

TASMANIA

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

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CRIMINAL CODE AMENDMENT (FIREARMS) BILL 2013

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

P. R. ALCOCK, *Clerk of the House*
14 November 2013

*(Brought in by the Minister for Justice, the Honourable Brian
Neal Wightman)*

A BILL FOR

An Act to amend the *Criminal Code Act 1924*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Criminal Code Amendment (Firearms) Act 2013*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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3. Principal Act

In this Act, the *Criminal Code Act 1924** is referred to as the Principal Act.

4. Schedule 1 amended (*Criminal Code*)

Schedule 1 to the Principal Act is amended as follows:

- (a) by inserting the following section after section 234 in Chapter XXIV:

234A. Stealing firearm or firearm part

- (1) A person who steals a firearm or firearm part is guilty of a crime.

Charge: Stealing a firearm or firearm part.

- (2) For the purposes of this section –

firearm has the same meaning as in the *Firearms Act 1996*;

firearm part has the same meaning as in the *Firearms Act 1996*.

- (b) by inserting the following Chapter after section 239:

*No. 69 of 1924

***Chapter XXVA – Crimes relating to firearms and
firearm parts***

239A. Interpretation

In this Chapter –

firearm has the same meaning
as in the *Firearms Act*
1996;

firearm part has the same
meaning as in the
Firearms Act 1996.

239B. Recklessly discharging a firearm

A person who discharges a
firearm recklessly or without due
regard to the safety of any other
person or property is guilty of a
crime.

Charge: Recklessly discharging a
firearm.

**239C. Possession or use of firearm or
firearm part**

A person who is subject to a
firearms prohibition order under
the *Firearms Act 1996* and who
possesses or uses a firearm or
firearm part is guilty of a crime.

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Charge: Possession or use of a firearm or firearm part by person who is subject to a firearms prohibition order.

239D. Selling or giving possession of firearm or firearm part

A person who sells, or gives possession of, a firearm or firearm part to another person, knowing that the other person is prohibited from possessing a firearm under a firearms prohibition order under the *Firearms Act 1996*, is guilty of a crime.

Charge: Selling, or giving possession of, firearm or firearm part to person who is subject to a firearms prohibition order.

239E. Possession of firearm or firearm part

For the purposes of this Chapter, a person is taken to possess a firearm or firearm part if –

- (a) the firearm or firearm part is found in or on any premises, structure,

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vehicle, vessel, aircraft or
other place; and

- (b) the person is in, on, or in
occupation of, the
premises, structure,
vehicle, vessel, aircraft or
place where the firearm or
firearm part is found.

5. Repeal of Act

This Act is repealed on the three hundred and
sixty fifth day from the day on which it
commences.