

## Purchasing a firearm without a valid permit – Mr Chang

### Script and practical exercise

Mr Chang is charged that on 1 August for possession of a firearm contrary to section 4(1) of the Arms Act 1975 in that he purchased a firearm without a valid permit. Mr Chang pleads not guilty. The prosecution has called Constable Butu and he has already been sworn in.

**You are to prepare a decision based on these facts. You will present your decision at the next session as if you were a judge.**

---

**Constable Butu:** On 1 August I was on patrol in the village of Nukulata. I had a particular interest in Mr Chang's shop. I had heard there had been trouble at the shop with some local young men stealing goods from the shop. There had been angry confrontations and I was investigating the incident where Mr Chang had been assaulted, although no complaint had been made.

I went into Mr Chang's shop, but all was quiet, and no one seemed to be in the shop. I went through the shop into the back room. There I found Mr Chang with a rifle and some ammunition. Mr Chang was cleaning the rifle.

I then questioned Mr Chang. My I seek leave to refer to my notes made at the time?

Question: Mr Chang, what's that rifle for?

Answer: For my protection because the police won't protect me from these thieves so I must.

Question: Where did you get the rifle from?

Answer: I bought it from a friend.

Question: What's his name?

Answer: My friend has now left the country.

Question: Did you have a permit to buy that rifle?

Answer: I'm sure I have one somewhere.

Question: Please show it to me.

Answer: I don't have it on me but if you give me a couple of days, I will find it and I will drop it off at the police station.

Question: Alright bring it into the station in the next few days. If you have a permit, you must be able to produce it on demand. It is your responsibility to prove that you have a permit.

Three days later, Mr Chang came to the police station and spoke to me. I recorded our conversation in my notebook.

Question: How did you get on, where's your permit?

Answer: I can't find it, but I'm sure I have one. I'm not very good with paperwork.

I notified the defendant that he would be advised of the outcome of our enquiries. He was later charged.

---

*That is the police evidence. Mr Chang does not give evidence. He says that the court should rely upon his statement to the Constable that he has a permit. He says in any event the police haven't proved he did not have a license.*