

18 GEO. V. No. 21, 1927. *Firearms License Act.*

of any matter or thing necessary or expedient to give effect to this Act, providing for and supplying such omission or insufficiency.

(2.) The regulations may fix a penalty, not exceeding in any case twenty-five pounds, for any breach thereof. All such regulations shall be published in the *Gazette*, and thereupon shall be of the same effect as if they were contained in this Act, and shall be judicially noticed, and shall not be questioned in any proceeding whatever.

(3.) Copies of such regulations shall be laid before Parliament within fourteen sitting days after such publication, if Parliament is in session, and if not, then within fourteen days after the commencement of the next session.

30. The **Careless Use of Fire Prevention Act** of Repeal, 1865 is hereby repealed.

FIREARMS.

An Act to Regulate the Sale and Use of Firearms, to Amend "The Firearms Act of 1905," and for other purposes.

18 Geo. V.
No. 21.
THE
FIREARMS
LICENSE ACT
OF 1927.

[ASSENTED TO 7TH JANUARY, 1928.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. (1.) This Act may be cited as "*The Firearms License Act of 1927.*" Short title and commencement.

(2.) This Act shall commence on a day to be appointed by the Governor in Council and notified by Proclamation published in the *Gazette*, which date is hereinafter referred to as the commencement of this Act.

* 29 Vic. No. 9, *supra*, page 758.

2. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say:—
- Definitions. “Certificate of registration” or “Certificate”—A certificate of registration granted under this Act;
- Certificate of registration; Certificate.
- Dealer. “Dealer”—A person who by way of trade or business manufactures, sells, or repairs firearms, or exposes or has in his possession firearms for sale or repair;
- Firearm. “Firearm” means and includes any lethal weapon from which any shot, bullet, or other missile can be discharged, and of which the length of barrel, not including any revolving detachable or magazine breech, does not exceed nine inches, but does not include a toy firearm or an antique firearm which is kept or sold as a curiosity or ornament:
- The term may also be extended from time to time by the Governor in Council, by Order in Council published in the *Gazette*, to mean and include all or any of the firearms as defined in section 2A of **“The Firearms Act of 1905”* as inserted in such lastmentioned Act by section twenty-two of this Act;
- License. “License”—A license granted under this Act;
- Minister. “Minister”—The Home Secretary or other Minister of the Crown for the time being administering the Home Department;
- Person. “Person” includes a corporation or joint stock company or firm registered under the laws relating to the registration of firms;
- Prescribed. “Prescribed”—Prescribed by this Act;
- Public place. “Public place” includes every road, and also every place of public resort open to or used by the public as of right: the term also includes—
- (a) Any vessel, vehicle, building, room, licensed premises, field, ground, park, reserve, garden, wharf, pier, jetty, platform, market, passage, or other place for the time being used for a public purpose or open to access

* 5 Edw. VII. No. 29, *supra*, page 173.

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by the public, whether on payment or otherwise, or open to access by the public by the express or tacit consent or sufferance of the owner, and whether the same is or is not at all times so open; and

(b) Any place declared by the Governor in Council, by Order in Council, to be a public place for the purposes of this Act;

“Sale” includes barter and exchange: the terms Sale, &c. “sell,” or “sold,” or other derivatives, have corresponding meanings;

“This Act”—This Act and all Proclamations, This Act. Orders in Council, and regulations made thereunder.

3. (1.) Subject to this Act, a person shall not purchase, use, carry, or have in his possession any firearm unless he holds a license issued under this Act and in force at the time.

License for purchasing, using, carrying, or possessing a firearm.

(2.) A separate license shall be taken out in respect of each such firearm, and such license shall not be transferable.

Separate license.

(3.) Subject to this Act, any person who has in his possession any firearm, without holding a license for such firearm, shall be liable to a penalty of not less than ten pounds and not more than fifty pounds:

Offences.

Provided that where any person who is convicted by the court of any offence under this subsection has been previously convicted of an indictable offence and has served a sentence of imprisonment in respect of such indictable offence, the court before whom such person is convicted of any such offence under this subsection shall sentence such person to a term of imprisonment for a term of not less than one month and not exceeding six months, without extending to such person any option of the payment of any penalty in lieu of such term of imprisonment, any law to the contrary notwithstanding.

(4.) Any person who uses or carries any firearm without holding a license for such firearm shall, if such offence be committed after the hour of seven o'clock in the morning and before the hour of seven o'clock in the evening, be liable to a penalty of not less than twenty pounds and not more than one hundred pounds,

Further offences.

and shall, if the offence be committed after the hour of seven in the evening and before the hour of seven in the morning, be liable in addition to the said penalty to imprisonment for a term not exceeding six months :

Provided that where any person who is convicted by the court of any offence under this subsection has been previously convicted of an indictable offence and has served a sentence of imprisonment in respect of such indictable offence, the court before whom such person is convicted shall, in addition to any penalty it may impose, sentence such person to a term of imprisonment for a term of not less than three months and not exceeding nine months, any law to the contrary notwithstanding.

Exemptions.

(5.) This section shall not apply to—

- (i.) Any person in the naval, military, prison, or air service of His Majesty, or in the police force, or to a member of a rifle club, in respect of his possession of any firearm prescribed for the use of such service, force, or club, or used or carried in the performance of his duty or when engaged in or proceeding to or from drill or target practice ; or
- (ii.) Any dealer registered under this Act or his servant who has in his possession or carries a firearm in the ordinary course of the trade or business of a dealer, or who uses a firearm by way of testing or regulating its strength or quality in a place specially set apart for such purpose ; or
- (iii.) Any person who uses a firearm in respect of which a license is held by the owner for the purpose of shooting at a shooting gallery which is under the personal supervision of a responsible person in charge thereof ; or
- (iv.) Such other cases as the Governor in Council may from time to time, by Order in Council published in the *Gazette*, determine.

Application
for and issue
of licenses.

4. (1.) Subject to this Act, every person having in his possession a firearm at the commencement of this Act, and every person who after the commencement of this Act desires to purchase, use, carry, or have in his possession a firearm, shall apply for a license.

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(2.) Applications for licenses under this Act, or for the renewal of such licenses, shall be made to the officer of police in charge of the police station in or nearest to the place where the applicant usually resides.

To be made
to police.

Such officer of police shall thereupon make careful inquiry and report to the Minister whether in his opinion the applicant is a person who has good reason for requiring the license applied for and may be permitted to have in his possession or under his control, and to use and carry, a firearm without any danger to the public safety or to the peace.

(3.) On receipt of such report the Minister may, in his absolute discretion, grant or refuse any such application.

Power of
Minister to
grant or
refuse
license.

(4.) No license shall be issued to a person under the age of eighteen years.

Person
under
eighteen
years of age.

(5.) Where the firearm in respect of which a license is required is to be purchased, used, carried, or kept by the proprietor, manager, or other employee of any bank, financial institution, or business for the sole purpose of protecting property of or in the possession of such bank, institution, or business, or during the conveyance of property to or from such premises, the license may be issued in the name of the proprietor, manager, or other employee of such bank, institution, or business, and the firearm in respect of which such license is issued may be purchased, used, carried, or kept by any other employee of such bank, institution, or business, for such purpose, notwithstanding that the name of such other employee does not appear on the license.

Banks and
financial
institutions
and
businesses.

(6.) The fee payable upon the issue of any firearm license and upon each renewal thereof shall be such sum as may be prescribed.

Fees.

(7.) Any applicant aggrieved by a refusal of an officer in charge of a police station to recommend the issue of any such license may appeal from such refusal to the court of petty sessions in or nearest to the place where the applicant resides, and the recommendation of such court shall be conveyed to the Minister, whose decision shall be final and binding and without appeal.

Appeal if
recommen-
dation of
application
refused.

Duration of
licenses.

(8.) A license shall, unless previously revoked, continue in force until the thirty-first day of December following the date of the issue thereof, but may be renewed for a further period expiring on the thirty-first day of December next following the date upon which the license is renewed, and so from time to time, and the provisions of this Act with respect to the issue of a license shall apply to the renewal of a license :

Provided that notice in the prescribed form shall be forwarded by an applicant for a renewal of such license to the officer in charge of the police station in or nearest to the place where such applicant usually resides, within three months of the thirty-first day of December preceding the year for which such renewal is applied for.

Revocation
of licenses.

(9.) Any license issued under this Act may, in the absolute discretion of the Home Secretary, be revoked on receipt by him of a report in writing signed by the officer in charge of the police station in or nearest to the place where the holder of the license usually resides, intimating that he is satisfied that the holder thereof is prohibited by this Act from holding a license or is a person of unsound mind or of intemperate habits or is otherwise unfitted to be entrusted with a firearm :

Provided that the holder of such license may appeal against such report to the Home Secretary, whose decision in the matter shall be final and conclusive and without appeal.

Inspection
of list of
licenses and
certificates.

(10.) A record of all licenses and certificates issued under this Act, and any other records as may be prescribed, shall be kept at the Home Secretary's Department and shall be open for inspection at all reasonable times upon payment of the fee (if any) prescribed.

Sale or hire
of firearms.

5. (1.) It shall be unlawful for any person to sell by retail or by auction or by private sale or to let on hire a firearm, or for a pawnbroker to part with the possession of a firearm pledged with him, upon redemption of the pledge, to any person unless at the time of the sale, hire, or redemption such person either produces a license or gives reasonable proof that he is a person entitled to use or carry or have in his possession a firearm without a license by virtue of subsection five of section three of this Act or that he, being over the age of eighteen

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years, is about to proceed abroad for a period of not less than six months and produces a statement to that effect, signed by himself and by a police officer of the district within which he resides of a rank not lower than that of inspector or by himself and by a justice of the peace.

Subject to this Act, in no case under this subsection shall any person sell or let on hire a firearm, or, being a pawnbroker, part with the possession of a firearm pledged with him upon redemption of the pledge, to any person under the age of eighteen years.

(2.) Every person who sells by retail or by auction, or by private sale, or lets on hire a firearm, or, being a pawnbroker, parts with the possession of a firearm pledged with him upon redemption of the pledge, shall before delivery make or cause to be made an entry in a book to be kept for that purpose, or on such form as may be prescribed, specifying the description of the firearm sold, let on hire, or redeemed, the date of such sale, hire, or redemption, the name and address of the purchaser, hirer, or person redeeming the firearm, the date of such license produced by the purchaser, hirer, or such person, or the circumstances exempting such purchaser, hirer, or person from having such license, or any further particulars as may be prescribed.

Such person shall at all times permit any officer of police to inspect and make copies of entries in the book so kept by him as aforesaid.

(3.) Any person who—

- (a) Contravenes any of the foregoing provisions of this section; or
- (b) On the sale, hire, or redemption of a firearm 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;

Penalty.

shall be liable on summary conviction to a penalty of not less than ten pounds and not more than fifty pounds.

6. Before any dealer purchases from any person any firearm, or in the case of a pawnbroker, before any pawnbroker receives from any person any firearm by way of security for a loan to such person, such dealer or pawnbroker shall demand from such person the production of his license in respect of such firearm.

Dealer or pawnbroker to demand production of license on sale or pledge of firearm.

Such dealer or pawnbroker shall, before making such purchase or receiving such firearm by way of loan, make or cause to be made an entry in a book to be kept for that purpose, specifying the description of the firearm sold or received by him by way of security, the name and address of the person from whom such firearm was purchased or received, the date of such license produced by such person, or any further particulars as may be prescribed.

Any dealer or pawnbroker who contravenes the provisions of this section shall be liable to a penalty of not less than ten pounds and not exceeding fifty pounds.

Registration
of dealers.

7. (1.) Any person who carries on the trade or business of a dealer, unless he shall first have obtained a certificate of registration, shall be liable on summary conviction for a first offence to a penalty not exceeding fifty pounds, and for a second or subsequent offence to a penalty of not less than twenty pounds nor more than one hundred pounds.

Application
to be made
to the police.

(2.) An application for such certificate shall be made in the prescribed form to the officer of police in charge of the police station in or nearest to the place where the applicant carries on the trade or business of a dealer. Such officer of police shall thereupon make careful inquiry and report to the Minister whether in his opinion the applicant is a fit and proper person to whom such certificate should be granted

Power of
Minister to
grant or
refuse
certificate.

On receipt of such report the Minister may, in his absolute discretion, grant or refuse any such certificate.

Appeal if
recom-
mendation of
application
refused.

Any applicant aggrieved by a refusal of an officer in charge of a police station to recommend the issue of any such certificate may appeal from such refusal to the court of petty sessions in or nearest to the place where the applicant resides, and the recommendation of such court shall be conveyed to the Minister, whose decision shall be final and binding and without appeal.

Fee.

The fee payable upon the issue of such certificate of registration shall be such sum as may be prescribed.

Such certificate shall be in force until the thirty-first day of December after the date of the issue thereof, and may on application in the prescribed manner be renewed from time to time upon payment of a like fee :

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Provided that notice in the prescribed form shall be forwarded by an applicant for a renewal of such certificate to the officer in charge of the police station in or nearest to the place where the applicant carries on the trade or business of a dealer within three months of the thirty-first day of December preceding the year for which such renewal is applied for.

8. Any member of the police force may demand from any person, who at the time of such demand may be using or carrying any firearm, the production of the license for so doing, and may also demand from such person his name and address. Demand for production of license.

If such person refuses to produce such license or does not give his name and address or gives a false name or address, he shall for every such offence be liable to a penalty not exceeding ten pounds.

9. Any member of the police force may search any person in any public place whom he suspects of having in his possession or under his control a firearm in respect of which such person does not hold a license and who is not exempted from the provisions of this Act, and may, on failure of such person to produce such license, seize and detain such firearm. Search for and seizure of firearm.

10. If a justice is satisfied by information on oath that there is reasonable ground for suspecting that any firearm is concealed or lodged in any premises or place in breach of this Act, he may grant a search warrant authorising any member of the police force named therein to enter at any time, if necessary, by force, and to search any premises or place named in such warrant and every person found therein, and to seize and detain any firearm which he may find on the premises or place or on such person and in respect of which he has reasonable grounds for suspecting that there has been or is a breach of this Act. Power to search premises for firearm.

11. Any person who has a firearm in his possession and who does not take all reasonable precautions to ensure the safe keeping of such firearm shall be liable to a penalty not exceeding ten pounds. Precautions to be taken by firearm owners.

12. Any person who hinders or obstructs or in any way prevents an officer of the police in the execution of his duty under this Act shall be guilty of an offence. Obstruction of police.

Maxim
silencers.

13. Any person who carries or uses in connection with a firearm any contrivance commonly known as or in the nature of a maxim silencer shall be liable to a penalty not exceeding twenty pounds.

Obtaining
certificate
improperly.

14. Any person who obtains or attempts to obtain any license or certificate by fraud or fraudulent means shall be liable to a penalty not exceeding twenty pounds, and the court may order that such license or certificate be cancelled, and such license or certificate shall be cancelled accordingly.

Persons
under
seventeen
years of age.

15. Any person under the age of seventeen years who has in his possession any firearm shall be guilty of an offence against this Act.

Any person under the age of seventeen years who uses or carries any firearm shall be liable to a penalty not exceeding twenty pounds.

Moreover the court having cognisance of the case may, in lieu of any penalty that may be imposed on such person, deal with such person in the same manner as a convicted child may be dealt with pursuant to the provisions of section twenty-four of **"The State Children Acts, 1911 to 1924,"* and in such case the provisions of such last-mentioned Acts shall extend and apply to such person, and to all persons, things, and matters concerned.

General
penalty.

16. Any person who is guilty of any breach of or contravention of this Act shall, if no other penalty is prescribed, be liable to a penalty not exceeding twenty pounds.

Proceedings.

17. (1.) All proceedings under this Act shall be taken and all penalties recovered in a summary way under †*"The Justices Acts, 1886 to 1924."*

Notwithstanding anything in any Act to the contrary, when any person is convicted before any justices of any offence under this Act, the justices shall not reduce the penalty to be imposed in respect of such offence below any prescribed minimum amount of penalty.

Forfeiture.

(2.) Upon conviction of any offender for a breach of this Act, the court may, in addition to any penalty or imprisonment that may be imposed, order that the firearm or firearms concerned be forfeited to His Majesty.

* 2 Geo. V. No. 11 and amending Acts, *supra*, pages 5076 *et seq.*

† 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.*

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(3.) Proceedings for an offence against this Act by a corporation or company may be taken against any person who is the manager of such corporation or company, and such person shall be personally liable to such proceedings for such offence. Proceedings against corporations.

(4.) All fees payable and all penalties recovered under this Act shall be and are hereby payable to Consolidated Revenue. Fees and penalties.

(5.) In any proceedings under or for the purposes of this Act—

- (i.) The averment on behalf of His Majesty in any information, complaint, pleading, summons, or writ, that any article is a firearm, or that any person is an officer duly authorised under or for the purposes of this Act, or that any place or public place is a place or public place within the meaning of this Act, shall be sufficient evidence of the fact ; Averment.
- (ii.) Any allegation or averment in any information, complaint, pleading, summons, or writ, that any person does not hold a license or certificate as prescribed, or is not exempted from the provisions of this Act, need not be proved, and such person shall be deemed not to hold such license or certificate or not to be exempted from the provisions of this Act, as the case may be, until the contrary is proved by the production of the proper license or certificate or otherwise ; Presumption that person unlicensed or not exempted from Act.
- (iii.) Without in any way limiting the definition of the term “have in possession” in the Criminal Code, which definition is hereby applied, any firearm shall also be deemed to be in the possession of a person when it is placed in any house, outhouse, yard, garden, or place occupied by him, or has been removed with his knowledge and permission to any other place without a *bona fide* sale having been made by him ; Possession of firearm.
- (iv.) Every entry in any book kept by or belonging to any person licensed or certificated under this Act or found on his premises shall be deemed, unless the contrary is shown, to have been made by or with the authority of such person ; Entries in books.

Age of
person.

- (v.) In cases where the age of any person is material, the court may decide, upon its own view and judgment, whether any person charged or present before it has or has not attained any prescribed age. But nothing herein shall be construed to prevent the age of such person being proved.

Regulations.

18. (1.) The Governor in Council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act, or that may be necessary or expedient to carry out the objects and purposes of this Act, and where there may be in this Act no provision or no sufficient provision in respect of any matter or thing necessary or expedient to give effect to this Act, providing for and supplying such omission or insufficiency.

Without in any way limiting the generality of the foregoing provisions, such regulations may provide for all or any of the following matters:—

- (a) The form and manner of applications for licenses and certificates;
- (b) The form and manner of licenses and certificates which may be issued under this Act;
- (c) The form and manner of renewals and revocations of licenses and certificates;
- (d) The form and manner of appeals under this Act;
- (e) The form and manner in which any book shall be kept by any person under this Act, or any other form and matter which may be prescribed or which (where not specially provided for in this Act) may be deemed necessary to give effect to this Act;
- (f) The time and mode of making and furnishing particulars or returns regarding the sale, purchase, hire, or redemption of a firearm or otherwise as may be prescribed, and the persons by whom they shall be made;
- (g) The doing or performance of any other act, matter, or thing necessary to give effect to this Act;
- (h) Imposing a penalty not exceeding twenty pounds for any breach of such regulations

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and for an increase of penalty (including the imposition of a minimum penalty as prescribed but not exceeding, in the case of a maximum penalty, a penalty of fifty pounds) for a second or subsequent breach thereof ;

(i) Generally for carrying this Act into effect.

Such regulations may also prescribe authority and power and also any provisions or conditions under which any license or certificate under this Act may be refused, suspended, or revoked at the discretion of the Minister.

(2.) Such regulations may be made on the passing of this Act.

19. Notwithstanding anything in any law to the contrary, the Governor in Council at any time and from time to time may, if in his opinion the interests of public safety so warrant, issue a Proclamation demanding that any person who has in his possession any firearm shall, without delay, hindrance, obstruction, claim, or objection whatsoever, give immediate and peaceful possession of such firearm to the Minister or to such person authorised by him to demand and take delivery and possession of the same. On the issue of any such Proclamation any such person who has in his possession such firearm shall forthwith, and without any prior demand being made for the delivery by him of such firearm, send or deliver such firearm to any such person authorised in such Proclamation to receive and take delivery of such firearm. Such Proclamation may be issued in respect of the whole State or limited to such portion of the State as may be defined in such Proclamation.

Proclamation to deliver up firearms.

Any such Proclamation may be in relation to a firearm as defined by this Act, or may include all or any of the firearms as defined in section 2A of **“Firearms Act of 1905”* as inserted in such last-mentioned Act by section twenty-two of this Act.

Any person offending against the provisions of this section or against the provisions of any Proclamation issued thereunder shall be liable to a penalty of not less than ten pounds and not exceeding one hundred pounds.

* 5 Edw. VII. No. 29, *supra*, page 173.

Proclamations, Orders in Council, and regulations to be published in the *Gazette*.

20. All Proclamations, Orders in Council, and regulations shall be published in the *Gazette*, and shall take effect from the date of such publication, or from a later date as may be specified in such Proclamations, Orders in Council, or regulations.

All Proclamations, Orders in Council, and regulations shall be of the same effect as if they were enacted in and formed part of this Act and shall be judicially noticed, and shall not be questioned in any proceedings whatsoever.

All Proclamations, Orders in Council, and regulations shall be laid before Parliament within fourteen sitting days after the publication thereof, if Parliament is then sitting, or, if not, then within fourteen sitting days after the commencement of the next session thereof.

Any Proclamation or Order in Council may be revoked or varied by any subsequent Proclamation or Order in Council.

Saving of Criminal Code.

21. Subject to this Act, nothing in this Act shall prejudice or limit or in any wise affect the provisions of **"The Criminal Code."*

Amendment of †"The Firearms Act of 1905."

22. After section two of "*The Firearms Act of 1905*" the following section is inserted:—

Definition of "Firearms."

"[2A.] (1.) In this Act the term "firearms" means and includes any portable gun, rifle, pea-rifle, revolver, firearm (as defined by ‡*"The Firearms License Act of 1927"*), or other barrelled weapon capable of projecting a bullet, shot, or other projectile dangerous to human life, by means of air, gunpowder, or other combustible or explosive substance.

Application of "*The Firearms License Act of 1927.*"

(2.) Notwithstanding anything in this Act contained, any proceedings taken or jurisdiction exercised with respect to any firearm as defined by ‡*"The Firearms License Act of 1927,"* shall be taken or exercised under the provisions of such last-mentioned Act, and the provisions of such last-mentioned Act shall apply and extend accordingly."

* 63 Vic. No. 9, Sch., *supra*, page 341.

† 5 Edw. VII. No. 29, *supra*, page 173.

‡ 18 Geo. V. No. 21 (this Act).