

## POLICE OFFENCES (AMENDMENT) ACT.

### Act No. 3, 1945.

**George VI.** An Act to amend the Police Offences Act, 1901-  
**No. 3, 1945.** 1943, in relation to certain classes of  
firearms; and for purposes connected  
therewith. [Assented to, 6th March, 1945.]

**B**E it enacted by the King's Most Excellent Majesty,  
by and with the advice and consent of the Legis-  
lative Council and Legislative Assembly of New South  
Wales in Parliament assembled, and by the authority of  
the same, as follows:—

**Short title  
and citation.** **1.** (1) This Act may be cited as the "Police Offences  
(Amendment) Act, 1945."

(2) The Police Offences Act, 1901, as amended by  
subsequent Acts and by this Act may be cited as the  
Police Offences Act, 1901-1945.

**Amendment of  
Act No. 6,  
1901.** **2.** The Police Offences Act, 1901-1943, is amended—

**Sec. 41B.  
(Interpre-  
tation.)**

(a) (i) by inserting in section 41B at the end of the  
definition of "Firearm" the words "but  
does not include a machine gun or sub-  
machine gun";

(ii) by inserting next after the definition of  
"Hurtful material" in the same section the  
following new definition:—

"Machine gun" or "sub-machine gun"  
means any firearm which is fully  
automatic in its operation and  
actuated by the energy developed  
when it is being fired";

**New sec.  
41CA.**

(b) by inserting next after section 41c the following  
new section:—

**Penalty on  
using,  
carrying,  
or having  
machine gun  
or sub-  
machine gun.**

**41CA.** (1) No person shall use, discharge,  
carry or have in his possession any machine gun  
or sub-machine gun.

(2)

**Police Offences (Amendment) Act.**

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(2) Any person who is guilty of a No. 3, 1945. contravention of this section shall be liable to imprisonment for a period not exceeding six months or a penalty not exceeding one hundred pounds.

(3) This section shall not apply to—

- (a) any person in the performance of his duty as a member of the Defence Forces of the Commonwealth, or of the armed forces of any Government which is allied or associated with His Majesty in any war in which His Majesty is engaged, or of the police force of the Commonwealth or of this State or any other State or Territory of the Commonwealth, or as a Peace Officer under the Peace Officers Act 1925 of the Parliament of the Commonwealth; or
  - (b) any person whilst engaged in the manufacture, assembly or handling of any machine gun or sub-machine gun for or on behalf of the Commonwealth; or
  - (c) any person engaged in scientific or experimental work with any machine gun or sub-machine gun in pursuance of an authority in that behalf granted by the Minister and in compliance with the terms and conditions imposed by any such authority.
- (e) by inserting at the end of section 41D the following new subsection:—
- Sec. 41D.  
(Firearm,  
etc., carried  
in parts.)
- (2) When a machine gun or sub-machine gun is carried in parts by two or more persons, each and every one of such persons shall be deemed to carry a machine gun or sub-machine gun.
- (d) by inserting in section 41G next after the words “air gun” wherever occurring the words “machine gun, sub-machine gun”;
- Sec. 41G.  
(Seizure of  
firearm, etc.)

(e)

**Mines Inspection (Amendment) Act.****No. 3, 1945.**

**Secs. 41I, 41N,  
41P & 41Q.**  
(Power to  
search pre-  
mines; posses-  
sion of fire-  
arms, etc.,  
illegally, in  
vehicles, etc.)

**Sec. 41R.**

(Search of  
suspected  
persons,  
etc.)

- (e) by omitting from sections 41I, 41N, 41P and 41Q, the words "or air gun" wherever occurring and by inserting in lieu thereof the words "air gun, machine gun or sub-machine gun";
- (f) (i) by inserting in section 41R after the words "has in his possession" the words "a machine gun or sub-machine gun or";
- (ii) by inserting in the same section after the words "and any" the words "machine gun, sub-machine gun."
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