

# THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 14 of 1925.

## AN ORDINANCE

### Relating to the Licensing of Guns and Firearms.

**B**E it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act* 1909 and the *Seat of Government (Administration) Act* 1910, as follows :—

1. This Ordinance may be cited as the *Gun Licence Ordinance* 1925. Short title  
and citation

2. In this Ordinance, unless the contrary intention appears— Definitions.

“gun” includes any lethal firearm from which any shot, bullet, or other missile can be discharged, but does not include a toy gun, or an antique gun which is kept or sold as a curiosity or ornament ;

“gun-dealer” means a person who by way of trade or business manufactures, sells or repairs guns, or exposes or has in his possession guns for sale or repair ;

“gun licence” means a gun licence granted under this Ordinance and in force.

3. The Federal Capital Commission may appoint an officer to administer this Ordinance, who shall be the Licensing Officer for the purposes of this Ordinance. Licensing  
Officer.

4.—(1.) Any person, not being the licensee under a gun licence, who has in his possession any gun shall be guilty of an offence. Offences.

Penalty : Ten pounds.

(2.) Any person, not being the licensee under a gun licence, who uses or carries any gun between the hours of seven ante-meridian and seven post-meridian shall be guilty of an offence.

Penalty : Twenty pounds.

(3.) Any person, not being the licensee under a gun licence, who uses or carries any gun between the hours of seven post-meridian and seven ante-meridian shall be guilty of an offence.

Penalty : Twenty pounds or imprisonment for six months, or both.

C,13880.

(4.) In any prosecution for an offence under this section the onus of proof that the defendant is a licensee under a gun licence or that this section does not apply to the defendant shall lie upon the defendant.

(5.) This section shall not apply to—

- (a) any person in the naval, military, or air forces of the Commonwealth or in the police force of the Commonwealth or a State or to any member of a rifle club who has in his possession any gun authorized to be used by members of the force or club or who uses or carries any gun in the performance of his duty or when engaged in drill or target practice;
- (b) any gun-dealer or his servant who has in his possession or carries a gun in the ordinary course of the trade or business of a gun-dealer or who uses a gun by way of testing or regulating its strength or quality in a place previously approved by the Commission and specially set apart for the purpose of testing guns;
- (c) any common carrier or warehouseman who has in his possession or carries a gun in the ordinary course of his trade or business;
- (d) any person who uses a gun for the purpose of shooting at a shooting gallery which is under the personal supervision of a person to whom a licence under this Ordinance has been issued; or
- (e) any person who has in his possession a gun acquired or held solely as a war trophy.

#### Licences.

5.—(1.) Gun licences and special gun licences may be granted by the Licensing Officer.

(2.) A person desiring to obtain a licence under this section shall—

- (a) make application in the prescribed form to the Licensing Officer, and
- (b) prove to the satisfaction of the Licensing Officer—
  - (i) that he is over the age of sixteen years, and
  - (ii) that he is a fit and proper person to be a licensee under the licence applied for, and
  - (iii) that the circumstances of the case warrant the grant of the licence,
 and
- (c) in the case of a licence other than a special gun licence, pay to the Licensing Officer the sum of Five shillings for the licence.

Special licences  
to use gun to  
destroy noxious  
animals.

6.—(1.) A special gun licence shall entitle the licensee to use a gun for the sole purpose of destroying such birds or animals (not being birds or animals which are protected by or under any Ordinance) as are prescribed.

(2.) A licensee under a special gun licence who, without reasonable excuse, uses or carries a gun for any purpose other than the purpose for which the licence was granted, shall be guilty of an offence.

Penalty : Twenty pounds.

7. A list of all gun licences and special gun licences shall be kept open for inspection at all reasonable times at the office of the Federal Capital Commission or such other office as the Commission from time to time directs. <sup>Inspection of list of licences.</sup>

8.—(1.) No person shall sell or let on hire a gun to any person unless at the time of the sale or hire the purchaser or hirer produces— <sup>Sale or hire of guns.</sup>

- (a) a gun licence granted to himself, or
- (b) a statement in writing signed by himself and a Justice of the Peace that—
  - (i) he is by virtue of section four of this Ordinance a person entitled to use or carry or have in his possession a gun without a gun licence, or
  - (ii) he is about to leave the Territory for a period of not less than six months.

(2.) Any person who, in the course of business, sells or lets on hire a gun shall, before delivery, make, or cause to be made, an entry in a book to be kept for that purpose specifying—

- (a) the description of the gun sold or let on hire,
- (b) the date of the sale or hire,
- (c) the name and address of the purchaser or hirer,
- (d) the office from which the gun licence produced by the purchaser or hirer was issued, and
- (e) the date of the licence or the circumstances exempting the purchaser or hirer from having a gun licence.

(3.) Any book kept for the purposes of the last preceding sub-section shall be produced for inspection on the request of the Licensing Officer.

(4.) Any person who—

- (a) contravenes any provision of this section ; or
- (b) on the sale or hire of a gun, knowingly makes, or causes to be made, any false entry or statement as to any matter concerning which he is required by this section to make an entry or statement,

shall be guilty of an offence.

Penalty : Twenty pounds.

9.—(1.) No person shall carry on, or purport to carry on, the trade or business of a gun dealer unless he first obtains a gun dealer's licence. <sup>Gun dealer's licence.</sup>

Penalty : For first offence—Fifty pounds, and for a second or subsequent offence—One hundred pounds.

(2.) An application for a gun dealer's licence shall be in the prescribed form and shall be made to the Licensing Officer.

(3.) Upon receipt of an application under this section, and upon being satisfied that the applicant is a fit and proper person to carry on the trade of a gun dealer, the Licensing Officer may, on payment of the sum of One pound, grant to the applicant a gun dealer's licence in the prescribed form.

(4.) Unless sooner suspended or cancelled, each licence granted under this section shall remain in force until the thirty-first day of December next following the date of the grant of the licence.

Cancellation or suspension of licence.

**10.**—(1.) The licence granted to any licensee under this Ordinance who is convicted of an offence against this Ordinance or the Regulations or of an offence against the criminal law may be suspended or cancelled by the Licensing Officer.

(2.) Forthwith upon being notified that his licence has been suspended or cancelled, the licensee shall deliver the suspended or cancelled licence to the Licensing Officer.

**Penalty: Twenty pounds.**

Sale of guns to persons under sixteen years of age, &c.

**11.** Any person who knowingly sells, lets on hire, gives or lends a gun to, or permits or suffers the use of a gun by, any person who is under the age of sixteen years or is not of sound mind shall be guilty of an offence.

**Penalty: Twenty-five pounds.**

Demand for production of gun licence.

**12.**—(1.) The Licensing Officer, or any officer of the Federal Capital Commission authorized in writing in that behalf by the Licensing Officer, or any member of the Police Force of the Commonwealth or of a State, may demand from any person who, at the time of the demand, is using or carrying or has in his possession, a gun, the production of a licence under this Ordinance and may also demand from the person his name and address.

(2.) Any person who, on demand being made in pursuance of this section—

(a) refuses or fails to produce a gun licence granted to himself under this Ordinance, or

(b) refuses to give his name or address, or

(c) gives a false name or address,

shall be guilty of an offence.

**Penalty: Ten pounds.**

Confiscation of guns carried by persons without a licence.

**13.** The Licensing Officer or any person authorized in writing in that behalf by the Licensing Officer, or any member of the Police Force of the Commonwealth, or of a State, may seize any gun found in the possession of any person not being a licensee under a gun licence, and the gun shall be forfeited to His Majesty.

**14.** If a justice is satisfied by information on oath that there is reasonable ground for suspecting that any gun is concealed or lodged in any premises or place in breach of this Ordinance, he may grant a search warrant authorizing an Officer of the Federal Capital Commission or a member of the Police Force of the Commonwealth or of a State, to enter at any time, if need be by force, and to search any premises or place named in the warrant and any person found therein, and to seize and detain any gun which he finds in the premises or place or on any person.

Power to search premises, &c., for guns.

**15.** Any person who has a gun in his possession and who does not take all reasonable precautions to insure its safe keeping shall be guilty of an offence.

Safe keeping of guns.

Penalty : Ten pounds.

**16.—(1.)** If any child under the age of sixteen years uses, or has in his possession, any gun, the parent or guardian of the child shall be guilty of an offence unless he proves that the use or possession was without his consent or knowledge, and that he took reasonable precautions to prevent the use or possession of the gun by the child.

Liability of parents or guardians.

Penalty : Ten pounds.

**(2.)** Nothing contained in this Ordinance shall prevent any person under the age of sixteen years from using a gun under the direct supervision of a licensee under a gun licence.

**17.** Any person who uses any contrivance commonly known as, or in the nature of, a Maxim silencer, shall be guilty of an offence.

Maxim silencers.

Penalty : Twenty pounds.

**18.** Prosecutions for offences against this Ordinance may be instituted by or in the name of the Licensing Officer.

Institution of prosecutions.

**19.** The Federal Capital Commission may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and in particular for prescribing penalties not exceeding Fifty pounds for any breach of the regulations.

Regulations.

Dated the twenty-fifth day of November One thousand nine hundred and twenty-five.

STONEHAVEN,  
Governor-General.

By His Excellency's Command,

LL. ATKINSON,  
for Minister of State for Home and Territories.

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