

## **Legislative Council**

As passed all stages and awaiting assent.

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South Australia

# **Statutes Amendment (Possession of Firearms and Prohibited Weapons) Bill 2017**

A BILL FOR

An Act to amend the *Firearms Act 2015* and the *Summary Offences Act 1953*.

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**The Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **1—Short title**

This Act may be cited as the *Statutes Amendment (Possession of Firearms and Prohibited Weapons) Act 2017*.

### **2—Commencement**

This Act will come into operation immediately after the *Firearms Act 2015* comes into operation, or on the day on which this Act is assented to by the Governor, whichever is the later.

### **3—Amendment provisions**

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## **Part 2—Amendment of *Firearms Act 2015***

### **4—Amendment of section 12—Licence categories and authorised purposes**

Section 12(1)—after paragraph (b) insert:

or

- (c) manufacture firearms or firearm parts.

### **5—Amendment of heading to Part 6**

Heading to Part 6—delete "and ammunition" and substitute:

, ammunition and related items

### **6—Amendment of section 45—Effect of firearms prohibition order**

Section 45(16)(a)—delete paragraph (a) and substitute:

- (a) if a person to whom a firearms prohibition order applies—
  - (i) is on or in premises or a vehicle, vessel or aircraft (other than any premises, vehicle, vessel or aircraft to which the public are admitted) when a firearm, a firearm part, a sound moderator or ammunition (a *relevant item*) is on or in, or in the immediate vicinity of, the premises, vehicle, vessel or aircraft; or
  - (ii) was on or in premises or a vehicle, vessel or aircraft (other than any premises, vehicle, vessel or aircraft to which the public are admitted) immediately before a relevant item was on or in, or in the immediate vicinity of, the premises, vehicle, vessel or aircraft,

the person will be taken to possess the relevant item unless it is proved that the person did not know, and could not reasonably be expected to have known, that the relevant item was on or in, or in the immediate vicinity of, the premises, vehicle, vessel or aircraft; and

## **Part 3—Amendment of *Summary Offences Act 1953***

### **7—Amendment of section 21I—Effect of weapons prohibition order**

Section 21I(10)—delete subsection (10) and substitute:

- (10) For the purposes of this section, if a person to whom a weapons prohibition order applies—
  - (a) is on or in premises or a vehicle, vessel or aircraft (other than any premises, vehicle, vessel or aircraft to which the public are admitted) when a prohibited weapon is on or in, or in the immediate vicinity of, the premises, vehicle, vessel or aircraft; or

- (b) was on or in premises or a vehicle, vessel or aircraft (other than any premises, vehicle, vessel or aircraft to which the public are admitted) immediately before a prohibited weapon was on or in, or in the immediate vicinity of, the premises, vehicle, vessel or aircraft,

the person will be taken to possess the prohibited weapon unless it is proved that—

- (c) the person has notified the Commissioner of the presence of the weapon in accordance with subsection (7); or
- (d) the person did not know, and could not reasonably be expected to have known, that the weapon was on or in, or in the immediate vicinity of, the premises, vehicle, vessel or aircraft.