

PISTOL LICENCE ACT, 1929.

No. 1918 of 1929.

An Act to regulate and license the use, carriage, and sale
of pistols, and for other purposes.

[Assented to 27th November, 1929.]

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

Short title
and com-
mencement.

1. This Act may be cited as the "Pistol Licence Act, 1929," and shall come into operation on a day to be fixed by proclamation.

Interpreta-
tion.

Cf. U.K.
26 Geo. 5 &
1 Edw. 8
c. 39, s. 15.

2. In this Act—

"pistol" means any lethal weapon of any length of barrel from which any shot, bullet, or other missile can be discharged, designed for aiming and firing from one hand, and which is reasonably capable of being carried concealed about the person, but does not include a toy pistol or include an antique pistol which is kept or sold as a curiosity or ornament:

"pistol dealer" means a person who by way of trade or business manufactures, sells, or repairs pistols or exposes or has in his possession pistols for sale or repair, and any pawnbroker who by way of trade or business has in his possession any pistol as a pledge.

Pistol
licences.

3. (1) A person shall not purchase, carry, or have in his possession any pistol unless he holds a licence (hereinafter called a "pistol licence") issued under this Act and in force at the time.

(2) A separate pistol licence shall be taken out in respect of each such pistol, and a licence shall not be transferable.

s. 1. This Act was proclaimed to commence on 1st January, 1930: *Gazette* 19th December, 1929, p. 1305.

4. (1) Any person who has in his possession any pistol without a pistol licence for that pistol shall be liable to a penalty of not less than one pound and not more than fifty pounds.

Penalty for carrying unlicensed pistol, etc.

Cf. U.K.
10 & 11
Geo. 5 c. 43,
s. 1

(2) Any person who uses or carries any pistol without a pistol licence for that pistol shall, if the 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 not less than ten pounds and not more than one hundred pounds, 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 twelve months.

(3) This section shall not apply to—

Cf. U.K.
26 Geo. 5 &
1 Edw. 8
c. 39, s. 1
(3), (b).

(a) any person in the naval, military, 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 pistol 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

(b) any pistol dealer or his servant who has in his possession or carries a pistol in the ordinary course of the trade or business of a pistol dealer or who uses a pistol by way of testing or regulating its strength or quality in a place specially set apart for such purpose; or

(c) any person who uses a pistol in respect of which a licence 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.

(4) Upon the hearing of any complaint for any breach of any of the provisions contained in this section the person complained against shall be required to prove that he is the holder of a pistol licence duly issued under this Act or that he is a person to whom this section does not apply upon any of the grounds set out in subsection (3) of this section.

(5) Notwithstanding the provisions of the Justices Act, 1921, or of any other Act, no court shall have power to reduce the minimum penalties imposed by this section.

5. (1) Applications for licences under this Act, or for the renewal of licences, shall be made to the Commissioner of Police.

Application for and issue of licences.

(2) The Commissioner of Police, or any officer of police acting with the authority of the Commissioner of Police may, if he is satisfied that the applicant is a person who has a good reason for requiring the licence applied for and can be permitted to have in his possession, use, and carry a pistol without any danger to the public safety or to the peace, issue a licence in the form prescribed therefor.

No pistol licence shall be issued to a person under the age of twenty-one years.

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

(4) The fee payable upon the issue of any pistol licence and upon each renewal thereof shall be the sum of two shillings and sixpence.

(5) Where the licence is issued to a special constable in respect of a pistol used or carried in the performance of his duty no licence fee shall be payable.

Duration of
licences.

6. A pistol licence 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 licence is renewed, and so from time to time, and the provisions of this Act with respect to the issue of a pistol licence shall apply to the renewal of a pistol licence.

Revocation of
licences.

7. Any licence issued under this Act may be revoked by notice in writing signed by the Commissioner of Police if he is satisfied that the holder thereof is prohibited by this Act from holding a licence, or is a person of unsound mind or of intemperate habits or is otherwise unfitted to be entrusted with a pistol.

8. A record of all licences issued under this Act at any police station shall be kept there, and shall be open for inspection at all reasonable times upon payment of the fee (if any) prescribed.

Inspection of
list of
licences.

9. (1) It shall be unlawful to sell by retail or by auction or by private sale or to let on hire a pistol, or for a pawnbroker to part with the possession of a pistol pledged with him upon redemption of the pledge, to any person unless at the time of the sale, hire, or redemption that person either produces a pistol licence or gives reasonable proof that he is about to proceed abroad outside Australia 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 a rank not lower than that of inspector or by himself and by a justice.

Sale or hire
of pistols.
Of. U.K.
10 & 11
Geo. 5 c. 43,
s. 1.
Of. U.K.
24 & 25
Geo. 5 c. 16,
s. 1.

(2) Every person who in the course of business sells by retail or by auction or lets on hire a pistol, or being a pawnbroker parts with the possession of a pistol 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 specifying the description of the pistol sold, let on hire, or redeemed, the date of the sale, hire, or redemption, the name and address of the purchaser, hirer, or person redeeming the pistol and of the member of the police force by whom the pistol licence produced by the purchaser, hirer, or such person was issued, the date of the licence or the circumstances exempting the purchaser, hirer, or person from having a licence.

The said book shall be produced for inspection on the request of any member of the police force.

(3) Any person who—

- (a) contravenes any of the foregoing provisions of this section; or
- (b) on the sale, hire, or redemption of a pistol 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,

shall be liable on summary conviction to a penalty not exceeding twenty pounds.

Registration
of pistol
dealers.

Cf. U.K.
10 & 11
Geo. 5, c. 43,
s. 8.
Cf. U.K.
26 Geo. 5
& 1 Edw. 8
c. 39, s. 3.

10. (1) Any person who carries on the trade or business of a pistol 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 not exceeding one hundred pounds.

(2) Every application for a certificate shall be made in the prescribed form to the Commissioner of Police who may, if he is satisfied that the applicant is a fit and proper person to have a certificate, issue to the applicant on payment of a sum of one pound, a certificate in the prescribed form. The 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.

(3) Any applicant aggrieved by a refusal of the Commissioner of Police to issue any such certificate may appeal from such refusal to the court of summary jurisdiction in or nearest to the place where the applicant carries on business, and the decision of the said court shall be final and binding on the applicant and upon the Commissioner of Police.

Demand for
production of
pistol licence.
Cf. U.K.
10 & 11
Geo. 5 c. 43,
s. 10.

11. Any member of the police force may demand from any person who at the time of the demand may be using or carrying any pistol the production of the licence for so doing, and may also demand from the said person his name and address. Any person who upon demand as aforesaid fails to produce any such licence or to give his name and address, or who gives a false name or address, shall be liable to a penalty not exceeding ten pounds: Provided that, in the case of a demand made to a person to produce a licence, the said person shall not be deemed to be guilty of an offence under this section if he produces his licence at a police station within forty-eight hours of the making of the demand.

Seizure and
forfeiture of
pistols.

12. Any member of the police force may seize any pistol found in the possession of or being used or carried by any person who is required by this Act to be but who is not the holder of a licence therefor under this Act, and any such pistol may by order of the court before which any proceedings in respect of the pistol are heard be forfeited to His Majesty.

Power to
issue special
search war-
rants.
Cf. U.K.
10 & 11
Geo. 5 c. 43,
s. 11 (2).

13. If the Commissioner of Police is of opinion that any pistol 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 with such

assistance as the said member deems necessary to search any premises or place named in the warrant every person found therein, and to seize and detain any pistol which he may find on the premises or place or on any such person and in respect of which he has reasonable grounds for suspecting that there has been or is a breach of this Act.

14. Any member of the police force may stop, search, and detain—

Power to search vehicles and suspected persons.

(a) any vehicle in or upon which there is reason to suspect that any unlicensed pistol may be found; and

(b) any person who is reasonably suspected of having, or conveying in any manner, any unlicensed pistol.

15. Any person who has a pistol in his possession and who does not take all reasonable precautions to ensure the safe keeping of the said pistol shall be liable to a penalty not exceeding ten pounds.

Precautions to be taken by pistol owners.

16. Any parent or guardian of a person under the age of twenty-one years who uses, carries, or has in his possession any pistol shall be liable to a penalty not exceeding ten pounds unless the parent or guardian proves that the said use, carriage, or possession was without his consent or knowledge, and that he took all reasonable precautions to prevent the same, or proves that the person under the age of twenty-one years using the pistol was so using it under the supervision of a person holding a pistol licence.

Liability of parent or guardian of a person under twenty-one.

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

Maxim silencers.

18. The Governor may make regulations prescribing all forms under this Act and generally for carrying out the provisions of this Act, and may in any such regulations impose any penalty not exceeding ten pounds for any breach of the same.

Regulations.

19. All proceedings for offences against this Act shall be disposed of summarily.

Summary disposal of offences.

Saving
provisions.

20. The provisions of this Act shall not diminish or affect any duty or liability imposed under the provisions of the Use of Firearms Restriction Act, 1917, the Firearms Registration Act, 1919, or the Animals and Birds Protection Act, 1919, and the provisions of those Acts shall not diminish or affect any duty or liability imposed under this Act.

Regulations.

The following regulations were in force under this Act on 24th May, 1937:—

Gazette—5th December, 1929, p. 1216.