



ANNO DECIMO

GEORGII V REGIS.

A.D. 1919.

No. 1369.

An Act to provide for the Registration of Firearms, and for other purposes.

[Assented to, November 20th, 1919.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Firearms Registration Act, 1919." Short title.

2. This Act shall come into force on a date to be fixed by proclamation. Commencement of Act.

3. In this Act—

Interpretation.

"Exempted firearm" means any firearm to which this Act is declared by section 5 not to apply;

"Deputy Registrar" means Deputy Registrar of Firearms;

"Firearm" means any firearm of any description, and any air gun, and any kind of gun from which any kind of shot, bullet, or other missile can be discharged;

"Proclaimed area" or "area" means any area which the Governor by proclamation declares to be an area to which the provisions of this Act shall apply;

"Registrar" means the Registrar of Firearms.

Firearms Registration Act.—1919.

Application of Act.

4. This Act shall apply only within the boundaries of proclaimed areas.

Firearms to which Act is not to apply.

5. This Act shall not apply to—

(a) any firearm, the property of the Government of the Commonwealth or the Government of the State, which is lawfully in the possession of—

I. any person who is a member of the Naval or Military Forces of the Commonwealth; or

II. any member of the Police Force; or

III. any member of a registered rifle association; or

(b) any firearm the property of, and in the possession of, any person who is a gunsmith or seller of firearms, or an employee of such person, whilst such firearm forms part of the stock-in-trade of such gunsmith or seller of firearms; or

(c) any firearm of any class or kind which is exempted by the regulations.

Registrar and Deputy Registrars.

6. (1) The Commissioner of Police shall be the Registrar of Firearms under this Act.

(2) Every member of the Police Force who is for the time being in charge of any Police Station situated within the boundaries of a proclaimed area shall, for the period whilst he is in charge of such Station, be a Deputy Registrar of Firearms under this Act for such area.

How registration effected.

7. (1) Registration shall be effected by entering in a Register to be kept in the office of the Deputy Registrar the prescribed particulars with respect to the firearm to be registered.

(2) Such particulars may be furnished—

(a) orally, by the owner of the firearm, or by some person on his behalf, who shall attend for the purpose at the office of the Deputy Registrar; or

(b) in a form to be prescribed, signed by the owner of the firearm, or by some person on his behalf, and addressed to the Deputy Registrar at his office.

(3) Any person who wilfully furnishes any false particulars with respect to any firearm shall be guilty of an offence against this Act.

Deputy Registrars to furnish Registrar with particulars of registrations.

8. Every Deputy Registrar with whom any firearm is registered shall—

(a) enter the prescribed particulars of the same in a Register, and

(b) forthwith send a copy of such entries to the Registrar, who shall cause the same to be entered in a Register to be kept at his office.

9. Every

*Firearms Registration Act.—1919.***9. Every person, who—**

- (a) being resident within the boundaries of a proclaimed area, is the owner of, or has in his possession, any firearm, not being an exempted firearm, or
- (b) not being resident within the boundaries of a proclaimed area, uses, discharges, carries, keeps, or has in his possession, within the boundaries of a proclaimed area any firearm, not being an exempted firearm,

Possession of
unregistered firearms
an offence.

shall, unless such firearm is registered under this Act with a Deputy Registrar for such proclaimed area, be guilty of an offence against this Act: Provided that no person shall be required to register any firearm with a Deputy Registrar of more than one proclaimed area.

10. (1) The Registrar may issue search warrants to search for unregistered firearms to such members of the Police Force as he thinks fit.

Power to Registrar to
grant search warrants.

(2) Every such warrant shall be in the prescribed form and shall be signed by the Registrar.

(3) Every such warrant shall remain in force for six months from the date thereof, or for such (if any) shorter period as is specified therein: Provided that the Registrar may at any time revoke any such warrant.

11. The member of the Police Force named in any such warrant may, at any time in the day or night, with such assistants as he deems necessary, enter into and search any house, building, premises, or place where he has reasonable cause to suspect that any unregistered firearms are, and may break open the same; and he may break open and search any cupboards, drawers, chests, trunks, boxes, packages, or other things, whether fixtures or not, in which he has reasonable cause to suspect that any unregistered firearms may be found.

Power to search
premises.

12. Any member of the Police Force may stop, search, and detain—

Power to search
vehicles and sus-
pected persons.

- (a) any cart, carriage, or vehicle in or upon which there is reason to suspect that any unregistered firearm may be found, and
- (b) any person who is reasonably suspected of having, or conveying in any manner, any unregistered firearm.

13. (1) If, upon any such search, such member of the Police Force finds any unregistered firearm, he may seize and retain the same.

Power to seize.

(2) Every firearm seized under subsection (1) shall be brought before a Special Magistrate or two Justices for the purpose of determining whether such firearm is or is not liable to confiscation under this Act.

14. If

Firearms Registration Act.—1919.

Procedure on seizure where owner unknown.

14. If the owner of any such firearm so seized is unknown or cannot be found, an information or complaint may be laid for the purpose only of confiscating such firearm, and the Registrar shall cause notice to be advertised in three daily newspapers circulating in South Australia, stating that unless cause is shown to the contrary at the time and place named in such notice, such firearm will be confiscated.

Power of Court to confiscate.

15. Any Special Magistrate or two Justices may at such time and place confiscate such firearm if—

- (a) the owner of such firearm does not appear before such Special Magistrate or Justices, or
- (b) if the owner of such firearm does so appear, and does not show to the satisfaction of such Special Magistrate or two Justices after due examination—
 - i. that his failure to register such firearm was not wilfully negligent; and
 - ii. that such firearm was not in any such house, building, premises, or place, or in any such cart, carriage, or vehicle, or upon, or in possession of, any such person for an unlawful purpose.

Disposal of confiscated firearms.

16. (1) Any firearm confiscated under this Act may be sold by the Registrar by public auction, upon such terms and conditions as he thinks fit.

(2) The proceeds of every such sale shall be paid to the Treasurer for the purposes of the General Revenue of the State.

Obstruction of officers.

17. No person shall knowingly, in any way, resist, hinder, obstruct, or interfere with any member of the Police Force in the exercise of any of his powers under this Act.

Penalties for offences.

18. (1) Every person who commits a contravention of this Act, whether by act or omission, shall be guilty of an offence against this Act.

(2) Every person who is guilty of an offence against this Act shall be liable—

- (a) on conviction for a first offence to a penalty not exceeding Twenty Pounds, or to imprisonment for any term not exceeding two months;
- (b) on conviction for a second or any subsequent offence to a penalty not exceeding One Hundred Pounds, or to imprisonment for any term not exceeding six months; and
- (c) in addition to such penalty or imprisonment, in any case where a power of confiscation has arisen under section 15, to confiscation of any firearm in relation to which the offence was committed.

19. The

Firearms Registration Act.—1919.

19. The Governor may make regulations prescribing all matters which by this Act are contemplated, or permitted to be prescribed, or which may be necessary or convenient to be prescribed for giving effect to this Act, including regulations for the following among other purposes:—

Regulations.

- I. Prescribing the duties of the Registrar and Deputy Registrars;
- II. Regulating the manner of keeping and the form of Registers;
- III. Prescribing forms to be used in connection with anything done under this Act;
- IV. Exempting, either absolutely or subject to such conditions as are prescribed, any class or kind of firearm from the operation of this Act.

20. All proceedings in respect of offences against this Act shall be disposed of summarily.

Summary proceedings for offences.

21. There shall be an appeal in respect of proceedings in respect of offences against this Act.

Appeal.

22. In the event of an appeal in respect of proceedings in respect of offences against this Act a special case may be stated.

Special case.

23. Nothing contained in this Act shall be construed to affect any rights or obligations under—

This Act not to affect operations of other Acts.

- (a) the Act No. 6 of 1875, being an Act to regulate the use of guns and firearms in certain cases, or
- (b) the Police Act, 1916, or
- (c) the Use of Firearms Restriction Act, 1917.

No. 1257 of 1916.

No. 1321 of 1917.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

H. L. GALWAY, Governor.