



ANNO TRICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1986

No. 60 of 1986

An Act to amend the Firearms Act, 1977.

[Assented to 23 October 1986]

The Parliament of South Australia enacts as follows:

1. (1) This Act may be cited as the "Firearms Act Amendment Act, 1986". Short title.
- (2) The Firearms Act, 1977, is in this Act referred to as "the principal Act".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 5 of the principal Act is amended— Amendment of s. 5—
Interpretation.
 - (a) by inserting after the definition of "firearms licence" the following definition:

"licence" means a dealer's licence, firearms licence or special firearms permit;

and
 - (b) by inserting after the definition of "silencer" the following definition:

"special firearms permit" means a special firearms permit granted under this Act.

4. Sections 11 and 12 of the principal Act are repealed and the following sections are substituted: Repeal of ss. 11 and 12 and substitution of new sections.
 11. (1) Subject to subsection (2), a person who has possession— Possession of firearms.
 - (a) of a firearm (not being a dangerous firearm) without holding a firearms licence of the appropriate class;
 - or

(b) of a dangerous firearm, without holding a special firearms permit authorizing possession of that firearm,
is guilty of an offence.

(2) No offence is committed under subsection (1) (a) by virtue of the fact that a person has possession of a firearm—

- (a) at a shooting gallery that is under the supervision of a responsible person, for the purpose of shooting at that shooting gallery;
- (b) on the grounds of a recognized rifle, pistol or gun club for the purpose of shooting in any manner authorized by the club;
- (c) in the ordinary course of a business of manufacturing, repairing, or dealing in, firearms;
- (d) in the ordinary course of a business of auctioneer, pawn-broker, carrier or warehouseman;
- (e) as executor of the will, or administrator of the estate, of a deceased person;

or

(f) in circumstances prescribed by regulation.

(3) A firearms licence of a particular class shall, in accordance with the regulations, authorize the holder to have possession of—

- (a) firearms (not being dangerous firearms) of a specified class;
- or
- (b) a specified firearm (not being a dangerous firearm).

(4) The classes of firearms licences that may be granted shall be fixed by the regulations.

(5) A special firearms permit shall, in accordance with the regulations, authorize the holder to have possession of—

- (a) dangerous firearms of a specified class;
- or
- (b) a specified dangerous firearm.

Applications.

12. (1) An application for a firearms licence or a special firearms permit—

- (a) must be made to the Registrar in the prescribed manner and form;
- and
- (b) must contain the prescribed information.

(2) The prescribed fee for an application must—

- (a) in the case of an application for a firearms licence, accompany the application;
- and
- (b) in the case of an application for a special firearms permit, be paid before the Registrar considers the application.

(3) The Registrar may require an applicant—

(a) to furnish such further information as may be necessary to enable the Registrar to determine the application;

or

(b) to verify by statutory declaration information furnished in relation to the application.

(4) The Registrar may grant an application for a firearms licence in accordance with the application but shall not refuse to grant the licence, whether because the Registrar is not satisfied that the applicant is a fit and proper person to hold the licence or for some other reason, without the concurrence of the consultative committee.

(5) The Registrar may, if satisfied that possession of dangerous firearms is necessary only for the purposes of a theatrical production or for some other purpose authorized by the regulations and that the applicant is a fit and proper person to hold the permit, grant an application for a special firearms permit.

(6) The Registrar may in granting an application impose conditions on the firearms licence or special firearms permit, but shall not do so in the case of a firearms licence without the concurrence of the consultative committee.

(7) Subject to subsection (8), a firearms licence or special firearms permit shall be subject—

(a) to conditions imposed pursuant to subsection (6) and stipulated in the licence or permit;

and

(b) to the conditions prescribed by the regulations.

(8) If the Registrar considers it safe to do so, the Registrar may exempt the holder of a firearms licence or special firearms permit from compliance with all or any of the conditions prescribed by the regulations.

(9) A person under the age of 15 years is not entitled to apply for, or be granted, a firearms licence, and a person under the age of 18 years is not entitled to apply for, or be granted, a special firearms permit.

5. Section 16 of the principal Act is amended by inserting “or special firearms permit” after “class”.

Amendment of s. 16—
Sale, etc., of firearms.

6. The following section is inserted after section 17 of the principal Act:

Insertion of new s. 17a.

17a. A special firearms permit shall, subject to this Act, continue in force for the period determined by the Registrar and stipulated in the permit, but is not renewable.

Term of special firearms permit.

7. Section 22 of the principal Act is amended by inserting after paragraph (c) the following paragraph:

Amendment of s. 22—
Application of provisions for registration of firearms.

(ca) any dangerous firearm in the possession of the holder of a special firearms permit;

Repeal of s. 29
and substitution
of new section.

8. Section 29 of the principal Act is repealed and the following section is substituted:

Offence.

29. A person who has possession of a silencer is guilty of an offence.

Amendment of
s. 34—
Forfeiture of
firearms.

9. Section 34 of the principal Act is amended by striking out "licensed" from paragraph (a) of subsection (2) and substituting "authorized by a licence".

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

D. B. DUNSTAN, Governor