

**FIREARMS AND DANGEROUS WEAPONS ACT.**

**New South Wales**



ANNO VICESIMO SECUNDO

**ELIZABETHÆ II REGINÆ**

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**Act No. 38, 1973.**

An Act to regulate the purchase, possession, use, carrying and sale of firearms; to prohibit the possession of certain dangerous weapons and articles; to repeal the Pistol License Act, 1927, and certain other Acts; to amend the Crimes Act 1900, the Police Offences Act, 1901, and certain other Acts; and for purposes connected therewith. [Assented to, 8th May, 1973.]

BE

*Firearms and Dangerous Weapons.*

No. 38, 1973 **BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**PART I.****PRELIMINARY.**

**Short title.** 1. This Act may be cited as the "Firearms and Dangerous Weapons Act, 1973".

**Commencement.** 2. This Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Operation of certain provisions postponed for 3 months.** 3. A person is not guilty of an offence arising under this Act in respect of any thing done or omitted to be done by him within three months after the commencement of this Act if he would not be guilty of that offence were he the holder of a firearms dealer's licence or a shooter's licence or were he to have done or omitted to do that thing on an approved firearms range.

**Application of Act.** 4. (1) A person who is—  
 (a) a member of the police force of New South Wales or of any other State of the Commonwealth; or  
 (b) a member of the armed forces of any Government which is allied or associated with Her Majesty in any war in which Her Majesty is engaged,  
 is not guilty of an offence under this Act or the regulations by reason only of any thing done in or in connection with the performance of his duties as such a member.

(2)

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(2) A person is not guilty of an offence under this Act or the regulations by reason only of any thing done by him in relation to a firearm, prohibited weapon or prohibited article if—

- (a) he is the captain of a ship or aircraft or a member of the crew of a ship or aircraft authorised by the captain to do that thing;
- (b) the firearm, prohibited weapon or prohibited article is part of the equipment of that ship or aircraft;  
**and**
- (c) he does that thing on the ship or aircraft of which he is the captain or of the crew of which he is a member or, where he does that thing in relation to a firearm, he does that thing only for the purpose of taking the firearm to the holder of a pistol dealer's licence or a firearms dealer's licence for repair or testing.

5. This Act is divided as follows :—

Division  
of Act.

PART I.—PRELIMINARY—*ss.* 1–6.

PART II.—LICENCES AND APPROVALS—*ss.* 7–23.

DIVISION 1.—*Pistol Licences, Antique Pistol Collectors' Licences and Blank Fire Pistol Licences—ss.* 7–9.

DIVISION 2.—*Dealers' Licences—ss.* 10, 11.

DIVISION 3.—*Pistol Clubs—ss.* 12–17.

DIVISION 4.—*Shooting Ranges—ss.* 18–21.

DIVISION 5.—*Shooters' Licences—ss.* 22, 23.

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PART III.—APPEALS—s. 24.

PART IV.—OFFENCES—ss. 25–68.

DIVISION 1.—*Offences relating to Pistols and Blank Fire Pistols*—ss. 25–34.DIVISION 2.—*Offences relating to Dealers and Bankers*—ss. 35–39.DIVISION 3.—*Offences relating to Firearms, other than Pistols*—s. 40.DIVISION 4.—*Offences relating to Firearms Generally and Certain Air Guns*—ss. 41–53.DIVISION 5.—*Offences relating to Prohibited Weapons and Prohibited Articles*—ss. 54–56.DIVISION 6.—*Offences Generally*—ss. 57–60.DIVISION 7.—*Miscellaneous*—ss. 61–68.

PART V.—FIREARMS PROHIBITION ORDERS—ss. 69, 70.

PART VI.—GENERAL—ss. 71–85.

DIVISION 1.—*Powers, etc., of Commissioner and other Police*—ss. 71–74.DIVISION 2.—*Enforcement Provisions*—ss. 75–82.DIVISION 3.—*Regulations*—s. 83.DIVISION 4.—*Repeals, Amendments and Savings*—ss. 84, 85.

## SCHEDULES.

Interpre-  
tation.

6. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

“air gun” means a gun that—

- (a) is designed to propel a projectile of a prescribed calibre by means of any gas or mixture of gases, including air but not including

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a gas or mixture of gases generated by an No. 38, 1973 explosive, or by means of a spring; and

- (b) is operated or designed for operation by means of a trigger or similar device,

but does not include a spear gun;

“antique pistol” means—

- (a) a pistol of a type not designed for firing breech-loading cartridges which was manufactured before the date prescribed for the purpose of this definition and is kept or sold as a curiosity or ornament; or
- (b) a pistol of a make, class, type or description prescribed for the purpose of this definition;

“antique pistol collector’s licence” means an antique pistol collector’s licence in force under section 7;

“approved firearms range” means a shooting range approved as a firearms shooting range by the Commissioner under section 18;

“approved pistol club” means a club approved by the Commissioner under section 12;

“approved pistol range” means a shooting range approved as a pistol shooting range by the Commissioner under section 18;

“blank fire pistol” means a device that—

- (a) is designed for aiming and firing blank cartridges from one hand or is reasonably capable of being so aimed and of so firing blank cartridges; and

- (b) is reasonably capable of being carried concealed about the person,

and which is not reasonably capable of being converted to a pistol;

“blank fire pistol licence” means a blank fire pistol licence in force under section 7;

“club

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“club armourer” means a person appointed as a club armourer by an approved pistol club or by a club formed and conducted for the purpose of promoting the sport of shooting with firearms, other than pistols;

“Commissioner” means Commissioner of Police;

“corporation pistol licence” means a pistol licence bearing an endorsement referred to in section 7 (4);

“dealer” means a pistol dealer or a firearms dealer;

“dealer’s licence” means—

(a) in relation to a pistol dealer—a pistol dealer’s licence; and

(b) in relation to a firearms dealer—a firearms dealer’s licence;

“explosive” means an explosive within the meaning of the Explosives Act, 1905;

“firearm” means—

(a) a gun, or other weapon, that is capable of propelling a projectile by means of an explosive;

(b) a blank fire pistol;

(c) an air gun of a make, type, class or description prescribed for the purpose of this definition; or

(d) a spear gun,

but does not include an explosive-powered tool as defined in the Scaffolding and Lifts Act, 1912;

“firearms dealer” means a person who, by way of trade or business regularly carried on by him, manufactures, purchases, sells, transfers or repairs firearms, not being pistols, or parts of any such firearms or exposes any such firearms or parts of any such firearms for sale or has in his possession any such firearms or parts of any such firearms for sale, safe keeping, transfer or repair, and includes a club armourer for a club formed and conducted for the purpose

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purpose of promoting the sport of shooting with No. 38, 1973  
firearms, other than pistols;

“firearms dealer’s licence” means a firearms dealer’s  
licence in force under section 10;

“firearms prohibition order” means an order in force  
under section 69;

“foreign firearms law” means a law of any place outside  
New South Wales relating to the possession, use or  
carrying of firearms or any articles or devices which  
are prohibited articles or prohibited weapons;

“former Act” means the Pistol License Act, 1927, or  
any regulation thereunder, section 19 or Part IIA of  
the Police Offences Act, 1901, or Part IIIA of the  
Crimes Act 1900;

“gun” means any weapon fitted with a barrel, whether or  
not the barrel is rifled;

“interstate pistol club” means a club approved under  
a law of another State or a Territory of the  
Commonwealth relating to the keeping of pistols;

“interstate pistol dealer” means a person who is the  
holder of a licence issued under a law of another  
State or a Territory of the Commonwealth authoris-  
ing him to carry on the trade or business of a pistol  
dealer in that State or Territory;

“interstate pistol shooting range” means a pistol shooting  
range approved under a law of another State or a  
Territory of the Commonwealth relating to the  
keeping of pistols;

“manager”, in relation to a bank or other corporation,  
or a firm or partnership, means the manager or  
other person in charge of the bank or other corpora-  
tion, or the firm or partnership, or of a branch office  
thereof;

“pistol” means—

(a) a gun, or other weapon, that—

(i) is capable of propelling a projectile  
by means of an explosive;

(ii)

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(ii) is designed for aiming and firing from one hand or is reasonably capable of being so aimed and fired; and

(iii) is reasonably capable of being carried concealed about the person; or

(b) an air gun of a make, type, class or description prescribed for the purpose of this definition,

but does not include an explosive-powered tool as defined in the Scaffolding and Lifts Act, 1912, a blank fire pistol, or a prohibited weapon or prohibited article;

“pistol dealer” means a person who, by way of trade or business regularly carried on by him, manufactures, purchases, sells, transfers or repairs pistols, spare barrels or parts of pistols or exposes pistols, spare barrels or parts of pistols for sale or has in his possession pistols, spare barrels or parts of pistols for sale, safe keeping, transfer or repair, and includes a club armourer for an approved pistol club;

“pistol dealer’s licence” means a pistol dealer’s licence in force under section 10;

“pistol licence” means a pistol licence in force under section 7;

“prohibited article” means an article or device, not being a prohibited weapon, that—

(a) is capable of being used to cause bodily harm or restricting the movement of persons; or

(b) is an imitation or replica of a firearm or prohibited weapon,

and is of a type, class or description that is prescribed for the purpose of this definition;

“prohibited



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“prohibited weapon” means an article or device that is capable of being used to cause serious bodily harm and is of a type, class or description that is prescribed for the purpose of this definition; No. 38, 1973

“projectile” includes any noxious, inflammable or irritant liquid, powder, gas or chemical and any substance capable of causing bodily harm;

“public place” means any public road, public park or public reserve or any place (whether or not covered by water) that is, or is from time to time, open to or used by the public, whether or not on payment of money or for any other consideration and whether or not the public to whom it is open or by whom it may be used consists only of a limited class of persons;

“regulations” means regulations made under this Act;

“shooter’s licence” means a licence in force under section 22;

“shooting gallery” means a shooting range that is, or if dismantled is, portable;

“spare barrel” means—

- (a) a spare barrel for a pistol, being a spare barrel of a calibre the same as or different to the calibre of the barrel of that pistol; or
- (b) any tube or sleeve which, when fitted to a pistol, permits the firing of a smaller calibre projectile from that pistol than the one for which the pistol was designed;

“spear gun” means any article or device that—

- (a) is capable of propelling a spear or any instrument or thing similar to a spear; and
- (b) is operated by means of a trigger or similar device;

“to

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“to use”, in relation to a firearm, means to fire or discharge the firearm or to hold or aim it in such a way as to cause a reasonable belief that it may be fired or discharged at some person or thing, whether or not it is loaded;

“transfer”, in relation to a firearm, includes let the firearm on hire, give or lend the firearm and part with possession of the firearm but does not include let the firearm on hire under a hire-purchase agreement.

(2) A reference in this Act to an air gun, firearm, pistol, spear gun, prohibited weapon or prohibited article includes a reference—

- (a) to any article or device that, but for the absence of, or a defect in, some part thereof or some obstruction therein, would be an air gun, firearm, pistol, spear gun, prohibited weapon or prohibited article, as the case may be; and
- (b) to any article or device that is reasonably capable of being converted to an air gun, firearm, pistol, spear gun, prohibited weapon or prohibited article, as the case may be.

(3) A reference in subsection (1) to any thing that is capable of propelling a projectile by any specified means includes a reference to a thing that is capable of propelling a projectile partly by that specified means and partly by some other means.

(4) For the purposes of this Act—

- (a) the hirer, as defined in section 2 (1) of the Hire-Purchase Act, 1960, of goods the subject of a hire-purchase agreement, as so defined, shall be deemed to have purchased those goods and to have purchased them when the hire-purchase agreement was entered into; and

(b)

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(b) where—

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- (i) there is a dealer, as so defined, in relation to any such goods, that dealer shall be deemed; or
- (ii) there is no such dealer in relation to any such goods, the owner, as so defined, of the goods shall be deemed.

to have sold those goods and to have sold them when the hire-purchase agreement was entered into.

(5) Without prejudice to the generality of the power to make regulations prescribing a type, class or description of articles or devices for the purpose of the definitions of “prohibited article” and “prohibited weapon” in subsection (1), any such regulation may provide that any article or device belonging to a type, class or description of articles or devices specified in the regulation shall be a prohibited article or prohibited weapon—

- (a) unless it is of a type, class or description approved by the Commissioner; or
- (b) as on and from a date specified in the regulation.

(6) Without limiting the generality of any other provision of this Act, any person who knowingly—

- (a) has any article in his custody;
- (b) has any article in the custody of another person; or
- (c) has any article in any structure, vehicle, vessel, aircraft or place, whether built upon or not,

shall, for the purposes of this Act, be deemed to have that article in his possession.

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## PART II.

## LICENCES AND APPROVALS.

DIVISION 1.—*Pistol Licences, Antique Pistol Collectors' Licences and Blank Fire Pistol Licences.*

Issue of  
pistol  
licences,  
antique  
pistol  
collectors'  
licences  
and blank  
fire pistol  
licences.

7. (1) An application for a pistol licence, an antique pistol collector's licence or a blank fire pistol licence shall be made in the prescribed manner and be addressed to the Commissioner.

(2) Subject to this section, the Commissioner may grant the application either unconditionally or subject to such prescribed conditions as he may determine, or may refuse the application.

(3) Where the Commissioner grants the application either unconditionally or subject to conditions and, except as provided in subsection (12), the prescribed fee has been paid, he shall issue a pistol licence in respect of a pistol specified in the pistol licence, an antique pistol collector's licence or a blank fire pistol licence in respect of a blank fire pistol specified in the blank fire pistol licence to the applicant and, where the application is granted subject to conditions, shall endorse those conditions on the licence.

(4) Where an application for a pistol licence—

- (a) is made by the manager of a bank or other corporation or by a member or the manager of a firm or partnership;
- (b) contains a statement that the pistol in respect of which the licence is applied for is to be purchased, obtained, used or carried by the applicant for the sole purpose of protecting the property of or in the possession of the bank or other corporation or of the firm or partnership or, where the applicant is the manager of a corporation, firm or partnership holding a licence under the Commercial Agents and Private Inquiry Agents Act, 1963, for the sole purpose of protecting the property of other persons or the property of the corporation, firm or partnership and other persons; and

(c)

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(c) a pistol licence is issued pursuant to the application, **No. 38, 1973** the Commissioner shall endorse on the licence a statement to the effect that the pistol in respect of which it is issued is for the use of that bank or other corporation or of the firm or partnership.

(5) The Commissioner shall not grant an application for a pistol licence, an antique pistol collector's licence or a blank fire pistol licence made by a person who—

- (a) is not a natural person;
- (b) is under the age of eighteen years;
- (c) has been convicted in New South Wales or elsewhere of an offence and sentenced to penal servitude or imprisonment for twelve months or more and has been released from that penal servitude or imprisonment less than five years before the date of the application;
- (d) is subject to a recognizance, granted in New South Wales or elsewhere, to keep the peace; or
- (e) is the subject of a firearms prohibition order.

(6) The Commissioner shall not grant an application for a pistol licence—

- (a) unless he is satisfied that the applicant is of good character and repute, has good reason for holding the licence and can be trusted to have a pistol in his possession and to use and carry a pistol without danger to the public safety or to the peace;
- (b) where the application contains a statement referred to in subsection (4) (b), unless he is satisfied that each director, within the meaning of the Companies Act, 1961, of the bank or other corporation concerned, or each member of the firm or partnership concerned, would, if he were to apply for a pistol licence, be granted that licence;

(c)

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- (c) made by a person who intends to use or carry the pistol at any shooting gallery.

(7) Without limiting the generality of subsection (2), the Commissioner may refuse to grant an application for a pistol licence or a blank fire pistol licence—

- (a) unless the pistol or blank fire pistol in respect of which the licence is applied for is first produced for inspection to a member of the police force specified by the Commissioner; or
- (b) if the applicant has been convicted of an offence under this Act or the regulations or under the former Act.

(8) The Commissioner shall not grant an application for an antique pistol collector's licence unless he is satisfied that the applicant—

- (a) is of good character and repute and can be trusted to have antique pistols in his possession without danger to the public safety or to the peace;
- (b) has acquired or proposes to acquire an antique pistol or a collection of antique pistols; and
- (c) has adequate facilities for the safe keeping of antique pistols.

(9) The Commissioner shall not grant an application for a blank fire pistol licence unless he is satisfied that the applicant—

- (a) is of good character and repute and can be trusted to have a blank fire pistol in his possession and to use and carry a blank fire pistol without danger to the public safety or to the peace; and

(b)

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- (b) does not intend to use the blank fire pistol otherwise than solely for the purposes of any sporting event or stage presentation, or any film or television production or for any other purpose approved in writing by the Minister. No. 38, 1973

(10) The Commissioner shall endorse on a blank fire pistol licence particulars of the purpose (being a purpose referred to in subsection (9) (b)) for which the blank fire pistol in respect of which it is issued may be used.

(11) A pistol licence or an antique pistol collector's licence shall, unless sooner revoked or surrendered, remain in force for such period, not exceeding twelve months from the date of its issue, as may be specified in the licence.

(12) A fee is not payable—

(a) for the issue of a pistol licence—

- (i) to a person in respect of a pistol to be issued to or obtained by him in connection with his duties as a special constable under the Police Offences Act, 1901;
- (ii) in respect of a pistol which the Commissioner is satisfied is to be kept solely for scientific, historical or educational purposes; or
- (iii) in respect of a pistol of the Very or rocket type which the Commissioner is satisfied is designed for use, and is to be used, for life-saving or distress signalling purposes; or

(b) for the issue of an antique pistol collector's licence to the secretary or officer in charge of any museum affiliated with the Royal Australian Historical Society and approved for the purposes of this Act by the Commissioner.

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Provisions  
applying to  
banks and  
other  
corporations  
in respect  
of corpora-  
tion pistol  
licences.

**8.** (1) Where a corporation pistol licence is issued to the manager of a bank or other corporation in respect of a pistol and—

- (a) that manager ceases to hold the position of manager of that bank or other corporation, any person who succeeds that person in that position shall be deemed to be the holder of the licence; or
- (b) that pistol is transferred from one office of the bank or other corporation to whose manager the licence was issued to another such office, the manager or other officer in charge of that other office shall be deemed to be the holder of the licence.

(2) Where—

- (a) a person succeeds another person (being the manager of a bank or other corporation), who is the holder of a corporation pistol licence, in the position of manager of that bank or other corporation; or
- (b) a pistol in respect of which a corporation pistol licence is held by the manager of a bank or other corporation is transferred from one office of that bank or other corporation to another such office.

the bank or other corporation shall, within fourteen days after the occurrence of that event, lodge with the Commissioner a notice in the prescribed form notifying him of the occurrence of that event.

Penalty for an offence under this subsection : \$200.

Revocation  
of pistol  
licences,  
antique  
pistol  
collectors'  
licences  
and blank  
fire pistol  
licences.

**9.** (1) The Commissioner may, by instrument in writing, revoke a pistol licence, an antique pistol collector's licence or a blank fire pistol licence—

- (a) if, had the licence not been issued, he would be required, under section 7 (5), (6), (8) or (9), to refuse an application for a licence of the same kind made by the holder of the licence; or

(b)



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- (b) if he is satisfied that the holder of the licence— No. 38, 1973
- (i) made a statement in or in connection with his application for the licence that he knew to be false or misleading in a material particular;
  - (ii) has failed to comply with any condition endorsed on the licence; or
  - (iii) has been convicted of an offence under this Act or the regulations or under the former Act or under a foreign firearms law, being an offence of which the Commissioner was not aware when the licence was issued.

(2) Where the Commissioner revokes a pistol licence, an antique pistol collector's licence or a blank fire pistol licence, he shall cause notice of the revocation to be served on the holder of the licence by sending the notice by certified mail addressed to the holder at his address last known to the Commissioner or by causing it to be delivered to the holder personally.

(3) The revocation of a pistol licence, an antique pistol collector's licence or a blank fire pistol licence shall take effect—

- (a) where the notice of revocation is sent by certified mail—when the notice would be delivered to the addressee in the ordinary course of post; or
- (b) where the notice of revocation is delivered to the holder personally—when it is so delivered.

(4) A person to whom a pistol licence, an antique pistol collector's licence or a blank fire pistol licence has been issued and who receives a notice of revocation of the licence shall, forthwith after the receipt of the notice, deliver the licence to the Commissioner.

Penalty for an offence under this subsection : \$100.

**DIVISION**

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DIVISION 2.—*Dealers' Licences.*Issue of  
dealers'  
licences.**10.** (1) An application for a dealer's licence in respect of any premises—

(a) shall be made in the prescribed manner and be addressed to the Commissioner; and

(b) may contain a request that the licence applied for be issued to the applicant—

(i) on his own behalf; or

(ii) on behalf of a dealer by whom he is or is to be employed as the person in charge of a place at which that dealer carries on or proposes to carry on the trade or business of a pistol dealer or a firearms dealer.

(2) Subject to this section, the Commissioner may grant the application either unconditionally or subject to such prescribed conditions as he may determine, or may refuse the application.

(3) Where the Commissioner grants the application either unconditionally or subject to conditions and the prescribed fee has been paid, he shall issue a pistol dealer's licence or a firearms dealer's licence to the applicant in respect of the premises specified in the application and—

(a) where the application is granted subject to conditions—shall endorse those conditions on the licence; and

(b) where the application contained a request that the licence be issued to the applicant on behalf of a dealer—shall endorse on the licence a statement to the effect that the licence is so issued.

(4) The Commissioner shall not grant an application for a dealer's licence made by a person who—

(a) is not a natural person;

(b)

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- (b) is under the age of eighteen years; No. 38, 1973
- (c) has been convicted in New South Wales or elsewhere of an offence and sentenced to penal servitude or imprisonment for twelve months or more and has been released from that penal servitude or imprisonment less than five years before the date of the application;
- (d) is subject to a recognizance, granted in New South Wales or elsewhere, to keep the peace; or
- (e) is the subject of a firearms prohibition order.

(5) The Commissioner shall not grant an application for a dealer's licence in respect of any premises unless he is satisfied that—

- (a) the applicant, not being an applicant referred to in paragraph (b)—
- (i) is carrying on or proposes to carry on the trade or business of a pistol dealer or firearms dealer, as the case may be, at those premises; or
  - (ii) is or is to be employed by a dealer as the person in charge of a place at which that dealer is carrying on or proposes to carry on that trade or business;
- (b) the applicant, being an applicant in his capacity as a club armourer, is, where the application is for a pistol dealer's licence, a member of an approved pistol club or is, where the application is for a firearms dealer's licence, a member of a club formed and conducted for the purpose of promoting the sport of shooting with firearms, other than pistols, and is the sole club armourer for that club;

(c)

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(c) the applicant is of good character and repute and—

- (i) in the case of an applicant, other than an applicant referred to in paragraph (b), is a fit and proper person to carry on the trade or business of a pistol dealer or firearms dealer, as the case may be, or to be employed as referred to in paragraph (a) (ii) and can be trusted to carry on that trade or business or to carry out his duties when so employed, as the case may be, without danger to the public safety or to the peace; or
- (ii) in the case of an applicant referred to in paragraph (b), is a fit and proper person to act as a club armourer and can be trusted to carry out his duties as a club armourer without danger to the public safety or to the peace;

(d) where the application, being an application made by an applicant other than an applicant referred to in paragraph (b), contained a request that a licence be issued to the applicant on behalf of a dealer and—

- (i) that dealer is a natural person—that dealer; or
- (ii) that dealer is a firm, partnership or corporation—each member of that firm or partnership or each director, within the meaning of the Companies Act, 1961, of that corporation,

would, if he were to apply for a dealer's licence of the same kind as that applied for, in respect of the premises specified in the application, and were a person referred to in paragraph (a), be granted that licence; and

(e)

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- (e) those premises are suitable for carrying on the trade No. 38, 1973 or business of a pistol dealer or firearms dealer or for carrying out the duties of a club armourer, as the case may be.

(6) In considering whether or not premises are suitable as referred to in subsection (5) (e), the Commissioner shall have regard to—

- (a) the nature of the activities proposed to be conducted on the premises;
- (b) whether adequate provision has been made for the safe keeping of firearms by means of safes or strong-rooms or otherwise;
- (c) the security of the premises against unauthorised entry; and
- (d) where the licence is not to be issued subject to a condition prohibiting the testing of firearms on the premises—whether an efficient bullet recovery box or bullet stop is provided on the premises.

(7) Without limiting the generality of subsection (2), the Commissioner may refuse to grant an application for a dealer's licence if the applicant has been convicted of an offence under this Act or the regulations or under the former Act.

(8) A dealer's licence shall, unless sooner revoked or surrendered, remain in force for a period of twelve months from the date of its issue.

**11.** (1) The Commissioner may, by instrument in writing, revoke a dealer's licence—

Revocation  
of dealers'  
licences.

- (a) if, had the licence not been issued, he would be required, under section 10 (4) or (5), to refuse an application for a dealer's licence of the same kind made by the holder of the licence;

(b)

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- (b) if he is satisfied that the holder of the licence made a statement in or in connection with his application for the licence that he knew to be false or misleading in a material particular;
- (c) if he is satisfied that the holder of the licence, or the firm, partnership or corporation on whose behalf the licence was issued has failed to comply with any condition endorsed on the licence; or
- (d) if he is satisfied that the holder of the licence, the corporation on whose behalf the licence is held or a member of the firm or partnership on whose behalf the licence is held has been convicted of an offence under this Act or the regulations or under the former Act or under a foreign firearms law, being an offence of which the Commissioner was not aware when the licence was issued.

(2) Where the Commissioner revokes a dealer's licence, he shall cause notice of the revocation to be served—

- (a) on the holder of the licence by sending the notice by certified mail addressed to the holder at his address last known to the Commissioner or by causing it to be delivered to the holder personally; and
- (b) where the licence was held by a person on behalf of a dealer—on that dealer by sending the notice by certified mail addressed to that dealer at his address last known to the Commissioner or by causing it to be delivered to that dealer personally or—
  - (i) where that dealer is a firm or partnership—on any member of the firm or partnership by sending the notice by certified mail addressed to that member at his address last known to the Commissioner or by causing it to be delivered to him personally;

(ii)

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- (ii) where that dealer is a company—on the company in accordance with section 362 (1) of the Companies Act, 1961; or No. 38, 1973
- (iii) where that dealer is a corporation other than a company—on the corporation by leaving it at or sending it by certified mail to the principal place of business in New South Wales of that corporation.
- (3) The revocation of a dealer's licence shall take effect—
- (a) where the notice of revocation is sent by certified mail or otherwise by post in accordance with subsection (2)—on the date when the notice would be delivered in the ordinary course of post; or
- (b) where the notice of revocation is delivered to the holder personally—on the date when it is so delivered,

or on and from a later date specified in the notice of revocation.

(4) A person to whom a dealer's licence has been issued and who receives a notice of revocation of the licence shall, forthwith after the receipt of the notice, deliver the licence to the Commissioner.

Penalty for an offence under this subsection : \$100.

DIVISION 3.—*Pistol Clubs.*

12. (1) In this section, "State Controlling Authority" means the organisation approved by order of the Minister as the body responsible for controlling the sport of pistol target shooting in New South Wales. Approval  
of clubs  
as pistol  
clubs.

(2)

*Firearms and Dangerous Weapons.*

No. 38, 1973 (2) An application for approval of a club for the purposes of this Division—

- (a) shall be made in the prescribed manner and be addressed to the Commissioner; and
- (b) may be made by the secretary or captain or any member of the club.

(3) Subject to this section, the Commissioner may grant the application either unconditionally or subject to conditions referred to in section 14 (1), or may refuse the application.

(4) The Commissioner shall not grant an application for an approval under this section unless—

- (a) the club consists of ten or more members;
- (b) the club is affiliated with the State Controlling Authority and that Authority recommends the granting of the application; or
- (c) the Commissioner is satisfied that each member of the club would, if he were to apply for a pistol licence and, in the case of a member under the age of eighteen years, were of or above the age of eighteen years, be granted a pistol licence.

(5) Without limiting the generality of subsection (3), the Commissioner may refuse an application for approval of a club under this section if the secretary or captain or any member of the club has been convicted of an offence under this Act or the regulations or under the former Act.

Revocation  
of approval  
of a pistol  
club.

**13.** The Commissioner may, by instrument in writing, revoke an approval of a club under section 12 for any reason which to him seems sufficient and, without limiting the generality of the foregoing provisions of this section, may revoke such an approval if he is satisfied that—

- (a) the number of active members of the club is less than ten;

(b)



*Firearms and Dangerous Weapons.*

- (b) the club is not being conducted with proper regard No. 38, 1973 to the preservation of the public safety or the peace;
- (c) any conditions attached to the approval have not been complied with; or
- (d) the secretary or captain or any member of the club has been convicted of an offence under this Act or the regulations or under the former Act or under a foreign firearms law, being an offence of which the Commissioner was not aware when the approval was granted.

**14.** (1) An approval under section 12 may be given Conditions of approval of a pistol club. subject to such conditions relating to the control, administration and management of the club and to the preservation of the public safety and the peace as the Commissioner thinks fit.

(2) The Commissioner may, by instrument in writing, vary or revoke any conditions subject to which an approval under section 12 has been granted or attach to any such approval additional conditions of the kind referred to in subsection (1).

**15.** (1) Where the Commissioner revokes an approval Notification of revocation of approval of a pistol club or of variation, etc., of conditions attaching to an approval. under section 12 or exercises his powers under section 14 (2) in relation to an approval, he shall cause notice of the revocation or a copy of the instrument referred to in section 14 (2), as the case may be, to be served on the person who was the applicant for the approval or on the secretary or captain of the club by sending the notice or copy by certified mail addressed to that person or the secretary or captain at his address last known to the Commissioner or by causing the notice or copy to be delivered to him personally.

(2)

*Firearms and Dangerous Weapons.*

No. 38, 1973

(2) The revocation of an approval under section 12 or the variation, revocation or attaching of additional conditions to such an approval shall take effect—

- (a) where the notice of revocation or copy of the instrument is sent by certified mail, when the notice or copy would be delivered in the ordinary course of post; or
- (b) where the notice of revocation or copy of the instrument is delivered to the person to whom it is addressed personally, when it is so delivered.

Issue of  
pistol  
licences  
to members,  
etc., of  
pistol  
clubs.

16. (1) A person—

- (a) who is the secretary or captain or a member of an approved pistol club; or
- (b) who is a member of an interstate pistol club and who is the holder of a licence, permit or authority issued under a law of the State or Territory concerned authorising him to have a pistol in his possession,

shall subject to subsection (2), be deemed, for the purposes of section 7 (6) (a), to have good reason for holding a pistol licence in his capacity as secretary or captain or as a member of that approved pistol club or that interstate pistol club.

(2) A person applying for a pistol licence shall not, by reason only of subsection (1), be deemed to have good reason for holding a pistol licence if—

- (a) at any time during the period of twelve months next preceding the date of his application he was person referred to in subsection (1) (a) or (b) and was the holder of a pistol licence or of a licence, permit or authority issued under a law of another State or a Territory of the Commonwealth authorising him to have a pistol in his possession; and

(b)

*Firearms and Dangerous Weapons.*

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(b) during the period he held that licence, permit or No. 38, 1973 authority he was not, in the opinion of the Commissioner, an active member of a club referred to in subsection (1) (a) or (b) or did not regularly attend and participate in pistol target practice as a member of that club.

(3) The Commissioner shall endorse on a pistol licence issued to the secretary or captain or a member of an approved pistol club or an interstate pistol club in his capacity as secretary or captain or as a member of such a club a statement to the effect that the licence is issued to that person in that capacity.

(4) The Commissioner shall not grant applications made by a person in his capacity as the secretary or captain of an approved pistol club for pistol licences in respect of more pistols, or more pistols of any class, than the Commissioner considers adequate and reasonable to meet the needs of that club.

(5) The Commissioner shall not grant applications made by a person in his capacity as a member of an approved pistol club or an interstate pistol club for pistol licences in respect of more than the number of pistols, or the number of pistols of any class, prescribed as the number of pistols, or the number of pistols of that class, in respect of which pistol licences may be held by a member of an approved pistol club.

(6) Nothing in subsection (4) or (5) affects the right of a person who is the secretary or captain or a member of an approved pistol club or an interstate pistol club to apply for and be issued with a pistol licence otherwise than in his capacity as the secretary or captain or as a member of such a club.

*Firearms and Dangerous Weapons.***No. 38, 1973** 17. (1) Where—

Successive secretaries or captains of approved pistol clubs deemed to hold pistol licences.

(a) a pistol licence is issued to a person in his capacity as the holder of the position of secretary or captain of an approved pistol club; and

(b) that person ceases to hold that position,

any person who succeeds that person in that position shall be deemed to be the holder of the licence.

(2) Where a person succeeds another person as secretary or captain of an approved pistol club and that other person holds a pistol licence in his capacity as the secretary or captain of that club, the firstmentioned person shall, within fourteen days after the occurrence of that event, lodge with the Commissioner a notice in the prescribed form notifying him of the occurrence of that event.

Penalty for an offence under this subsection : \$200.

DIVISION 4.—*Shooting Ranges.*

Approval of shooting ranges.

18. (1) An application for approval of a shooting range as a pistol shooting range or firearms shooting range shall be made in the prescribed manner, be accompanied by the prescribed fee and be addressed to the Commissioner.

(2) Subject to this section, the Commissioner may grant the application either unconditionally or subject to conditions referred to in section 20 (1), or may refuse the application.

(3) The Commissioner shall not grant an application for an approval under this section unless the applicant is of good character and repute, the shooting range is of a suitable type and construction and, except in the case of a shooting gallery, at a suitable location.

(4)

*Firearms and Dangerous Weapons.*

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(4) An approval under this section shall, unless <sup>No. 38, 1973</sup> sooner revoked, remain in force for such period, not exceeding twelve months from the date on which it is given, as may be specified in the approval.

**19.** The Commissioner may, by instrument in writing, revoke an approval of a shooting range under section 18 for any reason which to him seems sufficient and, without limiting the generality of the foregoing provisions of this section, may revoke such an approval if he is satisfied that—

- (a) the shooting range is not being conducted with proper regard to the preservation of the public safety or the peace;
- (b) any conditions attached to the approval have not been complied with; or
- (c) the person to whom the approval was granted has been convicted of an offence under this Act or the regulations or under the former Act or under a foreign firearms law, being an offence of which the Commissioner was not aware when the approval was granted.

**20.** (1) An approval under section 18 may be given subject to such conditions relating to the control, administration, management or use of the shooting range and the preservation of the public safety and the peace as the Commissioner thinks fit.

(2) The Commissioner may, by instrument in writing, vary or revoke any conditions subject to which an approval under section 18 has been granted or attach to any such approval additional conditions of the kind referred to in subsection (1).

**21.**

*Firearms and Dangerous Weapons.*

**No. 38, 1973** **21.** (1) Where the Commissioner revokes an approval under section 18 or exercises his powers under section 20 (2) in relation to an approval, he shall cause notice of the revocation or a copy of the instrument referred to in section 20 (2), as the case may be, to be served on any person apparently having the control of the shooting range by sending the copy by certified mail addressed to that person at his address last known to the Commissioner or by causing the notice or copy to be delivered to him personally.

Notification  
of revocation  
of approval  
of shooting  
range or of  
variation,  
etc., of  
conditions.

(2) The revocation of an approval under section 18 or the variation, revocation or attaching of additional conditions to such an approval shall take effect—

- (a) where the copy of the instrument is sent by certified mail, when the copy would be delivered in the ordinary course of post; or
- (b) where the copy of the instrument is delivered to the person to whom it is addressed personally, when it is so delivered.

*DIVISION 5.—Shooters' Licences.*

Issue of  
shooters'  
licences.

**22.** (1) An application for a shooter's licence shall be made in the prescribed manner and be addressed to the Commissioner.

(2) Subject to this section, the Commissioner may grant or refuse the application.

(3) Where the Commissioner grants the application and the prescribed fee has been paid, he shall issue a shooter's licence to the applicant.

(4) The Commissioner shall not grant an application for a shooter's licence made by a person who—

- (a) is not a natural person;

(b)

*Firearms and Dangerous Weapons.*

- (b) is under the age of eighteen years ; or  
 (c) is the subject of a firearms prohibition order.

No. 38, 1973

(5) The Commissioner shall not grant an application for a shooter's licence unless he is satisfied that the applicant is of good character and repute, is a fit and proper person to hold a shooter's licence and can be trusted to have firearms, not being pistols, in his possession and to use and carry them without danger to the public safety or to the peace.

(6) Without limiting the generality of subsection (2), the Commissioner may refuse to grant an application for a shooter's licence if the applicant has been convicted of an offence under this Act or the regulations or under the former Act.

(7) A shooter's licence shall, unless sooner revoked or surrendered, remain in force for a period of one, two or three years, as may be specified in the licence.

**23.** (1) The Commissioner may, by instrument in writing, revoke a shooter's licence— in Revocation of shooters' licences.

- (a) if, had the licence not been issued, he would be required, under section 22 (4) or (5), to refuse an application for a shooter's licence made by the holder of the licence ; or
- (b) if he is satisfied that the holder of the licence—
- (i) made a statement in or in connection with his application for the licence that he knew to be false or misleading in a material particular ; or
  - (ii) has been convicted of an offence under this Act or the regulations or under the former Act or under a foreign firearms law, being an offence of which the Commissioner was not aware when the licence was issued.

(2)

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No. 38, 1973

(2) Where the Commissioner revokes a shooter's licence, he shall cause notice of the revocation to be served on the holder of the licence by sending the notice by certified mail addressed to the holder at his address last known to the Commissioner or by causing it to be delivered to the holder personally.

(3) The revocation of a shooter's licence shall take effect—

- (a) where the notice of revocation is sent by certified mail, when the notice would be delivered in the ordinary course of post; or
- (b) where the notice of revocation is delivered to the holder personally, when it is so delivered.

(4) A person to whom a shooter's licence has been issued and who receives a notice of revocation of the licence shall, forthwith after the receipt of the notice, deliver the licence to the Commissioner.

Penalty for an offence under this subsection : \$100.

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**PART III.**
**APPEALS.****Appeals.**

**24.** (1) For the purposes of this section, a person is aggrieved by a decision in respect of him made by the Commissioner only if—

- (a) being an applicant for a licence under Part II—the application is granted by the Commissioner subject to conditions or is refused by the Commissioner;
- (b) being the holder of a licence under Part II—the licence is revoked by the Commissioner;

(c)



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- (c) being a bank or other corporation, or a firm or partnership, of which the manager has made an application for a pistol licence containing a statement referred to in section 7 (4) (b)—the application is granted by the Commissioner subject to conditions, or is refused by the Commissioner;
- (d) being a bank or other corporation, or a firm or partnership, of which the manager is the holder of a corporation pistol licence issued pursuant to an application containing a statement referred to in section 7 (4) (b)—the licence is revoked by the Commissioner;
- (e) being a dealer on whose behalf an application for a dealer's licence has been made by an employee—the application is granted by the Commissioner subject to conditions, or is refused by the Commissioner;
- (f) being a dealer on whose behalf a pistol dealer's licence is held by an employee—the licence is revoked by the Commissioner;
- (g) being the secretary or captain or a member of a club who has made an application for an approval under section 12—the application is granted by the Commissioner subject to conditions, or is refused by the Commissioner;
- (h) being the secretary or captain or a member of an approved pistol club—the approval under section 12 of that club is revoked or any conditions to which the approval is subject are varied or any additional conditions are attached to the approval;
- (i) being an applicant for an approval under section 18—the application is granted by the Commissioner subject to conditions or is refused by the Commissioner;

(j)

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(j) being a person who is the holder of an approval under section 18—the approval is revoked or any conditions to which the approval is subject are varied or any additional conditions are attached to the approval; or

(k) a firearms prohibition order is made in respect of him.

(2) A person who is aggrieved by a decision in respect of him made by the Commissioner may, in accordance with subsection (3), appeal against that decision to a court of petty sessions held before a stipendiary magistrate.

(3) Any such appeal may be made, within twenty-one days after the decision was notified to the person entitled to appeal—

(a) except as provided by paragraph (b)—to the court of petty sessions nearest to the place where that person ordinarily resides; or

(b) where the appellant is an aggrieved person—

(i) under subsection (1) (c) or (d)—to the court of petty sessions nearest to the premises, specified in the application for the licence, of the bank or other corporation, or the firm or partnership, concerned;

(ii) under subsection (1) (e) or (f)—to the court of petty sessions nearest to the place where the dealer is carrying on or proposes to carry on trade or business as a dealer;

(iii) under subsection (1) (g) or (h)—to the court of petty sessions nearest to the shooting range used or proposed to be used by the members of the club as a pistol shooting range;

(iv)

*Firearms and Dangerous Weapons.*

- (iv) under subsection (1) (i) or (j)—to the court of petty sessions nearest to the shooting range concerned; or
- (v) under subsection (1) (k)—to the court of petty sessions nearest to the place where he ordinarily resides.

(4) The decision of the court of petty sessions shall be final and shall be binding on the appellant and on the Commissioner.

- (5) A court of petty sessions—
- (a) shall not grant an appeal under this section in any case unless it is satisfied that the decision appealed against is incorrect;
- (b) shall dismiss any such appeal if it is satisfied that the decision appealed against is correct; and
- (c) subject to paragraph (a), may, on any such appeal, direct that a licence or approval be issued or granted subject to such conditions as the Commissioner is authorised by this Act to impose when granting an application of the kind the subject of the appeal.

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PART IV.

OFFENCES.

DIVISION 1.—*Offences relating to Pistols and Blank Fire Pistols.*

25. (1) A person who—
- (a) uses or carries; or

(b) Pistols, not being antique pistols, required to be licensed.

*Firearms and Dangerous Weapons.*

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No. 38, 1973

(b) purchases or has in his possession,

a pistol, not being an antique pistol, is guilty of an offence unless he satisfies the court that he is the holder of a pistol licence in respect of that pistol.

(2) A person who—

(a) uses or carries; or

(b) has in his possession,

a pistol, being a pistol in respect of which he is the holder of a pistol licence bearing an endorsement referred to in section 7 (4), is guilty of an offence unless he satisfies the court that he did so in the ordinary course of his duties as an employee of the bank or other corporation, or of the firm or partnership, specified in the endorsement.

(3) A person who—

(a) uses or carries; or

(b) has in his possession,

a pistol, being a pistol in respect of which he is the holder of a pistol licence bearing an endorsement referred to in section 16 (3) to the effect that the licence was issued to him in his capacity as the secretary or captain or as a member—

(c) of an approved pistol club, is guilty of an offence if—

(i) he did not do so in the course of his participating in pistol target shooting as a member of that club at an approved pistol range and under the supervision of a person holding office as a range officer appointed by an approved pistol club;

(ii) where he carried the pistol otherwise than at such a range—he did not do so in the course of proceeding to or from such a range or an interstate pistol shooting range, the premises of the holder of a pistol dealer's licence or a police station; or

(iii)

*Firearms and Dangerous Weapons.*

(iii) where he had possession of the pistol otherwise than at an approved pistol range—he did not do so in circumstances in which he was, under subparagraph (ii), entitled to carry the pistol, at the place at which he ordinarily resides. No. 38, 1973

(4) A person guilty of an offence under subsection (1), (2) or (3)—

- (a) in respect of his purchasing a pistol or having a pistol in his possession, is liable, on summary conviction, to a penalty not exceeding \$500 or to imprisonment for a period not exceeding six months, or both, or, on conviction on indictment, to imprisonment for a period not exceeding two years; or
- (b) except as provided by paragraph (a), is liable, on summary conviction, to a penalty not exceeding \$1,000 or to imprisonment for a period not exceeding twelve months, or both, or, on conviction on indictment, to imprisonment for a period not exceeding three years.

(5) Where a person is charged with an offence arising under subsection (1) (a), (2) (a) or (3) (a) alleging that, at a specified time, he used or carried a pistol, the court may, if it is not satisfied that at that time he used or carried the pistol but is satisfied that he had it in his possession in contravention of subsection (1) (b), (2) (b) or (3) (b), acquit him of the offence charged and convict and punish him for an offence under subsection (1) (b), (2) (b) or (3) (b).

**26.** (1) A person who purchases or has in his possession an antique pistol is guilty of an offence unless he satisfies the court that he is the holder of an antique pistol collector's licence. Antique  
pistol  
collectors  
required to  
be licensed.

**Penalty:**

*Firearms and Dangerous Weapons.*

No. 38, 1973 — Penalty : On summary conviction, \$500 or imprisonment for 6 months, or both; on conviction on indictment, imprisonment for 2 years.

(2) A person shall not—

(a) use an antique pistol; or

(b) carry an antique pistol with intent to use it.

Penalty : On summary conviction, \$1,000 or imprisonment for 12 months, or both; on conviction on indictment, imprisonment for 3 years.

(3) Where a person is charged with an offence under subsection (2) alleging that, at a specified time, he used an antique pistol or carried an antique pistol with intent to use it, the court may, if it is not satisfied that at that time he used the pistol or so carried it but is satisfied that he had it in his possession, acquit him of the offence charged and convict and punish him for an offence under subsection (1).

Blank fire  
pistols  
required  
to be  
licensed.

27. A person who purchases or has in his possession a blank fire pistol is guilty of an offence unless he satisfies the court that he is the holder of a blank fire pistol licence in respect of that blank fire pistol.

Penalty : \$500 or imprisonment for 6 months, or both.

Persons  
exempt from  
offences  
under  
section 25,  
26 (1) or  
27.

28. (1) A person is not guilty of an offence under section 25 (1) in respect of—

(a) his having a pistol in his possession or his using or carrying a pistol if—

(i) he is a member of an approved pistol club;

(ii)

*Firearms and Dangerous Weapons.*

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- (ii) a pistol licence is held in respect of the pistol No. 38, 1973 by another person who is the secretary or captain or a member of the club (whether or not it is held by him in that capacity); and
- (iii) he complies with any conditions endorsed on the licence as if he were the holder of the licence,
- and he does so in the course of his participating in pistol target shooting as a member of that club at an approved pistol shooting range and under the supervision of a person holding office as a range officer appointed by an approved pistol club; or
- (b) his having a pistol in his possession or his carrying a pistol if—
- (i) he is the secretary or captain of an approved pistol club;
  - (ii) a pistol licence in respect of the pistol is held by another person who is a member of that club in his capacity as such a member;
  - (iii) he complies with any conditions endorsed on the licence as if he were the holder of the licence; and
  - (iv) he has been given possession of the pistol for safe keeping by the holder of the pistol licence while the pistol is not in use and, where he is carrying the pistol, he does so when proceeding to or from an approved pistol shooting range or the premises of the holder of a pistol dealer's licence or a police station.

(2) A bank is not guilty of an offence under section 25 (1) in respect of its purchasing a pistol or its having a pistol in its possession in its store if the pistol has not been taken into use by the bank.

(3)

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(3) A person, being the manager of a bank or being an employee, of or above the age of eighteen years, of a bank, is not guilty of an offence under section 25 (1) in respect of his purchasing a pistol or his having a pistol in his possession if—

- (a) he does so in the ordinary course of his duties as such a manager or employee; and
- (b) the pistol has not been taken into use by the bank.

(4) An employee, of or above the age of eighteen years, of a bank or other corporation or of a firm or partnership is not guilty of an offence under section 25 (1) in respect of his purchasing a pistol, his having a pistol in his possession or his using or carrying a pistol if—

- (a) a corporation pistol licence is held by a person who is or was the manager of that bank or other corporation or is or was a member or the manager of that firm or partnership;
- (b) the employee complies with any conditions endorsed on the licence as if he were the holder of the licence; and
- (c) the employee does so in the ordinary course of his duties as such an employee.

(5) A bank or other corporation or a member of a firm or partnership is not guilty of an offence under section 25 (1) in respect of its or his purchasing a pistol, having a pistol in its or his possession or its or his using a pistol if a corporation pistol licence is held by the manager of that bank or other corporation or by another member or the manager of that firm or partnership.

(6) A person is not guilty of an offence under section 25 (1), 26 (1) or 27 in respect of—

- (a) his purchasing a pistol, his having a pistol in his possession, his carrying a pistol or his using a pistol, not being an antique pistol, if—
  - (i) he is the holder of a pistol dealer's licence or is an employee, of or above the age of eighteen years, of the holder of such a licence; and
  - (ii)



*Firearms and Dangerous Weapons.*

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- (ii) he does so in the ordinary course of his No. 38, 1973 activities as a pistol dealer or as an employee of that pistol dealer, as the case may be, and, where he uses the pistol, he does so for the purpose of testing it or regulating its strength or testing its quality in a place specially set apart for that purpose;
- (b) his having a pistol or a blank fire pistol in his possession or his carrying a pistol or a blank fire pistol if—
- (i) he is a common carrier or warehouseman or is an employee of a common carrier or warehouseman; and
  - (ii) he does so in the ordinary course of the trade or business of that common carrier or warehouseman;
- (c) his purchasing or carrying a pistol or a blank fire pistol or his having a pistol or a blank fire pistol in his possession if—
- (i) he is about to leave Australia for a period of not less than six months; and
  - (ii) he is the holder of a permit, issued in accordance with the regulations and in force, which authorises him to purchase the pistol or blank fire pistol and to have it in his possession;
- (d) his purchasing or carrying a pistol or his having a pistol in his possession if he is authorised to do so by a permit issued under section 71;
- (e) his purchasing, carrying or using a pistol or his having a pistol in his possession if he is authorised to do so by a permit issued under section 72;
- (f) the doing of any thing by him in relation to a pistol, being a firearm referred to in section 52 (1), if he is authorised to do that thing by a permit referred to in section 52 (2) (c);
- (g)

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- (g) his having a pistol or a blank fire pistol in his possession if—
- (i) he is the holder of an auctioneer's licence under the Auctioneers and Agents Act, 1941;
  - (ii) he does so in the ordinary course of his business as an auctioneer; and
  - (iii) he is the holder of a permit, issued in accordance with the regulations and in force, which authorises him to have pistols or blank fire pistols in his possession;
- (h) his having a pistol or a blank fire pistol in his possession or his carrying a pistol if he does so only for the purpose of complying with section 33 (1), (2) or (3) or 39 (1); or
- (i) his having in his possession a blank fire pistol in respect of which a blank fire pistol licence is held if he does so—
- (i) with the permission of the holder of that licence; and
  - (ii) in the course of his participating in, or proceeding to or from, any activity in connection with a purpose particulars of which are endorsed on the licence in accordance with section 7 (10).

(7) A person is not guilty of an offence under section 25 (2) or (3) in respect of his having a pistol in his possession or his carrying a pistol only for the purpose of complying with section 33 (1), (2) or (3) or 39 (1).

Licence, etc.,  
to be  
sighted  
when pistol  
or blank  
fire pistol  
dealt with.

29. (1) A person who—

- (a) purchases or receives a pistol from another person;  
or

(b)

*Firearms and Dangerous Weapons.*

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(b) sells or otherwise transfers a pistol to another No. 38, 1973 person,  
is guilty of an offence if—

- (c) that other person is not the holder of an authority in relation to that pistol; or
- (d) except where that other person is the holder of a pistol dealer's licence or an interstate pistol dealer's licence, the firstmentioned person does not sight that authority.

(2) For the purposes of subsection (1), an authority in relation to a pistol means—

- (a) a pistol licence in respect of that pistol;
- (b) a pistol dealer's licence; or
- (c) a permit in respect of that pistol referred to in section 28 (6) (c) or (g) or 52 (2) (c) or issued under section 71 or 72,

and, in relation to an antique pistol, includes an antique pistol collector's licence.

(3) A person who—

- (a) purchases or receives a blank fire pistol from another person; or
- (b) sells or otherwise transfers a blank fire pistol to another person,

is guilty of an offence if—

- (c) that other person is not the holder of a blank fire pistol licence in respect of that blank fire pistol; and
- (d) except where that other person is a firearms dealer or is authorised under a law of another State or a Territory of the Commonwealth to sell or otherwise transfer, or to purchase or receive blank fire pistols, the firstmentioned person does not sight that blank fire pistol licence.

(4)

*Firearms and Dangerous Weapons.*

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(4) Subsections (1) and (3) do not apply—

- (a) in respect of a pistol delivered to, or received by, a pistol dealer in accordance with section 33 (1) or (2) or 39 (1);
- (b) the purchase, receipt, sale or other transfer of a pistol or a blank fire pistol from or to another person who is outside Australia;
- (c) in respect of a blank fire pistol delivered to, or received by, a firearms dealer in accordance with section 33 (1) or (3) or 39 (1); or
- (d) in respect of the purchase, receipt, sale or transfer of a pistol or a blank fire pistol from or to another person if that other person is by reason of section 28 (1), (4) or (6) (i) not guilty of an offence under section 25 in respect of his having possession of the pistol or the blank fire pistol;

Penalty : \$500 or imprisonment for 6 months, or both.

Production  
of pistol,  
blank fire  
pistol  
or spare  
barrel on  
demand.

**30.** (1) A person who has possession of a pistol in respect of which a pistol licence is in force or a blank fire pistol in respect of which a blank fire pistol licence is in force shall not fail, without reasonable excuse, to produce the pistol and any spare barrel therefor or the blank fire pistol for inspection by a member of the police force upon demand made by that member.

Penalty : \$500.

(2) A person is not guilty of an offence under subsection (1) if he has a reasonable excuse for failing to comply with that subsection.

Possession  
of spare  
barrels.

**31.** (1) A person who has a spare barrel in his possession is guilty of an offence if—

- (a) he is not the holder of a pistol licence on which particulars of the number and description of the barrel have been endorsed by the Commissioner; or
- (b)

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- (b) where that person is a bank or the manager or an employee of a bank or the holder of a pistol dealer's licence, the number and description of the barrel have not been entered in the book required to be kept by him in accordance with section 38. No. 38, 1973

Penalty : \$500 or imprisonment for 6 months.

(2) Subsection (1) does not apply in respect of a person's possession of a spare barrel only for the purpose of complying with section 33 (1) or (2) or 39 (1).

**32.** A pawnbroker shall not take any pistol or spare barrel or blank fire pistol into pawn. Pistols not to be taken into pawn.

Penalty : \$500 or imprisonment for 6 months, or both.

**33.** (1) Where a licence (in this subsection referred to as a "former licence"), being a pistol licence in respect of a pistol, an antique pistol collector's licence or a blank fire pistol licence in respect of a blank fire pistol—

(a) is revoked; or

(b) expires without a further pistol licence in respect of that pistol, without a further antique pistol collector's licence or without a further blank fire pistol licence in respect of that blank fire pistol, as the case may be, having been issued to the person who was the holder of the former licence,

the person who was the holder of the former licence shall forthwith deliver—

(c) that pistol and any spare barrel in his possession, the antique pistols in his possession, or that blank fire pistol, as the case may be, to the prescribed member of the police force for conveyance to the Commissioner, or

(i)

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(i) except in the case of a blank fire pistol, to a person who is the holder of a pistol dealer's licence; or

(ii) in the case of a blank fire pistol, to a person who is the holder of a firearms dealer's licence,

to be held by the Commissioner or the holder of the dealer's licence pending the lawful sale or other disposition of that pistol or spare barrel, those antique pistols or that blank fire pistol; and

(d) the register required to be kept by him under section 34 to the member of the police force referred to in paragraph (c).

(2) A person who comes into possession of a pistol or spare barrel shall, if—

(a) he does so otherwise than in the course of his activities as a pistol dealer or, when he did so, he did not comply with section 29 (1) or was not the holder of a pistol dealer's licence; or

(b) when he did so, he was not the holder of a pistol licence in respect of the pistol or, if the pistol is an antique pistol, of an antique pistol collector's licence,

forthwith deliver the pistol or spare barrel to a member of the police force for conveyance to the Commissioner, to be held by him pending the lawful sale or other disposition of that pistol or spare barrel.

(3) A person who comes into possession of a blank fire pistol shall, if—

(a) he does so otherwise than in the course of his activities as a firearms dealer or, when he did so, he did not comply with section 29 (3) or was not the holder of a firearms dealer's licence; or

(b)

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- (b) when he did so, he was not the holder of a blank fire pistol licence in respect of the blank fire pistol, No. 38, 1973

forthwith deliver the blank fire pistol to a member of the police force for conveyance to the Commissioner, to be held by him pending the lawful sale or other disposition of that blank fire pistol.

(4) A dealer to whom any pistol or spare barrel or blank fire pistol is delivered as referred to in subsection (1) or (3) shall forthwith issue to the person by whom it was delivered a receipt in the prescribed form, duly completed, and, within five days thereafter, deliver a copy of the receipt to the Commissioner.

(5) For the purposes of subsection (1) or (3) "the prescribed member of the police force" means—

- (a) except as provided in paragraph (b), the member of the police force in charge of the police station nearest to the address shown on the licence as the address of the holder of the licence; or
- (b) in the case of a corporation pistol licence, the member of the police force in charge of the police station nearest to the place of business of the bank or other corporation, firm or partnership, or the branch office of the bank or other corporation, firm or partnership, of which the holder of the licence was the manager.

Penalty : \$500.

**34.** (1) A person who is the holder of an antique pistol collector's licence— Duties of licensed antique pistol collectors.

- (a) shall keep at the premises specified in the licence as the place at which he may keep antique pistols or, where he has under paragraph (d) notified the

Commissioner

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Commissioner that he is keeping antique pistols at another place, at that other place a register in the prescribed form showing the prescribed particulars of the antique pistols kept by him and of any antique pistol acquired or disposed of by him;

- (b) shall, in the prescribed manner and within the prescribed time, furnish to the Commissioner particulars of any antique pistol acquired or disposed of by him;
- (c) shall, upon demand made of him at any time at the place at which he is required to keep the register referred to in paragraph (a) by a member of the police force—
  - (i) produce to that member the register so referred to and permit him to make copies of any entries therein; and
  - (ii) produce to that member all antique pistols in the possession of that person; and
- (d) shall, within seven days after changing his ordinary place of residence or the place at which he keeps any antique pistols, furnish in the prescribed manner to the Commissioner particulars of the change.

(2) Subject to section 33, a person required to keep a register under subsection (1) (a) shall, whether or not he has ceased to be the holder of an antique pistol collector's licence, keep the register until the expiration of a period of three years after the Commissioner has certified in writing that the register is complete.

Penalty : \$500 or imprisonment for 6 months, or both.

DIVISION



*Firearms and Dangerous Weapons.*DIVISION 2.—*Offences relating to Dealers and Bankers.* No. 38, 1973

**35.** (1) A pistol dealer who carries on his activities as a pistol dealer is guilty of an offence unless, in respect of any premises at which he carries on those activities, he satisfies the court that—

- (a) he is the holder of a pistol dealer's licence; or
- (b) a person employed by that pistol dealer is in charge of those premises and that person is the holder of a pistol dealer's licence on behalf of that pistol dealer.

(2) A firearms dealer who carries on his activities as a firearms dealer is guilty of an offence unless, in respect of any premises at which he carries on those activities, he satisfies the court that—

- (a) he is the holder of a firearms dealer's licence; or
- (b) a person employed by that firearms dealer is in charge of those premises and that person is the holder of a firearms dealer's licence on behalf of that firearms dealer.

Penalty : On summary conviction, \$1,000 or imprisonment for 12 months, or both; on conviction on indictment, imprisonment for 3 years.

**36.** A person—

- (a) being the holder of a dealer's licence issued on his own behalf; or
- (b) being a member of a firm or partnership, or being a corporation, on whose behalf a dealer's licence is held,

Name, etc.,  
of dealer  
to be  
displayed  
on premises.

but

*Firearms and Dangerous Weapons.*

**No. 38, 1973** but not being the holder of a dealer's licence in his capacity as a club armourer, shall cause his name, or the name of the firm, partnership or corporation, as the case may be, followed by the words—

- (c) where both a pistol dealer's licence and a firearms dealer's licence are held by or on behalf of that person—"licensed pistol and firearms dealer"; or
- (d) where only one of those licences is held by or on behalf of that person—"licensed pistol dealer" or "licensed firearms dealer", as the case may be,

to be displayed in legible characters in the prescribed manner on some conspicuous part of the exterior of the premises in respect of which the licence was issued.

Penalty : \$200.

Dealers  
to keep  
stock at  
licensed  
premises.

**37.** A person—

- (a) being the holder of a dealer's licence issued on his own behalf; or
- (b) being a member of a firm or partnership, or being a corporation, on whose behalf a dealer's licence is held,

shall not—

- (c) where a pistol dealer's licence is held by or on behalf of that person, keep any pistols (other than a pistol in respect of which he holds a pistol licence); or
- (d) where a firearms dealer's licence is held by or on behalf of that person, keep any firearms in connection with his activities as a firearms dealer,

at any place other than the premises in respect of which the licence was issued.

Penalty : \$500 or imprisonment for 6 months, or both.

**38.**

*Firearms and Dangerous Weapons.***38. (1) A person—****No. 38, 1973**

- (a) being the holder of a dealer's licence on his own behalf;
- (b) being a member of a firm or partnership, or being a corporation, on whose behalf a dealer's licence is held, or
- (c) being a bank,

Records to  
be kept by  
licensed  
dealers and  
bankers.

who, in the course of his activities as a dealer or the business carried on by the bank, purchases or receives a firearm or spare barrel, has a firearm or spare barrel in his or its possession or sells, transfers or repairs a firearm or spare barrel, shall—

- (d) cause the prescribed particulars to be entered, in such manner and at such times as may be prescribed, in a book kept in the prescribed form; and
- (e) subject to section 39, cause the book to be kept until the expiration of a period of three years after the Commissioner has certified in writing that the book is complete, whether or not he has ceased to be a person referred to in paragraph (a), (b) or (c).

(2) A person referred to in subsection (1) shall, upon demand made by a member of the police force at any time—

- (a) produce to that member the book caused to be kept by him under that subsection and permit that member to inspect and make copies of any entries therein;
- (b) produce to that member all firearms and spare barrels in the possession of that person; and
- (c) furnish to that member any information in that person's possession with respect to any firearm or spare barrel which he has manufactured, purchased, received, has in his possession or has sold or otherwise transferred or repaired.

Penalty : \$500 or imprisonment for 6 months, or both.

**39.**

*Firearms and Dangerous Weapons.*

No. 38, 1973

Duties of  
dealer  
whose  
licence  
is revoked  
or expires.

## 39. (1) Where—

## (a) a dealer's licence—

(i) is revoked; or

(ii) expires without a further dealer's licence of the same kind having been issued to the person who was the holder of the licence,

the person—

(iii) being the person who was the holder of the licence on his own behalf; or

(iv) being a member of a firm or partnership, or being a corporation, on whose behalf the licence was held,

shall; or

(b) a person or a firm, partnership or corporation by whom or on whose behalf a dealer's licence is held ceases to carry on trade or business as a dealer, any person who has possession of the stock of pistols or spare barrels or firearms of that person, firm, partnership or corporation shall,

forthwith deliver or cause to be delivered—

(c) the stock of pistols, spare barrels and firearms of that person, firm, partnership or corporation to the member of the police force in charge of the police station nearest to the place specified in the licence as the place at which the trade or business of a pistol dealer or firearms dealer may be carried on, for conveyance to the Commissioner or—

(i) in so far as that stock consists of pistols or spare barrels, to a person who is the holder of a pistol dealer's licence; or

(ii) in so far as that stock consists of firearms, not being pistols, to a person who is the holder of a firearms dealer's licence,

and the pistols, spare barrels or firearms so delivered shall be held by the Commissioner, pistol dealer or firearms dealer, as the case may be, pending their lawful sale or other disposition; and

(d)

*Firearms and Dangerous Weapons.*

- (d) any book, being a book required to be kept under No. 38, 1973 section 38, kept by or in the possession of any such person to the member of the police force referred to in paragraph (c).

(2) A dealer to whom any pistol, spare barrel or firearm is delivered as referred to in subsection (1) shall forthwith issue to the person by whom it was delivered a receipt in the prescribed form, duly completed, and, within five days thereafter, deliver a copy of the receipt to the Commissioner.

Penalty : \$500.

*DIVISION 3.—Offences relating to Firearms, other than Pistols.*

40. (1) In this section, "firearm" does not include a blank fire pistol, pistol or spear gun.

(2) A person who carries or uses a firearm or has a firearm in his possession is guilty of an offence unless he satisfies the court that he is the holder of a shooter's licence.

Penalty : \$200.

(3) A person is not guilty of an offence under subsection (2) in respect of—

(a) his carrying or using a firearm or his having a firearm in his possession if—

(i) he is the occupier of any land or is an employee of or ordinarily resides with the occupier of any land or has been invited on to the land by the occupier, and does so on that land;

(ii) he is the holder of a firearms dealer's licence or is an employee of the holder of such a licence and does so in the ordinary course of his activities as a firearms dealer or as an employee of that firearms dealer, as the case may be; or

(iii)

Persons using, etc., firearms other than pistols required to be licensed.

*Firearms and Dangerous Weapons.*

No. 38, 1973

- (iii) he does so at a shooting gallery under the personal supervision of a person who is the holder of a shooter's licence;
- (b) his carrying a firearm or his having a firearm in his possession if he is a common carrier or warehouseman or is an employee of a common carrier or warehouseman and does so in the ordinary course of the trade or business of that common carrier or warehouseman;
- (c) his carrying or using a firearm or his having a firearm in his possession if, being under the age of eighteen years, he carries or uses the firearm under the personal supervision of a person who is the holder of a shooter's licence;
- (d) the doing of any thing by him in relation to a firearm, being a firearm referred to in section 52 (1), if he is authorised to do that thing by a permit referred to in section 52 (2) (c); or
- (e) the doing of any thing by him if he has been declared to be an authorised person by an order made under subsection (4) in respect of the doing of that thing in the circumstances, if any, in respect of which he has been so declared to be an authorised person.

(4) The Governor may, by order published in the Gazette, declare any person, or any person belonging to a class of persons, specified in the order to be an authorised person in respect of the doing of any thing referred to in subsection (2) or in respect of the doing of any thing so referred to in circumstances so specified.

DIVISION 4.—*Offences relating to Firearms Generally and Certain Air Guns.*

Firearms  
not to be  
forwarded  
by mail  
except  
registered  
mail.

41. A person shall not forward a firearm, not being a spear gun, or a spare barrel to another person by mail otherwise than by registered mail.

Penalty :

*Firearms and Dangerous Weapons.*

Penalty : In the case of a firearm, being a pistol, \$500 No. 38, 1973 or imprisonment for 6 months, or both; in the case of any other firearm or a spare barrel, \$200 or imprisonment for 3 months, or both.

42. (1) A person who has a pistol or spare barrel in his possession shall take all reasonable precautions to ensure the safe keeping of the pistol or spare barrel. Safe keeping of firearms.

Penalty : In the case of a pistol, \$500 or imprisonment for 6 months, or both; in the case of a spare barrel, \$200 or imprisonment for 3 months, or both.

(2) A person who has a firearm, other than a pistol or a spear gun, in his possession shall take all reasonable precautions to ensure the safe keeping of the firearm.

Penalty for an offence under this subsection : \$200 or imprisonment for 3 months, or both.

43. (1) A person shall not—

- (a) have a loaded firearm or air gun in his possession— Using, etc., firearms or air guns in a public place or in a dangerous manner.
- (i) in a public place; or
  - (ii) in any other place so as to endanger the life of any other person;
- (b) use a firearm or air gun in or near a public place; or
- (c) carry or use a firearm or air gun in a manner likely to injure, or endanger the safety of, himself or any other person or any property, or with disregard for the safety of himself or other persons.

Penalty : \$500 or imprisonment for 6 months, or both.

(2) For the purposes of subsection (1)—

- (a) a firearm (not being a spear gun) or air gun shall be deemed to be loaded if there is ammunition—
- (i) in its chamber or barrel; or

(ii)

*Firearms and Dangerous Weapons.***No. 38, 1973**

(ii) in any magazine or other device which is in such a position that the ammunition can be fitted into its chamber or barrel by manual or automatic operation of some part of the firearm; or

(b) a firearm, being a spear gun, shall be deemed to be loaded if a spear, or an instrument or thing similar to a spear, is fitted to it.

(3) A person is not guilty of an offence under subsection (1) in respect of his doing any thing referred to in that subsection if he has a reasonable excuse for doing so or does so for a lawful purpose.

Trespassing  
with  
firearm.

**44.** (1) In this section, "inclosed lands" means inclosed lands, as defined in section 3 of the Inclosed Lands Protection Act, 1901.

(2) A person, having in his possession a firearm or imitation firearm, shall not enter upon any inclosed lands or any building.

(3) A person shall not fire or discharge a firearm onto any inclosed lands or into any building.

(4) A person is not guilty of an offence under subsection (2) or (3) in respect of his doing any thing if he has the permission of the owner or occupier of the inclosed lands or building concerned to do that thing or has some other reasonable excuse for doing that thing or does that thing for some lawful purpose.

Penalty : \$500 or imprisonment for 6 months, or both.

Unsafe  
firearms.

**45.** (1) A person who is the holder of a dealer's licence shall not sell or otherwise transfer to another person a firearm which is unsafe.

Penalty : \$200 or imprisonment for 3 months, or both.

(2) A member of the police force may seize any firearm in the possession of any person who is in a public place if he suspects on reasonable grounds that the firearm is unsafe.

(3)



*Firearms and Dangerous Weapons.*

(3) For the purposes of subsections (1) and (2) No. 38, 1973 a firearm shall be deemed to be unsafe if, by reason of some mechanical defect or its general condition, it may reasonably be considered to be unsafe.

(4) On an application made by a member of the police force or by any person who claims to be the owner of a firearm seized under subsection (2), a court of petty sessions held before a stipendiary magistrate may order that the firearm—

- (a) be forfeited to Her Majesty or destroyed;
- (b) be returned to that person; or
- (c) be otherwise disposed of in such manner as it thinks fit.

(5) Where a firearm is seized under subsection (2) and an application for an order has not been made under subsection (4) within two months after the date of the seizure, the firearm shall be returned to the person from whom it was seized.

46. (1) In this section, "firearm" does not include—

- (a) a pistol or a blank fire pistol;
- (b) an air gun, the barrel of which is not rifled; or
- (c) a spear gun.

Shortening  
firearms  
and certain  
air guns.

(2) Subject to subsection (3), a person who causes a firearm or an air gun, not being a firearm, the barrel of which is rifled, to be shortened or purchases, has in his possession, sells or otherwise transfers a firearm or such an air gun which has been shortened is guilty of an offence unless he satisfies the court that he is the holder of a permit in writing issued by the Minister authorising him to do so.

Penalty :

*Firearms and Dangerous Weapons.*

**No. 38, 1973** Penalty : On summary conviction, \$1,000 or imprisonment for 12 months, or both; on conviction on indictment, imprisonment for 3 years.

(3) For the purposes of subsection (2) a firearm or an air gun, not being a firearm, the barrel of which is rifled, shall be deemed to have been shortened only if—

(a) in the case of a firearm which is a smooth bore shot gun or a combination smooth bore shot gun and rifle—

(i) the length of the barrel, or, where it has more than one barrel, of the longer or longest barrel, is less than 50 centimetres; or

(ii) the length of the stock is less than 30 centimetres or it has no stock;

(b) in the case of a firearm which is a rifle, not being a combination smooth bore shot gun and rifle or an air gun—

(i) the length of the barrel, or where it has more than one barrel, of the longer or longest barrel, is less than 40 centimetres;

(ii) the length of the stock is less than 30 centimetres or it has no stock; or

(iii) the overall length is less than 80 centimetres; or

(c) in the case of a firearm which is an air gun or of an air gun, not being a firearm, the barrel of which is rifled—

(i) the length of the barrel is less than 30 centimetres;

(ii) the length of the stock is less than 30 centimetres or it has no stock; or

(iii) the overall length is less than 70 centimetres.

(4)

*Firearms and Dangerous Weapons.*

(4) For the purposes of this section the length of the stock of a firearm or of an air gun referred to in subsections (2) and (3) shall, where the firearm or air gun has one trigger, be measured from the front of the trigger, or where the firearm or air gun has more than one trigger, from the front of the rearmost trigger, to the centre of the rear of the butt plate or stock. No. 38, 1973

(5) The Minister may, by order in writing, grant a permit for the purposes of subsection (2) without attaching any conditions to it or subject to such conditions as he thinks fit.

(6) A person is not guilty of an offence under subsection (1) in respect of—

- (a) his shortening a firearm or air gun or his having in his possession for repair a shortened firearm or air gun which belongs to a person who holds a permit granted by the Minister under subsection (5) and in force, if that firstmentioned person is the holder of a firearms dealer's licence or is an employee of the holder of such a licence;
- (b) his having a shortened firearm or air gun in his possession if—
  - (i) he is a common carrier or warehouseman or is an employee of a common carrier or warehouseman; and
  - (ii) he does so in the ordinary course of the trade or business of that common carrier or warehouseman.

47. A person shall not shorten a firearm, not being a pistol or a blank fire pistol, so as to convert it into a pistol. Converting  
a firearm  
into a  
pistol.

Penalty : On conviction on indictment, imprisonment for 5 years.

48.

*Firearms and Dangerous Weapons.*

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Buying, etc.,  
firearms  
or air guns.

48. (1) A person—

- (a) being under the age of eighteen years, shall not purchase, sell or otherwise transfer, carry, use or have in his possession a firearm, not being a spear gun, or any ammunition for such a firearm;
- (b) being under the age of fourteen years, shall not purchase, sell or otherwise transfer, carry, use or have in his possession an air gun, not being a firearm, or spear gun;
- (c) shall not sell or otherwise transfer a firearm, not being an air gun or spear gun, or any ammunition for such a firearm to a person under the age of eighteen years;
- (d) shall not sell or otherwise transfer an air gun or spear gun to a person under the age of fourteen years;
- (e) shall not sell or otherwise transfer a firearm or air gun, not being a firearm, to a person who is under the influence of alcohol or any other drug or is mentally ill; or
- (f) shall not use, carry or have in his possession a firearm or air gun, not being a firearm, while he is under the influence of alcohol or any other drug.

Penalty : \$200.

(2) A person is not guilty of an offence—

(a) arising under subsection (1) (a) in respect of—

- (i) the doing of any thing by him if he is an employee of the holder of a firearms dealer's licence or of a common carrier or warehouseman and he does that thing in the ordinary course of his employment;

(ii)

*Firearms and Dangerous Weapons.*

- 
- (ii) his carrying or using a firearm, other than No. 38, 1973  
a pistol or a blank fire pistol, or any  
ammunition, or his having such a firearm  
or any ammunition in his possession if he  
ordinarily resides with, or is an employee  
of, a person carrying on business on any  
land as a farmer, grazier, orchardist or  
agriculturalist, and he does so on that land;
- (iii) his carrying or using a firearm, other than  
a pistol or a blank fire pistol, or his having  
such a firearm or any ammunition in his  
possession if he is the holder of a fisher-  
man's licence under section 25 of the  
Fisheries and Oyster Farms Act, 1935, or  
an employee of the holder of such a licence  
and he does so in the course of carrying on  
fishing operations in tidal waters;
- (iv) his carrying or using a firearm, other than  
a pistol or a blank fire pistol, or any  
ammunition, or his having such a firearm  
or any ammunition in his possession or his  
carrying or using the firearm or ammunition  
under the personal supervision of a person  
who is the holder of a shooter's licence  
or who is of or above the age of eighteen  
years and has been declared to be an  
authorised person by an order made under  
section 40 (4) in respect of the carrying,  
using and having in possession a firearm;  
or
- (v) the doing of any thing by him if, under  
section 28 (1), he is not guilty of an  
offence arising under section 25 in respect  
of his doing that thing;
- (b) arising under subsection (1) (b) in respect of—
- (i) the doing of any thing by him if he is an  
employee of the holder of a firearms dealer's  
licence or of a common carrier or ware-  
houseman and does that thing in the  
ordinary course of his employment;
- (ii)

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No. 38, 1973

- (ii) his carrying or using an air gun or spear gun or having an air gun or spear gun in his possession if he ordinarily resides with, or is an employee of, a person carrying on business on any land as a farmer, grazier, orchardist or agriculturalist and does so on that land; or
- (iii) his using an air gun or spear gun if he does so under the personal supervision of a person of or above the age of eighteen years;
- (c) arising under subsection (1) (c) in respect of his transferring a firearm or any ammunition to a person under the age of eighteen years who, by reason of paragraph (a), is not guilty of an offence arising under subsection (1) (a) in respect of his having possession of the firearm or ammunition;
- (d) arising under subsection (1) (d) in respect of his transferring an air gun or spear gun to a person under the age of fourteen years, who, by reason of paragraph (b), is not guilty of an offence arising under subsection (1) (b) in respect of his having possession of the air gun or spear gun; or
- (e) arising under subsection (1) (e) if he has no reasonable grounds for believing and does not in fact believe that the person to whom he sold or otherwise transferred the firearm or air gun was under the influence of alcohol or of any other drug or was mentally ill.

**Illegal possession of firearm.**

**49.** (1) A person having been previously convicted of an offence, whether in New South Wales or elsewhere, punishable by imprisonment for six months or more or being found consorting with known criminals or known prostitutes shall not have a firearm in his possession.

Penalty : \$500 or imprisonment for 6 months, or both.

(2)

*Firearms and Dangerous Weapons.*

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(2) A person is not guilty of an offence arising under No. 38, 1973 subsection (1) in respect of his having possession of a firearm if he has a reasonable excuse for doing so or does so for some lawful purpose.

(3) For the purposes of, but without limiting the generality of, subsection (1), a firearm found in any premises shall, in the absence of proof to the contrary, be deemed to be in the possession of any person who at the time of the finding or recently thereto is or was in or in occupation of the premises.

(4) In subsection (3), "premises" includes any structure, vehicle, vessel or aircraft or any place, whether built upon or not, and any part thereof.

**50.** (1) A person (including the holder of a dealer's licence) shall not have in his possession a pistol, a spare barrel or a blank fire pistol in respect of which a number has been allotted by the Commissioner under section 73 unless that number has been imprinted in the prescribed manner on the pistol, spare barrel or blank fire pistol. Number to be imprinted on firearms and spare barrels.

(2) The holder of a firearms dealer's licence shall not have in his possession a firearm, not being a pistol or a blank fire pistol, in respect of which a number has been allotted by the Commissioner under section 73 unless that number has been imprinted in the prescribed manner on such part of the firearm as is specified by the Commissioner in the instrument allotting the number.

Penalty : \$200.

**51.** A person shall not—

(a) deface or alter any number, letter or identification mark on any firearm or spare barrel; or

Defacing or altering identification marks, etc., on firearms, etc.

(b)

*Firearms and Dangerous Weapons.***No. 38, 1973**

- (b) have in his possession any firearm or spare barrel on which any number, letter or identification mark has been defaced or altered, except as authorised by the Commissioner.

Penalty : \$500 or imprisonment for 6 months, or both.

**Tranquillising equipment.**

- 52.** (1) A person shall not have in his possession or sell or otherwise transfer any firearm designed for use in tranquillising, immobilising or administering vaccines or other medicines to animals.

Penalty : \$200 or imprisonment for 3 months, or both.

(2) A person is not guilty of an offence under subsection (1) in respect of the doing of any thing by him if—

- (a) he is the holder of a dealer's licence or is an employee, of or above the age of eighteen years, of the holder of such a licence and he does that thing in the ordinary course of his activities as a dealer or as an employee of a dealer, as the case may be;
- (b) he is a common carrier or warehouseman or is an employee of a common carrier or warehouseman and does that thing in the ordinary course of the trade or business of that common carrier or warehouseman; or
- (c) he is the holder of a permit, issued in accordance with the regulations and in force, which authorises him to do that thing.

**Use of unapproved shooting ranges prohibited.****53.** A person—

- (a) shall not use or permit to be used a pistol on a shooting range (including a shooting gallery) that is not an approved pistol range or on an approved pistol range, otherwise than in accordance with any conditions to which the approval of that range is subject; or

(b)



*Firearms and Dangerous Weapons.*

- (b) shall not permit a firearm, not being a pistol, to be used on a shooting range (including a shooting gallery) that is not an approved firearms range or a range, or a range of a class, prescribed for the purposes of this paragraph or on an approved firearms range, otherwise than in accordance with any conditions to which the approval of that range is subject. No. 38, 1973

Penalty : \$500.

*DIVISION 5.—Offences relating to Prohibited Weapons and Prohibited Articles.*

**54.** (1) A person who has a prohibited weapon in his possession is guilty of an offence unless he satisfies the court that he is the holder of a permit in writing issued by the Minister authorising him to do so. Prohibited weapons.

(2) A person who contravenes subsection (1) is guilty of an offence and—

- (a) except as provided in paragraph (b) or (c), is liable—
- (i) on summary conviction, to a penalty not exceeding \$1,000 or to imprisonment for a period not exceeding twelve months, or both;
  - (ii) on conviction on indictment, to imprisonment for a period not exceeding five years;
- (b) where he contravenes subsection (1) by having a prohibited weapon in his possession in the course of using or carrying it, is liable—
- (i) on summary conviction, to a penalty not exceeding \$1,000 or to imprisonment for a period not exceeding twelve months, or both; or

(ii)

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No. 38, 1973

- (ii) on conviction on indictment, to imprisonment for a period not exceeding six years;
- or
- (c) where he contravenes subsection (1) by having a prohibited weapon in his possession in a vehicle, vessel or aircraft, is liable—
- (i) on summary conviction, to a penalty not exceeding \$1,000 or to imprisonment for a period not exceeding twelve months, or both; or
- (ii) on conviction on indictment, to imprisonment for a period not exceeding seven years.
- (3) For the purposes of, but without limiting the generality of, subsections (1) and (2), a prohibited weapon found in any vehicle, vessel or aircraft, or in any part thereof, shall, in the absence of proof to the contrary, be deemed to be in the possession of any person who at the time of the finding or recently thereto is or was in or in occupation of the vehicle, vessel or aircraft, or part thereof.
- (4) The Minister may, by order in writing, grant a permit for the purposes of subsection (1) without attaching any conditions to it or subject to such conditions as he thinks fit.
- (5) A person is not guilty of an offence under this section by reason only of his having a prohibited weapon in his possession for the purpose of complying with section 56.

Prohibited articles.

55. (1) A person who, under subsection (6), is not an authorised person for the purposes of subsection (2) and who has a prohibited article in his possession or sells or otherwise transfers a prohibited article is guilty of an offence unless he satisfies the court that he is the holder of a permit in writing issued by the Minister authorising him to do so.

(2)

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(2) A person who, under subsection (6) is an authorised person for the purposes of this subsection, shall not have a prohibited article in his possession or sell or otherwise transfer a prohibited article in circumstances other than those, if any, in respect of which he is such an authorised person. No. 38, 1973

(3) For the purposes of, but without limiting the generality of, subsections (1) and (2), a prohibited article found in any vehicle, vessel or aircraft, or in any part thereof, shall, in the absence of proof to the contrary, be deemed to be in the possession of any person who at the time of the finding or recently thereto is or was in or in occupation of the vehicle, vessel or aircraft, or part thereof.

(4) The Minister may, by order in writing, grant a permit for the purposes of subsection (1) without attaching any conditions to it or subject to such conditions as he thinks fit.

(5) A person is not guilty of an offence under this section by reason only of his having a prohibited article in his possession or his transferring a prohibited article for the purpose of complying with section 56.

(6) The regulations may prescribe any class of persons specified in the regulations to be authorised persons in respect of the doing of any thing referred to in subsection (1) or in respect of the doing of any thing so referred to in such circumstances as may be specified in the regulations.

Penalty: On summary conviction, \$1,000 or imprisonment for 12 months, or both; on conviction on indictment, imprisonment for 3 years.

**56.** A person who comes into possession of a prohibited weapon or a prohibited article shall, if when he did so—

(a) in the case of a prohibited weapon, he was not the holder of a permit granted under section 54; or

(b) Prohibited weapons or prohibited articles to be delivered to member of police force in certain circumstances.

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- (b) in the case of a prohibited article, he was not the holder of a permit granted under section 55 or an authorised person within the meaning of that section,

forthwith deliver the prohibited weapon or prohibited article to a member of the police force for conveyance to the Commissioner, to be held by him pending the lawful sale or other disposition of that prohibited weapon or prohibited article.

Penalty : \$500.

DIVISION 6.—*Offences Generally.*

Illegal possession of certain dangerous articles.

57. (1) A person shall not have in his possession in a public place—

- (a) any article or device, not being a firearm, capable of discharging by any means—
- (i) any irritant liquid, powder, gas or chemical or any dense smoke; or
  - (ii) any substance capable of causing any bodily harm; or

(b) any safety fuse or detonator.

Penalty : \$500 or imprisonment for 6 months, or both.

(2) A person is not guilty of an offence arising under subsection (1) in respect of having in his possession any thing referred to in that subsection if he has a reasonable excuse for doing so or does so for some lawful purpose.

Possession of firearms, prohibited weapons or prohibited articles for criminal purposes.

58. A person shall not have a firearm, imitation firearm, prohibited weapon or prohibited article in his possession with intent to commit an indictable offence, to resist a member of the police force in the execution of his duty or to prevent the arrest of himself or another person.

Penalty : On conviction on indictment, imprisonment for 8 years.

59.

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**59.** (1) In this section, "prescribed article" means a No. 38, 1973 pistol, a blank fire pistol, a firearm within the meaning of section 46 that has been shortened within the meaning of that section, an air gun, not being such a firearm, the barrel of which is rifled and which has been shortened within the meaning of that section, a prohibited weapon or a prohibited article.

Information to be furnished as to acquisition of firearms, etc.

(2) A person who has possession of a prescribed article shall, upon demand made by a member of the police force at any time, inform that member of the name and address of the person from whom he received that article and of the date on which he received it.

Penalty : \$1,000 or imprisonment for 12 months, or both.

**60.** A person who has possession of a firearm, prohibited weapon or prohibited article the subject of a licence or permit issued under this Act or the regulations and who fails to comply with any condition endorsed on the licence or permit is guilty of an offence under this section and liable to the same punishment in respect of any thing done or omitted to be done by him as if he had done or omitted to do that thing while he was not the holder of that licence or permit.

Breach of conditions of licence or permit.

*DIVISION 7.—Miscellaneous.*

**61.** (1) In this section "serious offence" means an offence arising under—

- (a) the provisions, as in force at any time before the commencement of this Act, of—
- (i) Part IIIA of the Crimes Act 1900;
  - (ii) section 4 of the Pistol License Act, 1927;
  - (iii) section 41CA, 41F, 41N or 41O of the Police Offences Act, 1901;
- (b) this Act, being an offence punishable on conviction on indictment;
- (c) section 70; or
- (d) a law of the State of New South Wales or elsewhere, being an offence punishable by penal servitude or imprisonment for twelve months or more.

Increased penalty for second or subsequent conviction for serious offence.

(2)

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(2) Notwithstanding any other provision of this Part, a person who, having previously been convicted (whether or not on indictment) of a serious offence, is convicted on indictment of an offence arising—

- (a) under section 25 (1) (a), (2) (a) or (3) (a), 26 (2), 35, 46 (2) or 47 is liable to imprisonment for a period not exceeding six years;
- (b) under section 54 (1) (not being an offence referred to in paragraph (c) or (d)) is liable to imprisonment for a period not exceeding seven years;
- (c) under section 54 (1) in respect of his having in his possession a prohibited weapon is, where he had possession of the prohibited weapon in the course of his using or carrying it, liable to imprisonment for a period not exceeding eight years;
- (d) under section 54 (1) in respect of his having in his possession a prohibited weapon is, where he had possession of the prohibited weapon in a vehicle, vessel or aircraft, liable to imprisonment for a period not exceeding ten years;
- (e) under section 55 (1) (not being an offence referred to in paragraph (f) or (g)) is liable to imprisonment for a period not exceeding three years;
- (f) under section 55 (1) in respect of his having in his possession a prohibited article is, where he had possession of the prohibited article in the course of his using or carrying it, liable to imprisonment for a period not exceeding four years;
- (g) under section 55 (1) in respect of his having in his possession a prohibited article is, where he had possession of the prohibited article in a vehicle, vessel or aircraft, liable to imprisonment for a period not exceeding five years;
- (h) under section 58 is liable to imprisonment for a period not exceeding ten years; or

(i)

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- (i) under section 60 is liable to imprisonment for a period of two years more than the period of imprisonment to which he would, but for this paragraph, have been liable under that section. No. 38, 1973

**62.** A person who is the holder of a licence or permit issued under this Act or the regulations shall not— Production  
of licence  
or permit  
on demand.

- (a) fail, without reasonable excuse, to produce the licence or permit for inspection by a member of the police force; or
- (b) fail to state his name and address to a member of the police force,

upon demand made by that member.

Penalty : \$200.

**63.** A person shall not—

- (a) in any application made under this Act or the regulations, make a statement that is false or misleading in a material particular; or False  
information  
in  
application.
- (b) omit to furnish a material particular in any such application.

Penalty : \$200 or imprisonment for 3 months, or both.

**64.** A person shall not, with intent to deceive—

- (a) alter or falsify any entry in a book or record required to be kept or made under this Act or the regulations; or Alteration  
or  
falsification  
of entries  
in books.
- (b) make a false or misleading entry in any such book or record.

Penalty : \$500 or imprisonment for 6 months, or both.

**65.**

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**No. 38, 1973** **65.** A person who was required under the former Act to keep any book or record shall keep the book or record for a period of three years after the commencement of this Act and shall, upon demand made by a member of the police force at any time—

Books and records kept under the former Act.

- (a) produce to that member that book or record and permit that member to inspect and make copies of any entries in the book or of the record; and
- (b) furnish to that member any information in that person's possession with respect to any firearm or spare barrel which he has had in his possession.

Penalty : \$500 or imprisonment for 6 months, or both.

**66.** Where any parts of a firearm, imitation firearm, prohibited weapon or prohibited article are carried by, or are in the possession of, two or more persons, each of those persons shall, for the purposes of this Act, be deemed to be carrying, or to have possession of, as the case may be, the firearm, imitation firearm, prohibited weapon or prohibited article.

Carrying, etc., firearms, etc., in parts.

**67.** (1) The parent and any guardian of a person who—

- (a) is under the age of eighteen years; and
- (b) commits an offence arising under any provision of this Act or the regulations,

is guilty of the same offence and may be punished accordingly.

(2) A person is not guilty of an offence under subsection (1) if the offence committed by the person under the age of eighteen years was committed without the knowledge of the parent or guardian, as the case may be, or if the parent or guardian used all due diligence to prevent the commission of the offence by the person under the age of eighteen years.

**68.** (1) A director, within the meaning of the Companies Act, 1961, or an employee, of a corporation which commits an offence arising under any provision of this Act or the regulations is guilty of the same offence and may be punished accordingly.

Liability of directors, etc., of corporations.

(2)



*Firearms and Dangerous Weapons.*

(2) A person is not guilty of an offence by reason **No. 38, 1973** of the operation of subsection (1)—

- (a) if the offence committed by the corporation was committed without the knowledge of that person;
- (b) if that person was not in a position to influence the conduct of the corporation in relation to the commission of the offence by it; or
- (c) if that person, being in such a position, used all due diligence to prevent the commission of the offence by the corporation.

## PART V.

## FIREARMS PROHIBITION ORDERS.

**69.** (1) The Commissioner may make an order in respect of any person who, in the opinion of the Commissioner, is not fit, in the public interest, to be permitted to have a firearm, not being a pistol or a blank fire pistol, in his possession. Firearms prohibition orders.

(2) An order made under subsection (1) shall take effect upon its being served personally on the person in respect of whom it is made.

**70.** (1) A person—

- (a) in respect of whom a firearms prohibition order is in force shall not have a firearm, not being a pistol or a blank fire pistol, in his possession; or
- (b) shall not sell or transfer a firearm, not being a pistol or a blank fire pistol, to another person, knowing that a firearms prohibition order is in force in respect of that other person.

Penalty : On summary conviction, \$1,000 or imprisonment for 12 months, or both; on conviction on indictment after having been previously convicted (whether on indictment or not) of a serious offence (as defined in section 61 (1)), imprisonment for 3 years.

(2)

*Firearms and Dangerous Weapons.*

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(2) For the purposes of, but without limiting the generality of, subsection (1), a firearm found in any premises shall, in the absence of proof to the contrary, be deemed to be in the possession of any person who at the time of the finding or recently thereto is or was in or in occupation of the premises.

(3) In subsection (2), "premises" includes any structure, vehicle, vessel or aircraft or any place, whether built upon or not, and any part thereof.

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PART VI.

GENERAL.

DIVISION 1.—*Powers, etc., of Commissioner and other Police.*

Permit for  
resident  
of another  
State or a  
Territory  
to purchase  
a pistol.

71. (1) The Commissioner may, upon application made in writing by a person whose ordinary place of residence is in another State or a Territory of the Commonwealth, issue to that person, without payment of any fee, a permit authorising him—

- (a) to purchase in New South Wales a pistol or a blank fire pistol specified in the permit from a person so specified; or
- (b) to purchase in New South Wales a pistol or a blank fire pistol specified in the permit from a person so specified and to have it in his possession for such period, not exceeding seven days, as may be specified in the permit.

(2) A permit issued under this section may be issued subject to such conditions as the Commissioner thinks fit.

(3)

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(3) The Commissioner shall not specify in a permit <sup>No. 38, 1973</sup> granted under subsection (1) a person as the person from whom a pistol or a blank fire pistol may be purchased unless—

- (a) in the case of a pistol, not being an antique pistol—that person is the holder of a pistol dealer's licence or of a pistol licence in respect of the pistol;
- (b) in the case of an antique pistol—that person is the holder of a pistol dealer's licence or an antique pistol collector's licence; or
- (c) in the case of a blank fire pistol—that person is the holder of a firearms dealer's licence.

(4) Where the Commissioner grants a permit under subsection (1) he shall forward it to the applicant or, if the applicant so requests, to the person specified in the permit as the person from whom the pistol or blank fire pistol may be purchased.

(5) The Commissioner shall not grant a permit under subsection (1) in respect of a pistol unless—

- (a) the applicant for the permit has produced to him a certificate purporting to be signed by a member of the police force of the State or Territory in which the applicant ordinarily resides certifying that the applicant is entitled to have possession of the pistol in respect of which the application is made in that State or Territory; and
- (b) in the case of a permit to purchase a pistol or blank fire pistol—the Commissioner is satisfied that the applicant is about to return to the State or Territory in which he ordinarily resides.

**72.** (1) The Commissioner may—

- (a) upon application being made to him in writing by a person whose ordinary place of residence is outside New South Wales; and

Visitors'  
permits.

(b)

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- (b) if the Commissioner is satisfied that that person has been invited by an approved pistol club to participate in pistol shooting at an approved pistol range,

issue to that person, without payment of any fee, a permit authorising him to use and carry a pistol specified in the permit and to have it in his possession for the purpose of participating in pistol shooting at an approved pistol range.

(2) A permit issued under this section may be issued subject to such conditions as the Commissioner thinks fit.

(3) The Commissioner may, by instrument in writing, revoke a permit issued under this section for any reason which to him seems sufficient.

(4) Where the Commissioner revokes a permit issued under this section, he shall cause notice of the revocation to be served on the person who was the applicant for the permit by sending the notice addressed to that person at his address last known to the Commissioner or by causing the notice to be delivered to him personally.

(5) The revocation of a permit issued under this section shall take effect—

- (a) where the notice of revocation is sent by certified mail—when the notice would be delivered to the addressee in the ordinary course of post; or
- (b) where the notice of revocation is delivered to the holder of the permit personally—when it is so delivered.

(6) A permit issued under this section shall, unless sooner revoked or surrendered, remain in force for such period not exceeding twelve months from the date of its issue, as may be specified in the permit.

*Firearms and Dangerous Weapons.*

**73.** The Commissioner may, by notice in writing served **No. 38, 1973**  
on—

(a) a person (not being the holder of a dealer's licence) who has possession of a pistol, a spare barrel or a blank fire pistol; or

Allotment of numbers to firearms and spare barrels.

(b) the holder of a dealer's licence who has possession of a firearm or spare barrel,

allot a number in respect of that pistol, spare barrel or firearm.

**74.** (1) Any prescribed power, authority, duty or function of the Commissioner under this Act or the regulations may, subject to subsection (2), be exercised and performed by any member of the police force who belongs to a class of members of the police force prescribed for the purposes of this subsection.

Exercise of Commissioner's powers, etc., by other members of police force.

(2) A member of the police force who belongs to any such prescribed class shall not exercise or perform any such prescribed power, authority, duty or function in any case or class of cases in which he is directed in writing by the Commissioner not to do so, but any person in respect of whom any such power, authority, duty or function is exercised or performed by a member of the police force in contravention of any such direction is entitled, at his election, to rely on that exercise or performance.

(3) A regulation made for the purposes of subsection (1) prescribing powers, authorities, duties or functions may prescribe—

- (a) all the powers, authorities, duties or functions of the Commissioner under this Act or the regulation;
- (b) all of those powers, authorities, duties or functions except those specified in the regulation; or
- (c) such of those powers, authorities, duties or functions as are specified in the regulation.

(4)

- No. 38, 1973 (4) Nothing in this section prevents the exercise or performance by the Commissioner of any power, authority, duty or function conferred or imposed on him by this Act or the regulations.

DIVISION 2.—*Enforcement Provisions.*

Interpre-  
tation.

75. In this Division—

“dangerous article” means—

- (a) a firearm, spare barrel, prohibited weapon, prohibited article or ammunition for a firearm, prohibited weapon or prohibited article;
- (b) an article or device, not being a firearm, capable of discharging by any means—
  - (i) any irritant liquid, powder, gas or chemical or any dense smoke; or
  - (ii) any substance capable of causing bodily harm; or
- (c) any safety fuse or detonator;

“premises” means any structure, vehicle, vessel or aircraft and any place, whether built upon or not.

Special  
warrant to  
search for  
and seize  
firearms,  
etc.

76. (1) Where a complaint is made on oath to a stipendiary magistrate or two justices of the peace to the effect that the complainant has reason to suspect and believes that an offence under this Act or the regulations or an indictable offence is being or has been committed in respect of a dangerous article in or on specified premises, the magistrate or justices may, if satisfied that the belief of the complainant is well founded, authorise by special warrant any member of the police force to enter and search those premises, to search any person found therein and to seize and detain any dangerous article which he finds in or on the premises and in respect of which he suspects, on reasonable grounds, that such an offence is being or has been committed.

(2)

*Firearms and Dangerous Weapons.*

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(2) In the execution of a special warrant issued No. 38, 1973 under subsection (1), a member of the police force may take with him such assistants as he thinks necessary and may, by breaking down doors or otherwise, use, or authorise his assistants to use, force in gaining the entry authorised by the special warrant.

**77.** (1) Where a member of the police force, on reasonable grounds, suspects that a dangerous article is being or has been used in the commission of an offence under this Act or the regulations and that it is in the possession of any person in a public place or is in any vehicle, vessel, aircraft, package or receptacle which is in a public place and is in the possession or under the control of any person, that member may, without warrant—

- (a) detain and search that person and any such vehicle, vessel, aircraft, package or receptacle; and
- (b) seize and detain any dangerous article found by him as a result of the search.

(2) A member of the police force who for the time being is lawfully in any premises may seize and detain any dangerous article which he finds in those premises and in respect of which he suspects, on reasonable grounds, that an offence arising under this or any other Act or the regulations is being or has been committed.

**78.** Where a dangerous article is seized and detained under section 76 or 77 and—

- (a) a person is not, within a period of twenty-one days after the seizure, charged with an offence under this or any other Act, or under the regulations, in respect of that article, a court of petty sessions held before a stipendiary magistrate may, upon application made by the person occupying or using the premises in or on which the article was seized or by the person from whom the article was seized, order that the article be returned to that person;

(b)

Searching persons for, and seizing, firearms, etc.

Disposal of seized firearms, etc.

*Firearms and Dangerous Weapons.*

- No. 38, 1973**
- (b) a person is so charged and is found guilty (whether or not he is convicted) of the offence, the article shall, unless an order in respect of the article has been made under paragraph (a), be forfeited to Her Majesty unless the court hearing the charge, upon an application made at the trial, otherwise orders; or
  - (c) an application has not been made in accordance with paragraph (a) or (b), a court of petty sessions held before a stipendiary magistrate may, upon application made by a member of the police force, order that the article be forfeited to Her Majesty.

**Proof of exculpation.** **79.** Where any provision of this Act provides that, in the circumstances specified in that provision, a person is not guilty of an offence under any provision of this Act, the onus of proving those circumstances lies upon the defendant.

**Prosecutions for offences.** **80.** (1) Where an offence under this Act is punishable either on summary conviction or on conviction on indictment, a prosecution for the offence may, if the informant so elects, be heard and determined by a stipendiary magistrate sitting in petty sessions or may be taken on indictment.

(2) Where an offence under this Act is not punishable on conviction on indictment, a prosecution for the offence may be heard and determined by a stipendiary magistrate sitting in petty sessions.

(3) A prosecution for an offence under the regulations may be heard and determined by a stipendiary magistrate sitting in petty sessions.

**Time for laying informations for summary offences.** **81.** A prosecution for an offence under this Act may, subject to section 80—

- (a) except as provided in paragraph (b), be heard and determined by a stipendiary magistrate sitting in petty sessions if the information for the offence was laid within twelve months after the commission of the offence; or

(b)



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- (b) being an offence arising under section 42 (1), be No. 38, 1973 so heard and determined if the information for the offence was laid within eighteen months after the commission of the offence.

**82.** (1) A certificate purporting to be signed by the Evidentiary Commissioner or by a member of the police force holding a provisions. prescribed office in the police force certifying that—

- (a) a person was or was not on a date specified in the certificate the holder of any licence or permit or of any licence or permit of a kind so specified, being a licence or permit that may be issued by the Commissioner under this Act or the regulations;
- (b) a shooting range or any land described in the certificate was or was not on a date so specified an approved pistol range or an approved firearms range;
- (c) a club was or was not on a date so specified an approved pistol club;
- (d) any such licence or permit was issued subject to conditions endorsed thereon as specified in the certificate;
- (e) an approval of a club as an approved pistol club or of a shooting range as a pistol shooting range or a firearms shooting range was given subject to such conditions as are specified in the certificate;
- (f) a person was or was not on a date so specified subject to a firearms prohibition order;
- (g) an address so specified was on a date so specified the address of a person so specified last known to the Commissioner; or
- (h) a notice or other document was on a date so specified posted, or posted by certified mail, by the Commissioner to a person so specified,

shall

*Firearms and Dangerous Weapons.*

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**No. 38, 1973** shall be admissible in evidence and be prima facie evidence of the matters certified in and by the certificate.

(2) A certificate purporting to be signed by the Minister or by an officer of the Public Service holding a prescribed office certifying that an approval or permit of a kind specified in the certificate, being an approval or permit that may be granted by the Minister under this Act, had been granted, either unconditionally or subject to such conditions as are specified in the certificate, or had not been granted, by the Minister on a day so specified to a person so specified shall be admissible in evidence and be prima facie evidence of the matters certified in and by the certificate.

(3) For the purpose of any proceedings under this Act or the regulations, service personally on any person of a notice or document under this Act or the regulations may be proved in any manner in which service of a summons may be proved under section 62 of the Justices Act, 1902.

DIVISION 3.—*Regulations.*

**Regulations. 83.** (1) The Governor may make regulations for or with respect to—

- (a) the forms to be used for the purposes of this Act;
- (b) the records to be kept by the Commissioner in respect of licences and permits issued under this Act or the regulations;
- (c) the marking of firearms and spare barrels with identification marks;

(d)

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- (d) the duties of dealers, including the keeping of records by dealers, in addition to the duties imposed on dealers by or under this Act; No. 38, 1973
  - (e) the duties of members of approved pistol clubs, in addition to the duties imposed on any such members by or under this Act;
  - (f) the issue of permits for the purposes of section 28 (6) (c) or (g), 52 (2) (c), 71 or 72;
  - (g) appeals under Part III;
  - (h) the testing of firearms or spare barrels;
  - (i) the purchase or sale or other disposal by the Commissioner of any firearm or spare barrel delivered to a member of the police force under section 33 (1), (2) or (3) or 39 (1) or forfeited to Her Majesty under any provision of this Act, and the sale or other disposal of any firearm or spare barrel delivered to a pistol dealer under section 33 (1), (2) or (3) or 39 (1) if the firearm or spare barrel has not been sold or otherwise disposed of by the owner within six months after it was so delivered;
  - (j) the payment of the net proceeds of the sale of any firearm or spare barrel delivered under section 33 (1), (2) or (3) or 39 (1) to the owner on an application made by him to the Commissioner in the prescribed form or, failing his making any such application within the prescribed period, to the Police Superannuation and Reward Fund;
  - (k) all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) The regulations may impose a penalty not exceeding five hundred dollars for an offence arising under the regulations.

(3)

*Firearms and Dangerous Weapons.*

No. 38, 1973 (3) Regulations may be made so as to apply differently to different licences, approvals or permits under this Act or according to such other factors as may be specified in the regulations.

DIVISION 4.—*Repeals, Amendments and Savings.*

Repeals and amendments.

84. (1) Each Act specified in Schedule 1 is repealed.

(2) Each Act specified in Column 1 of Schedule 2 is amended in the manner set forth opposite that Act in Column 2 of that Schedule.

Savings.

85. The provisions in Schedule 3 have effect.

Sec. 84.

## SCHEDULE 1.

## REPEAL OF ACTS.

Year and number of Act.	Short title of Act.
1927, No. 10 ..	Pistol License Act, 1927.
1936, No. 30 ..	Firearms Act, 1936.
1946, No. 43 ..	Firearms Act, 1946.
1963, No. 58 ..	Pistol License and Police Offences (Amendment) Act, 1963.
1970, No. 50 ..	Pistol License (Amendment) Act, 1970.

SCHEDULE

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## SCHEDULE 2.

Sec. 84.

## AMENDMENT OF ACTS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendments.
1900, No. 40	Crimes Act 1900	Section 1— Omit the matter relating to Part IIIA. Part IIIA— Omit the Part.
1901, No. 5	Police Offences Act, 1901	Section 19— Omit the section. Part IIA— Omit the Part.
1906, No. 30	Second-hand Dealers and Collectors Act, 1906	Section 2A— Insert next after section 2 the following new section—  Application of Act. 2A. The provisions of this Act do not apply to or in respect of a second-hand dealer who is the holder of a firearms dealer's licence under the Firearms and Dangerous Weapons Act, 1973, and whose trade or business in relation to second-hand goods consists only of dealing in or buying or selling firearms, as defined in section 6 of that Act, which are second-hand firearms.  Seventh Schedule— Omit paragraph (c), insert instead the following paragraph:— (c) Pistols as defined in section 6 of the Firearms and Dangerous Weapons Act, 1973.
1970, No. 96	Summary Offences Act, 1970	Schedule One— Omit so much of the Schedule as refers to the Firearms Act, 1936.

SCHEDULE

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## SCHEDULE 3.

Sec. 85.

## SAVINGS.

Licences.

1. (1) In this clause—

(a) “former pistol licence” means a pistol licence; or

(b) “former pistol dealer’s licence” means a pistol dealer’s licence,

issued under the Pistol License Act, 1927, and in force immediately before the commencement of this Act.

(2) A person who, immediately before the commencement of this Act, was—

(a) the holder of a former pistol licence in respect of a pistol, not being an antique pistol, shall, subject to this Act, be deemed to be the holder of a pistol licence in respect of that pistol until the former pistol licence would but for this Act have expired and the pistol licence deemed to be held by him shall be deemed—

(i) where the former pistol licence held by him is endorsed with a statement to the effect that it is held by him on behalf of a bank, financial institution or business specified in the former pistol licence—to be a corporation pistol licence held by him with an endorsement that it is held on behalf of the bank, financial institution or business so specified; or

(ii) where the former pistol licence held by him is endorsed with a statement to the effect that it was issued under section 5A of the Pistol License Act, 1927—to be a pistol licence held by him in his capacity as the secretary or a member, as the case may be, of the approved pistol club specified in the former pistol licence;

(b) the holder of one or more former pistol licences in respect of one or more antique pistols, shall, subject to this Act, be deemed to be the holder of an antique pistol collector’s licence until that former pistol licence or those former pistol licences would but for this Act have expired;

(c) the holder of a former pistol dealer’s licence shall, subject to this Act, be deemed to be the holder of a pistol dealer’s licence in respect of the place specified in the former pistol

dealer’s

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dealer's licence as the place at which the holder of the former pistol dealer's licence carried on the trade or business of a pistol dealer until the former pistol dealer's licence would but for this Act have expired and the pistol dealer's licence deemed to be held by him shall be deemed to be a pistol dealer's licence held by him with an endorsement that it is held by him on behalf of the corporation, firm or partnership specified in the former pistol dealer's licence in respect of the premises so specified. No. 38, 1973

2. A club that, immediately before the commencement of this Act, was an approved club under section 5A of the Pistol License Act, 1927, shall be deemed to be an approved pistol club and an approval of a club under that section in force immediately before that commencement shall be deemed to be an approval of the club under section 12. Approved  
pistol  
clubs.

3. A shooting range that, immediately before the commencement of this Act, was an approved range under section 5A of the Pistol License Act, 1927, shall be deemed to be an approved pistol range and an approval of a range under that section in force immediately before that commencement shall be deemed to be an approval of the range as a pistol shooting range under section 18. Approved  
pistol  
ranges.

4. The organisation that, immediately before the commencement of this Act, was the State Controlling Authority within the meaning of section 5A of the Pistol License Act, 1927, shall be deemed to be the organisation approved by order of the Minister under section 12 (1). State  
Controlling  
Authority.

5. Any appeal in respect of the issue or revocation of a licence under the Pistol License Act, 1927, that had been commenced but not completed before the commencement of this Act may be continued and completed in all respects as if this Act had not been enacted and the decision of the court hearing the appeal shall be given effect to by the Commissioner as if the licence in respect of which the appeal was heard were a corresponding licence under this Act. Appeals.

6. Any pistol handed to a member of the police force following the revocation of a licence under the Pistol License Act, 1927, or forfeited to Her Majesty under that Act may be dealt with in all respects as if the pistol had been handed to such a member or been forfeited under a corresponding provision of this Act. Disposal  
of pistols.

7.

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- No. 38, 1973** 7. Any warrant issued under section 14 of the Pistol License Act, 1927, and in force immediately before the commencement of this Act shall have the same force and effect as if it were a warrant issued under section 76.
- Warrants.
- Permits. 8. Any permit issued under a regulation made under the Pistol License Act, 1927, and in force immediately before the commencement of this Act shall be deemed to be a permit issued under the corresponding regulation made under this Act.
- Authorities for scientific or experimental work. 9. Any authority granted under section 41CA (3) (c) or 41CB (3) (f) of the Police Offences Act, 1901, and in force immediately before the commencement of this Act shall be deemed to be both a permit granted under section 54 and a permit granted under section 55.