

## POLICE OFFENCES.

No. 27 of 1958.

### AN ACT to amend the *Police Offences Act 1935*. [11 July 1958.]

**B**E 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**—(1) This Act may be cited as the *Police Offences Act 1958*. Short title and citation.

(2) The *Police Offences Act 1935*, as subsequently amended, is in this Act referred to as the Principal Act.

**2** After section twenty of the Principal Act the following section is inserted in Division III of Part II:—

“20A In this Division—

“ ‘Exempted area’ means any part of this State that is declared by the Governor, pursuant to section twenty-four B, to be an exempted area for the purposes of this Division: Interpretation. Cf. No. 3749 (Vict.), s. 222.

‘Firearm’ means any lethal firearm or other weapon of any description from which any shot, bullet, or other missile can be discharged, and includes—

I Any such firearm or weapon from which, for the time being, a shot, bullet, or other missile cannot be discharged by reason of the absence or defect of any part or by reason of some obstruction, but which, if that part were replaced, renewed, or repaired, or that obstruction were removed, would be capable of discharging a shot, bullet, or other missile: and

II An air-gun:

‘Primary production’ includes farming operations, horticultural operations, viticultural operations, pastoral operations, grazing operations, dairy farming operations, poultry farming operations, and beekeeping operations.”.

**3** Section twenty-one of the Principal Act is amended— Exceptions.

(a) by omitting from subsection (1) the words “this Division, except section twenty-four,” and sub-

stituting therefor the words "sections twenty-two and twenty-three"; and

(b) by omitting subsection (2).

Seizure of  
firearms  
unlawfully  
used.

**4** Section twenty-three of the Principal Act is amended by inserting therein, after the word "officer", the words "may search any person whom he on reasonable grounds believes to have committed an offence against any of the provisions of this Division or search any vehicle in the possession or under the control of such a person and".

**5** After section twenty-four of the Principal Act the following sections are inserted in Division III of Part II:—

Prohibition of  
carriage or  
use of fire-  
arms on or  
over farm  
lands.  
Cf. No. 3749  
(Vict.), s.  
223.

"24A—(1) No person shall, without the permission, express or implied, of the occupier of any land that is used in connection with primary production or of some person apparently authorized to act on behalf of that occupier—

I Use or discharge a firearm in such a manner that a shot, bullet, or missile is discharged therefrom on to or across that land: or

II Carry a firearm or have a firearm in his possession while he is on that land.

Penalty: Twenty pounds.

"(2) It is a defence to any proceedings in respect of an offence against paragraph II of subsection (1) of this section if the defendant satisfies the court that, at the time of the commission of the alleged offence, he was approaching the residence of the occupier of the land along a defined or customary path or road for the purpose of applying for such permission as is mentioned in that subsection.

"(3) This section does not apply in relation to land that is situated within an exempted area.

"(4) Nothing in this section limits or abridges any other civil or criminal proceedings in relation to trespass, firearms, or injury to person or property.

Exempted  
areas.

"24B—(1) The Minister may, at the request of the council of a city or municipality or of his own motion recommend to the Governor that the whole or any part of the city or municipality be declared to be an exempted area for the purposes of this Division.

"(2) On a recommendation being made pursuant to subsection (1) of this section, the Governor may, by order, declare the whole or any specified part of the city or municipality to which the recommendation relates to be an exempted area for the purposes of this Division.

"(3) An order under this section is a statutory rule within the meaning of the *Rules Publication Act 1953*."

- 6** Section sixty-three of the Principal Act is amended—
- (a) by inserting in subsection (1), after the word “under” (first occurring), the words “section twenty-four A or under”; and
- (b) by omitting from that subsection the words “in any case exceed twenty pounds” and substituting therefor the words “exceed fifty pounds in the case of proceedings in respect of an offence against section twenty-four A or twenty pounds in any other case”.

Award of damages to persons injured by reason of certain offences.

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## TASMANIAN AERO CLUB LOAN GUARANTEE.

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No. 28 of 1958.

AN ACT to authorize the Treasurer to guarantee the repayment of a loan proposed to be made to the Tasmanian Aero Club by the Bank of New South Wales and the payment of the interest and other bank charges payable in respect thereof, and to provide for matters incidental thereto. [11 July 1958.]

**W**HEREAS the Tasmanian Aero Club is a society formed primarily for the purpose of providing training courses for persons who desire to qualify as pilots of aircraft and other services connected with those courses: Preamble.

And whereas the club also provides aerial ambulance services, services in connection with agricultural development, freight and mail services to small islands in Bass Strait, the delivery of mail and supplies to lighthouses, survey work and fire-spotting work for the State, the aerial re-stocking of lakes and streams with trout, and general charter flights and passenger scenic flights:

And whereas the services provided by the club and the operations of the club generally are provided and carried on otherwise than for pecuniary profit, but by reason of the high