

## CLAUSE NOTES

### **CRIMINAL CODE AMENDMENT (FIREARMS) BILL** **2013**

**Clause 1:      Short Title**

Provides that this Act may be cited as the Criminal Code Amendment (Firearms) Act 2013.

**Clause 2:      Commencement**

The Act will commence on the day on which it receives Royal Assent.

**Clause 3:      Principal Act**

Provides that a reference to the Principal Act is a reference to the Criminal Code Act 1924.

**Clause 4:      Schedule 1 Amended (Criminal Code)**

Schedule 1 of the Criminal Code Act 1924 is amended:

- (a) Inserts a section 234A to create a crime of stealing a firearm or firearm part. It also inserts a definition that for the purposes of this section the terms “firearm” and “firearm part” have the same meaning as in the *Firearms Act 1996*;
- (b) Inserts Chapter XXVA after section 239. New section 239A provides that in this Chapter “firearm” and “firearm part” have the same meaning as in the *Firearms Act 1996*. New section 239B creates a crime of recklessly discharging a firearm. New section 239C creates a crime

of possession or use of a firearm or firearm part by person who is subject to a firearms prohibition order. New section 239D creates a crime of selling, or giving possession of, a firearm or firearm part to a person who is subject to a firearms prohibition order. New section 239E inserts a definition of what constitutes possession of a firearm or firearm part for the purposes of new Chapter XXVA.

**Clause 5: Repeal of Act**

Is a standard clause in all amending legislation which automatically repeals the amending legislation after the Act commences. The provisions that the amending legislation inserts into the Principle Act still remain in force after the repeal of the Amending Act.