

# **AUSTRALIAN CAPITAL TERRITORY**

**No. 3 of 1979**

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An Ordinance to amend the *Gun Licence Ordinance 1937*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this ninth day of February 1979.

ZELMAN COWEN  
Governor-General

By His Excellency's Command,

R. ELLICOTT  
Minister of State for the Capital Territory

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## **GUN LICENCE (AMENDMENT) ORDINANCE 1979**

1. This Ordinance may be cited as the *Gun Licence (Amendment) Ordinance 1979*.<sup>1</sup> Short title

2. In this Ordinance, "Principal Ordinance" means the *Gun Licence Ordinance 1937*.<sup>2</sup> Principal Ordinance

3. Section 3 of the Principal Ordinance is amended—

(a) by inserting after the definition of "air gun" the following definitions: Interpretation

“‘approved person’ means a person who has been approved by the Registrar for the purposes of this Ordinance and whose approval has not been cancelled;

‘approved pistol club’ means a body corporate or a pistol club that has been approved by the Registrar for the purposes of this Ordinance and whose approval has not been cancelled;”;

(b) by inserting after the definition of "Commissioner of Police" the following definitions:

“‘company’ has the same meaning as in the *Companies Ordinance 1962*;

‘corporation’ has the same meaning as in the *Companies Ordinance 1962*;

'employment' includes work under a contract for services, and cognate expressions have corresponding meanings;";

- (c) by omitting the definitions of "pistol licence", "Registrar" and "the Schedule" and substituting the following definitions:

" 'pistol club' means a body corporate whose objects include the promotion, whether directly or indirectly, of the sport of pistol shooting;

'pistol licence' means a pistol licence granted under this Ordinance and in force;

'registered medical practitioner' has the same meaning as in the *Medical Practitioners Registration Ordinance* 1930;

'Registrar' means the Registrar of Gun Licences appointed under this Ordinance;

'security organization' means a corporation that carries on a business of providing transport or protection for the money or property of persons other than the corporation, but does not include a bank;

'Tribunal' means the Administrative Appeals Tribunal established by the *Administrative Appeals Tribunal Act* 1975."; and

- (d) by adding at the end thereof the following sub-section:

"(2) A reference in paragraph 7F (2) (d), 7G (1) (e), sub-section 7G (2) or paragraph 7H (2) (e) to a conviction for an offence shall be read as including a reference to a finding by a court that a person has committed an offence whether or not the court has proceeded to convict the person of the offence."

4. Section 6 of the Principal Ordinance is amended by omitting sub-section (7A) and substituting the following sub-sections:

"(7A) The fee payable for the grant or renewal of a pistol licence in respect of a particular class of pistols is \$15.

"(7B) The fee payable for the grant or renewal of a pistol licence in respect of a particular pistol where the applicant for the grant or renewal is not a member of an approved pistol club is \$15.

"(7C) The fee payable for the grant or renewal of a pistol licence in respect of a particular pistol where the applicant for the grant or renewal is a member of an approved pistol club is—

- (a) where a fee of \$15 or \$5 has been paid in respect of the grant or renewal, within the preceding 12 months, of any pistol licence granted to the applicant—\$1; and
- (b) in any other case—\$5."

5. Section 7 of the Principal Ordinance is repealed and the following sections are substituted:

“7. (1) Where a pistol club—

Approval of  
pistol clubs

(a) that is a company; or

(b) that is an association, society, institution or body incorporated under the *Associations Incorporation Ordinance* 1953,

makes application in accordance with this section to the Registrar, the Registrar shall approve the pistol club for the purposes of this Ordinance.

“(2) An application under sub-section (1) by a pistol club shall—

(a) be in writing;

(b) set out the name of the club;

(c) set out the address of the club; and

(d) state that the club is not engaged in the business of buying or selling guns or pistols.

“(3) Where—

(a) a body corporate makes application to the Registrar under this section; and

(b) the Registrar refuses to approve the body corporate for the purposes of this Ordinance,

the Registrar shall give notice, in writing, to the body corporate of his refusal and of the reason for his refusal.

“(4) Where the Registrar approves a pistol club for the purposes of this Ordinance, he shall issue to the pistol club a certificate of that approval.

“7A. (1) Where a change occurs in—

(a) the name of a body corporate that is an approved pistol club;

(b) the address of such a body corporate; or

(c) any of the objects of such a body corporate,

Approved  
pistol club to  
furnish  
certain  
particulars to  
Registrar

the body corporate shall furnish to the Registrar, in writing, particulars of the change.

“(2) A body corporate that, at the expiration of 14 days after the occurrence of a change referred to in sub-section (1), has not furnished particulars of the change in accordance with that sub-section is guilty of an offence punishable, on conviction, by a fine not exceeding an amount calculated at the rate of \$20 for each day during which the offence continues and, in any case, not exceeding \$200.

“(3) Where any action is taken to wind up a body corporate that is an approved pistol club, the body corporate shall, within 14 days after the taking of that action, furnish to the Registrar, in writing, particulars of that action.

Penalty: \$100.

Approved  
pistol club  
not to  
engage in  
business of  
buying or  
selling guns  
or pistols

“7B. Notwithstanding any other provision of this Ordinance, a body corporate that is an approved pistol club shall not engage in the business of buying or selling guns or pistols.

Penalty: \$100.

Reasons for  
cancellation  
of approval  
of pistol club

“7C. Where in respect of a body corporate that is an approved pistol club—

- (a) the objects of the body corporate cease to include the promotion, whether directly or indirectly, of the sport of pistol shooting;
- (b) the body corporate has commenced to engage in the business of buying or selling guns or pistols;
- (c) a resolution is passed by the body corporate for the voluntary winding up of the body corporate; or
- (d) an order for the winding up of the body corporate is made under a law of the Territory,

the Registrar shall cancel the approval of the body corporate.

Notice of  
cancellation  
of approval  
of body  
corporate as  
approved  
pistol club

“7D. Where the Registrar cancels the approval of a body corporate under this Ordinance, the Registrar shall give notice, in writing, to the body corporate or, if the body corporate has been wound up, to such person or persons as the Registrar thinks fit of the cancellation and of the reason for the cancellation.

Approved  
person who  
is an officer  
or employee  
of security  
organization  
deemed to  
hold a  
licence for a  
particular  
pistol

“7E. Where a security organization is the licensee under a pistol licence in respect of a particular pistol, an officer or employee of the security organization who is, for the time being, an approved person shall, while he uses, carries or is in possession of the pistol in the performance of his duties as an officer or employee of the security organization, be deemed to be licensed to use, carry and be in possession of the pistol.

Approval of  
persons for  
the purposes  
of this  
Ordinance

“7F. (1) Subject to sub-section (2), where a person who is, or proposes to become, an officer or employee of a security organization makes application in accordance with section 7G to the Registrar, the Registrar shall approve the person for the purposes of this Ordinance.

“(2) The Registrar shall not under sub-section (1) approve a person who—

- (a) suffers from a mental or emotional disorder, illness or physical disability that impairs the ability of the person to possess or use a pistol with safety;
- (b) is an inebriate;
- (c) is an habitual criminal within the meaning of—
  - (i) the *Crimes Act* 1914;

- (ii) the Habitual Criminals Act, 1905 of the State of New South Wales in its application in the Territory; or
- (iii) the law of a State or another Territory;
- (d) has at any time, whether within Australia or elsewhere, been convicted of an offence in such circumstances that he is not a fit person to be registered as an approved person;
- (e) is a person in relation to whom section 19A, 19B or 20 of the *Crimes Act* 1914 applies, or is a person in relation to whom a law of a State or another Territory applies, being a law which makes provisions that correspond in general to the provisions made by that section; or
- (f) is under the age of 18 years.

“7G. (1) An application for the approval of a person for the purposes of this Ordinance shall—

Application  
for approval  
of person for  
purposes of  
this  
Ordinance

- (a) be in writing signed by the person;
- (b) set out the name and residential address of the person;
- (c) set out the date of birth of the person;
- (d) set out the name, and address in the Territory, of the security organization of which the person is, or proposes to become, an officer or employee; and
- (e) set out particulars of all offences of which the person has been convicted within Australia or elsewhere.

“(2) The Registrar may by notice, in writing, require a person to furnish further particulars of offences of which he has been convicted, being particulars of matters that are relevant to the approval of the person for the purposes of this Ordinance.

“(3) Where the Registrar refuses to approve a person for the purposes of this Ordinance, the Registrar shall give notice, in writing, to the person of his refusal and of the reason for his refusal.

“(4) Where the Registrar approves a person for the purposes of this Ordinance, he shall issue to the person a certificate of that approval.

“7H. (1) An approved person shall, within 14 days after a prescribed change in the circumstances of the person, furnish to the Registrar, in writing, particulars of the change.

Approved  
person to  
furnish  
certain  
particulars to  
the Registrar

“(2) For the purposes of this section, a prescribed change in the circumstances of a person occurs if—

- (a) the person changes his name or residential address;
- (b) the security organization referred to in an application made under section 7G by the person changes its name or address in the Territory;
- (c) a continuous period of 6 months, during which the person has not been an officer or employee of a security organization, expires;

- (d) the person becomes an officer or employee of a security organization other than the security organization referred to in an application made under section 7G by the person;
- (e) the person is convicted of an offence within Australia or elsewhere; or
- (f) the person suffers from an illness or physical disability that is likely permanently to impair his ability to possess or use a pistol with safety.

“(3) A person who, at the expiration of 14 days after the occurrence of a prescribed change in the circumstances of the person, has not furnished particulars of the change in accordance with sub-section (1) is, unless there is a reasonable excuse for the failure, guilty of an offence punishable, on conviction, by a fine not exceeding an amount calculated at the rate of \$20 for each day during which the offence continues and, in any case, not exceeding \$200.

Reasons for  
cancellation  
of approval  
of person

“7J. Subject to section 7K, where an approved person becomes a person of a kind referred to in paragraph 7F (2) (a), (b), (c), (d) or (e), the Registrar shall cancel the approval of the person for the purposes of this Ordinance.

Refusal to  
approve  
person and  
cancellation  
of approval  
of person—  
health of  
person

“7K. (1) The Registrar may by notice, in writing, require a person who has applied for approval for the purposes of this Ordinance to submit to a medical examination by a registered medical practitioner appointed by the Registrar for the purposes of conducting a medical examination of the person and preparing a report on the health, physical fitness and medical history of the person.

“(2) Where the Registrar has reasonable ground for believing that an approved person is a person of a kind referred to in paragraph 7F (2) (a) or (b), the Registrar may by notice, in writing, require the person to submit to a medical examination by a registered medical practitioner appointed by the Registrar for the purposes of conducting a medical examination of the person and preparing a report on the health, physical fitness and medical history of the person.

“(3) The Registrar shall not refuse to approve a person for the purposes of this Ordinance by reason that the person is a person of a kind referred to in paragraph 7F (2) (a) or (b), and shall not for that reason cancel the approval of a person for the purposes of this Ordinance, except on the basis of a report prepared in pursuance of sub-section (1) or (2), as the case may be.

“(4) Where a person—

- (a) fails to submit to any part of a medical examination referred to in sub-section (1) or (2);
- (b) fails to answer any question by a registered medical practitioner appointed under sub-section (1) or (2), being a question relevant to the health or medical history of the person;

- (c) fails to comply with any reasonable requirement by a registered medical practitioner appointed under sub-section (1) or (2), being a requirement relevant to the preparation of a report referred to in that sub-section on the health, physical fitness and medical history of the person,

the Registrar shall not approve the person for the purposes of this Ordinance, or shall cancel the approval of the person for the purposes of this Ordinance, as the case may be.

“7L. Where an approved person has not been an officer or employee of a security organization for a continuous period of 6 months, the Registrar shall cancel the approval of the person for the purposes of this Ordinance.

Cancellation of approval of person—person not an officer or employee of security organization

“7M. (1) Where the Registrar cancels the approval of a person for the purposes of this Ordinance, the Registrar shall give notice, in writing, to the person of the cancellation and of the reason for the cancellation.

Cancellation of approval of person—notification of person and return of certificate

“(2) Where a person receives notice of cancellation of the approval of the person for the purposes of this Ordinance, the person shall return the certificate of that approval to the Registrar.

“(3) A person who, at the expiration of 14 days after receiving notice of the cancellation of the approval of the person for the purposes of this Ordinance, has not returned the certificate of that approval to the Registrar is, unless there is a reasonable excuse for the failure, guilty of an offence punishable, on conviction, by a fine not exceeding an amount calculated at the rate of \$20 for each day during which the offence continues and, in any case, not exceeding \$200.

“7N. A notice to a person, being a notice referred to in sub-section 7 (3), section 7D, sub-section 7G (2) or (3), 7K (1) or (2) or 7M (1), may be given by post addressed to the person at his address last known to the Registrar.

Notices

“7P. (1) Application may be made to the Tribunal for review of a decision of the Registrar—

Review by the Tribunal

- (a) refusing to grant or renew a gun licence, a pistol licence or a gun dealer's licence;
- (b) refusing to approve a pistol club for the purposes of this Ordinance;
- (c) cancelling the approval of a body corporate or pistol club for the purposes of this Ordinance;
- (d) refusing to approve a person for the purposes of this Ordinance; or
- (e) cancelling the approval of a person for the purposes of this Ordinance.

“(2) Application may be made to the Tribunal for a review of a decision of the Commissioner of Police or a member of the Police Force—

- (a) certifying that he objects to the grant of a licence; or
- (b) recommending that a licence should not be renewed.

Secrecy

“7Q. (1) In this section—

- (a) ‘court’ includes any tribunal, authority or person having power to require the production of documents or the answering of questions;
- (b) ‘produce’ includes ‘permit access to’ and ‘production’ has a corresponding meaning.

“(2) Subject to this section, a person who is or has been appointed by the Registrar or employed by the Commonwealth or a security organization or is or has been an officer of a security organization shall not, either directly or indirectly—

- (a) make a record of, or divulge or communicate to any person any information, relating to the affairs of another person, acquired by the first-mentioned person by virtue of the operation of this Ordinance; or
- (b) produce to any person a document, relating to the affairs of another person, of which he has custody, or to which he has access, by virtue of the operation of this Ordinance.

Penalty: Imprisonment for 2 years.

“(3) Sub-section (2) does not apply to the communication of information, or the production of a document, for the purposes of this Ordinance or to a court.”.

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### NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 15 February 1979.
2. Ordinance No. 6, 1937 as amended by No. 20, 1937; No. 25, 1938; No. 21, 1959; No. 12, 1964; No. 19, 1966; No. 33, 1970; No. 31, 1971; No. 47, 1974; and No. 12, 1978.