

# FIREARMS.

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No. 3 of 1983.

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## AN ACT to amend the Firearms Act 1973-1980.

[Assented to 1 August 1983.]

**B**E 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 Amendment Act 1983*. Short title and citation.

(2) In this Act the Firearms Act 1973-1980 is referred to as the principal Act. Reprinted as approved 22 April 1983.

(3) The principal Act as amended by this Act may be cited as the Firearms Act 1973-1983.

Section 17B  
inserted.

2. The principal Act is amended by inserting, after section 17A, the following section—

Minister may  
authorize  
officers or  
employees of  
Agriculture  
Protection  
Board to  
possess, carry  
and use  
silencers.

“ 17B. (1) Subject to this section, the Minister may grant authority in writing to an approved officer or employee of the Board to possess and carry a silencer and to use it in conjunction with a .22 calibre rifle during the period specified in that authority.

(2) The Minister may at any time revoke an authority.

(3) An officer or employee to whom an authority has been granted—

- (a) shall, when he requires the use of a silencer, obtain one from a member of the Police Force at the police station nearest to the area in which he proposes to use the silencer;
- (b) shall comply with such directions as are from time to time given to him in connection with silencers by a member of the Police Force acting on the instructions of the Commissioner;
- (c) shall not use a silencer otherwise than in conjunction with a .22 calibre rifle named and identified in the Corporate Licence referred to in subsection (7) for the purpose of shooting common starlings *Sturnus vulgaris* in the performance of his duties;
- (d) shall take all reasonable precautions to ensure the safekeeping of a silencer possessed, carried or used by him;
- (e) shall, when not using or about to use a silencer, keep the silencer separate from any firearm in conjunction with which it is capable of being used; and

(f) shall, when he—

(i) is directed under this subsection to surrender; or

(ii) no longer requires the use of, a silencer obtained by him under this subsection, surrender that silencer to a member of the Police Force at the nearest police station.

(4) If an officer or employee to whom an authority has been granted fails to perform any of the duties imposed on him by subsection (3) or ceases to be permitted by the Board to possess, carry or use a .22 calibre rifle under the Corporate Licence referred to in subsection (7), his authority is rendered void.

(5) An authority ceases to be in force on—

(a) the expiry of the period specified in the authority;

(b) its revocation under subsection (2);

(c) its being rendered void by virtue of subsection (4); or

(d) this section ceasing to have effect by virtue of subsection (7),

whichever is the sooner.

(6) For the purposes of section 22, neither the approval of an officer or employee of the Board for the purposes of subsection (1) nor the giving of a direction under subsection (3) shall be taken to be the making of a decision by or on behalf of the Commissioner.

(7) This section has effect only while the Board is the holder of a valid Corporate Licence entitling the Board to possess .22 calibre rifles, together with ammunition therefor.

(8) In this section—

“authority” means authority granted under subsection (1);

“Corporate Licence” means Corporate Licence referred to in section 16 (c);

“silencer” means contrivance commonly known as a silencer, or contrivance of a similar nature;

“subsection” means subsection of this section;

“the Board” means The Agriculture Protection Board of Western Australia constituted under the Agriculture Protection Board Act 1950. ”.

Section 23  
amended.

3. Section 23 of the principal Act is amended—

(a) in subsection (6) by deleting “A person” and substituting the following—

“ Subject to subsection (7a) of this section, a person ”;

(b) in subsection (7) by deleting “A person” and substituting the following—

“ Subject to subsection (7a) of this section, a person ”; and

(c) by inserting, after subsection (7), the following subsection—

“ (7a) A person who, being—

(a) a member of the Police Force acting in the performance of his duties; or

(b) the holder of an authority which is in force under section 17B,

uses or is in possession of, as the case requires, a contrivance referred to in subsection (6) or (7) of this section does not commit an offence under that subsection. ”.

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