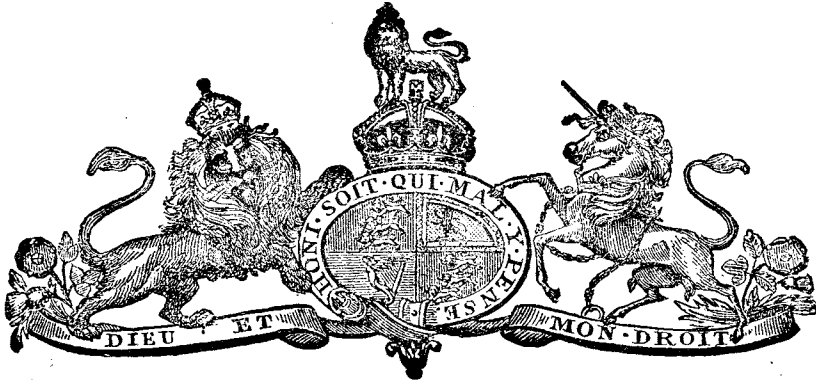


TASMANIA.



1932.

ANNO VICESIMO TERTIO
GEORGII V. REGIS.
 No. 53.

ANALYSIS.

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Effect and duration of certificate of exemption. 7. Cancellation of documents of authorisation. | <ol style="list-style-type: none"> 8. Certain persons prohibited from holding certificates, &c. 9. Duties of persons holding certain certificates, &c. 10. Powers of police officers. 11. Offences and penalties. 12. Prohibition of silencers. 13. Provisions as to search and arrest. 14. Procedure.
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 AN ACT to regulate the Sale and Use of
 Firearms in certain cases and to prohibit the
 Possession thereof by unauthorised Persons.
 [18 January, 1933.]

A.D.
 1932.
 —

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The Firearms Act, 1932."

Short title.

10d.]

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Interpretation.

2 In this Act, unless a contrary intention appears—

“ Authorised officer ” means the Commissioner of Police or an officer of police of or above the rank of sergeant authorised in writing by the Commissioner, either generally or in respect of a particular case, to issue any document of authorisation under this Act :

“ Commissioner ” means the Commissioner of Police for the time being :

“ Pistol ” means any revolver, firearm, or other lethal weapon from which any shot, bullet, or missile can be discharged and having a barrel which, excluding any part of a revolving or removable breach or magazine, does not exceed sixteen inches in length.

Application of Act.

3—(1) The provisions of this Act shall not apply—

- i. To any member of the naval, military, or air forces of His Majesty or of the Commonwealth or to any police officer who is doing any act or thing for the purposes of and in the execution of his duties as such member or as such officer respectively : or
- ii. To any antique weapon or firearm of any description kept or purchased by, or sold to, any body of persons controlling any prescribed museum, so long as such weapon or firearm is not carried or used.

(2) Where any person has in his possession any pistol which is obsolete, or which is kept only as a trophy of war, or as a model, any authorised officer upon the application of such person in that behalf may issue to such person a certificate dispensing with registration of such pistol, and thereupon the provisions of this Act relating to possession shall cease to apply in respect of such pistol so long as the same is in possession of such person for such purpose and is not used as a firearm or carried by any person.

Unauthorised possession of, or dealings with, pistols unlawful.

4—(1) No person shall—

- i. Keep or have in his possession :
- ii. Buy :
- iii. Sell : or
- iv. Carry—

any pistol unless he is duly authorised so to do as provided by this Act and, in the case of buying or selling, unless both he and the seller or buyer, as the case may be, respectively are so authorised.

(2) For the purposes of this Act the term “ buy ” shall include the acquiring, or obtaining possession of, a pistol by means of borrowing, hiring, or accepting the same as a gift, and the term “ sell ” shall include the parting with the possession of a pistol by means of

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lending, letting on hire, or giving the same, and the words "buyer" and "seller" respectively shall have a correspondingly extended meaning. A.D. 1932.

(3) The provisions of Paragraph i. of Subsection (1) hereof shall not apply in respect of any pistol in the possession of an auctioneer for the purpose only of being sold by him in the ordinary course of his business and in accordance with this Act, and such auctioneer by virtue of this subsection is authorised to sell any such pistol to any person duly authorised to buy the same as provided by this Act.

(4) Where any person at the commencement of this Act is in possession of any pistol, no proceedings shall be taken against him under the provisions of this section in respect of—

- i. The possession by him of such pistol at any time within three months after such commencement: or
- ii. The sale by him of such pistol within such three months to any person duly authorised under this Act to buy the same—

and this subsection shall authorise him to sell such pistol accordingly.

(5) The foregoing provisions of this section shall not apply in respect of any transaction entered into by the holder of a dealer's licence under this Act, whereby any pistol is to be delivered to such holder—

- i. By any person beyond the State: or
- ii. By a licensed dealer—

in the ordinary course of such holder's business, or to any sale upon which delivery of any pistol is made beyond the State to a person residing beyond the State.

5—(1) Any authorised officer may issue to any person capable of holding the same any one or more of the following documents:— Power to issue certificates, &c.

- i. A buyer's certificate:
- ii. A certificate of registration:
- iii. A permit to carry:
- iv. A dealer's licence:
- v. A certificate of exemption—

under and for the purposes of this Act.

(2) Every such document shall be in the prescribed form and shall be issued only upon application as may be prescribed and upon payment of such fee, if any, as may be prescribed in each case respectively.

(3) Where in this Act any such document as aforesaid is mentioned, it shall be construed to mean a valid and subsisting document of the kind mentioned.

(4) No such documents as aforesaid shall be issued to any person who is—

- i. Prohibited by this Act from being the holder thereof:

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11 Geo.V.No. 50.

ii. In the opinion of the authorised officer, a person of intemperate habits or unsound mind, a mental defective within the meaning of the Mental Deficiency Act, 1920, or a person to whom such document cannot be issued without danger to the public safety or to the peace: or

iii. Under the age of eighteen years—

nor, in the case of a permit to carry, to any person other than the holder of a certificate of registration of the pistol in respect of which such permit is issued.

(5) A certificate of exemption shall be issued only to a person not disqualified under any of the provisions of this Act from holding the same, who is engaged in a prescribed occupation and who, in the opinion of the authorised officer, reasonably requires a pistol therefor or in connection therewith.

Effect and duration of buyer's certificate.

6—(1) A buyer's certificate, while in force, shall entitle the holder, within seven days after the date thereof, to purchase one pistol and no more from any person authorised as provided by this Act to sell the same, and shall authorise the holder to have such pistol in his possession, subject to such conditions as may be prescribed, for so long as may be reasonably necessary to enable him to obtain, within the prescribed time, a certificate of registration in respect thereof.

Issue, effect, and duration of registration certificate.

(2) Upon production to an authorised officer of—

i. An application for registration in the prescribed form and containing all such particulars as may be prescribed: and

ii. If the pistol is bought after the commencement of this Act the prescribed portion of the buyer's certificate retained by the buyer, as therein directed: and

iii. Such evidence as may be required by such officer of the identity of the applicant—

the pistol to which such documents as aforesaid relate may be registered as prescribed, and thereupon such officer shall issue to the applicant, subject to any prescribed conditions, a certificate of registration in respect thereof which shall remain in force, unless sooner cancelled, until the expiration of three years from the date of issue thereof, and shall authorise the holder thereof to keep and have in his possession the pistol in respect of which the same is issued.

Effect and duration of licence.

(3) A dealer's licence shall be in the prescribed form, and while in force shall entitle the holder thereof, subject to the provisions of this Act—

i. To buy, sell, exchange, test, prove, or repair: and

ii. To have in his possession, for all or any of the purposes aforesaid—

any pistols upon the premises therein specified, but not otherwise, and the same shall remain in force until the thirty-first day of December next after the date of issue thereof.

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(4) A permit to carry a pistol shall relate only to the pistol in respect of which the person to whom the permit is issued is the holder of a certificate of registration, and while in force shall authorise the holder thereof to carry such pistol subject to the prescribed conditions, and shall remain in force, unless sooner cancelled, for such time as may be specified therein unless the certificate of registration of such pistol shall sooner cease to have effect, whereupon such permit also shall cease to have effect.

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Effect and duration of permit.

(5) A certificate of exemption shall entitle the holder thereof, subject to the provisions of this Act, to—

Effect and duration of certificate of exemption.

- i. Keep and have in his possession :
- ii. Buy :
- iii. Sell : and
- iv. Carry—

the pistol in respect of which it is issued or any pistol in substitution therefor, and shall remain in force until cancelled.

(6) Where a dealer's licence is issued for the purposes of a business carried on by two or more persons in partnership it may be issued to such persons jointly, and where such business is carried on by a company the licence may be issued to the secretary or manager on behalf of the company.

7—(1) Any certificate, permit, or licence issued under this Act may be cancelled by the Commissioner, or by the authorised officer who issued the same, if the Commissioner or such officer is satisfied that the holder thereof—

Cancellation of documents of authorisation.

- i. Is prohibited under this Act from holding the same :
- ii. Has since the issue thereof been convicted of any offence against this Act : or
- iii. Is a person of intemperate habits or of unsound mind, or a mental defective, or for any reason is a person unfit to be entrusted with a pistol—

or if an order for the cancellation thereof is made by a court of competent jurisdiction as hereinafter provided.

(2) Every such cancellation as aforesaid shall be effected by notice in writing to the holder of the document to be cancelled, delivered to such holder or sent by registered post to the latest address given by such holder as provided by this Act.

(3) Where a certificate of registration is cancelled the registration of the pistol thereby affected shall be annulled.

(4) Upon the cancellation of a certificate of registration the holder thereof—

- i. Shall deliver such certificate forthwith to some officer of police : and
- ii. Shall dispose of the pistol in respect of which such certificate was held by him, in such manner, within such time, and subject to such conditions as may be prescribed.

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Certain persons prohibited from holding certificates, &c.

14 Geo.V. No. 69.

62 Vict. No. 20.

Duties of persons holding certain certificates, &c.

8 No person who—

- i. Has been convicted upon indictment of any crime under the provisions of the Criminal Code and sentenced to imprisonment for twelve months or more and who has been released from such imprisonment less than five years : or
- ii. Is subject to any recognisance—
 - (a) Under Section Three hundred and eighty-six of the Criminal Code ;
 - (b) Under the First Offenders' Probation Act, 1898 ; or
 - (c) To keep the peace or be of good behaviour—

shall be the holder of any document mentioned in Section Five unless he be granted a permit by the Commissioner to hold such document.

9—(1) Every person who is the holder of any certificate of registration or permit to carry under this Act shall—

- i. Immediately upon changing his address notify such change in writing :
- ii. Upon any sale or disposal by him of the pistol to which any such document relates forthwith furnish full particulars thereof—

to an authorised officer.

(2) Every person who is the holder of a dealer's licence under this Act, or who sells any pistol to the holder of a buyer's certificate thereunder, shall demand from such holder and shall retain the prescribed portion of such certificate and forthwith deliver or send by registered post to an authorised officer such prescribed portion of such certificate with such endorsement and particulars as may be prescribed.

(3) Every person who is the holder of a dealer's licence under this Act shall keep such records of transactions in relation thereto and furnish such returns in respect thereof as may be prescribed.

(4) Every person who holds any document of authorisation issued under this Act shall produce such document on demand by any officer of police and shall permit such officer to examine and peruse the same.

(5) Every such person as aforesaid shall comply with all such requirements and conditions as may be prescribed in relation to the document of which he is the holder.

Powers of police officers.

10—(1) Any officer of police may—

- i. At any time require the holder of any document of authorisation issued under this Act to produce the same for his inspection and perusal :
- ii. Require any person, having, or whom such officer believes on reasonable grounds to have, in his possession a pistol, to produce his authority under this Act or to explain upon what authority he has such pistol :

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- iii. Require any such person as aforesaid or any person whom he finds committing, or whom he believes on reasonable grounds to have committed, any offence against this Act to furnish to him his true name and address :
- iv. Arrest without warrant any person whom he finds carrying a pistol in contravention of this Act or who fails or refuses, when lawfully required, to give his true name and address : and
- v. Seize and detain any pistol which he finds any person using or carrying, or which he believes on reasonable grounds that any person is using or carrying, in contravention of this Act : and

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(2) Every pistol so seized and detained as aforesaid shall be delivered as soon as practicable to an authorised officer, who, upon being satisfied that no offence in relation thereto has been committed, or can be substantiated, may return the same to the person from whom it was taken, and in any other case the same shall be detained until a court of competent jurisdiction otherwise orders as hereinafter provided.

11—(1) No person shall—

- i. Keep or have in his possession, or buy, sell, or carry any pistol in contravention of any provision of this Act :
- ii. When lawfully required under this Act to give his true name and address, give any name or address which is false in any material particular :
- iii. Procure, or attempt to procure, the issue of any document of authorisation under this Act by any statement or representation which is false :
- iv. Fraudulently use any document of authorisation under this Act issued to any other person : or
- v. Personate the holder of any such document.

Offences and penalties.

Penalty : One hundred Pounds or imprisonment for six months : or both such penalty and imprisonment.

(2) No person shall bring, or cause to be brought, into this State any pistol unless he is the holder of a dealers' licence under this Act.

Penalty : One hundred Pounds.

(3) No person shall—

- i. On the sale of any pistol to the holder of a buyer's permit under this Act, fail to carry out the directions on such permit :
- ii. Fail or refuse to give his true name and address when lawfully required so to do under this Act :
- iii. Fail or refuse to produce any document of authorisation under this Act to any person when lawfully required so to do :
- iv. Sell or part with the possession of any document of authorisation under this Act to any other person or knowingly permit any other person to use the same :
- v. Contravene any of the provisions of Section Nine : or

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vi. Fail to comply with any of the provisions of Section Seven or with any condition prescribed in respect of any document of authorisation under this Act of which he is the holder.

Penalty : Fifty Pounds or imprisonment for three months.

Prohibition of silencers.

12—(1) No person shall manufacture, buy, sell, or have in his possession any silencer whether the same is attached to any firearm or not.

Penalty : Fifty Pounds or six months' imprisonment, or both such penalty and imprisonment.

(2) For the purposes of this section a silencer means any instrument or thing by means of which the sound caused by the discharge of a firearm is made less audible, whether such instrument or thing forms part of the firearm or is or can be affixed or attached thereto.

Provisions as to search and arrest.

13—(1) If an authorised officer satisfies a justice, by information on oath, that there is reasonable ground for suspecting that an offence against this Act has been, is being, or is about to be committed, such justice may issue a search warrant in the prescribed form authorising a police officer therein named to enter, at any time, any premises or place specified in such warrant, and for that purpose to use such force as may be necessary, and to search such premises or place, and every person found therein, and to seize and detain any firearm found therein in respect of which he has reasonable grounds for suspecting that an offence against this Act has been, is being, or is about to be, committed ; and if such premises are those of the holder of a dealer's licence, to examine any register or books relating to the business of such holder.

(2) The officer making such search may arrest without warrant any person found on the premises whom he has reason to believe to be guilty of an offence against this Act.

(3) Any police officer may search, without warrant, any person whom he has reasonable ground for believing to have in his possession or under his control in any public place any pistol in contravention of this Act, and may search any vehicle, package, or thing in the possession or control of such person, and may seize and detain any pistol found upon such search pending an order of court in respect thereof.

Procedure.

14—(1) All proceedings in respect of offences against this Act shall be taken, heard, and determined before a police magistrate, and all penalties may be enforced and recovered, in accordance with the provisions of the Justices Procedure Act, 1919.

(2) In any such proceedings against any person in respect of the carrying or having in his possession any pistol, it shall be a good defence to prove that at the time of the alleged offence such pistol—

i. Was the property of the holder of a —

(a) Certificate of registration and a permit to carry ; or

(b) Certificate of exemption : and

10 Geo.V. No. 55.

Use of pistols in certain cases lawful.

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ii. Was in the possession of the defendant in the presence of the owner thereof and only— A.D. 1932.

- (a) For the use of such owner for sporting purposes ;
- (b) For the purposes of instruction in the use thereof by such owner to the defendant ; or
- (c) For shooting at a mark or target in a shooting gallery which was under such owner's supervision—

or was used by the defendant in or about the dwelling of an authorised owner and only for purposes of defence against imminent danger to such dwelling or some person or property therein.

(3) Where any person is convicted of an offence against this Act, or is convicted upon indictment of any crime, the Court before which he is so convicted may order any document of authorisation of which he is the holder under this Act to be cancelled, and any pistol seized or taken from him or with or in relation to which any such offence or crime was committed, to be forfeited and destroyed or otherwise dealt with as the Court may think fit. Power to order forfeiture, &c

(4) Where any person is charged with an offence under this Act and acquitted, the Court before which he is so charged may order any pistol seized or taken from him and detained to be returned to him.

15—(1) Any person who is aggrieved by the refusal of an authorised officer to issue any document under this Act or by the cancellation of any such document, other than a cancellation ordered by a court as provided by Section Fourteen, may appeal therefrom to a police magistrate as hereinafter provided. Appeal against refusal to issue document, &c.

(2) Every such appeal shall be by way of complaint against such authorised officer under the Justices Procedure Act, 1919, and shall be in the prescribed form, and upon the hearing thereof the police magistrate may make such order as he may think just. 10 Geo.V. No. 55.

(3) Such authorised officer shall give effect to every order so made.

16—(1) The Governor from time to time may make regulations under and for the purposes of this Act in respect of all matters necessary or desirable for giving effect thereto. Regulations.

(2) Any such regulation may provide for—

- i. The making as prescribed of prescribed marks of identification on pistols, and may require the owner of any pistol to produce the same to be so marked when required as prescribed :
- ii. Regulating the sale of ammunition, and may prohibit the sale of any specified class of ammunition, except under prescribed conditions.

