

Approved for Reprint 22 April 1983.

WESTERN AUSTRALIA.

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# FIREARMS ACT 1973—1980.

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Approved for Reprint 22 April 1983.

WESTERN AUSTRALIA.

## FIREARMS.

No. 36 of 1973.<sup>1</sup>

[As amended by Acts:

No. 61 of 1976, assented to 16 September 1976;

No. 54 of 1978, assented to 6 September 1978;

No. 35 of 1980<sup>2</sup>, assented to 5 November 1980,

and reprinted pursuant to the Amendments Incorporation Act 1938.]

AN ACT to make provision for the control and regulation of firearms and ammunition, the licensing of persons possessing, using, dealing with, or manufacturing firearms and ammunition, the repeal of the Firearms and Guns Act 1931-1971, and for incidental and other purposes.

[Assented to 18 October 1973.]

BE it enacted—

1. This Act may be cited as the *Firearms Act* <sup>Short title.</sup> 1973-1980.

<sup>1</sup> Came into operation on 1 July 1974; see *Gazette* 29/3/74, p. 1027.

<sup>2</sup> Came into operation on 24 July 1981; see *Gazette* 24/7/81, p. 3060.

Commence-  
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.<sup>1</sup>

Repeals  
and savings.

3. (1) The Acts set out in the First Schedule to this Act are repealed.

(2) Without limiting the operation of the provisions of the Interpretation Act 1918, until regulations are made under this Act the regulations made under the Acts repealed by this Act, and in force immediately prior to the time this Act comes into operation, shall apply, so far as applicable, to persons, acts, circumstances and things under this Act as if those regulations were made under this Act.

Interpreta-  
tion.

4. In this Act, unless the context otherwise requires—

“ammunition” includes anything manufactured specifically as a component of ammunition designed for discharge from a firearm but does not include ammunition rendered inoperative for the purpose of a collector’s item;

“approved” means approved by the Commissioner;

“Commissioner” means the Commissioner of Police;

“dealer” means a person who in the ordinary course of business buys, sells or trades in firearms or ammunition; and “deal” has a corresponding meaning;

“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;

<sup>1</sup> Came into operation on 1 July 1974; see *Gazette* 29/3/74, p. 1027.

“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 persons;

“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;

“possession”, in addition to actual physical possession of a firearm or ammunition, means the custody or control of it, or having and exercising access to it in any place either alone or in common with others;

“section” means section of this Act.

5. (1) The responsibility for the administration of this Act is vested in the Minister who is required to have regard to the recommendations of the Commissioner but is not bound to give effect to any such recommendation. Administra-  
tion.

(2) Subject to the Minister, the administration of this Act shall be carried out by the Commissioner.

(3) The costs and expenses incurred in the administration of this Act shall be defrayed out of moneys to be provided by Parliament for that purpose.

(4) The Commissioner shall make, in each year, a written report to the Minister as to the administration of this Act, and the report shall be made before the first day of October in each year.

Prohibition.  
Amended by  
No. 35 of  
1980, s. 3.

6. (1) The Governor, on the recommendation of the Commissioner, may make regulations to prohibit the acquisition, sale, possession, or use of any firearm or ammunition, whether licensed under this Act or not, either—

- (a) absolutely; or
- (b) except upon and subject to such conditions, restrictions, and limitations, for such purpose or purposes, and in such place or places, as the Governor considers desirable in the public interest,

having regard to the especial potentially dangerous nature of that kind of firearm or ammunition and the need to exercise special precautions in relation thereto.

(1a) Notwithstanding that any licence may have been issued, permit granted, or approval given under this Act in relation to any firearm or ammunition of that kind, the Governor, on the recommendation of the Commissioner, may, in relation to any firearm or ammunition which is in the opinion of the Commissioner of a kind requiring the exercise of special precautions and is therein specified, make regulations—

- (a) directing that no licence, permit or approval relating thereto shall be issued or given;
- (b) directing that no licence, permit or approval relating thereto shall be capable of being renewed after a date specified in the regulations; or
- (c) otherwise making such provision as may be expedient in relation thereto,

and for the purposes of section 22 the exercise of any power pursuant to those regulations shall not be taken to have been a decision made by or on behalf of the Commissioner.

(2) Regulations made under subsection (1) of this section may provide penalties for offences against the regulations, and may also provide that any firearm or ammunition relating to any such offence shall be forfeited to the Crown whether or not any person is lawfully entitled to the possession thereof.

(3) Where no penalty is specifically provided, a person who contravenes the provisions of a regulation made under subsection (1) of this section commits an offence and is liable—

- (a) on indictment, to imprisonment for a term of three years;
- (b) on summary conviction, to a fine of four hundred dollars, or to imprisonment for a term of twelve months, or both such fine and imprisonment.

7. (1) Where the Governor is of opinion that any emergency has arisen, or is likely to arise, he may by proclamation declare that all dealers and manufacturers and repairers of firearms in the State, or in any specified portion of the State, having firearms or ammunition in their possession—

Governor may order delivery of firearms by dealers and manufacturers in cases of emergency.

- (a) shall render the same innocuous by a method to be specified in the declaration;
- (b) shall deliver the same, or any parts or kinds of the same specified in the declaration, within a time and at a place so specified, to the Commissioner or any specified member of the Police Force, for the purpose of safe keeping.

(2) A person who fails to comply with the requirements of a proclamation made under subsection (1) of this section commits an offence and is liable—

- (a) on indictment, to imprisonment for a term of three years;
- (b) on summary conviction, to a fine of four hundred dollars, or to imprisonment for a term of twelve months, or both such fine and imprisonment.

Exemptions  
from licens-  
ing require-  
ments.

8. (1) No licence under this Act is required—

- (a) by a person who is the holder of a permit issued under this Act in relation to any matter authorized by that permit;
- (b) by the Governor;
- (c) by a person who is sent to the State as the diplomatic or consular representative of a foreign state for so long as he resides in the State as such representative;
- (d) by a member of the Police Force having a firearm in his possession for use in the performance of his duties;
- (e) by a member of the armed forces of the Crown, or a member of any other disciplined force specified by the Governor for the purposes of this section by notice in the *Gazette*, having a firearm in his possession for use in the performance of his duties;
- (f) by an officer of a body licensed by the Commissioner under the provisions of paragraph (c) of section 16 having a firearm in his possession for use in the performance of his duties in accordance with the conditions, restrictions and limitations, if any, specified in that licence;



- (g) by a person who is a common carrier or warehouseman, or by the servant of any such person, who in the ordinary course of his trade or business as a common carrier or warehouseman carries or stores a firearm for another person;
- (h) in relation to an approved firearm by a person who in the ordinary course of his practice, trade or business uses that firearm for the purpose of dealing a blow to any animal with intent to slaughter it or to render the animal insensible prior to slaughtering;
- (i) by an employee of a primary producer who, with the permission of his employer, has in his possession in any place for the purpose of destroying vermin on any land used by the employer for the purposes of primary production a firearm belonging to the employer, or who uses that firearm for that purpose on that land;
- (j) by a person who has in his possession or uses any firearm designed for signalling or life saving purposes in the course of rescue or attempted rescue operations or in rehearsal or training for such operations;
- (k) by a person who has in his possession or uses for the purpose of starting races at any athletic or other sporting meeting an approved firearm belonging to another person with his permission;
- (l) by a person who, as an employee or partner of the holder of a licence to conduct a shooting gallery, or as a customer of a shooting gallery being conducted pursuant to this Act, handles or uses a firearm at that shooting gallery in accordance with the conditions, restrictions and limitations, if any, specified in the licence relating to that shooting gallery;

- (m) by a person who, with the permission of the owner of the firearm on an approved range that is properly constructed and maintained, has in his possession, handles or uses a firearm that is the property of, or is the property of a member of, an approved club or other approved organisation;
- (n) by a person under the age of sixteen years who uses a firearm, not being a pistol, under the supervision of, and which is the property of, a person who is the holder of a licence or permit under this Act relating to that firearm.

(2) For the purposes of subsection (1) of this section the expression "approved" means approved by the Commissioner either generally by notice in the *Gazette* or specifically by notice in writing.

Licences etc.  
not trans-  
ferable.

9. A licence, permit, or approval issued or granted under this Act is not transferable.

Minimum  
age of  
licensee or  
permit  
holder.

10. (1) No licence or permit under this Act shall be issued to any person under the age of eighteen years in respect of a pistol.

(2) No licence or permit under this Act shall be issued to any person under the age of sixteen years.

Restriction  
on Commis-  
sioner's  
discretion.

11. Subject to subsection (2) of this section, the Commissioner shall not grant a permit or issue a licence under this Act to a person if in his opinion—

- (a) it is not desirable in the public interest; or
- (b) that person is unfit to hold a licence; or
- (c) that person does not have a good reason for acquiring or possessing the firearm or ammunition to which the application relates.

(2) For the purposes of this section, where the Commissioner is satisfied that a person—

- (a) is a financial member of an approved club or other approved organisation providing facilities for and giving instruction in the use of the firearm to which the application relates, who participates or will participate regularly in the activities of that club or organisation; or
- (b) reasonably requires that firearm for the purpose of destroying vermin on land used by him for agriculture,

that person shall be taken to have a good reason for acquiring or possessing a firearm or ammunition of a kind suitable to the circumstances.

12. (1) No licence or permit under this Act shall be issued to any person, other than a dealer, in respect of any firearm which in the opinion of the Commissioner is—

Unsafe firearms.

- (a) unsafe; or
- (b) not being a firearm curio, unfit for use.

(2) No licence or permit under this Act shall be issued to a dealer in respect of a firearm to which subsection (1) of this section refers otherwise than for the purpose of the testing, repair or destruction of that firearm.

13. (1) A licence or permit in respect of an air rifle, a shotgun, or a firearm which is of a kind prescribed for the purposes of this subsection, and ammunition therefor, may be issued or granted on behalf of the Commissioner by any member of the Police Force acting with the authority of the Commissioner.

Delegation of the power to issue licences and grant permits.

(2) A licence or permit in respect of any firearm which is not an air rifle, a shotgun or a firearm of a kind prescribed for the purposes of subsection (1)

of this section, or for any ammunition for such a firearm, or in respect of a firearm curio, may be issued or granted only by the Commissioner or an officer to whom that power has been specifically delegated by the Commissioner by notice in the *Gazette*.

Delegation generally.

14. (1) Where any power of the Commissioner under this Act is exercised on his behalf and with his authority by any member of the Police Force, as the Commissioner is hereby empowered to authorize subject to the provisions of subsection (2) of section 13, that power shall be exercised in accordance with that delegation and if the exercise of the power in relation to a matter is dependent upon the opinion, belief or state of mind of the Commissioner that power may be exercised upon the opinion, belief or state of mind of the member of the Police Force.

(2) The delegation of a power under this Act may be varied or revoked by the Commissioner and does not prevent the exercise of that power by the Commissioner.

Firearm curios.

15. (1) The Commissioner may in his discretion classify and license as a firearm curio—

- (a) any firearm manufactured in or before the year 1900;
- (b) any firearm designed to use rimfire, pinfire or centre fire ammunition of a kind not obtainable commercially; or
- (c) any other firearm, including any replica of a firearm of the kind referred to in paragraph (a) or paragraph (b) of this subsection, which can be shown to the Commissioner to be a collector's item or of especial sentimental value to the owner.

(2) A Firearm Curio Licence remains in force from the date on which it is issued until cancelled or revoked.

16. The licences which may be issued under this Act are— Licences.

- (a) a Firearm Licence, which entitles the holder to possess, carry, and lawfully use the firearm named and identified in that licence, and ammunition for that firearm;
- (b) a Firearm Curio Licence, which entitles the holder to possess, but not to carry or use, the firearm named and identified in that licence;
- (c) a Corporate Licence, which may be issued in the corporate or trading name of any bank, financial institution, Government Department, State instrumentality or other organisation approved by the Commissioner and entitles that organisation to possess the firearms named and identified in that licence, together with ammunition therefor, and authorizes that organisation to permit any of its employees to possess, carry and use any such firearm or ammunition either
  - (i) on the premises of the organisation;
  - or
  - (ii) in the course of his employment generally,as is in that licence specified;
- (d) a Dealer's Licence, which entitles the holder to deal in firearms and ammunition on the premises named and identified in that licence, and authorizes the holder or an employee or partner of the holder to carry and use any firearm and ammunition therefor for the purpose of testing it or of demonstrating it to a prospective purchaser;

- (e) a Repairer's Licence, which entitles the holder to repair firearms belonging to other persons, and to possess ammunition therefor, on the premises named and identified in that licence, and authorizes the holder or an employee or partner of the holder to carry and use any such firearm or ammunition for the purpose of testing it;
- (f) a Manufacturer's Licence, which entitles the holder to manufacture firearms or ammunition of the kind specified in that licence on the premises named and identified in that licence and to sell and dispose of such firearms and ammunition at those premises in the ordinary way of business, and authorizes the holder or an employee or partner of the holder to carry and use any such firearm or ammunition for the purpose of testing it or of demonstrating it to a prospective purchaser;
- (g) a Shooting Gallery Licence, which entitles the holder to conduct a shooting gallery in accordance with the regulations on the premises specified in that licence.

Temporary permits.

17. (1) Subject to subsection (3) of this section, a permit to possess a firearm or ammunition temporarily may be granted by the Commissioner to a person—

- (a) for the purpose of any test or demonstration of it;
- (b) who is an auctioneer, bailiff, executor or other person requiring such possession only for the purpose of the disposal of that firearm or ammunition;

- (c) for the purposes of transit;
- (d) for the purposes of a guided hunting tour;
- or
- (e) in any other case where the Commissioner considers that it is not in the public interest to require that person to apply for a licence,

if the Commissioner is satisfied that the firearm or ammunition came, or will come, into the possession of the applicant in a lawful manner.

(2) A permit granted under subsection (1) of this section may authorize the use of the firearm or ammunition in the circumstances specified therein.

(3) A permit granted under subsection (1) of this section subsists for the period specified therein unless sooner determined by the Commissioner by notice in writing, but shall not be granted for any period in excess of three months.

(4) A permit granted under subsection (1) of this section may be renewed at any time before the expiry date but shall not be renewed in favour of the same person in relation to any particular firearm on more than one occasion in any period of twelve consecutive months.

17A. (1) Subject to this section where the Commissioner receives a written application from any person purporting to reside outside the State and purporting to be a responsible officer of a *bona fide* shooting club or similar body or sporting organisation conducting occasional shooting contests or activities the Commissioner may, if he is satisfied that—

- (a) the members of the club, body or organisation are desirous of participating within this State in any shooting contest or sporting activity; and
- (b) the members of the club, body or organisation are of good repute,

Interstate  
group  
permits.  
Inserted by  
No. 61 of  
1976, s. 2.

grant to the club, body or organisation an interstate group permit.

(2) An interstate group permit under this section—

- (a) shall be in the prescribed form;
- (b) shall be issued to the club, body or organisation on whose behalf the application for the permit has been made;
- (c) shall set forth—
  - (i) the names and addresses of the persons of the group in respect of whom it is issued; and
  - (ii) the day or days and the occasion or occasions in respect of which it is issued; and
- (d) shall be issued without the payment of a fee.

(3) An interstate group permit issued under this section shall not be granted for any period in excess of twenty-eight days.

(4) Sufficient copies of a group permit shall be issued to the applicant to enable him to furnish each person named in the interstate group permit with a copy of the permit.

(5) An interstate group permit entitles the persons named in the permit to possess or carry the firearms named and identified in the permit and ammunition for that firearm as if each such person were the holder of a firearm licence for the period specified in the permit.

Licensing  
procedure.  
Amended by  
No. 61 of  
1976, s. 3.

18. (1) A person who wishes to apply for a licence or a permit under this Act, other than an interstate group permit issued under section 17A, shall make application in the prescribed manner, and shall pay the prescribed fee.



(2) Subject to any other provisions of this Act and anything endorsed to the contrary on the licence, a licence, other than a Firearm Curio Licence, is valid for a period of twelve months from the date of its issue or renewal and may, on the payment of the prescribed fee, be renewed from time to time for further periods on application made within one month before, or within twelve months after, its expiry.

(3) Subject to any other provision of this Act and anything endorsed to the contrary on the licence—

(a) where a licence is renewed on application made within the period of one month immediately preceding the day on which the licence expires or within the period of three months immediately succeeding the day on which the licence expired, the renewal shall be deemed to be a continuation of the licence and to have effect for the period of twelve months commencing on and from the day next succeeding the day on which the licence expires or expired; and

(b) where a licence is renewed on application made more than three months but not more than twelve months after the day on which the licence expired, the renewal shall take effect on and from the day on which it is effected and shall have effect from that day until the day that is twelve months after the day on which the licence expired.

(3a) Where the renewal of a licence is not effected within twelve months after its expiry, a person who desires to do anything in relation to which a licence is required under this Act shall make an application for a licence pursuant to subsection (1) of this section.

(4) The fee payable on the issue of a licence or permit that is to remain in force for any period other than twelve months is the prescribed fee adjusted proportionately by one-twelfth for each month or portion thereof.

(5) Before any licence or permit under this Act is issued or renewed the applicant may be required to prove to the satisfaction of the Commissioner that any firearm to which the application relates is capable of complying with the prescribed safety standards and tests applicable thereto.

(6) The Commissioner, upon being satisfied that the provisions of this Act as to the suitability of the applicant, the reason for the application, the safety and fitness of the firearm, and the public interest, have been complied with; that the prescribed fees have been paid, and that there are no grounds upon which the application ought to be refused, shall enter the prescribed particulars in a Register to be compiled and maintained for the purpose and shall issue to the applicant a licence or permit under this Act.

(7) The Register compiled for the purposes of this section shall be maintained in the prescribed manner and the licences and permits issued or granted under this Act shall be in the prescribed form.

(8) Where the Commissioner refuses an application, whether original or by way of renewal, he shall forthwith notify the applicant, in writing, and the notification shall be accompanied by a written statement of the reasons for the decision.

(9) Licences of more than one kind may be issued to the same person in one document, and a licence may relate to more than one firearm.

(10) Subject to subsection (2) of section 13, where a Firearm Licence has been issued to any person and that person applies for an additional licence in relation to a further firearm that additional licence

may, on presentation of an application for expedited approval accompanied by the prescribed noting fee, be noted on the original licence in any case where the Commissioner is satisfied that the public interest does not require that the applicant should proceed by way of an originating application.

(11) Where a further firearm is noted on a current licence the licence applies whilst it remains in force to that further firearm.

19. (1) Any person who knowingly possesses, sells, delivers or disposes of, or purchases or otherwise acquires any firearm or ammunition, not being a firearm of the kind referred to in paragraphs (a), (b) or (c) of subsection (1) of section 15, and is not the holder of a licence or permit under this Act entitling him to do so commits an offence unless the provisions of section 8 apply.

Licensing  
offences.  
Amended by  
No. 54 of  
1978, s. 2.

Penalty: if, in relation to the firearm concerned in the offence or a firearm of the same kind, the offender—

- (a) has been refused such a licence or permit;
- (b) is disqualified from holding such a licence or permit; or
- (c) has had such a licence or permit cancelled under section 27 or revoked,

five hundred dollars, or imprisonment for twelve months, or both; otherwise, two hundred dollars, or imprisonment for six months, or both.

(1a) For the purposes of applying the penalty provisions of subsection (1) of this section, a firearm shall be taken to be of one of the following kinds—

- (i) a firearm to which subsection (1) of section 13 applies;
- (ii) a firearm to which subsection (2) of section 13 applies other than a pistol; or
- (iii) a pistol.

*Firearms.*

(2) A person who knowingly—

- (a) sells, delivers, disposes of, or permits possession to be taken of, a firearm or ammunition; or
- (b) purchases, or otherwise acquires a firearm or ammunition,

to, by or from a person not the holder of a licence or permit under this Act entitling him to possession of it, commits an offence.

Penalty: two hundred dollars, or imprisonment for six months, or both.

(3) A person who knowingly possesses a firearm of the kind referred to in paragraphs (a), (b) or (c) of subsection (1) of section 15 commits an offence unless he holds a licence or permit under this Act entitling him to do so or unless the provisions of section 8 apply.

Penalty: forty dollars.

(4) A person who—

- (a) deals in;
- (b) repairs on behalf of another;
- (c) manufactures,

or is concerned in dealing in, repairing or manufacturing, any firearm or ammunition otherwise than in accordance with a licence under this Act authorizing him to do so, commits an offence.

Penalty: on indictment, imprisonment for two years;

on summary conviction, two hundred dollars, or imprisonment for six months, or both.

(5) A person who conducts, or is concerned in the conducting of, a shooting gallery otherwise than in accordance with a licence under this Act authorizing him to do so commits an offence.

Penalty: one hundred dollars.

19A. (1) Where a person who has been the holder of a firearm licence—

Infringe-  
ment notice.  
Inserted by  
No. 61 of  
1976, s. 4.  
Amended by  
No. 35 of  
1980, s. 4.

- (a) applies for the renewal of that licence more than three months but not more than twelve months after the date on which the licence expired and the renewal is effected;
- (b) has been served with a notice referred to in subsection (2) of this section; and
- (c) has paid, within the time specified in the notice, the amount prescribed by way of penalty referred to in subsection (2) of this section and the notice has not been withdrawn within twenty-eight days after the service of it upon him,

proceedings shall not be brought against the person for any offence against this Act which was committed by him between the date on which the licence expired and the date on which its renewal was effected but which would not have arisen if the licence had been renewed within the time specified in paragraph (a) of subsection (3) of section 18.

(2) The Commissioner may by notice in the prescribed form notify any person who has failed to renew his licence after a period of three months immediately succeeding the expiry of his licence that an allegation can be made that he has contravened subsection (1) of section 19 and that

he may, if he does not wish the complaint relating to that alleged contravention to be heard and determined by a court—

- (a) pay to the holder of an office specified in the notice the amount prescribed by way of penalty for the alleged contravention; and
- (b) obtain the renewal of the licence,

within the time specified in the notice, if dealt with under this section.

(3) A notice referred to in subsection (2) of this section may be served on an alleged offender personally or by posting it to his address as ascertained from him or pursuant to any inquiry conducted under the direction of the Commissioner.

(4) A person who receives a notice referred to in subsection (2) of this section may decline to pay the penalty referred to in that subsection and where he fails to pay that penalty within the time specified in the notice or within such further time as may in any particular case be allowed, he is deemed to have declined to be dealt with under the provisions of subsection (2) of this section.

(5) A notice referred to in subsection (2) of this section may, whether or not the penalty has been paid, be withdrawn, at any time within twenty-eight days after the service of the notice, by the sending of a notice, in the prescribed form, signed by an officer authorized by the Commissioner, to the alleged offender at his last known place of residence or business, advising him that the notice has been withdrawn.

(6) The payment of a penalty pursuant to this section shall not constitute a conviction of an offence against this Act and shall not be regarded as an admission of liability for the purpose of, or in any way affect or prejudice, any civil claim, action or proceeding.

20. (1) Where the Commissioner is satisfied— Revocation,  
etc.

- (a) that a person who is the holder of a licence or permit under this Act obtained it by fraud or deception, or that he has breached or failed to observe a restriction, limitation or condition to which it is subject, or is not entitled to hold it, or is no longer a fit and proper person to hold it, or no longer has a good reason to possess a firearm;
- (b) that a particular firearm is unsafe or unfit for use;
- (c) that a particular place or premises, range or gallery does not comply with the requirements of this Act; or
- (d) that the circumstances in which his approval under this Act was given in relation to any person or matter no longer prevail,

he may revoke any licence, permit or approval relating thereto or may impose reasonable restrictions, limitations or conditions thereon.

(2) A restriction, limitation or condition imposed under this Act may be varied from time to time.

(3) The Commissioner shall give notice in writing to the holder where any licence, permit or approval issued or granted under this Act is revoked or varied, and the notification shall be accompanied by a written statement of the reasons for the decision.

(4) Any licence, permit or approval issued or granted under this Act may be cancelled if the holder so requests.

21. (1) A licence, permit or approval issued or granted under this Act may be made subject to restrictions, limitations or conditions which shall be— Restrictions,  
limitations  
and con-  
ditions.

- (a) specified in the licence, permit or document evidencing the approval; and

(b) entered in the Register.

(2) A person who commits a breach of, or fails to observe, a restriction, limitation or condition to which a licence, permit or approval issued or granted under this Act was made subject commits an offence.

Penalty: two hundred dollars, or imprisonment for six months, or both.

Appeals.

22. (1) A person aggrieved by a decision made by or on behalf of the Commissioner including any restriction limitation or condition imposed under this Act may, within two months of receiving written advice of the decision, appeal in writing, setting out the grounds on which the appeal is made, to a stipendiary magistrate in the manner prescribed.

(2) A stipendiary magistrate shall consider every appeal made to him in accordance with subsection (1) of this section and may confirm, vary or set aside the decision appealed against and may make such other order, including an order as to costs, as he thinks fit.

General offences.  
Amended by  
No. 54 of  
1978, s. 3.

23. (1) A person who knowingly permits possession of any firearm or ammunition to be taken by another person where there are reasonable grounds for believing that he knows, or ought to know, that the other person is intoxicated or excited by reason of his being under the influence of alcohol or drugs, or alcohol and drugs, or that the other person is of unsound mind, commits an offence.

Penalty: two hundred dollars, or imprisonment for six months, or both.

(2) A person who uses, carries or is otherwise in actual physical possession of a firearm whilst intoxicated or excited by reason of being under the influence of alcohol or drugs, or alcohol and drugs, commits an offence.



Penalty:

if the firearm is loaded, two hundred dollars and imprisonment for twelve months in addition;

if the firearm is not loaded, two hundred dollars, or imprisonment for six months, or both.

(3) Unless he holds a licence or permit under this Act entitling him to do so, or unless the provisions of section 8 apply, a person who carries or uses a firearm between the hours of seven in the morning and seven in the following evening commits an offence.

Penalty:

if the firearm is a pistol, four hundred dollars, or imprisonment for twelve months, or both;

otherwise, two hundred dollars, or imprisonment for six months, or both.

(4) Unless he holds a licence or permit under this Act entitling him to do so, or unless the provisions of section 8 apply, a person who carries or uses a firearm between the hours of seven in the evening and seven in the following morning commits an offence.

Penalty:

if the firearm is a pistol, on indictment, imprisonment for two years, and on summary conviction, five hundred dollars or imprisonment for twelve months, or both;

otherwise, four hundred dollars, or imprisonment for twelve months, or both.

(5) A person who, without lawful excuse,—

(a) defaces or alters any number or identification mark on a firearm;

- (b) is in possession of a firearm whereon any number or identification mark recorded on the licence or permit relating thereto has been altered or defaced; or
- (c) alters a firearm from the design or characteristics of its original manufacture or so that its calibre, character or kind differs from that existing at the time when a licence or permit relating thereto was first issued to him,

commits an offence.

Penalty:

on indictment, imprisonment for two years;

on summary conviction, to a fine of four hundred dollars, or imprisonment for twelve months, or both.

(6) A person who uses a contrivance commonly known as a silencer, or any contrivance of a similar nature, commits an offence.

Penalty: two hundred dollars, or imprisonment for for twelve months, or both.

(7) A person who is in possession of a contrivance commonly known as a silencer, or any contrivance of a similar nature, commits an offence.

Penalty: one hundred dollars, or imprisonment for six months, or both.

(8) A person who, without lawful excuse, points a firearm at any other person commits an offence.

Penalty: two hundred dollars, or imprisonment for six months, or both.

(9) A person who,—

- (a) having possession of a firearm or ammunition, fails or omits to take all reasonable precautions to ensure its safe keeping;

(b) having failed or omitted to take all reasonable precautions to prevent the same, permits a young person under the age of sixteen years to have unlawful possession of a firearm;

(c) without lawful excuse, knowingly discharges any firearm or any shot, bullet or other missile from a firearm, onto, from or across any road,

[(d) *Deleted by No. 54 of 1978, s. 3.*]

commits an offence.

Penalty: two hundred dollars.

(9a) A person who from any place, knowingly discharges any firearm, or any shot, bullet, or other missile from a firearm, to the danger of, or in a manner to cause fear to, the public or any person, commits an offence.

Penalty: four hundred dollars, or imprisonment for six months, or both.

(10) A person who, without reasonable excuse, uses a firearm on land belonging to another person without the express or implied consent of the owner or occupier of that land or some person apparently authorized to act on behalf of the owner or occupier, commits an offence.

Penalty: two hundred dollars.

(10a) A person who, without reasonable excuse, carries a firearm, other than on a road open to the public, onto or across land that is used for or in connection with primary production without the express or implied consent of the owner or occupier of that land or some person apparently authorized to act on behalf of the owner or occupier, commits an offence.

Penalty: twenty dollars.

(10b) For the purposes of subsection (10) and subsection (10a) of this section, the holding of a permit issued under the Wildlife Conservation Act Regulations shall not be taken to be a reasonable excuse.

(11) A person who by act or omission commits any breach of the provisions of this Act for which no penalty is specifically provided commits an offence.

Penalty: two hundred dollars.

Powers of  
police.  
Amended by  
No. 61 of  
1976, s. 5;  
No. 54 of  
1978, s. 4.

24. (1) A member of the Police Force may, without warrant, demand from any person in possession of a firearm or ammunition—

- (a) the licence or permit under which he is authorized to have such possession; or
- (b) evidence that he is authorized to have such possession otherwise than under a licence or permit,

and where no such licence or permit is produced or the officer is not satisfied that the possession is otherwise authorized he may seize and take possession of that firearm or ammunition.

(2) A member of the Police Force may, without warrant, seize and take possession of any firearm or ammunition that is in the possession of a person licensed or otherwise authorized to possess it if, in the opinion of the officer, that person is not at the time a fit and proper person to be in possession of it.

(3) A member of the Police Force may, without warrant, require any person to permit him to examine a firearm in the possession of that person and if, in the opinion of the officer, that firearm is unsafe or unfit for use the officer may seize and take possession of it.

(4) A member of the Police Force may, without warrant,—

- (a) question any person who is suspected on reasonable grounds of being able to furnish information or evidence relating to an offence or suspected offence under this Act;
- (b) stop, search, and detain—
  - (i) any person who is suspected on reasonable grounds of having a firearm or ammunition in his possession without lawful excuse;
  - (ii) any vehicle or conveyance where there are reasonable grounds to suspect that a firearm is kept without lawful excuse;
- (c) arrest any person who is suspected on reasonable grounds of committing an offence under this Act.

(5) Any firearm or ammunition seized and any person arrested under the provisions of subsection (1) of this section shall be taken before a Justice to be dealt with according to law.

(6) A person who—

- (a) refuses or fails without lawful excuse to answer any question put by a member of the Police Force under this Act;
- (b) wilfully misleads or wilfully attempts to mislead any member of the Police Force in any particular likely to affect the discharge of his duty under this Act;
- (c) refuses or fails to produce any licence or permit held by him under this Act, or any firearm in respect of which any such licence or permit is issued, within reasonable time after demand made by a member of the Police Force,

commits an offence and is liable on summary conviction to a fine of one hundred dollars.

Constructive  
possession.

25. (1) For the purposes of this section the term "firearm" is deemed to include a reference to ammunition therefor.

(2) Where any firearm is carried in parts by, or is otherwise in the possession of, two or more persons each and every one of those persons is deemed to be in possession of the firearm.

Search  
warrant.

26. Where a Justice is satisfied that there are reasonable grounds for suspecting that any firearm or ammunition is kept in any place in contravention of the provisions of this Act, he may grant to a police officer a warrant to search such place for firearms and ammunition, and to seize and take any firearms or ammunition found before a Justice to be dealt with according to law.

Court may  
cancel  
licence  
or disqualify  
offender.

27. On the conviction of a person for any offence whatever under this Act or for any offence against the person in which it appears from the facts that the convicted person unlawfully used or had in his possession any firearm or ammunition, any court before which the offender is convicted may declare any licence or permit held by the convicted person under this Act to be cancelled, and may declare the convicted person to be disqualified from holding a licence or permit under this Act for such period as the court determines.

Court may  
order  
forfeiture on  
conviction  
of offender.

28. On the conviction of a person under this Act, the court may order that any firearm or ammunition relating to the charge shall be forfeited to the Crown, but if it appears to the court that the firearm or ammunition belongs to some other person, who is lawfully entitled to possession and is not guilty of any offence in relation thereto under this Act, the court shall order the firearm or ammunition to be delivered to that other person.

29. In a prosecution for an offence against this Act an averment made by the complainant and contained in the complaint of the offence—

*Evidence.*

- (a) that at a particular time a person was not the holder of a particular licence or permit under this Act;
- (b) that at a particular time a place, organisation or thing had not been approved by the Commissioner for a particular purpose under this Act; or
- (c) that a particular firearm or ammunition is of a particular calibre or kind,

is evidence of the matter averred.

30. (1) The holder of a Dealer's Licence may dispose of ammunition to any person who represents himself as being the holder of a Firearm Licence or as lawfully possessing a firearm under the provisions of section 8, and who the dealer believes on reasonable grounds to be entitled to possess a firearm suitable for use with that ammunition.

*Ammunition sales.  
Amended by  
No. 54 of  
1978, s. 5.*

(2) The holder of a Dealer's Licence may dispose of ammunition to any person apparently over the age of eighteen years who represents himself as being, and whom the dealer believes to be, the agent of a person to whom the dealer would be authorized to dispose of ammunition under subsection (1) of this section.

(3) At the time of any transaction authorized under subsection (1) or subsection (2) of this section the dealer shall make an entry in the prescribed manner in the record kept for the purposes of this section and shall obtain the signature thereto of the person to whom the ammunition is supplied.

(4) A person who makes a false representation for the purposes of obtaining ammunition for himself or another person, and any dealer who fails or neglects to comply with the requirements of this section commits an offence.

Penalty: one hundred dollars.

Records.

31. (1) The Commissioner shall cause to be compiled and maintained in the prescribed manner a register or registers of all applications made for a licence, permit or approval under this Act specifying whether or not the application was refused, the reasons for any refusal, and such other particulars as are prescribed, and the records shall be available for inspection on payment of the prescribed fee.

(2) The holder of a Corporate Licence, a Dealer's Licence, a Repairer's Licence or a Manufacturer's Licence shall compile, maintain and furnish records in such manner as is prescribed, all entries therein shall be made at the time of the transaction to which they relate, and any such record shall be produced for inspection by any member of the Police Force on his request.

(3) A member of the Police Force shall be permitted to check the stock of firearms and ammunition on any premises in respect of which records are required to be kept under subsection (2) of this section, and shall be provided with reasonable facilities for examining such firearms.

Safe  
keeping by  
traders.

32. The holder of a Dealer's Licence, a Repairer's Licence, or a Manufacturer's Licence shall keep all firearms and ammunition in a strongroom or otherwise in safe keeping, securely fastened during any period when the premises are not open for trade.



33. (1) Where any firearm or ammunition is in the possession of a police officer if— Disposal of firearms.

- (a) the owner cannot be found; or
- (b) the owner, not being the holder of a licence relating thereto or otherwise lawfully entitled to possession of it, dies; or
- (c) the owner, not being the holder of a licence relating thereto or otherwise lawfully entitled to possession of it, refuses or fails lawfully to dispose of it within a period of three months after notice in writing from the Commissioner, or within such longer period as the Commissioner may by the notice allow, requiring him to do so,

the Commissioner may dispose of that firearm or ammunition in accordance with the regulations by destruction, sale or otherwise.

(2) Where a firearm or ammunition is sold by the Commissioner the net proceeds of the sale shall be paid to the owner, if he is known, otherwise the net proceeds shall be paid to the Consolidated Revenue Fund.

(3) On payment of the prescribed fee the Commissioner may, at the request of the owner and in his absolute discretion, accept any firearm or ammunition for safe custody, subject to any prescribed conditions, and

- (a) may sue for and recover in any court of competent jurisdiction; or

- (b) where the fees have not been paid for a period of more than two years, may recover from the proceeds of a sale of that firearm or ammunition in the prescribed manner, any fees due and owing in respect of that safe custody and any costs or expenses incurred in effecting such recovery.

Regulations.  
Amended by  
No. 54 of  
1978, s. 6.

34. (1) The Governor may make regulations in regard to any matter or for any purpose for which regulations are prescribed or contemplated by this Act, and may make all such other regulations as may in his opinion be necessary or expedient for giving effect to the provisions of this Act, and for the due administration thereof.

(2) Without limiting the general power conferred by subsection (1) of this section, the Governor may make regulations for or with respect to all or any of the following matters—

- (a) the application for and the issue, grant, renewal, cancellation or revocation of licences, permits and approvals under this Act;
- (b) the restrictions, limitations and conditions that may be imposed on any licence, permit or approval;
- (c) the manner in which appeals under this Act may be brought and the procedure to be followed in the conduct of those appeals;
- (d) the form of registers and records to be kept or furnished under this Act and the particulars to be entered therein;

- (e) the forms to be used for the purposes of this Act, and the manner of, and the time for, their completion, including a requirement that information supplied be verified by statutory declaration;
  - (f) the classification of firearms and ammunition for the purposes of this Act;
  - (g) making provision for the safe custody and control of firearms and ammunition by persons entitled to possession;
  - (h) the construction and conduct of shooting galleries and ranges;
  - (i) regulating the conduct of guided hunting tours; and
  - (j) any other purpose that the Governor deems necessary for safeguarding the public and the public interest in relation to firearms and ammunition.
- (3) Regulations made under this Act may—
- (a) be of general or limited application, according to time, place or circumstance;
  - (b) prescribe fees to be paid in relation to the issue, grant, variation or renewal of licences, permits and approvals, the charges that are payable in relation to other matters under this Act, the persons liable, and the method of recovery of amounts not duly paid either by the disposal of the firearms or ammunition to which they relate or otherwise;
  - (c) impose upon any person or class of person a discretionary authority;
  - (d) provide penalties, not exceeding one hundred dollars, for the contravention of any regulation.

(section 3 (1))

## FIRST SCHEDULE.

## ACTS REPEALED.

Number of Act.	Short title of Act.
8 of 1931 ....	Firearms and Guns Act 1931.
25 of 1931 ....	Firearms and Guns Act Amendment Act 1931.
42 of 1939 ....	Firearms and Guns Act Amendment Act 1939.
85 of 1953 ....	Firearms and Guns Act Amendment Act 1953.
70 of 1956 ....	Firearms and Guns Act Amendment Act 1956.
28 of 1960 ....	Firearms and Guns Act Amendment Act 1960.
7 of 1962 ....	Firearms and Guns Act Amendment Act 1962.
6 of 1963 ....	Firearms and Guns Act Amendment Act 1963.
62 of 1963 ....	Firearms and Guns Act Amendment Act (No. 2), 1963.
46 of 1966 ....	Firearms and Guns Act Amendment Act 1966.
34 of 1968 ....	Firearms and Guns Act Amendment Act 1968.
81 of 1969 ....	Firearms and Guns Act Amendment Act 1969.
12 of 1971 ....	Firearms and Guns Act Amendment Act 1971.