



ANNO TRICESIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1988

No. 103 of 1988

An Act to amend the Criminal Law Consolidation Act, 1935, and the Summary Offences Act, 1953.

[Assented to 15 December 1988]

The Parliament of South Australia enacts as follows:

Short title

1. This Act may be cited as the *Statutes Amendment (Criminal Law Consolidation and Summary Offences) Act, 1988*.

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of Criminal Law Consolidation Act, 1935

3. The *Criminal Law Consolidation Act, 1935*, is amended—

(a) by inserting after the definition of “dwelling house” in subsection (1) of section 5 the following definition:

“firearm” means—

(a) a device designed to be carried by hand and to fire shot, bullets or other projectiles by means of burning propellant or by means of compressed air or other compressed gas;

(b) a device of a kind declared by regulation under the *Firearms Act, 1977*, to be a firearm for the purposes of that Act,

but does not include a device of a kind excluded by regulation under the *Firearms Act, 1977*, from the provisions of that Act.

(b) by inserting after section 31 the following section:

Possession of a firearm with intent to commit an offence

32. A person who has the custody or control of a firearm or imitation firearm for the purpose of—

(a) using, or causing or permitting another person to use, the firearm in the course of committing an offence punishable by a term of imprisonment of 3 years or more;

or

(b) carrying, or causing or permitting another person to carry, the firearm when committing an offence punishable by a term of imprisonment of 3 years or more,

is guilty of an indictable offence.

Penalty: Imprisonment for 10 years;

and

(c) by inserting after section 47 the following heading and section:

Threatening another person with a firearm

Threatening another person with a firearm

47a. A person who, without lawful excuse, threatens another person with a firearm, or imitation firearm, is guilty of an indictable offence.

Penalty: \$15 000 or imprisonment for 4 years.

Amendment of Summary Offences Act, 1953

4. The *Summary Offences Act, 1953*, is amended—

(a) by inserting after subsection (1) of section 15 the following subsection:

(1a) A person who, in a public place and without lawful excuse, carries, or has control of—

(a) a loaded firearm;

or

(b) a firearm and a loaded magazine that can be attached to and used in conjunction with the firearm,

is guilty of an offence.

Penalty: \$8 000 or imprisonment for 2 years.;

(b) by inserting before “weapon” in subsection (2) of section 15 “firearm, magazine,”;

(c) by inserting after the definition of “dangerous article” in subsection (3) of section 15 the following definition:

“firearm” means—

(a) a device designed to be carried by hand and to fire shot, bullets or other projectiles by means of burning propellant or by means of compressed air or other compressed gas;

(b) a device of a kind declared by regulation under the *Firearms Act, 1977*, to be a firearm for the purposes of that Act,

but does not include a device of a kind excluded by regulation under the *Firearms Act, 1977*, from the provisions of that Act.

and

(d) by inserting after subsection (3) of section 15 the following subsection:

(4) For the purposes of subsection (1a) a firearm will be taken to be loaded if a round is in the breech or barrel of the firearm or in a magazine comprising part of or attached to the firearm.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor