and by inserting in lieu thereof the words "a member of an approved club";
- 10 (viii) by inserting in the same subsection after the word "range" the words "under the supervision of a responsible range officer of an approved club";
- 15 (ix) by omitting from paragraph (b) of the same subsection the words "who are of or above the age of eighteen years";
- (c) by inserting next after subsection one of section ten the following new subsection :—
- 20 (1A) Subsection one of this section shall not apply to any member of an approved club within the meaning of section 5A of this Act who lends a pistol to a person who does not produce a pistol license, in so far as he is authorised by that section so to lend such pistol.
- 25 (d) by inserting at the end of section twelve the following new paragraph :—
- 30 Where an information is laid for an offence arising under this section in respect of such person's refusal to produce such license, it shall be a defence if he proves he was not required by this Act to be the holder of such a license for such pistol.
- 35 (e) by inserting in section sixteen after the word "who" the words ", not being authorised by section 5A of this Act to do so,".
- Sec. 10.
(Sale or hire of pistols.)
- Sec. 12.
(Demand for production of pistol license.)
- Sec. 16.
(Liability of parent or guardian of a child under eighteen.)
- 3.**

Pistol License (Amendment).

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

Amendment
of Act No.
5, 1901.

(a) by inserting next after the definition of “Air gun”
in section 41B the following new definitions :—

Sec. 41B.
(Interpreta-
tion.)

5 “Approved club” means a pistol club approved
pursuant to paragraph (a) of subsection
one of section 5A of the Pistol License Act,
1927.

10 “Approved range” means a shooting range
approved pursuant to paragraph (b) of
subsection one of section 5A of the Pistol
License Act, 1927.

15 (b) (i) by inserting at the end of subparagraph (ii) of
paragraph (b) of subsection seven of
section 41C the following word and new
subparagraph :—

Sec. 41C.
(Penalty on
using, buy-
ing, selling,
or having a
firearm or
air gun.)

; or

20 (iii) any member of an approved club who
uses or carries a pistol, in so far as he
is authorised by section 5A of the Pistol
License Act, 1927, to use or carry
such pistol.

(ii) by inserting next after the same paragraph the
following new paragraph :—

25 (b1) Subsection (2A) of this section shall
not apply to any member of an approved
club who lends a pistol to or permits a pistol
to be used or carried by another person who
is under the age of sixteen years, in so far as
he is authorised by section 5A of the Pistol
License Act, 1927, so to lend such pistol or
30 permit such pistol to be so used or carried.

(c)

Pistol License (Amendment).

(c) by inserting next after subsection two of section 41E the following new subsection :—

Sec. 41E.
(Restriction on sale of certain cartridges to young persons.)

5 (3) Subsection one of this section shall not apply to any member of an approved club who sells, gives or disposes of any cartridges to any person under the age of sixteen years at any approved range, in so far as the sale, gift or disposal is made in connection with the use of a pistol by the lastmentioned person when engaged in club target practice at such range, being a person who is authorised by section 5A of the Pistol License Act, 1927, to use such pistol at such range.

4. The Crimes Act 1900 is amended—

Amendment of Act No. 40, 1900.

15 (a) by omitting from the definition of "Pistol" in section 93A the words ", but does not include a toy pistol or an antique pistol which is kept or sold as a curiosity or ornament";

Sec. 93A.
(Definitions.)

20 (b) (i) by omitting paragraph (c) of subsection two of section 93H;

Sec. 93H.
(Exemptions from operation of provisions of this Part of Act.)

(ii) by omitting paragraph (e) of the same subsection;

(iii) by inserting at the end of the same subsection the following new paragraph :—

25 (f) any member of an approved club within the meaning of section 5A of the Pistol License Act, 1927, who uses or carries a pistol without a pistol license for such pistol, in so far as he is authorised by that section so to use or carry such pistol.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

No. , 1970.

A BILL

To make further provisions relating to pistol clubs and the use and carriage of pistols; for these purposes to amend the Pistol License Act, 1927, and certain other Acts; and for purposes connected therewith.

[MR WILLIS—2 *September*, 1970.]

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(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Pistol License Act, 1927, is amended—

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of Act No.
10, 1927.
Sec. 4.
(License for
purchasing,
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a pistol.)

10 (vii) any member of an approved club within the meaning of section 5A of this Act, who uses or carries a pistol for which he does not hold a pistol license, in so far as he is authorised by that section so to use or carry such pistol.

15 (b) (i) by omitting from paragraph (a) of subsection one of section 5A the words "Such approval may be revoked by the Commissioner of Police if the number of active members of the approved club falls below ten or if he is satisfied that the approved club is not being conducted in the interests of public safety or that the secretary or members thereof are not complying with the provisions of this Act or the regulations thereunder." and by inserting in lieu thereof the following paragraphs :—

Sec. 5A.
(Approved
pistol
clubs.)

25 The Commissioner of Police may attach, and shall be deemed always to have been authorised to attach, to such approval, whether at the time such approval is given or subsequently, such terms and conditions relating to the control, administration and management of the approved club or the preservation of the public safety or the peace as he thinks fit, and may revoke any terms and conditions so attached.

Pistol License (Amendment).

One of the terms and conditions that may be so attached is that the approved club shall be and remain affiliated with the State Controlling Authority.

5 Such approval may be revoked by the Commissioner of Police if he is satisfied that—

- (i) the number of active members of the approved club is less than ten;
- 10 (ii) the approved club is not being conducted in the interests of public safety or the peace;
- (iii) the secretary or members of the approved club are not complying with the provisions of this Act or the
15 regulations thereunder; or
- (iv) the terms and conditions attached to such approval are not being complied with,

20 or may be revoked by the Commissioner of Police for any other reason considered sufficient by him.

- (ii) by inserting at the end of paragraph (b) of the same subsection the following new paragraphs :—

25 The Commissioner of Police may attach, and shall be deemed always to have been authorised to attach, to the use of any approved range, whether at the time any
30 approval is so given or subsequently, such terms and conditions relating to the use, control, administration and management of the approved range or the preservation of the public safety or the peace as he thinks fit, and may revoke any terms and conditions so
35 attached.

Any

Pistol License (Amendment).

Any approval so given in relation to a shooting range may be revoked by the Commissioner of Police if he is satisfied that—

- 5 (i) the approved range is not being used in the interests of public safety or the peace; or
- (ii) the terms and conditions attached to the use of the approved range are not being complied with,

10 or may be revoked by the Commissioner of Police for any other reason considered sufficient by him.

- 15 (iii) by omitting from paragraph (a) of subsection three of the same section the words “and any pistol in respect of which a license is so issued may be used in club target practice at an approved range by any member of such club of or above the age of eighteen years, or
- 20 by any visiting member of any approved club of or above the same age, under the supervision of a responsible range officer of an approved club”;

- 25 (iv) by omitting from subsection four of the same section the word “three” and by inserting in lieu thereof the words “the prescribed number of”;

- (v) by inserting at the end of the same subsection the following new paragraph :—

30 The regulations under this Act may, in addition to prescribing the number of pistols for which licenses may be issued to a person as such a member, limit the number of pistols of a class, specified or described in the regulations, for which licenses may be issued to a

35 person as such a member.

(vi)

Pistol License (Amendment).

(vi) by inserting next after the same subsection the following new subsection :—

5 (4A) (a) Where a member of an approved club is the holder of a license issued by virtue of subsection two of this section in respect of a pistol—

10 (i) such member may lend such pistol to or permit such pistol to be used or carried by any other member of an approved club who uses when engaged in club target practice or carries such pistol at an approved range under the supervision of a responsible range officer of an approved club; and

15 (ii) the other member referred to in subparagraph (i) of this paragraph may use when engaged in club target practice or may carry such pistol at an approved range under the supervision of a responsible range officer of an approved club.

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(b) Where the secretary of an approved club is the holder of a license on behalf of such club issued by virtue of paragraph (a) of subsection three of this section in respect of a pistol—

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(i) the secretary may permit such pistol to be used or carried by any member of an approved club who uses when engaged in club target practice or carries such pistol at an approved range under the supervision of a responsible range officer of an approved club; and

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(ii) the member referred to in subparagraph (i) of this paragraph may use when engaged in club target practice or may carry such pistol at an approved range

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Pistol License (Amendment).

range under the supervision of a responsible range officer of an approved club.

- 5 (vii) by omitting from subparagraph (ii) of paragraph (a) of subsection five of the same section the words "the holder of a license issued by virtue of subsection two of this section" and by inserting in lieu thereof the words "a member of an approved club";
- 10 (viii) by inserting in the same subsection after the word "range" the words "under the supervision of a responsible range officer of an approved club";
- 15 (ix) by omitting from paragraph (b) of the same subsection the words "who are of or above the age of eighteen years";
- (c) by inserting next after subsection one of section ten the following new subsection :—
- Sec. 10.
(Sale or hire of pistols.)
- 20 (1A) Subsection one of this section shall not apply to any member of an approved club within the meaning of section 5A of this Act who lends a pistol to a person who does not produce a pistol license, in so far as he is authorised by that section so to lend such pistol.
- 25 (d) by inserting at the end of section twelve the following new paragraph :—
- Sec. 12.
(Demand for production of pistol license.)
- 30 Where an information is laid for an offence arising under this section in respect of such person's refusal to produce such license, it shall be a defence if he proves he was not required by this Act to be the holder of such a license for such pistol.
- 35 (e) by inserting in section sixteen after the word "who" the words ", not being authorised by section 5A of this Act to do so,".
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(Liability of parent or guardian of a child under eighteen.)
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Pistol License (Amendment).

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

Amendment
of Act No.
5, 1901.

(a) by inserting next after the definition of “Air gun”
in section 41B the following new definitions :—

Sec. 41B.
(Interpreta-
tion.)

5 “Approved club” means a pistol club approved
pursuant to paragraph (a) of subsection
one of section 5A of the Pistol License Act,
1927.

10 “Approved range” means a shooting range
approved pursuant to paragraph (b) of
subsection one of section 5A of the Pistol
License Act, 1927.

15 (b) (i) by inserting at the end of subparagraph (ii) of
paragraph (b) of subsection seven of
section 41C the following word and new
subparagraph :—

Sec. 41C.
(Penalty on
using, buy-
ing, selling,
or having a
firearm or
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; or

20 (iii) any member of an approved club who
uses or carries a pistol, in so far as he
is authorised by section 5A of the Pistol
License Act, 1927, to use or carry
such pistol.

(ii) by inserting next after the same paragraph the
following new paragraph :—

25 (b1) Subsection (2A) of this section shall
not apply to any member of an approved
club who lends a pistol to or permits a pistol
to be used or carried by another person who
is under the age of sixteen years, in so far as
he is authorised by section 5A of the Pistol
License Act, 1927, so to lend such pistol or
30 permit such pistol to be so used or carried.

(c)

Pistol License (Amendment).

(c) by inserting next after subsection two of section 41E the following new subsection :—

Sec. 41E.
(Restriction on sale of certain cartridges to young persons.)

5 (3) Subsection one of this section shall not apply to any member of an approved club who sells, gives or disposes of any cartridges to any person under the age of sixteen years at any approved range, in so far as the sale, gift or disposal is made in connection with the use of a pistol by the lastmentioned person when engaged in club target practice at such range, being a person who is authorised by section 5A of the Pistol License Act, 1927, to use such pistol at such range.

4. The Crimes Act 1900 is amended—

Amendment of Act No. 40, 1900.

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Sec. 93A.
(Definitions.)

20 (b) (i) by omitting paragraph (c) of subsection two of section 93H;

Sec. 93H.
(Exemptions from operation of provisions of this Part of Act.)

(ii) by omitting paragraph (e) of the same subsection;

(iii) by inserting at the end of the same subsection the following new paragraph :—

25 (f) any member of an approved club within the meaning of section 5A of the Pistol License Act, 1927, who uses or carries a pistol without a pistol license for such pistol, in so far as he is authorised by that section so to use or carry such pistol.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

PISTOL LICENSE (AMENDMENT) BILL, 1970

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to permit the Commissioner of Police to attach terms and conditions in respect of approvals given for pistol clubs and shooting ranges;
- (b) to widen the grounds on which an approval given by the Commissioner of Police in respect of a pistol club (hereinafter referred to as an "approved club") may be revoked;
- (c) to authorise the Commissioner of Police to revoke an approval given in respect of a shooting range used by an approved club;
- (d) to enable regulations to be made prescribing the maximum number of pistols for which a member of an approved club may hold pistol licenses;
- (e) to authorise a member of an approved club to permit his pistol to be used at club target practice by another member of an approved club, whether over or under eighteen years of age, and whether or not the holder of a pistol license himself;
- (f) to require the pistol referred to in paragraph (e) hereof, when used by another member of an approved club, to be so used under supervision;
- (g) to authorise the secretary of an approved club, who holds on behalf of the club a license for a pistol, to permit a person under the age of eighteen years to use the pistol at club target practice under supervision; and
- (h) to make other amendments of a minor, consequential or ancillary character.

No. , 1970.

A BILL

To make further provisions relating to pistol clubs and the use and carriage of pistols; for these purposes to amend the Pistol License Act, 1927, and certain other Acts; and for purposes connected therewith.

[MR WILLIS—2 *September*, 1970.]

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(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Pistol License Act, 1927, is amended—

5 (a) by inserting at the end of paragraph (c) of subsection three of section four the following new subparagraph :—

10 (vii) any member of an approved club within the meaning of section 5A of this Act, who uses or carries a pistol for which he does not hold a pistol license, in so far as he is authorised by that section so to use or carry such pistol.

15 (b) (i) by omitting from paragraph (a) of subsection one of section 5A the words "Such approval may be revoked by the Commissioner of Police if the number of active members of the approved club falls below ten or if he is satisfied that the approved club is not being conducted in the interests of public safety or that the secretary or members thereof are not complying with the provisions of this Act or the regulations thereunder." and by inserting in lieu thereof the following paragraphs :—

25 The Commissioner of Police may attach, and shall be deemed always to have been authorised to attach, to such approval, whether at the time such approval is given or subsequently, such terms and conditions relating to the control, administration and management of the approved club or the preservation of the public safety or the peace as he thinks fit, and may revoke any terms and conditions so attached.

Amendment of Act No. 10, 1927.

Sec. 4. (License for purchasing, using, carrying, or possessing a pistol.)

Sec. 5A. (Approved pistol clubs.)

Pistol License (Amendment).

One of the terms and conditions that may be so attached is that the approved club shall be and remain affiliated with the State Controlling Authority.

5 Such approval may be revoked by the Commissioner of Police if he is satisfied that—

- (i) the number of active members of the approved club is less than ten;
- 10 (ii) the approved club is not being conducted in the interests of public safety or the peace;
- (iii) the secretary or members of the approved club are not complying with the provisions of this Act or the regulations thereunder; or
- 15 (iv) the terms and conditions attached to such approval are not being complied with,

20 or may be revoked by the Commissioner of Police for any other reason considered sufficient by him.

- (ii) by inserting at the end of paragraph (b) of the same subsection the following new paragraphs :—

25 The Commissioner of Police may attach, and shall be deemed always to have been authorised to attach, to the use of any approved range, whether at the time any approval is so given or subsequently, such terms and conditions relating to the use, control, administration and management of the approved range or the preservation of the public safety or the peace as he thinks fit, and may revoke any terms and conditions so attached.

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Any

Pistol License (Amendment).

Any approval so given in relation to a shooting range may be revoked by the Commissioner of Police if he is satisfied that—

- 5 (i) the approved range is not being used in the interests of public safety or the peace; or
- (ii) the terms and conditions attached to the use of the approved range are not being complied with,

10 or may be revoked by the Commissioner of Police for any other reason considered sufficient by him.

- 15 (iii) by omitting from paragraph (a) of subsection three of the same section the words “and any pistol in respect of which a license is so issued may be used in club target practice at an approved range by any member of such club of or above the age of eighteen years, or
- 20 by any visiting member of any approved club of or above the same age, under the supervision of a responsible range officer of an approved club”;

- 25 (iv) by omitting from subsection four of the same section the word “three” and by inserting in lieu thereof the words “the prescribed number of”;

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30 The regulations under this Act may, in addition to prescribing the number of pistols for which licenses may be issued to a person as such a member, limit the number of pistols of a class, specified or described in the regulations, for which licenses may be issued to a

35 person as such a member.

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Pistol License (Amendment).

(vi) by inserting next after the same subsection the following new subsection :—

5 (4A) (a) Where a member of an approved club is the holder of a license issued by virtue of subsection two of this section in respect of a pistol—

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(b) Where the secretary of an approved club is the holder of a license on behalf of such club issued by virtue of paragraph (a) of subsection three of this section in respect of a pistol—

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(i) the secretary may permit such pistol to be used or carried by any member of an approved club who uses when engaged in club target practice or carries such pistol at an approved range under the supervision of a responsible range officer of an approved club; and

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Pistol License (Amendment).

range under the supervision of a responsible range officer of an approved club.

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- 15 (ix) by omitting from paragraph (b) of the same subsection the words "who are of or above the age of eighteen years";
- (c) by inserting next after subsection one of section ten the following new subsection :—
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firearm or
air gun.)

; or

20 (iii) any member of an approved club who
uses or carries a pistol, in so far as he
is authorised by section 5A of the Pistol
License Act, 1927, to use or carry
such pistol.

(ii) by inserting next after the same paragraph the
following new paragraph :—

25 (b1) Subsection (2A) of this section shall
not apply to any member of an approved
club who lends a pistol to or permits a pistol
to be used or carried by another person who
is under the age of sixteen years, in so far as
he is authorised by section 5A of the Pistol
License Act, 1927, so to lend such pistol or
30 permit such pistol to be so used or carried.

(c)

Pistol License (Amendment).

- (c) by inserting next after subsection two of section 41E the following new subsection :—
- (3) Subsection one of this section shall not apply to any member of an approved club who sells, gives or disposes of any cartridges to any person under the age of sixteen years at any approved range, in so far as the sale, gift or disposal is made in connection with the use of a pistol by the lastmentioned person when engaged in club target practice at such range, being a person who is authorised by section 5A of the Pistol License Act, 1927, to use such pistol at such range.
4. The Crimes Act 1900 is amended—
- (a) by omitting from the definition of "Pistol" in section 93A the words ", but does not include a toy pistol or an antique pistol which is kept or sold as a curiosity or ornament";
- (b) (i) by omitting paragraph (c) of subsection two of section 93H;
- (ii) by omitting paragraph (e) of the same subsection;
- (iii) by inserting at the end of the same subsection the following new paragraph :—
- (f) any member of an approved club within the meaning of section 5A of the Pistol License Act, 1927, who uses or carries a pistol without a pistol license for such pistol, in so far as he is authorised by that section so to use or carry such pistol.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 50, 1970.

An Act to make further provisions relating to pistol clubs and the use and carriage of pistols; for these purposes to amend the Pistol License Act, 1927, and certain other Acts; and for purposes connected therewith. [Assented to, 14th October, 1970.]

BE it enacted by the Queen'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 "Pistol License (Amendment) Act, 1970".

Short title and commencement.

(2)

Pistol License (Amendment).

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment
of Act No.
10, 1927.

Sec. 4.

(License for
purchasing,
using, carry-
ing, or
possessing
a pistol.)

2. The Pistol License Act, 1927, is amended—

(a) by inserting at the end of paragraph (c) of subsection three of section four the following new subparagraph :—

(vii) any member of an approved club within the meaning of section 5A of this Act, who uses or carries a pistol for which he does not hold a pistol license, in so far as he is authorised by that section so to use or carry such pistol.

Sec. 5A.

(Approved
pistol
clubs.)

(b) (i) by omitting from paragraph (a) of subsection one of section 5A the words "Such approval may be revoked by the Commissioner of Police if the number of active members of the approved club falls below ten or if he is satisfied that the approved club is not being conducted in the interests of public safety or that the secretary or members thereof are not complying with the provisions of this Act or the regulations thereunder." and by inserting in lieu thereof the following paragraphs :—

The Commissioner of Police may attach, and shall be deemed always to have been authorised to attach, to such approval, whether at the time such approval is given or subsequently, such terms and conditions relating to the control, administration and management of the approved club or the preservation of the public safety or the peace as he thinks fit, and may revoke any terms and conditions so attached.

Pistol License (Amendment).

One of the terms and conditions that may be so attached is that the approved club shall be and remain affiliated with the State Controlling Authority.

Such approval may be revoked by the Commissioner of Police if he is satisfied that—

- (i) the number of active members of the approved club is less than ten;
- (ii) the approved club is not being conducted in the interests of public safety or the peace;
- (iii) the secretary or members of the approved club are not complying with the provisions of this Act or the regulations thereunder; or
- (iv) the terms and conditions attached to such approval are not being complied with,

or may be revoked by the Commissioner of Police for any other reason considered sufficient by him.

- (ii) by inserting at the end of paragraph (b) of the same subsection the following new paragraphs :—

The Commissioner of Police may attach, and shall be deemed always to have been authorised to attach, to the use of any approved range, whether at the time any approval is so given or subsequently, such terms and conditions relating to the use, control, administration and management of the approved range or the preservation of the public safety or the peace as he thinks fit, and may revoke any terms and conditions so attached.

Any

Pistol License (Amendment).

Any approval so given in relation to a shooting range may be revoked by the Commissioner of Police if he is satisfied that—

- (i) the approved range is not being used in the interests of public safety or the peace; or
- (ii) the terms and conditions attached to the use of the approved range are not being complied with,

or may be revoked by the Commissioner of Police for any other reason considered sufficient by him.

- (iii) by omitting from paragraph (a) of subsection three of the same section the words “and any pistol in respect of which a license is so issued may be used in club target practice at an approved range by any member of such club of or above the age of eighteen years, or by any visiting member of any approved club of or above the same age, under the supervision of a responsible range officer of an approved club”;
- (iv) by omitting from subsection four of the same section the word “three” and by inserting in lieu thereof the words “the prescribed number of”;
- (v) by inserting at the end of the same subsection the following new paragraph :—

The regulations under this Act may, in addition to prescribing the number of pistols for which licenses may be issued to a person as such a member, limit the number of pistols of a class, specified or described in the regulations, for which licenses may be issued to a person as such a member.

(vi)

Pistol License (Amendment).

(vi) by inserting next after the same subsection the following new subsection :—

(4A) (a) Where a member of an approved club is the holder of a license issued by virtue of subsection two of this section in respect of a pistol—

- (i) such member may lend such pistol to or permit such pistol to be used or carried by any other member of an approved club who uses when engaged in club target practice or carries such pistol at an approved range under the supervision of a responsible range officer of an approved club; and
- (ii) the other member referred to in subparagraph (i) of this paragraph may use when engaged in club target practice or may carry such pistol at an approved range under the supervision of a responsible range officer of an approved club.

(b) Where the secretary of an approved club is the holder of a license on behalf of such club issued by virtue of paragraph (a) of subsection three of this section in respect of a pistol—

- (i) the secretary may permit such pistol to be used or carried by any member of an approved club who uses when engaged in club target practice or carries such pistol at an approved range under the supervision of a responsible range officer of an approved club; and
- (ii) the member referred to in subparagraph (i) of this paragraph may use when engaged in club target practice or may carry such pistol at an approved

Pistol License (Amendment).

approved range under the supervision of a responsible range officer of an approved club.

- (vii) by omitting from subparagraph (ii) of paragraph (a) of subsection five of the same section the words "the holder of a license issued by virtue of subsection two of this section" and by inserting in lieu thereof the words "a member of an approved club";
- (viii) by inserting in the same subsection after the word "range" the words "under the supervision of a responsible range officer of an approved club";
- (ix) by omitting from paragraph (b) of the same subsection the words "who are of or above the age of eighteen years";

Sec. 10.
(Sale or
hire of
pistols.)

- (c) by inserting next after subsection one of section ten the following new subsection :—

(1A) Subsection one of this section shall not apply to any member of an approved club within the meaning of section 5A of this Act who lends a pistol to a person who does not produce a pistol license, in so far as he is authorised by that section so to lend such pistol.

Sec. 12.
(Demand for
production
of pistol
license.)

- (d) by inserting at the end of section twelve the following new paragraph :—

Where an information is laid for an offence arising under this section in respect of such person's refusal to produce such license, it shall be a defence if he proves he was not required by this Act to be the holder of such a license for such pistol.

Sec. 16.
(Liability of
parent or
guardian of
a child
under
eighteen.)

- (e) by inserting in section sixteen after the word "who" the words " , not being authorised by section 5A of this Act to do so."

Pistol License (Amendment).

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

Amendment
of Act No.
5, 1901.

- (a) by inserting next after the definition of “Air gun” in section 41B the following new definitions :—
- Sec. 41B.
(Interpretation.)

“Approved club” means a pistol club approved pursuant to paragraph (a) of subsection one of section 5A of the Pistol License Act, 1927.

“Approved range” means a shooting range approved pursuant to paragraph (b) of subsection one of section 5A of the Pistol License Act, 1927.

- (b) (i) by inserting at the end of subparagraph (ii) of paragraph (b) of subsection seven of section 41C the following word and new subparagraph :—
- Sec. 41c.
(Penalty on using, buying, selling, or having a firearm or air gun.)

; or

(iii) any member of an approved club who uses or carries a pistol, in so far as he is authorised by section 5A of the Pistol License Act, 1927, to use or carry such pistol.

- (ii) by inserting next after the same paragraph the following new paragraph :—

(b1) Subsection (2A) of this section shall not apply to any member of an approved club who lends a pistol to or permits a pistol to be used or carried by another person who is under the age of sixteen years, in so far as he is authorised by section 5A of the Pistol License Act, 1927, so to lend such pistol or permit such pistol to be so used or carried.

(c)

Pistol License (Amendment).

Sec. 41E.
(Restriction
on sale of
certain
cartridges to
young
persons.)

(c) by inserting next after subsection two of section 41E the following new subsection :—

(3) Subsection one of this section shall not apply to any member of an approved club who sells, gives or disposes of any cartridges to any person under the age of sixteen years at any approved range, in so far as the sale, gift or disposal is made in connection with the use of a pistol by the lastmentioned person when engaged in club target practice at such range, being a person who is authorised by section 5A of the Pistol License Act, 1927, to use such pistol at such range.

Amendment
of Act No.
40, 1900.

4. The Crimes Act 1900 is amended—

Sec. 93A.
(Defini-
tions.)

(a) by omitting from the definition of "Pistol" in section 93A the words ", but does not include a toy pistol or an antique pistol which is kept or sold as a curiosity or ornament";

Sec. 93H.
(Exemptions
from opera-
tion of
provisions of
this Part
of Act.)

(b) (i) by omitting paragraph (c) of subsection two of section 93H;

(ii) by omitting paragraph (e) of the same subsection;

(iii) by inserting at the end of the same subsection the following new paragraph :—

(f) any member of an approved club within the meaning of section 5A of the Pistol License Act, 1927, who uses or carries a pistol without a pistol license for such pistol, in so far as he is authorised by that section so to use or carry such pistol.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 6 October, 1970.*

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 50, 1970.

An Act to make further provisions relating to pistol clubs and the use and carriage of pistols; for these purposes to amend the Pistol License Act, 1927, and certain other Acts; and for purposes connected therewith. [Assented to, 14th October, 1970.]

BE it enacted by the Queen'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 "Pistol License (Amendment) Act, 1970".

Short title and commencement.

(2)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Pistol License (Amendment).

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment
of Act No.
10, 1927.
Sec. 4.
(License for
purchasing,
using, carry-
ing, or
possessing
a pistol.)

2. The Pistol License Act, 1927, is amended—

(a) by inserting at the end of paragraph (c) of subsection three of section four the following new subparagraph :—

(vii) any member of an approved club within the meaning of section 5A of this Act, who uses or carries a pistol for which he does not hold a pistol license, in so far as he is authorised by that section so to use or carry such pistol.

Sec. 5A.
(Approved
pistol
clubs.)

(b) (i) by omitting from paragraph (a) of subsection one of section 5A the words "Such approval may be revoked by the Commissioner of Police if the number of active members of the approved club falls below ten or if he is satisfied that the approved club is not being conducted in the interests of public safety or that the secretary or members thereof are not complying with the provisions of this Act or the regulations thereunder." and by inserting in lieu thereof the following paragraphs :—

The Commissioner of Police may attach, and shall be deemed always to have been authorised to attach, to such approval, whether at the time such approval is given or subsequently, such terms and conditions relating to the control, administration and management of the approved club or the preservation of the public safety or the peace as he thinks fit, and may revoke any terms and conditions so attached.

Pistol License (Amendment).

One of the terms and conditions that may be so attached is that the approved club shall be and remain affiliated with the State Controlling Authority.

Such approval may be revoked by the Commissioner of Police if he is satisfied that—

- (i) the number of active members of the approved club is less than ten;
- (ii) the approved club is not being conducted in the interests of public safety or the peace;
- (iii) the secretary or members of the approved club are not complying with the provisions of this Act or the regulations thereunder; or
- (iv) the terms and conditions attached to such approval are not being complied with,

or may be revoked by the Commissioner of Police for any other reason considered sufficient by him.

- (ii) by inserting at the end of paragraph (b) of the same subsection the following new paragraphs :—

The Commissioner of Police may attach, and shall be deemed always to have been authorised to attach, to the use of any approved range, whether at the time any approval is so given or subsequently, such terms and conditions relating to the use, control, administration and management of the approved range or the preservation of the public safety or the peace as he thinks fit, and may revoke any terms and conditions so attached.

Any

Pistol License (Amendment).

Any approval so given in relation to a shooting range may be revoked by the Commissioner of Police if he is satisfied that—

- (i) the approved range is not being used in the interests of public safety or the peace; or
- (ii) the terms and conditions attached to the use of the approved range are not being complied with,

or may be revoked by the Commissioner of Police for any other reason considered sufficient by him.

- (iii) by omitting from paragraph (a) of subsection three of the same section the words “and any pistol in respect of which a license is so issued may be used in club target practice at an approved range by any member of such club of or above the age of eighteen years, or by any visiting member of any approved club of or above the same age, under the supervision of a responsible range officer of an approved club”;
- (iv) by omitting from subsection four of the same section the word “three” and by inserting in lieu thereof the words “the prescribed number of”;
- (v) by inserting at the end of the same subsection the following new paragraph :—

The regulations under this Act may, in addition to prescribing the number of pistols for which licenses may be issued to a person as such a member, limit the number of pistols of a class, specified or described in the regulations, for which licenses may be issued to a person as such a member.

(vi)

Pistol License (Amendment).

(vi) by inserting next after the same subsection the following new subsection :—

(4A) (a) Where a member of an approved club is the holder of a license issued by virtue of subsection two of this section in respect of a pistol—

- (i) such member may lend such pistol to or permit such pistol to be used or carried by any other member of an approved club who uses when engaged in club target practice or carries such pistol at an approved range under the supervision of a responsible range officer of an approved club; and
- (ii) the other member referred to in subparagraph (i) of this paragraph may use when engaged in club target practice or may carry such pistol at an approved range under the supervision of a responsible range officer of an approved club.

(b) Where the secretary of an approved club is the holder of a license on behalf of such club issued by virtue of paragraph (a) of subsection three of this section in respect of a pistol—

- (i) the secretary may permit such pistol to be used or carried by any member of an approved club who uses when engaged in club target practice or carries such pistol at an approved range under the supervision of a responsible range officer of an approved club; and
- (ii) the member referred to in subparagraph (i) of this paragraph may use when engaged in club target practice or may carry such pistol at an approved

Pistol License (Amendment).

approved range under the supervision of a responsible range officer of an approved club.

(vii) by omitting from subparagraph (ii) of paragraph (a) of subsection five of the same section the words "the holder of a license issued by virtue of subsection two of this section" and by inserting in lieu thereof the words "a member of an approved club";

(viii) by inserting in the same subsection after the word "range" the words "under the supervision of a responsible range officer of an approved club";

(ix) by omitting from paragraph (b) of the same subsection the words "who are of or above the age of eighteen years";

Sec. 10.
(Sale or
hire of
pistols.)

(c) by inserting next after subsection one of section ten the following new subsection :—

(1A) Subsection one of this section shall not apply to any member of an approved club within the meaning of section 5A of this Act who lends a pistol to a person who does not produce a pistol license, in so far as he is authorised by that section so to lend such pistol.

Sec. 12.
(Demand for
production
of pistol
license.)

(d) by inserting at the end of section twelve the following new paragraph :—

Where an information is laid for an offence arising under this section in respect of such person's refusal to produce such license, it shall be a defence if he proves he was not required by this Act to be the holder of such a license for such pistol.

Sec. 16.
(Liability of
parent or
guardian of
a child
under
eighteen.)

(e) by inserting in section sixteen after the word "who" the words ", not being authorised by section 5A of this Act to do so."

Pistol License (Amendment).

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

Amendment
of Act No.
5, 1901.

- (a) by inserting next after the definition of "Air gun" in section 41B the following new definitions :—

Sec. 41B.
(Interpreta-
tion.)

"Approved club" means a pistol club approved pursuant to paragraph (a) of subsection one of section 5A of the Pistol License Act, 1927.

"Approved range" means a shooting range approved pursuant to paragraph (b) of subsection one of section 5A of the Pistol License Act, 1927.

- (b) (i) by inserting at the end of subparagraph (ii) of paragraph (b) of subsection seven of section 41C the following word and new subparagraph :—

Sec. 41C.
(Penalty on
using, buy-
ing, selling,
or having a
firearm or
air gun.)

; or

(iii) any member of an approved club who uses or carries a pistol, in so far as he is authorised by section 5A of the Pistol License Act, 1927, to use or carry such pistol.

- (ii) by inserting next after the same paragraph the following new paragraph :—

(b1) Subsection (2A) of this section shall not apply to any member of an approved club who lends a pistol to or permits a pistol to be used or carried by another person who is under the age of sixteen years, in so far as he is authorised by section 5A of the Pistol License Act, 1927, so to lend such pistol or permit such pistol to be so used or carried.

(c)

Pistol License (Amendment).

Sec. 41E.
(Restriction
on sale of
certain
cartridges to
young
persons.)

- (c) by inserting next after subsection two of section 41E the following new subsection :—

(3) Subsection one of this section shall not apply to any member of an approved club who sells, gives or disposes of any cartridges to any person under the age of sixteen years at any approved range, in so far as the sale, gift or disposal is made in connection with the use of a pistol by the lastmentioned person when engaged in club target practice at such range, being a person who is authorised by section 5A of the Pistol License Act, 1927, to use such pistol at such range.

Amendment
of Act No.
40, 1900.

Sec. 93A.
(Defini-
tions.)

4. The Crimes Act 1900 is amended—

- (a) by omitting from the definition of "Pistol" in section 93A the words ", but does not include a toy pistol or an antique pistol which is kept or sold as a curiosity or ornament";

Sec. 93H.
(Exemptions
from opera-
tion of
provisions of
this Part
of Act.)

- (b) (i) by omitting paragraph (c) of subsection two of section 93H;

- (ii) by omitting paragraph (e) of the same subsection;

- (iii) by inserting at the end of the same subsection the following new paragraph :—

(f) any member of an approved club within the meaning of section 5A of the Pistol License Act, 1927, who uses or carries a pistol without a pistol license for such pistol, in so far as he is authorised by that section so to use or carry such pistol.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 14th October, 1970.*