

FIREARMS ACT 1928.

An Act to consolidate the Law relating to Firearms 19 GEORGE V.
and other Weapons and for other purposes.^(a) No. 3681.

[12th February, 1929.]

BE it enacted by the King's Most Excellent Majesty by and with Firearms Act 1921.
the advice and consent of the Legislative Council and the
Legislative Assembly of Victoria in this present Parliament assembled
and by the authority of the same as follows (that is to say) :—

1. This Act may be cited as the *Firearms Act 1928*,^(a) and shall Short title commencement and division.
come into operation on a day to be fixed by proclamation of the
Governor in Council published in the *Government Gazette*, and is
divided into Parts as follows :—

PART I.—Introductory ss. 3 and 4.

PART II.—Gun Dealers' Licences ss. 5–20.

PART III.—Pistols ss. 21–28.

PART IV.—General ss. 29–40.

2. The Act mentioned in the First Schedule to this Act to the Repeal.
extent thereby expressed to be repealed is hereby repealed. Such First Schedule.
repeal shall not affect any licence granted or any regulation made
or any right accrued or any liability civil or criminal incurred under
the said repealed Act before the commencement of this Act.

PART I.—INTRODUCTORY.

3. (1) In this Act unless inconsistent with the context or Interpretation.
subject-matter— Ib. s. 2.

“Auctioneer” means any person holding an auctioneer's “Auctioneer.”
licence under the *Auction Sales Act 1928*.

(a) As to pea rifles, saloon guns, air guns, and shooting galleries, see *Police Offences Act 1928*, sections 205–212. As to carrying firearms on Sunday.—*Ib.*, section 49. Carrying firearms when drunk.—*Ib.*, section 23. Persons armed with felonious intent.—*Ib.*, section 72 (11). Using firearms, &c., in towns and public places.—*Ib.*,

section 5 (25). Various offences connected with firearms and the use thereof, see *Crimes Act 1928*, sections 8, 14, 15, 114, 130. Use of swivel and punt guns, *Game Act 1928*, sections 12–17. Persons convicted under the *Game Act 1928* may be prohibited during three years from possessing, using, or carrying a gun.—*Ib.*, section 27.

<p><i>Firearms Act</i> 1921. "Authorized officer of police."</p>	<p>"Authorized officer of police" means a member of the police force above the rank of sergeant authorized in writing by the Chief Commissioner of Police (whether generally or in any particular case) in that behalf to issue pistol certificates or pistol permits or to register pistols in the possession of any persons and issue certificates of registration in respect thereof or to carry out any other powers or authorities or to perform any duties of an authorized officer of police under this Act.</p>
<p>"Certificate of registration."</p>	<p>"Certificate of registration" means a valid and subsisting certificate of the registration of a pistol furnished to the person in whose name the pistol is registered under this Act.</p>
<p>"Company."</p>	<p>"Company" includes society registered under the <i>Industrial and Provident Societies Act</i> 1928.</p>
<p>"Firearm." Comp. 10 & 11 Geo. V. c. 43 s. 12.</p>	<p>"Firearm"^(a) means any lethal firearm or other weapon of any description from which any shot bullet or other missile can be discharged or any part thereof and includes a pistol or any part thereof :</p> <p style="padding-left: 40px;">Provided that a smooth bore shot-gun or an air-gun or air-rifle (other than air-guns and air-rifles of a type declared by the regulations to be specially dangerous) shall not be deemed to be a firearm for the purposes of the provisions of this Act.</p>
<p>"Gun dealer."</p>	<p>"Gun dealer" means a person who by way of trade or business manufactures sells deals in repairs tests or proves firearms or has in his possession firearms for sale dealing in repair testing or proving and whether such person manufactures deals in sells repairs tests or proves any other goods or not.</p>
<p>"Gun dealer's licence."</p>	<p>"Gun dealer's licence" means a valid and subsisting gun-dealer's licence under this Act.</p>
<p>"Licensed."</p>	<p>"Licensed" means licensed pursuant to this Act.</p>
<p>"Licensee."</p>	<p>"Licensee" means the holder of a gun dealer's licence.</p>
<p>"Marine stores dealer."</p>	<p>"Marine stores dealer" means any person holding a licence under the <i>Marine Stores and Old Metals Act</i> 1928 to act as a dealer and to carry on the business of dealing in and buying and selling special wares.</p>
<p>"Part."</p>	<p>"Part" means Part of this Act.</p>
<p>"Pawnbroker."</p>	<p>"Pawnbroker" means any person holding a licence under the <i>Pawnbrokers Act</i> 1928.</p>
<p>"Person."</p>	<p>"Person" includes firm or company.</p>
<p>"Pistol." Comp. 3 Edw. VII. c. 18 s. 2.</p>	<p>"Pistol" means a firearm or other lethal weapon of any description 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.</p>
<p>"Pistol certificates."</p>	<p>"Pistol certificate" means a valid and subsisting pistol certificate under this Act.</p>

(a) See note to section 1.

- "Pistol permit" means a valid and subsisting pistol permit under this Act. Firearms Act 1921.
- "Prescribed" means prescribed by this Act or the regulations. "Pistol permit."
- "Registered" means registered pursuant to this Act. "Prescribed."
- "Registration" means a valid and subsisting registration of a pistol under this Act. "Registered."
- "Regulations" means regulations made under this Act. "Registration."
- "Second-hand dealer" means any person holding a licence under the *Second-hand Dealers Act 1928*. "Regulations."
- "Sell" includes offer to sell or expose or have in possession for sale, and also includes barter or exchange; and "sale" and "seller" have a corresponding interpretation. "Second-hand dealer."
- "Shooting gallery"^(a) means any room gallery saloon land or premises used with the permission of the council of any municipality (including the city of Melbourne or the city of Geelong) for the purpose of practising shooting with firearms whether on payment or otherwise. "Sell" "sale" and "seller."
- "Wholesale gun dealer" means a person who carries on the business of dealing in or selling firearms by wholesale and not otherwise, whether or not such person deals in or sells any other goods by wholesale or by retail. "Shooting gallery."
- (2) The provisions of this Act as to selling and purchasing shall apply to letting on hire giving lending transferring and parting with possession, and to hiring accepting and borrowing in the same manner as they apply to selling and to purchasing and the words "seller" and "purchaser" shall be construed accordingly. "Wholesale gun dealer."
4. (1) Nothing in this Act relating to firearms shall apply to an antique firearm which is sold bought carried or possessed as a curiosity or ornament or to the possession by the Trustees of the Public Library Museums and National Gallery of Victoria or by any person or body of persons having the control or management of any prescribed museum of any firearms or other weapons vested in belonging to or under the control or management of such trustees person or body of persons as such. Provisions as to selling &c. to apply to letting on hire &c. Comp. 10 & 11 Geo. V. c. 43 s. 12 (2).
- (2) The provisions of this Act as to the possession of pistols which are not registered under this Act shall not apply to pistols which are possessed as trophies of war if the owner thereof has given notice of the fact in the prescribed form to the Chief Commissioner of Police or any authorized officer of police and the Chief Commissioner or authorized officer of police has signified that registration in respect thereof can be dispensed with, which dispensation shall be granted unless the Chief Commissioner or authorized officer of police is of opinion that the owner is not a person who would be entitled to obtain a pistol certificate or to registration of a pistol under this Act: Curiosities ornaments &c. Ib. s. 3. Comp. 3 Edw. VII. c. 18 s. 2; 10 & 11 Geo. V. c. 43 s. 13.
- Provided that such pistols possessed as trophies shall not be used or carried. War trophies. Comp. 10 & 11 Geo. V. c. 43 s. 13.

(a) See *Police Offences Act 1923*, sections 205-206.

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As to gun
licence.

Comp. 10 & 11
Geo. V. c. 43
s. 1 (9).

Act to be in aid
of other Acts.

Id. s. 4.

(3) Nothing in this Act shall relieve any person using carrying or having in his possession a pistol from the obligation (if any) to take out a gun licence under any other enactment.

(4) The provisions of this Act shall be in aid and not in derogation of any provisions of any other enactment relating to firearms.

PART II.—GUN DEALERS' LICENCES.

Gun dealers to
be licensed.

Id. s. 5.

5. Subject to this Act a person shall not manufacture sell deal in repair test or prove firearms (including pistols but not including smooth bore shot-guns) by way of trade or business or otherwise carry on business as a gun dealer unless he holds a gun dealer's licence in respect of the premises where he carries on the trade or business and unless such licence or a renewed licence is for the time being in force.

This Part not
to apply in
certain cases.

Id. s. 6.

6. (1) Except to the extent prescribed and except as otherwise expressly provided in this Act nothing in this Part shall apply to or affect any duties rights privileges liabilities or obligations as such of—

- (a) any auctioneer ;
- (b) any marine stores dealer ;
- (c) any second-hand dealer ; or
- (d) any wholesale gun dealer.

Power to
exempt &c.
wholly or in
part.

(2) The Governor in Council may by the regulations—

- (a) exempt to the extent prescribed therein any person or class of persons from the operation of this Part ; and
- (b) prescribe that any provisions of this Part and the regulations (with such modifications as are necessary or seem desirable) shall apply to persons so exempted or to any persons referred to in sub-section (1) of this section.

As to pawn-
brokers.
Comp. *ib.*
s. 2 (2).

(3) A pawnbroker shall not take in pawn a firearm from any person :

Provided that where any firearm has been taken in pawn before the commencement of the *Firearms Act* 1921 nothing in this Part shall prohibit the redemption thereof by a person entitled to redeem the same if in the case of a pistol he holds a pistol certificate or a certificate of registration of the pistol under Part III. in respect thereof or if he is the holder of a gun dealer's licence, and a sale of any such firearm to a person holding in the case of a pistol a pistol certificate or to a licensed gun dealer may be effected by the pawnbroker notwithstanding anything in the *Pawnbrokers Act* 1928 requiring the sale to be by public auction.^(a)

As to duties of
auctioneers
marine stores
dealers second-
hand dealers
and wholesale
gun dealers.

(4) Notwithstanding anything in this section—

- (a) the provisions of this Act relating to a register of transactions shall with such alterations modifications and substitutions as are necessary or as are prescribed extend and apply to every auctioneer marine stores

(a) See *Pawnbrokers Act* 1928, section 27.

dealer second-hand dealer and wholesale gun dealer who buys or sells firearms by way of or in the course of his trade or business ; and

Firearms Act 1921.
Registration books.

- (b) nothing in this section shall entitle any auctioneer marine stores dealer second-hand dealer or wholesale gun dealer to sell a pistol to any person who is not the holder of a pistol certificate or to whom by this Act such a certificate may not be granted or who does not give reasonable proof that he is by virtue of this Act entitled to purchase the pistol without having such a certificate.

Sale of pistols to uncertificated persons &c.

7. (1) If any person desiring to carry on business as a gun dealer and not disqualified as provided in this Act makes an application in the prescribed form and furnishes the prescribed particulars the Chief Commissioner of Police or any authorized officer of police may subject to this Act issue a gun dealer's licence to such person or renew any such gun dealer's licence :

Application for gun dealer's licence or renewal.
Id. s. 7.
Comp. 10 & 11 Geo. V. c. 43 s. 8.

Provided that if the said Chief Commissioner or authorized officer of police is satisfied that any applicant cannot be permitted to carry on or to continue to carry on the business of a gun dealer without danger to the public safety or to the peace he may refuse to issue or renew a licence to such applicant.

(2) Upon application in the prescribed form and on the prescribed particulars being furnished the Chief Commissioner of Police or any authorized officer of police may by indorsement transfer a gun dealer's licence at any time during which it is in force from one person to another or from one place of business to another place of business.

Transfer of licence by indorsement.

(3) Every gun dealer's licence shall be in the prescribed form and shall unless annulled as hereinafter provided remain in force until the last day of June in the financial year for which it is issued and no gun dealer's licence or renewal thereof shall have any force or effect except during the financial year for which it is issued.

Duration of licence.

(4) For every gun dealer's licence or renewal thereof the applicant shall with his application pay such fee as is prescribed not being more than Ten shillings if such licence is for the full period of twelve months, or such smaller fee (not being less than Five shillings) proportioned to the time the licence is to be in force as is prescribed.

Fees.

(5) For every transfer by indorsement of a gun dealer's licence there shall be paid by the applicant the prescribed fee not being more than Two shillings and sixpence.

(6) No gun dealer's licence shall be of any force or effect with regard to more than one place of business.

Licence to cover only one place of business.

8. (1) It shall not be necessary for two or more persons carrying on business in partnership to take out a separate gun dealer's licence hereunder for each member of such partnership and one such licence may be granted to all the members of such partnership.

Provision as to firms.
Id. s. 8.

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Provision as to
companies.*

(2) A company may apply for and be granted a gun dealer's licence.

(3) Such a licence may on payment of the prescribed fee be granted in respect of the principal office of the company and in respect of each branch or agency of the company on payment of the like fee for each such branch or agency.

(4) Every company being the holder of a gun dealer's licence shall be liable for any offence under this Part as if such company were a private person and shall be subject to the same penalties as if it were a private person and every director manager secretary or officer of such company who knowingly authorizes or permits the commission of any such offence shall also be liable therefor and to the penalties or imprisonment or both provided in respect thereof.

*Licence to cease
if business
premises
assigned &c.
Ib. s. 9.*

9. If any licensee during the currency of his gun dealer's licence assigns demises or parts with the possession of the premises in respect of which the said licence is in force the said licence shall thereupon cease and be deemed to be annulled (unless transferred to some other premises or to some other person as provided in this Part) and shall be delivered up to and be cancelled by the Chief Commissioner of Police or any authorized officer of police.

*Provision for
carrying on
business on
death insolvency
or lunacy of
licensee.
Ib. s. 10.*

10. Where any licensee during the currency of a gun dealer's licence—

(a) dies or becomes bankrupt or insolvent or assigns his estate for the benefit of his creditors—then his executors or administrators or the trustee receiver or assignee; or if probate of the will or letters of administration of the estate of any such deceased licensee have not been granted—then the widow or widower (as the case may be) or any member of the family of such licensee of the age of twenty-one years or upwards or any person on behalf of such family; or

(b) becomes a lunatic patient within the meaning of the *Lunacy Act 1928*—then the wife or husband (as the case may be) or any member of the family of such licensee of the age of twenty-one years or upwards or any person on behalf of such family or any person nominated for the purpose by the Master-in-Equity

may make application to the Chief Commissioner of Police or any authorized officer of police that special authority to carry on the business of the licensee until the expiration of the licence be given to some person (whether an applicant or not) named in the application, and the said Chief Commissioner of Police or authorized officer of police may if he thinks fit grant such special authority accordingly; and the person to whom any such special authority is granted shall be subject to the same obligations and penalties or imprisonment or both as if such person were the person named in the said licence.

11. (1) The Chief Commissioner of Police or authorized officer of police by whom any gun dealer's licence is issued renewed transferred annulled or cancelled shall cause to be entered in a book to be kept for the purpose the particulars of the issue and any renewal transfer annulment or cancellation of the said licence.

Firearms Act
1921 s. 11.
Books of
particulars of
licences.

(2) On payment of a fee of One shilling any person may inspect any such book and may take a copy of any entry therein.

Inspection of
book.

12. (1) If the holder of a gun dealer's licence applies to have his licence annulled, or if the Chief Commissioner of Police or any authorized officer of police, after giving reasonable notice to the licensee, is satisfied that the licensee is no longer carrying on the business of a gun dealer or has ceased to carry on such business at a place of business authorized under the licence, or cannot be permitted to carry on such business without danger to the public safety or the peace, or if the holder of a gun dealer's licence is convicted (whether before or after the issue of such licence) of a felony or any offence under Part III. of the *Police Offences Act* 1928 the said Chief Commissioner or authorized officer of police may annul such licence and may for that purpose require such licence to be delivered up to him.

Annulment of
licence.
Ib. s. 12.
Comp. 10 & 11
Geo. V. c. 43
s. 8.

(2) Any licence if annulled under this Act shall be cancelled by the said Chief Commissioner or authorized officer of police.

Cancellation
licence.

(3) Every holder of a gun dealer's licence who fails or omits to deliver up his licence in accordance with any requirement of this Act shall be liable to a penalty of not more than Twenty pounds, but the annulment of such licence shall be effectual notwithstanding such failure or omission to deliver up.

Penalty.

(4) Before any gun dealer's licence is annulled under this section the holder thereof shall be afforded an opportunity of bringing before the said Chief Commissioner or authorized officer of police any reasons such holder may have to give against such annulment.

Showing cause
against
annulment.

(5) Where the holder of a gun dealer's licence is convicted of an offence under this Act the court may annul the licence and order—

Prohibition
against
licensing &c.
of holders &c.
who are
convicted of
offences under
Act.
Ib.

(a) that neither the said holder nor any person who acquires the business of that holder, nor any person who took part in the management of the business, and was knowingly a party to the offence, shall be qualified to have a gun dealer's licence issued to him or to have such a licence renewed to him or transferred to any other person or to any other place of business ;

(b) that no person who after the date of the order knowingly employs in the management of his business the person convicted of the offence, or any person who was knowingly a party to the offence, shall be qualified to have a gun dealer's licence issued to him or to have such a licence renewed to him or transferred to any other person or to any other place of business ; or if a licence has been so issued or renewed to him or has been so transferred that such licence be annulled ;

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(c) that the particulars of any annulment under this subsection be entered in the book containing the particulars of the issue or transfer of the licence ; and

(d) that any stock in hand of the business shall be disposed of by sale or otherwise in accordance with such directions as are contained in the order :

Appeal.

Provided that where any order has been made under this subsection any person aggrieved by the order may under this Act appeal against the order to a court of general sessions. Such appeal shall be subject to the conditions and regulations set out in section one hundred and thirty-seven of the *Justices Act 1928*.

Penalty on
unlicensed
gun dealer.
Ib. s. 13.

13. (1) Every person not being the holder of a gun dealer's licence who in contravention of the provisions of this Part carries on the business of a gun dealer or who takes uses or exhibits the name or title of or pretends to be a gun dealer or who advertises or notifies that he carries on the business of a gun dealer or who takes or uses any title or term or sign or symbol which may be construed to mean that he is qualified to be or willing to act as a gun dealer within the meaning of this Act shall be guilty of an offence, and shall for every such offence be liable to a penalty of not less than Five nor more than Three hundred pounds or to imprisonment for a term of not more than two years or to both such penalty and imprisonment, and shall be liable to a further penalty of not more than Five pounds for each day any contravention of this section is continued after any conviction therefor.

Presumption
that defendant
is not licensed.

(2) In all proceedings against any person for the recovery of any penalty for such offence it shall in the absence of proof to the contrary be presumed that the defendant is not the holder of a gun dealer's licence.

Licenses not to
lend licence.
Ib. s. 14.

14. Every licensee who lets out hires or lends his gun dealer's licence to any other person shall be guilty of an offence and on conviction for such offence such licence shall thereupon be deemed to be annulled and shall be delivered up to and cancelled by the Chief Commissioner of Police or any authorized officer of police.

Production of
licence.
Ib. s. 15.

15. Every licensee shall on demand at the premises upon which he carries on his business produce his gun dealer's licence to any member of the police force and in default thereof without reasonable excuse shall be liable to a penalty of not more than Five pounds.

Licenses to keep
name &c.
painted on
premises.
Ib. s. 16.

16. (1) Every holder of a licence shall cause to be painted or fixed and keep painted or fixed over the door or principal entrance of the premises in respect of which his licence is in force, in letters at least two inches in length, his name and the words "licensed gun dealer."

Penalty.

(2) Every holder of a licence who does not comply with the provisions of this section shall be liable to a penalty of not more than One pound for every day during which such non-compliance continues.

17. (1) Every holder of a gun dealer's licence—

- (a) shall provide and keep in a book a register of transactions in the prescribed form ;
- (b) shall enter or cause to be entered therein the particulars set forth in the Second Schedule to this Act ;
- (c) shall make such entry or cause the same to be made within twenty-four hours after the transaction to which it relates took place ;
- (d) in the case of a sale shall at the time of the transaction require the purchaser if not known to him to furnish particulars sufficient for identification, and immediately enter the said particulars in the register, and in the case of the purchase of a pistol require the purchaser to produce and deliver up to the said holder the pistol certificate entitling the purchaser to purchase the pistol unless the purchaser gives reasonable proof that he is by virtue of this Act entitled to purchase the pistol without having such a certificate ; and
- (e) shall on demand allow any authorized officer of police or any member of the police force duly authorized in writing in that behalf by the Chief Commissioner of Police to enter and inspect all stock in hand and shall on request by any member of the police force duly authorized in writing as aforesaid produce for inspection the register so required to be kept as aforesaid :

Firearms Act
1921 s. 17.
Register of
transactions
in firearms.
Comp. 10 & 11
Geo. V. c. 43
s. 2 (6).
Second
Schedule.

Provided that in each case where a written authority is required by this sub-section such authority shall be produced on demand.

(2) Every person who acts in contravention of or fails to comply with any of the provisions of this section shall be liable for a first offence to a penalty of not less than One pound nor more than Five pounds or to imprisonment for a term of not more than three months or to both such penalty and imprisonment, and for every subsequent offence to a penalty of not less than Five nor more than Fifty pounds or to imprisonment for a term of not more than six months or to both such penalty and imprisonment.

Penalty for
contravention
of section.

18. (1) Every person who knowingly makes or causes to be made any false entry in any register or book required to be kept under this Part or the regulations shall be liable to a penalty of not less than Two nor more than One hundred pounds or to imprisonment for a term of not more than twelve months or to both such penalty and imprisonment.

Making false
entry in book.
Id. s. 18.

(2) Every person who makes or causes to be made in any such register or book any incomplete or defective entry shall be liable to a penalty of not more than Ten pounds.

Making
incomplete
entry.

19. Every person who acts in contravention of or fails to comply with any of the provisions of this Part for which no penalty is expressly provided or who permits any contravention of or failure to comply with any of the provisions of this Part shall be liable to

Penalty in cases
not provided for.
Id. s. 19.

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a penalty of not more than Fifty pounds and to a further penalty of not more than Five pounds for each day any such contravention or failure is continued after any conviction therefor.

Appeal against conviction.
Ib. s. 20.

20. In any conviction under this Part notwithstanding that the penalty imposed does not exceed the sum of Five pounds the person convicted may appeal against such conviction in the same manner and with the same effect in all respects as any person may appeal under section one hundred and thirty-six of the *Justices Act 1928* and all the provisions of the said Act shall subject to this section of this Act apply accordingly.

PART III.—PISTOLS.

Pistol certificate required for purchase of pistol.
Ib. s. 21.

21. (1) A person shall not purchase a pistol unless he holds a pistol certificate granted under this Part and in force at the time.

Comp. 10 & 11 Geo. V. c. 33 s. 1.

Power to grant pistol certificate.
Ib.

(2) On application in the prescribed manner by any person the Chief Commissioner of Police or any authorized officer of police shall grant a pistol certificate to the applicant if satisfied that he is a person who has a good reason for requiring such a certificate and can be permitted to purchase a pistol without danger to the public safety or to the peace.

Form &c. of pistol certificate.

(3) A pistol certificate shall be in the prescribed form and shall contain the prescribed particulars and conditions.

Pistol not to be sold unless the purchaser holds pistol certificate &c.
Comp. 1b. s. 1.

(4) A person shall not sell to any person any pistol unless the purchaser produces a pistol certificate authorizing him to purchase the pistol or unless the purchaser gives reasonable proof that he is by virtue of this Act entitled to purchase the pistol without having such a certificate :

Provided that this sub-section shall not apply to the sale of pistols to purchasers outside Victoria.

Duty of seller.

(5) Every person who sells a pistol to a person in Victoria shall comply with any instructions addressed to the seller contained in the pistol certificate produced and shall make thereon any prescribed entries and within forty-eight hours of the sale send the said certificate by post in a registered letter addressed to the Chief Commissioner of Police or authorized officer of police by whom the certificate was granted.

Revocation of pistol certificate.
Ib.

(6) A pistol certificate may be revoked by the Chief Commissioner of Police or any authorized officer of police if he is satisfied that the holder thereof is a person who is prohibited by this Act from purchasing possessing using or carrying a pistol or is a person of intemperate habits or unsound mind or is otherwise unfitted to be intrusted with or to be allowed to purchase a pistol.

Pistol permit required by person carrying pistol.
Ib. s. 22.

22. (1) A person shall not carry any pistol or part of a pistol unless he holds a pistol permit granted under this Part and in force at the time :

Provided that nothing in this section shall entitle any person to have in his possession any pistol not registered under this Part. Firearms Act 1921.

(2) On application in the prescribed manner by any person the Chief Commissioner of Police or any authorized officer of police may grant a pistol permit to the applicant if satisfied that he is a person who has a good reason for requiring such a permit and can be permitted to carry a pistol without danger to the public safety or to the peace. Power to grant pistol permit.

(3) A pistol permit shall be in the prescribed form and contain the prescribed particulars and conditions. Form.

(4) A pistol permit shall unless previously revoked or cancelled continue in force for twelve months but shall be renewable for a further period of twelve months by the Chief Commissioner of Police or any authorized officer of police, and so from time to time; and the provisions of this Act with respect to the grant of a pistol permit shall apply to the renewal of such a permit. Duration and renewal of pistol permit.

(5) A pistol permit may be revoked by the Chief Commissioner of Police or any authorized officer of police if the said Chief Commissioner or authorized officer is satisfied that the holder thereof is a person who is prohibited by this Act from purchasing possessing using or carrying a pistol or is a person of intemperate habits or unsound mind or is otherwise unfitted to be intrusted with a pistol. Revocation of pistol permit. Comp. 10 & 11 Geo. V. c. 43 s. 1.

23. (1) A person shall not have in his possession any pistol (whether the same first came or comes into his possession before or after the commencement of this Act) unless the same is registered in his name in the prescribed manner and the registration is in force: Possession of unregistered pistols prohibited. Ib. s. 23.

Provided that nothing in this section shall entitle a person to carry a pistol who is not the holder of a pistol permit.

(2) On application in the prescribed manner by any person for the registration of any pistol the Chief Commissioner of Police or any authorized officer of police shall in the manner hereinafter provided register the same if he is satisfied that the applicant is a person who can be permitted to have in his possession a pistol without danger to the public safety or to the peace and if the applicant furnishes him with such particulars as are prescribed. Application for registration &c. Ib.

(3) The Chief Commissioner or authorized officer of police shall register the pistol by causing to be entered in a register in the prescribed form to be kept by him for the purpose such particulars as are prescribed, and shall furnish or cause to be furnished to the applicant a certificate of registration thereof in the prescribed form and containing the prescribed particulars and conditions. Certificate of registration.

(4) On application in the prescribed manner to the Chief Commissioner of Police or any authorized officer of police the registration of a pistol may be renewed. Renewal of registration.

(5) No registration shall have any force or effect after the expiration of three years after the date of the registration or the last renewal thereof. Duration of registration.

(6) The Chief Commissioner of Police or any authorized officer of police may cancel the registration of any pistol if he is satisfied Cancellation of registration.

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that the person in whose name it is registered is a person who is prohibited by this Act from using carrying or possessing a pistol or is a person of intemperate habits or unsound mind or is otherwise unfitted to be intrusted with a pistol, subject however to the like right of appeal as in the case of a refusal to register a pistol.^(a)

Appeal.

Notice on sale
of registered
pistol.

(7) (a) Every person who gives sells or disposes of any registered pistol to any other person shall send a written notification thereof to the Chief Commissioner or authorized officer of police by whom the same was registered but nothing in this section shall relieve the donee or purchaser of or any other person acquiring the pistol from any duty of obtaining a pistol certificate or of registering the pistol imposed by this Part.

Notice of
change of
address.

(b) Every person in whose name any pistol is registered shall give written notification of any change of his address to the Chief Commissioner of Police or any authorized officer of police.

Offences.

(c) Every person who commits any contravention of or fails to comply with any provision of this sub-section shall be guilty of an offence.

Persons to
whom pistol
certificates
permits or
applications for
registration not
to be granted.
Ib. s. 24.
Comp. 10 & 11
Geo. V. c. 43
s. 1.

24. A pistol certificate or a pistol permit shall not be granted to and a pistol shall not be registered in the name of or a certificate of registration of a pistol furnished to a person whom the Chief Commissioner of Police or authorized officer of police to whom the application for such pistol certificate pistol permit or registration is made has reason to believe to be a person who by this Act or any law is prohibited from purchasing possessing using or carrying a pistol or to be a person of intemperate habits or unsound mind or to be for any reason unfitted to be intrusted with a pistol.

Penalties on
persons selling
purchasing or
possessing or
carrying pistols
&c. contrary
to this Act.
Ib. s. 25.
Comp. (N.S.W.)
1920 No. 42
s. 3; 10 & 11
Geo. V. c. 43
s. 1.

25. (1) If a person purchases a pistol without holding a pistol certificate or if a person sells a pistol to a person who does not hold a pistol certificate or on the sale to a purchaser fails to comply with any instruction to the seller in the pistol certificate of such purchaser or to make any prescribed entries thereon or to send the said certificate by post in a registered letter as hereinbefore provided or if a person is in possession of a pistol which is not duly registered in his name under this Part or if a person fails to comply with any condition subject to which such pistol certificate is granted or such pistol is registered or which is contained in such pistol certificate or in any certificate of registration he shall be liable to a penalty of not more than Fifty pounds or to imprisonment for a term of not more than three months or to both such penalty and imprisonment.

Penalty.

Carrying pistol
without or
contrary to
permit.

(2) If a person carries a pistol or part of a pistol without holding a pistol permit or otherwise than as authorized by such permit or fails to comply with any condition subject to which such permit is granted or which is contained in such permit he shall be liable for a first offence to a penalty of not less than Two nor more than Fifty pounds or to imprisonment for a term of not more than six months

(a) See section 35.

or to both such penalty and imprisonment and for every subsequent offence to a penalty of not less than Ten nor more than One hundred pounds or to imprisonment for not more than twelve months or to both such penalty and imprisonment.

Firearms Act
1921.
Penalty.

- (3) No offence under this section shall be deemed to be committed—
- (a) in the case of any person in the naval military or air service of His Majesty the King or in the naval military or air forces of the Commonwealth or in the police force—by purchasing having in his possession or carrying a pistol in his capacity as such or in the performance of his duty as such or by having in his possession or carrying the same for the purposes of target practice ; or
- (b) in the case of any person carrying on the business of gun dealer and holding a licence under this Act or carrying on the business of an auctioneer marine stores dealer second-hand dealer or wholesale gun dealer or the employé of such a person—by purchasing or having in his possession or carrying a pistol in the ordinary course of such business as aforesaid ; or
- (c) in the case of any person—by having in his possession or carrying a pistol for the purpose only of carrying out his obligations under any enactment relating to the destruction of vermin or to Crown lands ; or
- (d) in the case of any person—by having in his possession or carrying a pistol in pursuance of any statutory authority to do so ; or
- (e) in the case of any person carrying on the business of common carrier or warehouseman—by having in his possession or carrying a pistol in the ordinary course of that business ; or
- (f) in the case of any person—by having in his possession a pistol on board ship as part of the equipment of the ship, so long as the pistol is not brought on shore at any place in Victoria ; or by bringing a pistol ashore for repair provided that he has obtained from the Chief Commissioner of Police or any authorized officer of police a special authority in writing in the prescribed form for that purpose ; or
- (g) in the case of a person carrying a pistol belonging to the holder of a pistol permit—by having in his possession the pistol under instructions from and for the use of such holder for sporting purposes only ; or
- (h) in the case of a person receiving instruction in the use of a pistol by or under the personal supervision of the holder of a pistol permit—by having in his possession or carrying a pistol for the purposes of such instruction ; or

Exceptions.
Comp. 10 & 11
Geo. V. c. 43
s. 1.
Naval military
and air service.

Having
possession of
pistol in
ordinary course
of certain
businesses.

Destruction
of vermin.
Crown lands.

Statutory
authority.

Carriers and
warehousemen.

Pistol part of
equipment of a
ship.

Sporting
purposes.

Instruction in
use of pistol.

Firearms Act
1921.
Butchers
slaughtermen
&c.

Person whose
application for
a pistol permit
has been
refused &c.

Shooting
galleries.
Comp. (N.S.W.)
1920 No. 42 s. 8.

Burden of
proof.

Production of
certificate of
registration or
of pistol permit.
Ib. s. 26.
Comp. 10 & 11
Geo. V. c. 43
s. 10.

Failure to
produce
certificate on
demand.

Giving false
name and
address.

Penalty.

Production of
false certificate
of registration
or false pistol
certificate or
personation.
Ib. s. 27.
Comp. *ib.*
s. 2 (7).

(i) in the case of any person carrying on the business of butcher slaughterman knocker or other person engaged in the business of the humane slaughter of animals for food or other purposes—by purchasing or having in his possession or carrying any humane killer for the purpose of such business ; or

(j) in the case of a person whose application for a pistol permit has been refused or whose pistol permit has been revoked, or whose application for the registration of his pistol has been refused, or the registration of whose pistol has been cancelled—by having in his possession the pistol pending disposal thereof by him or by carrying the pistol in order to sell the same, provided that the pistol has not been forfeited and he has obtained from the Chief Commissioner of Police or any authorized officer of police a special authority in writing in that behalf in the prescribed form ; or

(k) in the case of any person—by using a pistol for the purpose of shooting at a shooting gallery^(a) which is under the personal supervision of a responsible person in charge thereof.

(4) In any proceedings under this section it shall lie upon the defendant to prove that he is a person not incurring the penalty or imprisonment by virtue of the provisions contained in this section.

26. (1) Any member of the police force may demand from any person whom he believes to be in possession of or to be carrying a pistol (except in circumstances where having in his possession an unregistered pistol or carrying a pistol without a permit does not constitute an offence) the production of his certificate of registration or his pistol permit (as the case may be).

(2) If any person upon whom a demand is so made fails to produce the said certificate of registration or the said permit (as the case may be) or to permit such member of the police force to read the said certificate of registration or permit or to show that he is a person exempted under this Act from the necessity of having the pistol registered or of having a pistol permit (as the case may be) such member of the police force may seize and detain the pistol and may require that person to declare to him immediately his name and address.

(3) Every person who refuses so to declare his name and address or fails to give his true name and address shall be liable to a penalty of not less than Two nor more than Twenty pounds and the member of the police force may apprehend without warrant every person who refuses so to declare his name or address or whom he suspects of having given a false name or address or of intending to abscond.

27. (1) Every person—

(a) who, when a member of the police force demands the production of a certificate of registration of a pistol,

(a) See notes to section 1.

produces a false certificate of registration or personates a person in whose name a pistol is registered or to whom a certificate of registration has been furnished under this Act ; or

Firearms Act 1921.

- (b) who with a view to purchasing a pistol produces a false certificate or personates a person to whom a pistol certificate has been granted,

shall be liable for any such offence to a penalty of not less than Five nor more than One hundred pounds or to imprisonment for a term of not more than twelve months or to both such penalty and imprisonment.

(2) Every person who, when a member of the police force demands the production of a pistol permit, produces a false pistol permit or personates a person to whom a pistol permit has been granted shall be liable for any such offence to a penalty of not less than Ten nor more than Two hundred pounds or to imprisonment for a term of not more than two years or to both such penalty and imprisonment.

Production of false pistol permit or personation.

(3) Every person to whom a pistol certificate or a pistol permit has been granted or to whom a certificate of registration of a pistol has been furnished under this Act who lets out hires or lends his pistol certificate pistol permit or certificate of registration (as the case may be) to any other person shall be liable for any such offence to a penalty of not less than Five nor more than One hundred pounds or to imprisonment for a term of not more than twelve months or to both such penalty and imprisonment ; and on conviction for such offence such pistol certificate or pistol permit or certificate of registration shall be deemed to be revoked and such registration deemed to be cancelled and the court shall cause notice of the conviction to be sent to the Chief Commissioner of Police or authorized officer of police by whom the pistol certificate or pistol permit was granted or the registration made.

Letting out or lending pistol certificate &c.

Penalty.

Cancellation of certificate on conviction.

28. Every person who is guilty of any contravention of or failure to comply with any of the provisions of this Part for which no punishment is expressly provided or who permits any contravention of or failure to comply with the provisions of this Part shall be liable to a penalty of not more than Fifty pounds or to imprisonment for a term of not more than three months or to both such penalty and imprisonment.

Penalty in cases not provided for. Id. s. 28.

PART IV.—GENERAL.

29. (1) A person under the age of eighteen years^(a) shall not purchase have in his possession or carry a firearm, and a person (including an auctioneer a marine stores dealer a second-hand dealer or a wholesale gun dealer) shall not sell a firearm to any person whom he knows or has reasonable ground for believing to be under the age of eighteen years.

Restriction on purchasing possessing and carrying firearms by persons under eighteen. Id. s. 29. Comp 10 & 11 Geo. V. c. 43 s. 3.

(a) See *Police Offences Act 1928*, sections 206-208.

Firearms Act
1921.
Penalty.

Saving.

Police Offences
Act 1928 Part
VII. Div. 2.

Prohibition
of sale &c. of
firearms to
drunk or
insane persons.
Ib. s. 30.
Comp. 10 & 11
Geo. V. c. 43
s. 4.
Penalty.

Prohibition
on persons
convicted of
felony &c.
carrying or
purchasing
firearms.
Ib. s. 31.
Comp. *ib. s. 5.*

Penalty.

Prohibition of
manufacture
&c. of weapons
discharging
poisonous liquids
&c.
Ib. s. 32.
Comp. *ib. s. 6.*

(2) Every person who acts in contravention of this section shall be liable in respect of each offence to a penalty of not less than Two nor more than Twenty pounds or to imprisonment for a term of not more than three months or to both such penalty and imprisonment; but no offence shall be deemed to be committed by any person under this provision by having in his possession or by carrying a pistol in circumstances in which an offence would not be deemed to be committed by him by having in his possession a pistol without its being registered in his name or by carrying a pistol without being the holder of a pistol permit (as the case may be).

(3) This section shall be read and construed as in aid and not in derogation of the provisions of Division two of Part VII. of the *Police Offences Act 1928.*^(a)

30. (1) A person (including an auctioneer a marine stores dealer a second-hand dealer or a wholesale gun dealer) shall not sell a firearm to or repair prove or test a firearm for any person whom he knows or has reasonable ground for believing to be drunk or of unsound mind.

(2) Every person who acts in contravention of this section shall be liable in respect of each offence to a penalty of not less than Two nor more than Twenty-five pounds or to imprisonment for a term of not more than three months or to both such penalty and imprisonment.

31. (1) A person who has been sentenced to imprisonment for a term of three months or upwards for any felony shall not at any time during a period of five years from the date of his release and a person who has been ordered to be detained in a reformatory prison and has been released on probation or who has entered into a recognisance under sections five hundred and thirty-two or five hundred and thirty-three of the *Crimes Act 1928* or who is subject to a recognisance to keep the peace or to be of good behaviour shall not at any time during which he is so released on probation or is subject to any recognisance referred to in this section have in his possession use or carry a firearm; and no person shall sell a firearm to or repair test or prove a firearm for any person whom he knows or has reasonable ground for believing to be a person prohibited by this section from having in his possession using or carrying a firearm.

(2) Every person who acts in contravention of this section shall be liable in respect of each offence to a penalty of not less than Two nor more than Twenty pounds or to imprisonment for a term of not more than three months or to both such penalty and imprisonment.

32. (1) It shall not be lawful for any person without the authority of His Majesty the King or of the Governor in Council or of a Commonwealth Act relating to the naval military or air forces of the Commonwealth to manufacture sell purchase carry or have in his possession any weapon of whatever description designed for

(a) These provisions relate to pea rifles, saloon guns, air guns, and shooting galleries.

the discharge of any noxious liquid noxious gas or other noxious thing, and such weapon is in this Act referred to as a "prohibited weapon."

Firearms Act 1921.
Prohibited weapons.

(2) Every person who contravenes the provisions of this section shall be guilty of a misdemeanour and on conviction on indictment presentment or information be liable to imprisonment for a term of not more than two years, or on summary conviction to a penalty of not less than Two nor more than One hundred pounds or to imprisonment for a term of not more than three months or to both such penalty and imprisonment.

Penalty for manufacturing &c. prohibited weapons.

33. (1) Where any person is convicted of an offence under this Act or under sub-section (25) of section five of the *Police Offences Act 1928*, or is convicted of a felony for which he is sentenced to imprisonment, or where a person has been ordered to be detained in a reformatory prison and has been released on probation or where a person has entered into a recognisance under sections five hundred and thirty-two or five hundred and thirty-three of the *Crimes Act 1928* or has been ordered to enter into a recognisance to keep the peace or to be of good behaviour, the court before which he is convicted or by which the order is made may make such order as to the forfeiture or disposal of any pistol or other firearm or any prohibited weapon found in his possession or used or carried by him as the court thinks fit, and may revoke any pistol permit granted to or cancel the registration of any pistol or any certificate of registration of a pistol in the name of the person convicted or released on probation or on recognisance or against whom the order to enter into a recognisance is made.

Provisions as to forfeiture of firearms cancellation &c. of permits and certificates.
Id. s. 33.
Comp. 10 & 11
Geo. V. c. 43
s. 11.

(2) Where the court revokes under this Act any pistol permit or cancels the registration of any pistol or any certificate of registration of a pistol it shall cause notice of such revocation or cancellation to be sent to the Chief Commissioner of Police or authorized officer of police by whom the pistol permit was granted or the registration was made or the certificate of registration furnished.

Notices to be sent to Chief Commissioner of Police.

(3) If a justice is satisfied by information on oath by any authorized officer of police that there is reasonable ground for suspecting that an offence under this Act has been, is being, or is about to be committed he may grant a search warrant authorizing any member of the police force named therein to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize and detain any firearm or prohibited weapon which he finds on the premises or place, or on any such person, in respect of which or in connexion with which he has reasonable grounds for suspecting that an offence under this Act has been, is being, or is about to be committed, and, if the premises are those of the holder of a gun dealer's licence, to examine any register or books relating to the business.

Search warrants.

Firearms Act 1921.

Arrest of persons.

Rules in Justices Act 1928.

Provisions to be in aid of other Acts.

(4) The member of the police force making the search may arrest without warrant any person found on the premises whom he has reason to believe to be guilty of an offence under this Act.

(5) Save as aforesaid the rules to be observed with regard to warrants to search mentioned in the *Justices Act 1928* shall extend and apply to warrants under this section.^(a)

(6) The provisions of this section shall be read and construed as in aid of and not in derogation of the provisions with regard to warrants to search contained in the said Act or any other Act.

Disposal of forfeited &c. firearms &c.

Ib. s. 34.

Comp. 10 & 11 Geo. V. c. 43 s. 11 (4).

34. A court of petty sessions may on the application of the Chief Commissioner of Police or any authorized officer of police order any pistol or other firearm or any prohibited weapon seized and detained by a member of the police force under this Act to be destroyed or otherwise disposed of in the prescribed manner.

Appeal to police magistrate against refusal to register licence &c.

Ib. s. 35.

Ib. ss. 1 (4), 8 (4).

35. (1) Any person feeling aggrieved by the refusal of the Chief Commissioner of Police or any authorized officer of police to issue a gun dealer's licence or renew the same to such person or to transfer the same or to grant a pistol certificate or a pistol permit to any person or to renew or vary a pistol permit or to register or renew the registration of any pistol or by the annulment by the Chief Commissioner of Police or any authorized officer of police of any such licence or the revocation or cancellation by him of a pistol permit or of the registration of a pistol may within one month appeal against the refusal annulment revocation or cancellation to the court of petty sessions held nearest to the usual residence of the person aggrieved and consisting of a police magistrate sitting without other justices.

Notice of appeal.

(2) No such appeal shall be entertained by the said court unless at least fourteen days' notice in writing of the appeal, stating the nature and grounds thereof, has been given by the said person to the said Chief Commissioner or authorized officer of police.

Powers of police magistrate.

(3) The said court may make such order therein as it thinks just.

Duplicate licence.

Ib. s. 36.

36. In any case where satisfactory proof is given of the loss or destruction of the original the Chief Commissioner of Police or authorized officer of police by whom the same was issued granted or furnished may on payment of the prescribed fee issue grant or furnish a duplicate gun dealer's licence duplicate pistol permit or duplicate certificate of registration.

Questions of apparent age how determined.

Ib. s. 37.

37. The court of petty sessions before which in the execution of this Act any question of apparent age arises may determine such question on its own view or on evidence whether of opinion or fact but before so determining shall hear and consider the evidence (if any) tendered for all parties.

Application of Act to companies and firms.

Ib. s. 38.

38. The provisions of this Act and of the regulations as to pistol certificates registration of pistols and certificates of registration shall so far as applicable extend and apply with respect to

(a) See *Justices Act 1928*, section 25.

corporations companies and firms as if they were private persons ; Firearms Act 1921.
 and where any notice or application is by or under this Act authorized or required to be given or made in connexion with any of the matters aforesaid the same may in the case of any corporation or company be given or made on behalf of the corporation or company by any chairman member of the governing body director manager secretary or officer thereof, or in the case of a firm by any member of the firm.

39. Every person who forges or fraudulently alters or offers utters disposes of or puts off knowing the same is forged or fraudulently altered any gun dealer's licence pistol certificate pistol permit certificate of registration or special authority in writing under this Act shall be guilty of felony and liable to imprisonment for a term of not more than five years. Forgery of licences certificates &c. Id. s. 39.

40. (1) The Governor in Council may make regulations—

- Power to Governor in Council to make regulations. Id. s. 40.
- (a) prescribing the forms of licences and the renewal thereof and the forms of pistol certificates and pistol permits and the renewal of pistol permits and the mode of registration and renewal of registration of pistols and the forms of certificates of registration of pistols and the forms of applications notices books registers and warrants under this Act ;
 - (b) prescribing conditions (which may vary according to circumstances) to which the issue of gun dealers' licences or grants of pistol certificates or pistol permits or the registration of pistols are to be subject ;
 - (c) prescribing the mode and manner in which under this Act registers and other books and entries are to be kept and signed and the places where registers or books are to be kept ;
 - (d) altering any forms prescribed ;
 - (e) exempting any particular person or any class of persons from the operation of Part II. and prescribing the extent of such exemptions and specifying the provisions (if any) of such Part applicable to such person or class ;
 - (f) prescribing reasonable fees (not exceeding in any case the amount specified in this Act in respect of such case) to be charged for any gun dealer's licence or renewal or transfer thereof or any duplicate of a licence or of a pistol permit or of a certificate of registration ;
 - (g) imposing a penalty of not more than Twenty pounds for any breach of the regulations ; and
 - (h) generally, with respect to any matters or things which by this Act are required or permitted to be prescribed or which are necessary or expedient to be prescribed for carrying out and giving effect to the provisions of this Act.

Firearms Act
1921.
Forms.

(2) All forms prescribed or altered in pursuance of this section may be used for the purposes of this Act and shall be sufficient in law.

Publication of
regulations.

(3) All such regulations when made by the Governor in Council shall be published in the *Government Gazette* and when so published shall have the force of law and shall be judicially noticed and shall be laid before both Houses of Parliament within fourteen days after the same have been made if Parliament is then sitting and if Parliament is not then sitting then within ten days after the next meeting of Parliament and a copy of any proposed regulations shall be posted to each Member of Parliament at least twenty-one days before such regulations are approved by the Governor in Council.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Number of Act.	Title of Act.	Extent of Repeal.
3136	<i>Firearms Act 1921</i>	So much as is not otherwise repealed.

SECOND SCHEDULE.

Section 17.

1. The quantities and description of firearms purchased, with the names and addresses of the sellers, and the dates of the several transactions.

2. The quantities and description of firearms sold, with the names and addresses of the purchasers, and particulars with respect to pistol certificates (if any) delivered up by purchasers, and the dates of the several transactions.

3. The quantities and description of firearms in possession for sale at the date of the last stocktaking or such other date in each year as is specified in the book containing the register of transactions.