

## FIREARMS AND GUNS.

3° and 4° GEO. VI., No. XLII.

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No. 42 of 1939.

### AN ACT to amend the Firearms and Guns Act, 1931.

[Assented to 20th December, 1939.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Firearms and Guns Act Amendment Act*, 1939, and shall be read as one with the Firearms and Guns Act, 1931 (No. 8 of 1931), hereinafter referred to as the principal Act. Short title.

2. Section three of the principal Act is amended as follows:— Amendment of s. 3 of principal Act

- (a) by deleting the whole of the definition of “air gun”;
- (b) by deleting the whole of the definition of “Firearm” and inserting in lieu thereof a new definition as follows:—

“Firearm” includes any lethal firearm and any other weapon of any description from which any shot, bullet, or other missile can be discharged or propelled or which, by any alteration

in the construction or fabric thereof, can be made capable of discharging or propelling any shot, bullet or other missile.

The term also includes ammunition designed for discharge from any firearm;

- (c) by inserting after the definition of “Firearm” a definition as follows:—

“Missile” means any solid substance or liquid chemical which when discharged or propelled from any weapon from any distance is capable of causing physical injury to human life;

- (d) by deleting the whole of the definition of “Pistol” and inserting in lieu thereof a new definition as follows:—

“Pistol” means any lethal firearm and any other weapon of any length of barrel—

- (a) which is reasonably capable of being carried or concealed about the person; and
- (b) which when used can be aimed and fired or discharged from one hand; and
- (c) from which any shot, bullet, or other missile can be discharged or propelled, or which, by any alteration in the construction or fabric thereof can be made capable of discharging or propelling any shot, bullet, or other missile. The term includes ammunition designed for discharge from a pistol but does not include an antique pistol which is kept or sold as a curiosity or ornament.

Amendment  
of s. 4 of  
principal Act.

3. Section four of the principal Act is amended as follows:—

- (a) by deleting from subsection (1) the words “and air guns”;
- (b) by adding at the end of subsection (2) the words “and to every person who is a native within the meaning of the Native Administration Act, 1905-1936”; and
- (c) by deleting from subsection (4) the words “and air guns” in line three of the said subsection.

4. Section ten of the principal Act is repealed and a section is inserted in lieu thereof as follows:—

Amendment  
of s. 10 of  
principal Act;  
repeal and  
new section.

10. (1) The Commissioner shall not issue a license to any person if in his opinion such person—

License not  
to be issued  
in certain  
cases; appeal.

(a) is a person to whom it is not desirable in the public interest that a license shall be issued;  
or

(b) is unfit to hold the license; or

(c) has no good reason for requiring the license.

(2) The Commissioner shall not issue to any person a license in respect of any firearm which in his opinion is unsafe or unfit for use.

(3) Provided that any person aggrieved by the decision of the Commissioner under this section in refusing to grant him the license applied for under this Act may appeal to a police or resident magistrate within the time and in the manner prescribed.

5. Section twelve of the principal Act is amended as follows:—

Amendment  
of s. 12 of  
principal Act.

(a) by deleting from the second column in the table contained in the section the words “not less than £10 and not exceeding” at the commencement of the paragraph in the said second column opposite item 4 in the first column of the said table;

(b) by deleting from the first column of the table contained in the section the whole of item 12;

(c) by inserting in the first column of the table contained in the section next below item 11 a new item as follows:—

12. Whether as a licensed dealer or otherwise purchasing a firearm from a person not authorised by or under this Act to possess or sell such firearm;

(d) by deleting from item 13 in the first column of the table contained in the section the words “or air gun” in line one of the said item.

6. The principal Act as amended by the Act No. 25 of 1931 and by this Act may be cited as the Firearms and Guns Act, 1931-1939.

Citation of  
principal Act  
as amended.