

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1926.

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# A BILL

To amend the Gun License Act, 1920; and  
for purposes connected therewith.

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**B**E it enacted by the King's Most Excellent Majesty,  
by and with the advice and consent of the Legis-  
lative 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 "Gun License Short title  
(Amendment) Act, 1926," and shall be read and con- and com-  
strued with the Gun License Act, 1920. mencement.

(2) This Act shall commence and come into  
force on a date to be appointed by the Governor and  
notified by proclamation published in the Gazette.

2. The Gun License Act, 1920, is amended as follows :—

Amendments of Gun License Act, 1920.

(1) In section two—

Sec. 2.

- (a) by omitting from the definition of "gun" the word "firearm," and by inserting in lieu thereof the words and brackets "weapon (not being a pistol as hereinafter defined)";
- (b) by inserting in the definition of "gun dealer," after the word "guns" wherever appearing therein, the words "or pistols";
- (c) by inserting after the definition of "gun dealer" the following new definition :—

"Pistol" means any lethal weapon from which any shot, bullet, or other missile can be discharged, and of which the length of barrel, not including any revolving detachable or magazine breech, does not exceed nine inches.

cf. Vict. Act, 1921, No. 3,136, s. 2.

(2) In section three—

Sec. 3.

(a) by omitting subsections one and two, and inserting in lieu thereof the following subsections :—

(1) (a) A person shall not use, carry, or have in his possession any gun unless he holds a license (hereinafter called a "gun license") issued under this Act and in force at the time. It shall not be necessary for any person to take out separate gun licenses in respect of each and every such gun.

License for using or carrying or possessing a gun.

(b) (i) Any person without a gun license who has in his possession any gun shall be liable to a penalty not exceeding ten pounds.

(ii) Any person without a gun license who uses or carries any gun shall, if such offence be committed between the hours of seven ante meridian and seven post meridian, be liable to a penalty not exceeding twenty pounds, and shall, if the offence

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be committed between the hours of seven post meridian and seven ante meridian, be liable, in addition to the said penalty, to imprisonment for a term not exceeding *six* months.

(2) (a) A person shall not purchase, use, carry, or have in his possession any pistol unless he holds a license (hereinafter called a "pistol license") issued under this Act and in force at the time. License for purchasing, using, carrying, or possessing a pistol.

(b) A separate pistol license shall be taken out in respect of each and every such pistol.

(c) (i) Any person who has in his possession any pistol without a pistol license for such pistol shall be liable to a penalty not exceeding *fifty* pounds.

(ii) Any person who uses or carries any pistol without a pistol license for such pistol shall, if such offence be committed between the hours of seven ante meridian and seven post meridian, be liable to a penalty not exceeding *one hundred* pounds, and shall, if the offence be committed between the hours of seven post meridian and seven ante meridian, be liable, in addition to the said penalty, to imprisonment for a term not exceeding *six* months;

- (b) by inserting in subsection three after the word "gun" wherever appearing therein the words "or pistol";
- (c) by inserting in subsection four after the words "gun license" the words "or of a pistol license, as the case may require";
- (d) by omitting from subsection four the words "comes within the aforesaid proviso" and by inserting in lieu thereof the words "is a person to whom this section does not apply upon any of the grounds set out in subsection three of this section."

(3)

*Gun License (Amendment).*

(3) By omitting sections four, five, six, seven, and eight, and inserting the following sections in lieu thereof:—

4. (1) Applications for licenses under this Act shall be made to the officer of police in charge of the police station in or nearest to the place where the applicant usually resides.

Application for and issue of licenses.

(2) Such officer of police may, if he is satisfied that the applicant is a person who has a good reason for requiring the license applied for, and can be permitted to have in his possession, use and carry a gun or pistol, as the case may be, without danger to the public safety or to the peace, issue such license in the form prescribed therefor :

Provided that—

(i) no gun license shall be issued to a person under the age of fourteen years ;

(ii) no pistol license shall be issued to a person under the age of eighteen years.

(3) (a) The fee payable upon the issue of any gun license shall be the sum of five shillings.

(b) The fee payable upon the issue of any pistol license and upon any renewal thereof shall be the sum of ten shillings.

5. Any applicant aggrieved by a refusal of an officer in charge of a police station to issue any such license may appeal from such refusal to the court of petty sessions in or nearest to the place where the applicant resides, and the decision of such court shall be final and binding upon the applicant and upon such officer of police.

Appeal if application for license refused.

6. (1) A gun license shall continue in force until revoked.

Duration of licenses.

(2) A pistol license shall, unless previously revoked, continue in force until the thirty-first day of December next following the date of

of the issue thereof, but shall be renewable for a further period expiring on the thirty-first day of December next following the date upon which such license is renewed, by the officer of police in charge of the police station in or nearest to the place where the applicant for renewal resides, and so from time to time; and the provisions of this Act with respect to the issue of a pistol license, and to appeals from a refusal to issue a pistol license, shall apply to the renewal of a pistol license.

7. Any license issued under this Act may be <sup>Revocation of licenses.</sup> revoked by the officer in charge of the police station in or nearest to the place where the holder of such license usually resides if he is satisfied that the holder thereof is a person who is prohibited by this Act from holding such license, or is a person of unsound mind, or of intemperate habits, or is otherwise unfitted to be entrusted with a gun or pistol as the case may be, subject, nevertheless, to the like right of appeal as in the case of a refusal to issue any such license.

8. A list of all licenses issued under this Act <sup>Inspection of list of licenses.</sup> at any police station shall be kept there, and shall be open for inspection at all reasonable times upon payment of the fee (if any) prescribed.

- (4) (i) by omitting from subsection one of section <sup>Sec. 9.</sup> nine the word "gun" wherever occurring therein and inserting in lieu thereof the word "pistol";
  - (ii) by inserting in subsection two of the same section after the word "gun" where the word firstly and secondly occurs the words "or pistol";
  - (iii) by omitting in subsection two of the same section the words "the court of petty sessions from which the gun" and by inserting in lieu thereof the words "and of the officer of police by whom the pistol";
- (iv)

- (iv) by inserting in subsection three of the same section after the word "gun" the words "or pistol."
- (5) By omitting section eleven and inserting in lieu thereof the following section :—
  - 11. (a) Any person who knowingly sells, lets on hire, gives or lends a gun to any person who is under the age of fourteen years, or is intoxicated, or is not of sound mind, shall be liable to a penalty not exceeding *twenty-five* pounds.
  - (b) Any person who knowingly sells, lets on hire, gives or lends a pistol to any person who is under the age of eighteen years, or is intoxicated, or is not of sound mind, shall be liable to a penalty not exceeding *fifty* pounds.
- (6) In section twelve by inserting after the word "gun" the words "or pistol."
- (7) In section thirteen—
  - (i) by inserting after the word "gun" where firstly and thirdly occurring therein the words "or pistol";
  - (ii) by omitting the word "and" where that word firstly occurs and by inserting in lieu thereof the word "or";
  - (iii) by omitting the words "gun license" and inserting in lieu thereof the words "license therefor";
  - (iv) by adding at the end of the section the words "upon the conviction of such person of an offence against section three of this Act by order of the court by which such person is convicted."
- (8) In sections fourteen and fifteen by inserting after the word "gun" wherever occurring therein the words "or pistol."
- (9) By omitting section sixteen and inserting in lieu thereof the following section :—
  - 16. Any parent or guardian of a person who—
    - (i) being under the age of fourteen years uses, carries, or has in his possession any gun; or
    - (ii) Liability of parent or guardian of person under prescribed age found using a gun or pistol.

- (ii) being under the age of eighteen years uses, carries, or has in his possession any pistol,  
shall be liable to a penalty not exceeding *ten* pounds, unless such parent or guardian proves—
  - (a) that such use, carriage, or possession was without his consent or knowledge, and that he took all reasonable precautions to prevent the same; or
  - (b) the person under the age of fourteen years using the gun was so using it under the supervision of a person holding a gun license; or
  - (c) 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.

(10) By adding after section eighteen the following New s. 19.  
new section :—

19. Any penalty imposed by this Act or the Recovery of penalties.  
regulations made thereunder may be recovered  
in a summary manner before two or more  
justices or a stipendiary or police magistrate.

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