



Victoria

No. 10253

Firearms (Amendment) Act 1985

[Assented to 10 December 1985]

The Parliament of Victoria enacts as follows:

Purpose.

1. The purpose of this Act is to provide for a pistol collector's licence and display permit, to make further provision for the licensing of and granting of permits for firearms and offences concerning firearms, to vary the prohibitions against shooting and carrying firearms on Sundays, to make further provision for the issue of authorities for prohibited weapons and similar articles.

Commencement.

2. (1) This Act except for section 15 comes into operation on a day or days to be proclaimed.

(2) Section 15 comes into operation on the day upon which this Act receives the Royal Assent.

Principal Act.

3. In this Act the *Firearms Act 1958* is called the Principal Act.

No. 8251.
Reprinted to No.
9981 and
amended by Nos.
10033, 10087
and 10124.

Repeal of Table of Parts.

4. In section 1 of the Principal Act all words and expressions after "*Government Gazette*" are repealed.

Definitions.

5. Section 3 of the Principal Act is amended as follows:

(a) In the definition of "Antique firearm" after the expression "air-rifle" there is inserted the expression "or any firearm manufactured after 31 December 1949";

(b) For the definition of "Fixed ammunition" there is substituted the following definition:

"**Fixed ammunition**" means ammunition having a bullet or other projectile and a priming device fixed to or enclosed within a cartridge case which is composed wholly or partly of material other than paper.";

(c) After the definition of "Gun dealer's licence" there is inserted the following definition:

"**Imitation pistol**" means any article which is not capable of discharging a missile and cannot be made so capable by the restoration or repair of any part but which could reasonably be mistaken for a pistol.";

(d) After the definition of "Pistol" there are inserted the following definitions:

"**Pistol collector's display permit**" means a valid and subsisting pistol collector's display permit under this Act.

"**Pistol collector's licence**" means a valid and subsisting pistol collector's licence under this Act."

Consequential and miscellaneous amendments.

6. (1) In sections 5A, 7 (7) and 7A (1) and (2) of the Principal Act after the word "firearms" (wherever occurring) there are inserted the words "or imitation pistols".

(2) In section 17 of the Principal Act after the word "firearm" (wherever occurring) there are inserted the words "or imitation pistol".

(3) For the heading to Part III. preceding section 22 of the Principal Act there is substituted the following:

"PART III.—PISTOL LICENCES, PISTOL COLLECTORS' LICENCES, SHOOTERS' LICENCES, PERMITS AND OTHER AUTHORITIES".

(4) In section 22 of the Principal Act—

(a) in sub-section (1) after the word "purchase" there is inserted the word "use"; and

- (b) in sub-section (2) after the word "form" there are inserted the words "and verified by statutory declaration"; and
- (c) in sub-section (3C) after the word "for" there is inserted the expression "using,".

(5) In section 22AC (1) of the Principal Act after the word "form" there are inserted the words "and verified by statutory declaration".

(6) In the Second Schedule to the Principal Act after the word "firearms" (wherever occurring) there are inserted the words "and imitation pistols".

New section 22AAA inserted.

7. After section 22 of the Principal Act there is inserted the following section:

Pistol Collector's licence.

"22AAA. (1) On application by any person in the prescribed manner and form and verified by statutory declaration the Registrar may grant a pistol collector's licence to the applicant if satisfied that the applicant—

- (a) is not under the age of eighteen years;
- (b) is and has been for at least six months a member of the Antique and Historical Arms Collectors' Guild of Victoria or any other organization of firearms collectors approved by the Registrar or is otherwise a genuine collector of pistols;
- (c) is not a person who by this Act or any law is prohibited from purchasing, being in possession of or carrying a pistol;
- (d) will comply with the prescribed conditions as to the safekeeping of the pistols or imitation pistols when not actually carried by the holder; and
- (e) is not a person of intemperate habits or of unsound mind or otherwise unfitted to be entrusted with pistols or imitation pistols.

(2) A pistol collector's licence shall be in the prescribed form and shall authorize the holder—

- (a) to purchase and possess;
- (b) to keep at the premises specified in the licence; and
- (c) to carry for the purposes of purchase, sale or repair, but not to use—

pistols and imitation pistols.

(3) A pistol collector's licence may be granted subject to such conditions, limitations and restrictions as the Registrar thinks fit and shall remain in force unless cancelled by the Registrar.

(4) The Registrar may at any time by notice in writing sent by post to the holder cancel a pistol collector's licence if the Registrar is satisfied—

- (a) that the holder has ceased to be a person to whom a licence may be granted under sub-section (1); or
- (b) that the holder wilfully made a statement in the application for the licence that the holder knew was false or misleading in a material particular.

(5) The holder of a cancelled licence shall within 21 days after receipt of the notice of cancellation deliver the licence to the Registrar.

Penalty: \$50.

(6) The fee to be paid for a pistol collector's licence is \$20.

(7) Every holder of a pistol collector's licence—

- (a) shall keep at the premises specified in the licence a register in the prescribed form of the pistols and imitation pistols in the holder's collection;
- (b) shall enter in the register the prescribed particulars of every dealing with the pistols and imitation pistols;
- (c) shall make the entry within twenty-four hours after the dealing took place; and
- (d) shall on demand produce the register for inspection to any member of the police force and allow any such member to enter the premises specified in the licence and inspect the pistols and imitation pistols.

Penalty: \$100.

(8) On application in the prescribed form and payment of the prescribed fee by a licensed pistol collector who wishes to display the pistols and imitation pistols in that person's collection at some place other than the premises specified in the licence, the Registrar may grant a pistol collector's display permit to the applicant if satisfied that adequate arrangements have been or will be made for the security of the premises in which the collection will be displayed.

(9) A pistol collector's display permit shall be in the prescribed form and shall authorize the holder to display the pistols and imitation pistols in that person's collection at the premises specified in the permit for the period so specified and to carry them for the purposes of display.

(10) A pistol collector's display permit is subject to such conditions, limitations and restrictions (if any) as the Registrar thinks fit."

Offences.

8. The Principal Act is amended as follows:

- (a) In section 23 (1) and (4) after the word "pistol" (where secondly occurring), in sections 24 (2) and 25 after the word

"pistol" (wherever occurring) and in section 24 (4) after the word "pistol" (where first occurring) there are inserted the words "or imitation pistol";

- (b) In section 23 (2) after the expression "purchases," there is inserted the expression "uses,";
- (c) In section 23 (4) after the expression "do," there are inserted the words "uses or";
- (d) In section 23 after sub-section (4) there is inserted the following sub-section:

“(5) This section does not apply to an imitation pistol used or intended to be used for or in connexion with any stage, film or television production or any sporting contest.”;
- (e) In section 24 (1) and (1A) after the word "firearm" (wherever occurring) there are inserted the words "or imitation pistol".

Exemptions.

9. Section 26 (1) of the Principal Act is amended as follows:

- (a) In paragraph (a) (i) after the word "possession" there are inserted the words "or using";
- (b) In paragraphs (b), (c), (d), (db) and (g) after the word "possession" (wherever occurring) there is inserted the expression ", using";
- (c) In paragraphs (ba) and (ga) after the word "possessing" (wherever occurring) there is inserted the expression ", using";
- (d) After paragraph (db) there are inserted the following paragraphs:
 - “(dc) In the case of an officer authorized by the Chief General Manager of the Metropolitan Rail Division of the State Transport Authority established under Part II. of the *Transport Act* 1983—by having in that officer's possession, using or carrying a shotgun issued to that person for the performance of a duty involving revenue and pay-roll deliveries and during the actual performance of such duty;
 - “(dd) In the case of an inspector of dangerous goods appointed under section 11 of the *Dangerous Goods Act* 1985—by having in that person's possession, using or carrying a firearm (other than a pistol) issued to that person for the testing of ammunition or explosives for the purposes of that Act and during the actual performance of such testing.”;
- (e) In paragraph (h) (i) after the word "purchasing" there is inserted the expression "using,".

Shooting and carrying a firearm on Sunday.**10. The Principal Act is amended as follows:****(a) In section 29B—**

- (i) in sub-section (1) after the word “whatever” there are inserted the words “on private property”; and
- (ii) for sub-section (2) there is substituted the following sub-section:

“(2) Sub-section (1) does not apply—

- (a) to a member of a shooting club whilst engaged as such a member in target practice on the occasion of a shoot approved in writing (whether generally or in any particular case) by the Minister; or
- (b) to any person employed or engaged by or on behalf of the owner or occupier of private property to control or destroy vermin within the meaning of and in accordance with the *Vermin and Noxious Weeds Act 1958* on that property whilst that person is acting under the direction of the owner or occupier; or
- (c) to any person who hunts game within the meaning of and in accordance with the *Wildlife Act 1975* on private property with the consent of the owner or occupier of the property.”; and

(b) In section 29C—

- (i) in sub-section (1) after the word “firearm” there are inserted the words “on private property”; and
- (ii) the word “or” after sub-section (2) (d) is repealed; and
- (iii) after sub-section (2) (e) there is inserted the following:

“; or

(f) any person—

- (i) employed or engaged by or on behalf of the owner or occupier of private property to control or destroy vermin within the meaning of and in accordance with the *Vermin and Noxious Weeds Act 1958* on that property whilst that person is acting under the direction of the owner or occupier; or
- (ii) who hunts game within the meaning of and in accordance with the *Wildlife Act 1975* on private property with the consent of the owner or occupier of the property.”

Prohibited weapons.

11. In section 32 (1) of the Principal Act for the words "Her Majesty or the Governor in Council" there are substituted the words "the Registrar".

No appeal by prohibited person.

12. Section 43 of the Principal Act is amended as follows:

- (a) In sub-section (1) after the word "person" there is inserted the expression "(not being a prohibited person)";
- (b) After sub-section (1) there is inserted the following sub-section:

"(1A) In sub-section (1) "prohibited person" means a person prohibited under section 31 from being granted a pistol licence, shooter's licence or other authority in respect of a pistol or other firearm."

Regulations.

13. In section 49 (1) of the Principal Act after paragraph (f) there is inserted the following paragraph:

"(fa) prescribing a fee for the issue of a pistol collector's display permit;"

Firearms Consultative Committee.

14. In section 53 (2) of the Principal Act—

- (a) in paragraphs (a) and (b) for the word "three" (wherever occurring) there is substituted the word "two"; and
- (b) in paragraph (c) for the word "three" there is substituted the word "five".

Amendment of No. 10124.

15. (1) Section 10 (1) of the *Firearms (General Amendment) Act* 1984 is amended as follows:

- (a) In paragraph (a), in the substituted paragraph (b)—
 - (i) after sub-paragraph (iii) there is inserted the word "or"; and
 - (ii) sub-paragraph (iv) and the word "or" after that sub-paragraph are repealed; and
 - (iii) in sub-paragraph (v) for the expression "(v)" there is substituted the expression "(iv)";
- (b) For the expression "10. Section" there is substituted the expression "10. (1) Section"; and
- (c) In paragraph (b), in the proposed sub-section (2B)—

- (i) in paragraph (a) for the words "the pistol specified in the licence" there is substituted the word "pistols";
- (ii) in paragraph (b) (i) after the word "carry" there are inserted the words "and use";
- (iii) in paragraph (c) after the word "carry" there are inserted the words "and use";
- (iv) the word "and" is inserted immediately after paragraph (c);
- (v) paragraph (d) and the word "and" between paragraphs (d) and (e) are repealed; and
- (vi) for paragraph (e) there is substituted the following paragraph:

"(d) in sub-section (2) (b) (iv) shall be a category D pistol licence authorizing the holder to purchase, use, possess and carry the pistol specified in the licence.";

- (d) In paragraph (c), in the proposed sub-section (3) for the expression "except in the case of a category B" there is substituted the expression "in the case of a category C or category D";
- (e) In paragraph (h), in the proposed sub-section (11)—
 - (i) paragraph (c) is repealed; and
 - (ii) in paragraph (d) for the expression "(d)" there is substituted the expression "(c)" and for the expression "E" there is substituted the expression "D";
- (f) In sub-section (2) in the proposed paragraph (aa) for the expression "(d)" there is substituted the expression "(c)".

(2) For section 11 (4) of the *Firearms (General Amendment) Act 1984* there is substituted the following sub-section:

"(4) After section 49 (1) (b) of the Principal Act there shall be inserted the following paragraph:

"(ba) prescribing requirements for the security of—

- (i) pistols held under pistol licences;
- (ii) pistols and imitation pistols held under pistol collector's licences; and
- (iii) firearms held under display licences;"

NOTES

1. *Minister's second reading speech—**Legislative Assembly: 31 October 1985**Legislative Council: 26 November 1985*2. The long title for the Bill for this Act was "A Bill to amend the *Firearms Act* 1958 and the *Firearms (General Amendment) Act* 1984 and for other purposes."