

FIREARMS ORDINANCE (NO. 2) 1968

No. 72 of 1968

An Ordinance to amend the *Firearms Ordinance*
1956-1967, as amended by the
Firearms Ordinance 1968

[Assented to 7 October, 1968]

BE it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act* 1910-1968, as follows:—

Short title
and citation

1.—(1.) This Ordinance may be cited as the *Firearms Ordinance* (No. 2) 1968.

(2.) The *Firearms Ordinance* 1956-1967, as amended by the *Firearms Ordinance* 1968, is in this Ordinance referred to as the Principal Ordinance.

(3.) Section 1 of the *Firearms Ordinance* 1968 is amended by omitting sub-section (3.).

(4.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Firearms Ordinance* 1956-1968.

Parts

2. Section 5 of the Principal Ordinance is amended by inserting after the words and figures—

“Part IV.—Pistols and High Powered Firearms (Sections 13-22).”

the words and figures—

“Part IVA.—Collector’s Pieces (Sections 22A-22G).”.

Definitions

3. Section 6 of the Principal Ordinance is amended by inserting before the definition of “firearm”, the following definitions:—

“‘collector’s licence’ means a collector’s licence issued and in force under this Ordinance;

‘collector’s piece’, in relation to a firearm, means a firearm that is possessed as a curiosity or ornament;”.

Persons not to
own, &c., pistol
or high powered
firearm without
licence

4. Section 18 of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the words “A person shall not” and inserting in their stead the words “Except as provided by section twenty-two A of this Ordinance, a person shall not”; and

- (b) by omitting from sub-section (3.) the words "A person shall not" and inserting in their stead the words "Except as provided by section twenty-two A of this Ordinance, a person shall not".

5. Section 20 of the Principal Ordinance is amended—

- (a) by inserting in sub-section (2.) after the words "this section", the words "he shall"; and
 (b) by omitting from paragraph (a) of sub-section (2.) the words "he shall".

Revocation of
pistol or high
powered firearm
licence

6. After section 22 of the Principal Ordinance the following Part is inserted:—

"PART IVA.—COLLECTOR'S PIECES.

"22A. Notwithstanding sub-sections (1.) and (3.) of section eighteen of this Ordinance, a person may own or have in his possession a pistol or high powered firearm in respect of which he is not the holder of a pistol licence or high powered firearm licence if he is the holder of a collector's licence and the pistol or high powered firearm is a collector's piece.

Collector's pieces
need not be
licensed

"22B.—(1.) An application for a collector's licence shall be made to the Registrar.

Applications for
collector's
licence

"(2.) The Registrar, if he is satisfied that the applicant—

- (a) is a *bona fide* collector of collector's pieces;
 (b) is a person who can reasonably be permitted to have in his possession collector's pieces without danger to the public safety or to the peace;
 (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, upon receipt of a fee of Ten dollars, issue a collector's licence in the prescribed form.

"(3.) A collector's licence authorizes the person to whom it is issued to own and to have in his possession a firearm that is a collector's piece but does not authorize the use of a collector's piece as a firearm.

"(4.) A person to whom a collector's licence is issued shall not use a collector's piece as a firearm unless he has first obtained the written permission of the Registrar to do so.

"22c.—(1.) Where the Registrar is satisfied that the holder of a collector's licence—

Revocation of
collector's
licence

- (a) is a person under the age of twenty-one years;

- (b) has been convicted at any time of an offence against this Ordinance and sentenced to any term of imprisonment for that offence;
- (c) has been convicted at any time of an offence otherwise than under this Ordinance, arising out of or in connexion with his possession or use of a firearm and has been sentenced to any term of imprisonment for that offence; or
- (d) is a person of unsound mind, or intemperate habits or is otherwise unfit to be entrusted with a firearm,

he may revoke the licence held by that person.

“(2.) When the Registrar revokes a licence under this section he shall—

- (a) cause notice in writing of the revocation to be served forthwith on the person who held the licence either personally or by post; and
- (b) enter particulars of the revocation in the Register of Collector’s Licences.

Register of
collector’s
licences

“22D. The Registrar shall keep a Register of Collector’s Licences in the prescribed form in which he shall enter particulars of every collector’s licence issued under this Ordinance and particulars of each firearm held as a collector’s piece by the person to whom a collector’s licence is issued.

Certificate by
Registrar in
respect of
collector’s licence
prima facie
proof

“22E. A certificate signed by the Registrar stating that, on a particular day—

- (a) a particular person was the holder of a collector’s licence; or
- (b) a particular person was not the holder of a collector’s licence,

shall, in any proceedings under or arising out of this Ordinance, be *prima facie* proof of the facts stated in the certificate, without proof of the Registrar’s signature.

Collector’s pieces
to be deemed
to be licensed

“22F. A collector’s piece, being a registered firearm that is a pistol or high powered firearm owned by or in the possession of a person to whom a collector’s licence has been issued, shall, while the licence is in force, be deemed to be a licensed pistol or licensed high powered firearm as the case may be.

Collector’s
pieces to be
registered

“22G. Nothing in this Part shall be construed as diminishing the obligation of a person to register, in accordance with this Ordinance, a firearm that is a collector’s piece.”

Revocation of
gun dealer’s
licence

7. Section 25 of the Principal Ordinance is amended—

- (a) by inserting in sub-section (2.) after the words “this section”, the words “he shall”; and
- (b) by omitting from paragraph (a) of sub-section (2.) the words “he shall”.

8 Section 29 of the Principal Ordinance is amended by inserting in sub-section (2.) after the words "a high powered firearm licence" the words ", a collector's licence".

Cancelled
registration
certificates or
revoked licences
to be returned

9. After section 33 of the Principal Ordinance the following section is inserted:—

"33A. When the Registrar revokes or refuses to issue a collector's licence, the person who previously held, who applied for or who was refused a licence, as the case may be—

Disposal of
firearms where
collector's
licence refused
or revoked

- (a) if an appeal is made to the Court pursuant to section thirty of this Ordinance, shall deposit all firearms that are collector's pieces then in his possession with the clerk of the court; or
- (b) shall dispose of all firearms that are collector's pieces then in his possession in such a manner and within such time as are prescribed."