

# THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 6 of 1937.

## AN ORDINANCE

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

**B**E it ordained by the Governor-General in and over 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 1910-1933*, as follows:—

1. This Ordinance may be cited as the *Gun Licence Ordinance* Short title. 1937.

2.—(1.) The *Gun Licence Ordinance 1925* and the *Gun Licence Ordinance 1926* are repealed. Repeal.

(2.) Every licence granted under the *Gun Licence Ordinance 1925*, or under that Ordinance as subsequently amended, and in force at the date of commencement of this Ordinance, and every holder of any such licence shall, during the subsistence thereof, be under and subject to this Ordinance as if the licence had been granted under this Ordinance.

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

“air gun” means a rifle or gun of any kind, whether rifled or not, irrespective of the length of the barrel, which is known or described as an air gun or air rifle, and which is capable of propelling a projectile of any kind—

(a) by means of compressed air the force of which is released by means of a trigger or similar device; or

(b) by any other means whatsoever;

“authorized officer” means an officer thereto authorized by the Minister;

“Chief Officer of Police” means the Chief Officer of Police appointed under the *Police Ordinance 1927-1934*;

1250.—PRICE 8D.

“gun” includes any lethal firearm or other weapon of any description from which any shot, bullet, or other missile can be discharged, or any part thereof, or from which any noxious or irritant liquid, powder, gas, chemical or substance capable of causing any bodily harm can be emitted, and includes an air gun, 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 pistols, or exposes or has in his possession guns or pistols for sale or repair;

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

“Magistrate” means a magistrate appointed, or performing the duties of a Magistrate, in pursuance of the *Court of Petty Sessions Ordinance 1930-1934*;

“pistol” means any lethal weapon of a size ordinarily capable of being carried or concealed upon the person from which any shot, bullet or other missile can be discharged, or from which any noxious or irritant liquid, powder, gas, chemical or substance capable of causing any bodily harm can be emitted, but does not include a toy pistol or antique pistol which is kept or sold as a curiosity or ornament;

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

“Registrar” means the Registrar of Gun Licences appointed under this Ordinance;

“the Schedule” means the Schedule to this Ordinance.

Appointment of Registrar of Gun Licences.

4.—(1.) The Minister may appoint an officer to be Registrar of Gun Licences.

(2.) During any temporary vacancy in the office of Registrar, the Minister may appoint an officer to be Acting Registrar and any Acting Registrar so appointed shall have and may exercise all the powers and functions of the Registrar.

Use, carriage or possession of gun or pistol.

5.—(1.) Any person, not being the licensee under a gun licence or a pistol licence, who has in his possession any gun or pistol, as the case may be, shall be guilty of an offence.

Penalty: Ten pounds or imprisonment for three months.

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

Penalty: Twenty pounds or imprisonment for six months.

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

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

(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 pistol 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 member of the naval, military, or air forces of the Commonwealth, or of the Commonwealth Naval or Military Cadets, or of the Police Force of the Commonwealth or a State or any part of the Commonwealth, or of a rifle club, who has in his possession any gun or pistol authorized to be used by members of the Force, cadets or club, or who uses or carries any gun or pistol 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 or pistol in the ordinary course of the trade or business of a gun-dealer or who uses a gun or pistol by way of testing or regulating its strength or quality in a place specially set apart for the purpose of testing guns and previously approved by the Minister;
- (c) any common carrier or warehouseman who has in his possession or carries a gun or pistol in the ordinary course of his trade or business;
- (d) any person who uses a gun or pistol for the purpose of shooting at a shooting gallery which is under the personal supervision of a licensee under a gun licence or a pistol licence; or
- (e) any person who has in his possession a gun or pistol acquired or held solely as a war trophy provided that the gun or pistol is rendered innocuous to the satisfaction of the Chief Officer of Police or a member of the Police Force thereto authorized in writing by him.

(6.) Where a bank is the licensee under a pistol licence in respect of a particular pistol, any officer or servant of the bank while he is on the bank premises or engaged in the service of the bank shall be deemed to be licensed to use, carry or be in the possession of that pistol.

(7.) Where an officer of any Department of State of the Commonwealth is the licensee under a pistol licence in respect of a particular pistol, any officer of that department while he is on the

departmental premises or engaged on business of the Department and while he is performing the duties of, or assisting or co-operating with, the first-mentioned officer, shall be deemed to be licensed to use, carry or be in possession of that pistol.

Gun and pistol  
licences.

6.—(1.) Subject to this section, the Registrar may, as he thinks fit, in pursuance of applications made in accordance with Form A in the Schedule—

(a) grant a gun licence to any person who satisfies him that he is not less than sixteen years of age; and

(b) grant a pistol licence to any person who satisfies him that he is not less than twenty-one years of age,

and renew any such licence.

(2.) The Registrar shall submit to the Chief Officer of Police all applications for licences under this section, and, if the Chief Officer or a member of the Police Force thereto authorized in writing by him certifies that he objects to the grant of a licence to any applicant, the Registrar shall not grant a licence to that applicant but shall forward to that applicant a notice in writing informing him of the objection.

(3.) A gun licence may be granted in respect of a particular gun or a particular class of gun specified in the licence.

(4.) A pistol licence may be granted in respect of a particular pistol or a particular class of pistol specified in the licence.

(5.) Except where a gun licence or pistol licence is granted in respect of a particular class of gun or pistol, no such licence shall be granted in respect of or relate to more than one gun or pistol.

(6.) For the purposes of this Ordinance, a person shall be deemed to be a licensee under a gun or pistol licence in respect only of the gun or pistol or class of gun or pistol for which his licence is granted.

(7.) The fee payable for the grant or renewal of a gun licence or pistol licence shall be Five shillings:

Provided that no fee shall be payable for the grant or renewal of a gun licence in respect of a gun which is not a pea rifle or an air gun.

(8.) A licence or a renewal of a licence under this section shall, subject to this Ordinance, be in accordance with Form C or Form D in the Schedule, as the case requires.

Appeal against  
police objection  
to grant of  
licence.

7.—(1.) Where the Chief Officer or a member of the Police Force has certified that he objects to the grant of a licence to any applicant, or the Chief Officer of Police has recommended that any licence should not be renewed, and the Registrar has forwarded to the applicant for the grant or renewal of the licence a notice in writing informing him of the objection to the grant or renewal,

the applicant may, within seven days after receipt by him of notification of the objection, serve on the Chief Officer of Police a notice in writing stating that he intends to appeal against the objection to the Court of Petty Sessions, and stating the grounds of appeal.

(2.) At any time within twenty-eight days after the date of service of a notice under the last preceding sub-section on the Chief Officer of Police, but not less than fourteen days after that date, the applicant may lodge at the Court of Petty Sessions an appeal against the objection mentioned in the last preceding sub-section.

(3.) The appeal shall be heard by the Court which may, if it thinks fit, order the grant or renewal of a licence to the applicant.

8.—(1.) No person shall sell or let on hire a gun or pistol 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 or pistol licence, as the case may be, granted to himself; or

(b) a statement in writing signed by himself and a Magistrate or Justice of the Peace that—

(i) he is by virtue of section five of this Ordinance a person entitled to use or carry or have in his possession a gun or pistol without a gun licence or pistol licence, as the case may be; 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 or pistol 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 or pistol 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 or pistol 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 or pistol licence.

(3.) Any book kept for the purposes of the last preceding sub-section shall be produced for inspection on the request of the Registrar, the Chief Officer of Police or a member of the Police Force of the Territory or any authorized officer.

(4.) Any person who—

(a) contravenes any provision of this section; or

- (b) on the sale or hire of a gun or pistol 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.

(5.) Notwithstanding anything contained in the foregoing provisions of this section, a person shall not, except with the approval of the Chief Officer of Police or a member of the Police Force thereto authorized in writing by him, sell or let on hire a pistol to any person for transmission outside the Territory.

Sale of pistol  
ammunition.

9. A person shall not—

- (a) expose, for sale or otherwise, in any shop window, any ammunition for pistols; or
- (b) sell to any person, not being the holder of a pistol licence, any such ammunition.

Penalty: Twenty pounds.

Gun dealer's  
licence.

10.—(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.

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 accordance with Form B in the Schedule and shall be made to the Registrar.

(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 Registrar may, on payment of the sum of One pound, grant to the applicant a gun dealer's licence in accordance with Form E in the Schedule.

Duration of  
licences.

11.—(1.) Each licence granted under this Ordinance shall, unless sooner cancelled or suspended, remain in force for one year from and including the date of the grant.

(2.) A licence shall, subject to this Ordinance, be renewable from time to time and each such renewal shall commence on the day immediately following the day on which the licence or previous renewal thereof expired.

(3.) Where a licence is renewed the form of licence issued on the renewal shall be endorsed with the word "Renewal".

(4.) The person to whom a licence has been granted shall, within seven days after the date of the expiry of the licence, return the licence to the Registrar.

**12.—**(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 Registrar. Cancellation or suspension of licence.

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

Penalty: Twenty pounds.

**13.—**(1.) The Registrar shall cause to be kept a register in accordance with Form F or Form G in the Schedule, as the case requires, of the gun licences and pistol licences and the gun dealers licences granted under this Ordinance. Register of licences.

(2.) Each register shall be open to the inspection of any member of the Police Force of the Territory at all times during office hours.

(3.) Any such member inspecting a register shall in the space provided in the register signify by his signature the fact that he has inspected it.

**14.—**(1.) The Chief Officer of Police or a member of the Police Force of the Territory thereto authorized in writing by him shall, from time to time, inspect each register of licences kept in pursuance of this Ordinance, and shall certify therein in the space provided in the register whether or not he objects to the renewal of any licence. Objection by police officer to renewal of licence.

(2.) If the Chief Officer of Police or a member of the Police Force of the Territory so authorized certifies that he objects to the renewal of any licence, any application for the renewal of that licence shall be submitted to the Chief Officer of Police for report, and, if he recommends that the licence should not be renewed, the Registrar shall not renew the licence but shall forward to the applicant a notice in writing informing him of the recommendation of the Chief Officer of Police.

**15.—**(1.) The Registrar or any authorized officer, or any member of the Police Force of the Territory, may demand from any person who, at the time of the demand, is using or carrying or has in his possession, a gun or pistol, the production of a licence under this Ordinance and may also demand from the person his name and address. Demand for production of licence.

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

- (a) refuses or fails to produce a gun licence or pistol 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.

**16.** The Registrar or any authorized officer, or any member of the Police Force of the Territory, may seize any gun or pistol found in the possession of any person not being a licensee under a gun licence or a pistol licence, as the case may be, and the gun or pistol shall be forfeited to the King.

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

**17.** If a Magistrate is satisfied by information on oath that there is reasonable ground for suspecting that any gun or pistol is concealed or lodged in any premises or place in breach of this Ordinance, he may grant a search warrant authorizing a member of the Police Force of the Territory, 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 or pistol which he finds in the premises or place or on any person.

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

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

Penalty: Twenty-five pounds.

Supply of cartridges to youths.

**19.** Any person who knowingly sells, gives or disposes to any person under the age of sixteen years any cartridges or any bulleted caps shall be guilty of an offence.

Penalty: Ten pounds.

Safe keeping of guns.

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

Penalty: Ten pounds.

Liability of parents or guardians.

**21.** If any child under the age of sixteen years uses, or has in his possession, any gun or pistol, 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 or pistol by the child.

Penalty: Ten pounds.

Maxim silencers.

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

Penalty: One hundred pounds or imprisonment for six months.

Discharge of gun in or near street, &c.

**23.** Any person who discharges any gun or pistol in or near a street or public place without lawful excuse or on private property without the consent previously obtained of the owner or occupier of such property shall be guilty of an offence.

Penalty: Ten pounds.



Sec. 6.

FORM C.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

The *Gun Licence Ordinance* 1937.

Licence No.

## GUN (OR PISTOL) LICENCE FOR SINGLE GUN (OR PISTOL).

This is to certify that \_\_\_\_\_ of \_\_\_\_\_ who has signed his name in the margin hereof is hereby licensed under the *Gun Licence Ordinance* 1937, to purchase, use, carry or have in his possession a gun (or pistol) (hereunder described) for one year from and including the date hereof unless this licence is sooner cancelled or suspended.

£0 5s. 0d.

Issued at Canberra this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

Registrar of Gun Licences.

Description of gun (or pistol)

Maker's name

Number on gun (or pistol)

Other distinguishing marks

Signature.....

Sec. 6.

FORM D.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

The *Gun Licence Ordinance* 1937.

Licence No.

## GUN (OR PISTOL) LICENCE FOR CLASS OF GUN (OR PISTOL).

This is to certify that \_\_\_\_\_ of \_\_\_\_\_ who has signed his name in the margin hereof, is hereby licensed under the *Gun Licence Ordinance* 1937, to purchase, use, carry or have in his possession guns (or pistols) of the class described hereunder, for one year from and including the date hereof unless this licence is sooner cancelled or suspended.

£0 5s. 0d.

Issued at Canberra this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

Registrar of Gun Licences.

Description of class of gun (or pistol)

Signature.....

Sec. 10

FORM E.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

The *Gun Licence Ordinance* 1937.

Licence No.

## GUN DEALER'S LICENCE.

This is to certify that \_\_\_\_\_ of \_\_\_\_\_ who has signed his name in the margin hereof, is hereby licensed under the *Gun Licence Ordinance* 1937, as a gun dealer, for one year from and including the date hereof unless this licence is sooner cancelled or suspended.

£1 0s. 0d.

Dated at Canberra this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

Registrar of Gun Licences.

Signature.....



Sec. 13.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

The Gun Licence Ordinance 1937.

REGISTER OF GUN DEALERS' LICENCES.

Date Issued.	Certificate No.	Name of Gun Dealer.	Manager (if a Firm).	Business Address.	Receipt Reference No.	Signature of Member of Police Force inspecting Register and Date of Inspection.	Signification under Section 13 of Objection or no Objection to Renewal of Licence.
	1						
	2						
	3						
	4						
	5						
	6						
	7						
	8						
	9						
	10						
	11						
	12						
	13						
	14						
	15						
	16						

I certify that I object to the renewal of such of the Licences from No. \_\_\_\_\_ to No. \_\_\_\_\_ (both inclusive) specified in this Register, in respect of which I have entered the word "objection" in the last column of this Register, and that I do not object to the renewal of such of those Licences in respect of which I have so entered the words "no objection".

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

Signature of member of Police Force inspecting.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.  
 By His Excellency's Command,  
 T. PATERSON  
 Minister of State for the Interior.  
 GOWRIE  
 Governor-General.