

## FIREARMS ORDINANCE 1965

## No. 43 of 1965

An Ordinance to repeal the *Firearms Ordinance* (No. 2) 1961, to amend the *Firearms Ordinance* 1964 and to amend the *Firearms Ordinance* 1956-1964

[Assented to 15th November, 1965.]

**B**E it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act* 1910-1962, as follows:—

Short title  
and citation.

1.—(1.) This Ordinance may be cited as the *Firearms Ordinance* 1965.

(2.) The *Firearms Ordinance* 1956-1964 is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Firearms Ordinance* 1956-1965.

Commencement.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.\*

Repeal of  
Ordinance  
No. 4 of 1962.

3. The *Firearms Ordinance* (No. 2) 1961 is repealed.

Amendment of  
section 3 of  
Ordinance  
No. 40 of 1964.

4. Section 3 of the *Firearms Ordinance* 1964 is amended by omitting paragraph (a).

Repeal of  
section 9 of  
Ordinance  
No. 40 of 1964.

5. Section 9 of the *Firearms Ordinance* 1964 is repealed.

Definitions.

6. Section 6 of the Principal Ordinance is amended—

(a) by omitting the definition of “firearm” and inserting in its stead the following definition:—

“ ‘firearm’ includes—

(a) a firearm of any description;

(b) an airgun or other kind of gun from which any kind of shot, bullet or other missile can be discharged; and

\* The date fixed was 20 April 1966 (see *Northern Territory Government Gazette* No. 21 of 20 April 1966, page 82).

- (c) a device from which, for the time being, a shot, bullet or other missile cannot be discharged because of—
  - (i) the absence or defect of one or more of its parts; or
  - (ii) some obstruction in the device, but from which, if the part or parts were replaced, renewed or repaired, or the obstruction removed, a shot, bullet or other missile could be discharged;” and
- (b) by omitting the definition of “pistol” and inserting in its stead the following definition:—
  - “ ‘pistol’ means a firearm—
  - (a) capable of being concealed on or about a person; and
  - (b) having a barrel which, not including any revolving, detachable or magazine breech, does not exceed sixteen inches in length;”.

7. Section nine of the Principal Ordinance is amended by adding at the end thereof the following sub-section:—

Registration of firearms.

“(5.) The receipt of the fee mentioned in sub-section (1.) of this section is not required where the firearm produced to the Registrar for registration is the property of the Commonwealth.”.

8. After section nine of the Principal Ordinance the following section is inserted:—

“9A.—(1.) Notwithstanding sub-section (1.) of the last preceding section and sub-section (2.) of section nineteen of this Ordinance, the Registrar shall not register a firearm or issue or renew a licence in respect of a pistol or high powered firearm capable of discharging a missile containing any drug or noxious liquid, noxious gas or other noxious thing unless—

Firearms capable of discharging drugs, etc.

- (a) the applicant has produced to the Registrar a certificate from a veterinary surgeon registered under the *Veterinary Surgeons Ordinance 1960*—
  - (i) that such a firearm, pistol or high powered firearm is necessary for the control or treatment of stock and that the applicant has a genuine and substantial requirement for such a firearm, pistol or high powered firearm;
  - (ii) that the applicant has a good knowledge of the use and effects of the poisons, drugs or

other noxious substances likely to be discharged from the firearm, pistol or high powered firearm in respect of which the application for registration or a licence is made; and

- (iii) that the applicant has been instructed in and is thoroughly conversant with the use of that firearm, pistol or high powered firearm; and

(b) the Registrar is satisfied that the applicant—

- (i) is of or over the age of twenty-one years;
- (ii) has not been convicted of an offence against this Ordinance and sentenced to any term of imprisonment for that offence; and
- (iii) has not been convicted of an offence otherwise than under this Ordinance, arising out of or in connexion with his possession or use of a firearm and sentenced to any term of imprisonment for that offence.

“(2.) Notwithstanding sub-section (1.) of the last preceding section, no deputy registrar shall register a firearm capable of discharging a missile containing any drug or noxious liquid, noxious gas or other noxious thing.”.

Person not to own, etc., pistol or high powered firearm without licence.

9. Section eighteen of the Principal Ordinance is amended by adding at the end thereof the following sub-section:—

“(4.) Notwithstanding sub-sections (1.) and (2.) of this section, a person may, in accordance with a permit issued under the next succeeding section, have in his possession, or carry, a pistol or high powered firearm if—

- (a) he has the pistol or high powered firearm in his possession, or carries it, in the course of and for the purposes of his employment; and
- (b) his employer is the holder of a pistol or high powered firearm licence in respect of the pistol or high powered firearm.”.

Employee's permit to carry, etc., licensed pistol or licensed high powered firearm.

10. After section eighteen of the Principal Ordinance the following section is inserted:—

“18A.—(1.) An application by an employer for a permit for an employee to have in his possession or carry a licensed pistol or licensed high powered firearm that is the property of, and is licensed in the name of, his employer shall be made to the officer in charge of the nearest police station.

“(2.) The officer in charge of that police station, if he is satisfied that the employee—

- (a) is a person who can reasonably be permitted to have in his possession, to use and to carry a licensed pistol or licensed high powered firearm, as the case may be, without danger to the public safety or to the peace;
- (b) is a person who has a substantial reason for having in his possession, for using and for carrying a licensed pistol or licensed high powered firearm, as the case may be, in the course of and for the purposes of his employment;
- (c) is a person of or over the age of twenty-one years;
- (d) has not been convicted of an offence against this Ordinance and sentenced to any term of imprisonment for that offence; and
- (e) has not been convicted of an offence otherwise than under this Ordinance, arising out of or in connexion with his possession or use of a firearm and sentenced to any term of imprisonment for that offence,

may issue a permit in the prescribed form.

“(3.) Subject to the next succeeding sub-section, a permit under this section shall be in force, unless sooner cancelled, for the period shown on the permit, being a period of not more than six months, but shall be liable to cancellation by the officer in charge of a police station if at any time he has reason to believe that the pistol or high powered firearm is being, or has been, used for any purpose other than the purposes of the employment in respect of which it is issued.

“(4.) A permit shall cease to be in force when the holder terminates his employment with the employer in whose name the pistol or high powered firearm is licensed.”.

**11.** Section nineteen of the Principal Ordinance is amended by adding at the end thereof the following sub-sections:—

Application for  
pistol licence  
or high powered  
firearm licence  
to be made to  
Registrar.

“(5.) A pistol or a high powered firearm in respect of which a licence has been issued and is in force under this Ordinance shall be deemed to be a registered firearm.

“(6.) The receipt of the fee mentioned in sub-section (2.) of this section is not required where the pistol or high powered firearm in respect of which the application for a licence is made is the property of the Commonwealth.”.

**12.** Section twenty-four of the Principal Ordinance is amended by omitting sub-section (2.) and inserting in its stead the following sub-section:—

Application for  
gun dealer's  
licence.

“(2.) The Registrar may, if he is satisfied—

- (a) that the applicant is a fit and proper person to carry on the trade or business of dealing in firearms;
- (b) that the particulars furnished in accordance with the next succeeding section do not show that there is a substantial reason why a gun dealer's licence should not be issued to the applicant; and
- (c) that the applicant is not the holder of a hawker's licence as defined in the *Hawkers Ordinance 1935-1964*,

upon receipt of a fee of One pound, issue or renew a gun dealer's licence in the prescribed form.”.

13. After section twenty-four of the Principal Ordinance the following section is inserted:—

“24A. A person applying for the issue or renewal of a gun dealer's licence shall furnish in writing to the Registrar, with his application, the following particulars:—

- (a) the exact location of the building or premises where the applicant proposes to conduct the gun dealer's business;
- (b) the type of building or premises and the material used in its construction;
- (c) whether or not the applicant is the sole occupier of the building or premises;
- (d) what portion (if any) of the building or premises proposed to be used for the business of a gun dealer is proposed to be used for living quarters;
- (e) whether at the time of application the building or premises is or are used to conduct any other type of business, and, if so, what type of business;
- (f) what provisions have been made or are proposed to be made for the storage and security of firearms and the general security of the building; and
- (g) whether or not the applicant proposes to reside in the building or on the premises as distinct from the portion of the building or premises used for the business and whether or not he does in fact reside there.”.

14. Section twenty-five of the Principal Ordinance is amended—

- (a) by omitting from paragraph (a) of sub-section (1.) the word “or”;
- (b) by inserting after paragraph (b) of sub-section (1.) the following paragraphs:—

Particulars to be furnished with application for gun dealer's licence.

Revocation of gun dealer's licence.

“(c) that the holder of a gun dealer’s licence keeps or stores any firearms at a place other than the premises described in the particulars furnished with his application; or

(d) that the holder of a gun dealer’s licence has let, assigned or parted with possession of the premises described in the particulars furnished with his application,”.

15. After section thirty-six of the Principal Ordinance the following sections are inserted:—

“36A. A person shall not shorten the barrel of a firearm other than a pistol so as to reduce the length of the barrel to less than sixteen inches.

Person not to shorten barrel of firearm.

Penalty: For a first offence, One hundred pounds or imprisonment for two months; for a second or subsequent offence, Three hundred pounds or imprisonment for six months.

“36B. A person shall not convert into a firearm a toy gun or any article of a similar nature.

Person not to convert toy gun, etc., into firearm.

Penalty: For a first offence, Fifty pounds or imprisonment for one month; for a second or subsequent offence, Two hundred pounds or imprisonment for four months.

“36C. A person shall not deface or alter or attempt to deface or alter any numbers or letters or identifying symbols or marks on any firearm.

Person not to deface, etc., numbers, etc., on firearms.

Penalty: For a first offence, Fifty pounds or imprisonment for one month; for a second or subsequent offence, Two hundred pounds or imprisonment for four months.

“36D. A person found drunk in actual physical possession of a loaded firearm is guilty of an offence and is punishable upon conviction, in the case of a first offence, by a fine not exceeding Fifty pounds or imprisonment for a term not exceeding one month or, in the case of a second or subsequent offence, by a fine not exceeding Two hundred pounds or imprisonment for a term not exceeding four months.

Person found drunk in possession of loaded firearm.

“36E.—(1.) A person shall not, without reasonable excuse, physically carry a firearm exposed to the public view in a public place within the boundaries of a city or town.

Person not to carry firearm exposed to view in public place.

Penalty: Fifty pounds.

“(2.) In this section—

‘public place’ has the meaning set out in section five of the *Police and Police Offences Ordinance 1923-1965*.

'town' has the meaning set out in section five of the *Crown Lands Ordinance 1931-1965*.

**Machine guns.**

"36F.—(1.) A person shall not fire or have in his possession a machine gun.

Penalty: For a first offence, One hundred pounds or imprisonment for two months; for a second or subsequent offence, Three hundred pounds or imprisonment for six months.

"(2.) This section does not apply to—

- (a) a member of the Naval, Military or Air Forces of the Commonwealth;
- (b) an officer or employee of the Public Service of the Commonwealth or of a Territory of the Commonwealth; or
- (c) a member of a police force of a State or Territory of the Commonwealth,

in respect of his possession of a machine gun, the property of the Crown, which is in his possession in the performance of his duty as such an officer, employee or member.

"(3.) In this section 'machine gun' means a firearm which is so constructed, or can be so adapted, that, if pressure is applied to the trigger or other like appliance attached to the firearm, shots, bullets or other missiles are automatically discharged from the firearm in succession and continue to be so discharged until the pressure is removed from the trigger or other appliance or the magazine containing the cartridges is empty; and, without affecting the generality of that meaning, includes—

- (a) every firearm which is commonly known as a machine gun, a sub-machine gun, a tommy gun, a machine rifle or a machine pistol; and
- (b) any firearm so known from which, for the time being, shots, bullets or other missiles cannot be so discharged because of the absence or defect of some part or parts of the firearm, or because of some obstruction in the firearm, but which, if the part or parts were renewed, replaced or repaired, or the obstruction removed, would again be capable of so discharging shots, bullets or missiles."

16. After section thirty-seven of the Principal Ordinance the following section is inserted:—

"37A. When the owner of a firearm sells or otherwise disposes of it, the registration of that firearm is cancelled."

Sale, etc., of  
firearm cancels  
its registration.

Compliance  
with police  
requirements.

17 Section forty of the Principal Ordinance is amended by adding at the end thereof the words—

"Penalty: Fifty pounds."

**18.** Section forty-four of the Principal Ordinance is amended by adding at the end thereof the following sub-sections:—

*Exemptions.*

“(2.) Notwithstanding the last preceding sub-section, section eighteen of this Ordinance applies to a person not resident in the Northern Territory in respect of his possession in the Northern Territory of a high powered firearm for a period exceeding two days unless the person carries or produces a permit issued under the next succeeding sub-section.

“(3.) Where such a person, within two days after the date on which he first had possession of a high powered firearm in the Northern Territory, produces to a member of the Police Force in charge of a police station a certificate of registration or licence issued in respect of the high powered firearm under the law of a State or Territory of the Commonwealth, the member may, if he is satisfied as to the matters set out in paragraphs (a) and (b) of sub-section (2.) of section nineteen of this Ordinance, issue to the person a permit, in the prescribed form, to have the high powered firearm in his possession while he is temporarily in the Northern Territory.”.

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