

**PISTOL LICENSE AND POLICE OFFENCES  
(AMENDMENT) ACT.**

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**Act No. 58, 1963.**

An Act to make further provisions with respect to the regulation and licensing of the use, carrying, possession and sale of pistols and firearms; for this purpose to amend the Pistol License Act, 1927, as amended by subsequent Acts, and the Police Offences Act, 1901, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 19th December, 1963.]

Elizabeth II,  
No. 58, 1963

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Pistol License and Police Offences (Amendment) Act, 1963".

Short title,  
citation  
and com-  
mencement.

(2) The Pistol License Act, 1927, as amended by subsequent Acts and by this Act, may be cited as the Pistol License Act, 1927-1963.

(3) The Police Offences Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Police Offences Act, 1901-1963.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

**2.**

**Pistol License and Police Offences (Amendment) Act.**

**No. 58, 1963**    **2.** (1) The Pistol License Act, 1927-1946, is amended—

Amend-  
ment of  
Act No.  
10, 1927.

Sec. 3.  
(Interpre-  
tation.)

- (a) (i) by inserting in section three immediately before the definition of "Pistol" the following new definition :—

"Antique pistol" means a pistol of a type not designed for firing breech-loading cartridges, which is kept or sold as a curiosity or ornament.

- (ii) by omitting from the definition of "Pistol" in the same section the words " , but does not include a toy pistol or an antique pistol which is kept or sold as a curiosity or ornament";
- (iii) by inserting in the definition of "Pistol dealer" in the same section after the word "manufactures," the word "purchases,";

Sec. 4.  
(License  
for pur-  
chasing,  
using,  
carrying, or  
possessing  
a pistol.)

- (b) (i) by omitting from subparagraph (ii) of paragraph (b) of subsection three of section four the words "two years" and by inserting in lieu thereof the words "twelve months";
- (ii) by omitting subparagraph (iv) of paragraph (c) of subsection three of section four;
- (iii) by omitting subparagraph (vi) of the same paragraph;

Sec. 5.  
(Applica-  
tion for  
and issue  
of licenses.)

- (c) (i) by omitting subsection four of section five;
- (ii) by omitting subsection six of the same section and by inserting in lieu thereof the following subsection :—

(6) No license fee shall be chargeable in respect of—

- (a) a pistol, possessed or carried by any person solely for use for or in connection with the conduct of any athletic meeting or sporting event, and from which blank cartridges only are discharged; or

(b) an antique pistol.

(iii)

(iii) by omitting from subsection seven of the same section the words "by subsection four of this section"; No. 58, 1963

(d) by inserting next after section five the following new section :—

5A. (1) (a) The Commissioner of Police may, on application on behalf of ten or more persons being members of a club and on the recommendation of the State Controlling Authority, approve of such club as a pistol club for the purposes of this section. Such approval may be revoked by the Commissioner of Police if the number of active members of the approved club falls below ten or if he is satisfied that the approved club is not being conducted in the interests of public safety or that the secretary or members thereof are not complying with the provisions of this Act or the regulations thereunder.

New sec.  
5A.  
Approved  
pistol  
clubs.

(b) Any shooting range proposed to be used by an approved club shall be of a type, construction and at a location approved by the Commissioner of Police.

(c) Any applicants or members of an approved club aggrieved by a decision of the Commissioner of Police under this section may appeal from such decision within twenty-one days thereafter to the court of petty sessions in or nearest to the place where the shooting range proposed to be used or used by the club is situated, and the decision of such court shall be final and binding upon the applicants or members and upon the Commissioner of Police.

(2) A person who makes an application for a license or renewal of a license under this Act and who satisfies the officer of police to whom such application is made that he is a person who requires such license as a member of an approved club, and in the case of an applicant for the renewal of a license that he is an active member of an approved club who has attended regularly and participated

in

**No. 58, 1963**  

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in club target practice, shall be deemed to have a good reason for requiring the license or the renewal of the license for the purposes of subsection two of section five of this Act.

(3) (a) A license may be issued in the name of the secretary of an approved club in respect of a pistol which is required to be purchased, used, carried or kept by or on behalf of such club and any pistol in respect of which a license is so issued may be used in club target practice at an approved range by any member of such club of or above the age of eighteen years, or by any visiting member of any approved club of or above the same age, under the supervision of a responsible range officer of an approved club.

(b) The number of licenses issued to the secretary of an approved club pursuant to this subsection shall not exceed the number considered by the officer of police responsible for issuing such licenses to be adequate and reasonable having regard to the needs and membership of such club.

(c) Any license held in the name of the secretary of an approved club pursuant to this subsection shall not affect his right to apply for a pistol license to be held on his own behalf either in his capacity as such a member or otherwise.

(4) No member of an approved club shall hold licenses for more than three pistols for his own use as such member but this provision shall not affect his right to apply for a pistol license to be held otherwise than in his capacity as such a member.

(5) (a) (i) A member of an approved club who becomes the holder of a license by virtue of the provisions of subsection two of this section shall not use the pistol in respect of which such license is issued except when engaged in club target practice at an approved range and shall not carry the said pistol except when upon or proceeding to or from such a range or the premises of a licensed pistol dealer.

(ii)

(ii) Such member shall not lend such pistol to or permit such pistol to be used or carried by any person other than the holder of a license issued by virtue of subsection two of this section who uses when engaged in club target practice or carries such pistol only at an approved range. No. 58, 1963

(b) The secretary of an approved club who becomes the holder of a license on behalf of such club by virtue of the provisions of paragraph (a) of subsection three of this section shall not use the pistol in respect of which such license is issued except when he is engaged in club target practice at an approved range and shall not permit such pistol to be used except by members of an approved club who are of or above the age of eighteen years in club target practice at an approved range under the supervision of a responsible range officer of an approved club and shall not carry the said pistol except when upon or proceeding to or from such a range or the premises of a licensed pistol dealer.

(c) When not being used or carried by any person other than the secretary at an approved range any pistol licensed on behalf of any approved club shall be deemed to be in the possession of the secretary of such club who shall take all reasonable precautions to ensure the safekeeping of such pistol.

(6) Any person who fails to comply with the provisions of this section shall be liable to a penalty not exceeding fifty pounds.

(7) In this section—

“Approved club” means a pistol club approved pursuant to the provisions of paragraph (a) of subsection one of this section.

“Approved range” means a shooting range approved pursuant to paragraph (b) of subsection one of this section.

“State Controlling Authority” means the organisation approved from time to time by the Minister as the body responsible for controlling the sport of pistol target shooting in New South Wales.

(e)

**Pistol License and Police Offences (Amendment) Act.****No. 58, 1963****Sec. 8.**  
(Revoca-  
tion of  
licenses.)

- (e) (i) by inserting in section eight after the words "from holding a license" the words "or has ceased to be entitled to hold a license under the provisions of this Act";
- (ii) by omitting from the same section the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds";

**Sec. 8A.**  
(Pistol to  
be handed  
to police  
upon  
revocation  
of license,  
etc.)

- (f) (i) by omitting from subsection one of section 8A the words "holder of a pistol license does not desire to renew the license" and by inserting in lieu thereof the words "pistol license is not renewed";
- (ii) by inserting in the same subsection after the word "resides" wherever occurring the words "or where the license holder is the secretary of an approved club within the meaning of section 5A of this Act, the place where such secretary usually resides";
- (iii) by omitting from the same subsection the words "pistol dealer registered under this Act" and by inserting in lieu thereof the words "licensed pistol dealer";
- (iv) by omitting from the same subsection the words "pistol dealer so registered" and by inserting in lieu thereof the words "licensed pistol dealer";
- (v) by omitting from subsection two of the same section the words "twenty-five pounds" and by inserting in lieu thereof the words "fifty pounds";

**Sec. 10.**  
(Sale or  
hire of  
pistols.)

- (g) (i) by omitting from subsection three of section ten the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds";
- (ii) by omitting from subsection four of the same section the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds";

(h)

- (h) (i) by omitting subsection one of section 10A and by inserting in lieu thereof the following subsection :—

No. 58, 1963

Sec. 10A.

(Record to be kept by importers and dealers of pistol dealings.)

(1) Every importer or dealer who purchases, receives or has in his possession or custody or who sells or otherwise disposes of any pistol shall keep a book in the prescribed form in which he shall as soon as practicable after such transaction has been completed or he has obtained possession of such pistol record or cause to be recorded a true record of such purchase, receipt, possession, custody, sale or disposal. Such record shall set out in respect of each purchase, receipt, sale or other disposal the date thereof and the name, occupation and address of the vendor, purchaser, person from whom the pistol is received or person to whom the pistol is given, particulars of the pistol purchased, received, sold or otherwise disposed of and such other information as may be prescribed.

- (ii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection :—

(2) Every such importer or dealer shall, upon demand made by any member of the police force at any time—

- (a) produce to such member the book so kept by such importer or dealer and permit such member to inspect and make copies of any entries in such book;
- (b) produce to such member for inspection all pistols in the possession of such importer or dealer;
- (c) furnish to such member any information in the possession of such importer or dealer with respect to the purchase, receipt, possession, custody, sale or disposal by him of pistols.

(iii)

**Pistol License and Police Offences (Amendment) Act.****No. 58, 1963**

(iii) by inserting in subsection three of the same section after the word "inspection" the words "or produce all such pistols";

(iv) by omitting from the same subsection the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds";

**Subst.  
sec. 11.**

(i) by omitting section eleven and by inserting in lieu thereof the following section :—

**Licensing  
of pistol  
dealers.**

11. (1) No person, corporation, firm or partnership shall carry on the trade or business of a pistol dealer unless he shall first have obtained a pistol dealer's license or a pistol dealer's license has been taken out on behalf of such person, corporation, firm or partnership by the person in charge of the place at which such trade or business is carried on.

(2) (a) No person, corporation, firm or partnership shall by virtue of one pistol dealer's license keep more than one place for the carrying on of the trade or business of a pistol dealer.

(b) Where a person (other than a corporation, firm or partnership) carries on the trade or business of a pistol dealer at more than one place of business he shall employ at each such place, or where he is in charge of one such place, each such place other than the one at which he is himself in charge, a person who shall take out a pistol dealer's license for such place on behalf of the first-mentioned pistol dealer and such person shall be in charge at such place.

(c) Where a corporation, firm or partnership carries on the trade or business of a pistol dealer at more than one place of business it or they shall employ at each such place a person who shall take out a pistol dealer's license for such place on behalf of such corporation, firm or partnership and such person shall be in charge at such place.

(3) A pistol dealer's license may be issued to any person either on his own behalf or on behalf of any person, corporation, firm or partnership.  
Where



Where a license is taken out on behalf of a person, corporation, firm or partnership it shall be issued to a natural person nominated in writing by such person, corporation, firm or partnership as the person in charge of the place of business in respect of which the license is issued. No. 58, 1963

(4) Application for a pistol dealer's license shall be made in the prescribed form to, and such license, which shall specify the place of business in respect of which it is issued, may be issued in the prescribed form by, the officer in charge of police at the police station in or nearest to the place where the applicant carries on the trade or business of a pistol dealer. Such license shall be in force until the thirty-first day of December after the date of issue thereof and may on application in the prescribed manner be renewed from time to time.

(5) Such officer may decline to issue a pistol dealer's license to any person unless such person satisfies him that he is a fit and proper person to be a licensed pistol dealer or to be the holder of a license on behalf of any person, corporation, firm or partnership.

Such officer may also decline to issue a pistol dealer's license to a person on behalf of another person, corporation, firm or partnership if he is satisfied that such other person or any of the directors of such corporation or any of the members of such firm or partnership would not be fit and proper persons to be licensed pistol dealers.

Any person to whom and any corporation, firm or partnership on behalf of which such officer declines to issue a pistol dealer's license shall have a like right of appeal to that provided for a person who is refused a pistol license.

(6) No pistol dealer's license shall be issued to a person under the age of eighteen years or to a person who has been convicted upon indictment of any crime and sentenced to penal servitude or imprisonment for twelve months or more and who  
has

**Pistol License and Police Offences (Amendment) Act.**

No. 58, 1963

has been released from such penal servitude or imprisonment less than five years or to any person who is subject to any recognizance to be of good behaviour or to keep the peace.

(7) Any pistol dealer's license issued under this section may be revoked by notice in writing signed by the officer in charge of the police station in or nearest to the place shown on such license as the place at which the business is carried on if he is satisfied that the holder thereof is prohibited by this Act from holding a pistol dealer's license or where the holder holds such license on behalf of another person or a corporation, firm or partnership such other person, or any of the directors of such corporation or any of the members of such firm or partnership would be so prohibited, or that the holder of such license is a person of unsound mind or of intemperate habits or is otherwise unfitted to carry on the trade or business of a pistol dealer, subject nevertheless to the like right of appeal as in the case of a refusal to issue a pistol dealer's license.

Where a pistol dealer's license has been so revoked the holder thereof shall, within forty-eight hours from receipt of such notice of revocation, return such license to the said officer in charge. Any person who fails to so return such license shall be liable on summary conviction to a penalty not exceeding fifty pounds.

(8) (a) If any person, corporation, firm or partnership contravenes or fails to comply with the provisions of subsection one or two of this section every such person or corporation and every member of such firm or partnership 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.

(b)

**Pistol License and Police Offences (Amendment) Act.** 587

(b) Any chairman, member of the governing body, director, manager, secretary or officer of a body corporate convicted of an offence under paragraph (a) of this subsection who knowingly authorises or permits the commission of such offence, shall also be liable therefor. No. 58, 1963

- (j) by omitting from section 11A the words “twenty pounds” and by inserting in lieu thereof the words “fifty pounds”; Sec. 11A.  
(Production of  
pistol on  
demand.)
- (k) by omitting from section twelve the words “ten pounds” and by inserting in lieu thereof the words “fifty pounds”; Sec. 12.  
(Demand  
for pro-  
duction of  
pistol  
license.)
- (l) by omitting from subsection one of section fifteen the words “ten pounds” and by inserting in lieu thereof the words “fifty pounds”; Sec. 15.  
(Precau-  
tions to be  
taken by  
pistol  
owners.)
- (m) (i) by omitting from section sixteen the words “ten pounds” and by inserting in lieu thereof the words “fifty pounds”; Sec. 16.  
(Liability  
of parent  
or guardian  
of a child  
under  
eighteen.)
- (ii) by omitting from the same section the words “, or proves that the person under the age of eighteen years using the pistol was so using it under the supervision of a person holding a pistol license”;
- (n) (i) by omitting from subsection one of section eighteen the words “ten pounds” and by inserting in lieu thereof the words “fifty pounds”; Sec. 18.  
(Regula-  
tions.)
- (ii) by inserting in paragraph (a) of subsection two of the same section after the word “licenses” the words “, pistol dealer’s licenses, renewals, approvals”;
- (iii) by inserting in paragraph (b) of the same subsection after the word “licenses” the words “, pistol dealer’s licenses and renewals”;
- (iv)

No. 58, 1963

(iv) by inserting next after paragraph (f) of the same subsection the following new paragraphs :—

(g) the giving of written notice to the Commissioner of Police by pistol dealers of all purchases, receipts, sales or other disposals of pistols;

(h) the approval of shooting ranges pursuant to paragraph (b) of subsection one of section 5A of this Act.

(v) by inserting at the end of the same section the following new subsection :—

(3) Any regulation made under this Act may be of general or specially limited application according to time, place or circumstance, and may be general or restricted to any specified class of subject matter.

(2) Any certificate of registration as a pistol dealer issued under section eleven of the Pistol License Act, 1927-1946, and in force immediately before the commencement of this Act, shall be deemed to be a pistol dealer's license issued under section eleven of the Pistol License Act, 1927-1963.

(3) No person shall, during the period of six months after the commencement of this Act, be guilty of an offence against the Pistol License Act, 1927, as amended by subsequent Acts, by reason only of the fact that he is not the holder of a license in respect of an antique pistol or a pistol which is for use solely for or in connection with the conduct of any athletic meeting or sporting event, and from which blank cartridges only are discharged and in respect of which the records prescribed under the said Act, as so amended, are kept.

3. The Police Offences Act, 1901, as amended by subsequent Acts, is amended—

(a) by inserting next after subsection five of section 41c the following new subsection :—

(5A) (a) No person shall have in his possession except for use solely for or in connection with the conduct of any athletic meeting, sporting event or stage

Amendment of Act No. 5, 1901.

Sec. 41c.

(Penalty on using, buying, selling or having a firearm or air gun.)

stage presentation a firearm which is designed for aiming and firing from one hand and which is reasonably capable of being concealed about the person, but which is not and could not be converted to a lethal weapon. No. 58, 1963

(b) Any person lawfully in possession of such a firearm shall notify the officer in charge of police in or nearest to the place where he resides of his name and address and the full description of such firearm.

(b) by inserting next after paragraph (b) of subsection seven of the same section the following new paragraph :—

(c) Subsection (5A) of this section shall not apply to any person who buys, sells or otherwise deals in firearms to which such subsection applies, in the ordinary course of his trade or business or to any common carrier or warehouseman or his servant who has in his possession such firearms in the ordinary course of trade or business of a common carrier or warehouseman.

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