

Queensland



Weapons Act 1990

WEAPONS REGULATION 1991

**Reprinted as in force on 1 June 1992
(Regulation not amended up to this date)**

Reprint No. 1

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Information about this reprint

This regulation is reprinted as at 1 June 1992. The opportunity has been taken, under section 7 of the *Reprints Act 1992*, to do the following—

- use citations and references permitted by Division 2 of that Act;
- use format and printing style consistent with current legislative drafting practice as permitted by section 35 of that Act;
- omit provisions that are no longer required as permitted by section 40 of that Act.

Also see Endnotes for—

- **details about when provisions commenced; and**
- **any provisions that have not commenced and are not incorporated in the reprint.**

Queensland



WEAPONS REGULATION 1991

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WEAPONS REGULATION 1991

[reprinted as in force on 1 June 1992²]

PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Weapons Regulation 1991*³⁻⁴.

Commencement

2. This regulation commences on 1 January 1992.

Definitions

4. In this regulation—

“**Security Post**” means the postal method known as Security Post, or if that method is not available, by the equivalent, or nearest equivalent, method provided for the time being by Australia Post;

“**visitor**” means a person mentioned in section 2.20(1) of the Act;

“**visitor’s licence**” means a licence issued under section 2.20(1) of the Act.

Prescribed forms

5. For the purposes of the Act and this regulation, a prescribed form is a form approved by the Commissioner for the purposes specified in the form.

Fees

- 6.(1) The fees set out in the Schedule are the fees to be paid for the purposes specified in the Schedule.

(2) If an application for a licence or an approval is rejected, the balance (if any) of the application fee less the processing fee is to be refunded to the

applicant.

PART 2—LICENCES

Application for licence

7.(1) A person may apply to the Commissioner, at an Australia Post office, for a Schedule 3 weapon licence.

(2) In relation to any other licence, a person may apply to—

- (a) an authorised officer; or
- (b) the officer in charge for the division of the Police District in which the person resides or carries on business.

Application for exemption

8.(1) A person who wants an exemption from the application of a provision of the Act must apply to the Commissioner in the prescribed form.

(2) For the purposes of section 1.5(k) of the Act, the Commissioner may grant an exemption in writing.

Number of shooting matches

9. For the purposes of section 2.2(6)(a) of the Act, the prescribed number of shooting matches is a minimum of 2 in the 6 month period before an applicant applies for a licence.

Certification of explosives

10. For the purposes of section 2.3(3) of the Act, the prescribed manner is the manner determined by the Commissioner.

Inquiries into application

11.(1) For the purposes of section 2.6(1)(b) of the Act, the prescribed information is—

- (a) the criminal history of the applicant or the applicant's representative; and
- (b) information as to the misuse or mishandling of weapons or any incidents of domestic violence in which the applicant, or the applicant's representative, has been involved; and
- (c) information confirming the identity of the applicant or the applicant's representative; and
- (d) information as to the professional or trade qualifications of the applicant or the applicant's representative if required for consideration of the application.

(2) For the purposes of section 2.6(1)(d) of the Act, a written examination is to be in the form determined by the Commissioner.

Issue of licence

12. For the purposes of section 2.8(2) of the Act, a prescribed code is a code determined by the Commissioner.

Licence to be signed

13. An applicant, or an applicant's representative, to whom a licence is issued must sign the licence immediately on receipt.

Visitors to Queensland

14. For the purposes of section 2.20(1) of the Act, an authorised officer may issue a visitor's licence to a visitor who applies to the Commissioner in the prescribed form—

- (a) in the case of a visitor entitled to possess a weapon other than a Schedule 2 or 3 weapon—at least 14 days before entering Queensland; and
- (b) in the case of a visitor entitled to possess a Schedule 2 weapon—

- (i) before entering Queensland; or
- (ii) at the first reasonable opportunity after entering Queensland.

PART 3—POSSESSION AND USE OF WEAPONS

Division 1—General

Training minors

15. For the purposes of section 3.2 of the Act, the supervision by a range officer of not more than 6 persons over 11 years of age, while they are at the firing line or in its immediate vicinity, is direct supervision of each of those persons.

Use of weapons by unlicensed persons

16. The classes of weapons prescribed for the purposes of section 3.3(1) of the Act are Schedules 2 and 3 weapons.

Security precautions by weapons owners etc.

17. For the purposes of section 3.8 of the Act, the prescribed precautions are to keep the weapon and ammunition in a locked receptacle or locked room.

Who weapons may be dispatched by and to

- 18.** A Schedule 1 or 2 weapon may only be dispatched by, or to—
- (a) a person licensed to possess a weapon; or
 - (b) a licensed dealer; or
 - (c) a licensed armourer; or
 - (d) a licensed collector; or

- (e) a person who has been granted an exemption under section 1.5(k) of the Act.

Dispatched weapons to be unloaded

19. A Schedule 1 or 2 weapon may only be dispatched if it is unloaded.

Method of dispatch

20.(1) A person may only dispatch—

- (a) a Schedule 1 weapon that is not of an explosive, corrosive, noxious or irritant nature; or
- (b) a Schedule 2 weapon;

to another person directly by Security Post or road or rail transport.

(2) A person may only dispatch a Schedule 1 weapon that is of an explosive, corrosive, noxious or irritant nature to another person directly by road or rail transport.

Labelling of dispatch

21. The container in which a Schedule 1 or 2 weapon is dispatched must not indicate that the person by, or to, whom the weapon is dispatched is a dealer, armourer or collector.

Dealer's obligations concerning notice of acquisition

22.(1) Before a dealer dispatches a Schedule 1 or 2 weapon to a person (other than a licensed dealer or licensed armourer), the dealer must obtain from the person a notice of acquisition in triplicate in the prescribed form.

(2) When a dealer dispatches a Schedule 1 or 2 weapon to a person (other than a licensed dealer or licensed armourer), the dealer must—

- (a) keep the properly completed original notice as part of the dealer's register that is required under section 3.19 of the Act; and
- (b) send the duplicate notice to the officer in charge for the division of the Police District in which the person resides or carries on

business; and

- (c) include the triplicate notice in the container in which the weapon is dispatched.

Particulars of acquisition

23. For the purposes of section 3.14 of the Act, the prescribed particulars are—

- (a) the name, address and licence number of the person acquiring the weapon; and
- (b) the date of the acquisition; and
- (c) the name, address and licence number of the person disposing of the weapon; and
- (d) the serial number of the weapon; and
- (e) the make and model of the weapon; and
- (f) the type of the weapon; and
- (g) the calibre of the weapon; and
- (h) the magazine or chamber capacity of the weapon.

Division 2—Dealers and armourers

Dealer to keep register

24. For the purposes of section 3.19(1) of the Act, the prescribed manner is that determined by the Commissioner.

Dealer, etc., to require information

25. For the purposes of section 3.21 of the Act, the prescribed particulars are—

- (a) the name, address and licence number of the person purchasing, trading, selling or dealing in a weapon; and
- (b) the date of the purchase, trade, sale or deal; and

- (c) the serial number of the weapon; and
- (d) the make and model of the weapon; and
- (e) the type of the weapon; and
- (f) the calibre of the weapon; and
- (g) the magazine or chamber capacity of the weapon.

Security precautions—dealers and armourers

26. For the purposes of section 3.22(1) of the Act, the prescribed precautions—

- (a) in relation to a licensed dealer—are set out in sections 27 to 31; and
- (b) in relation to a licensed armourer—are set out in sections 27 and 31.

Premises of substantial construction

27.(1) The premises where weapons are kept must be of a substantial construction such that, having regard to the matters set out in subsection (2)—

- (a) unauthorised entry to the premises; and
- (b) possession of the weapons by an unauthorised person;

is unlikely.

(2) The matters to be considered are—

- (a) the volume and type of weapons kept on the premises; and
- (b) the nature of the business carried on on the premises; and
- (c) the location of the premises; and
- (d) the type of material of which the premises are constructed; and
- (e) any features of the premises (including physical security features and electronic features) that are designed to make the premises or weapons more secure.

Arrangement within premises

28. The internal arrangement of the premises where weapons are kept must—

- (a) limit public access to weapons; and
- (b) prevent public access to ammunition; and
- (c) not result in weapons and ammunition being kept in close proximity.

Gun racks

29.(1) A gun rack must have—

- (a) a security frame that is welded to the premises by fixing bolts of not less than 10mm hardened steel spot; and
- (b) a locking device for securing the weapons kept in the rack.

(2) Not more than 10 guns may be kept in a gun rack.

(3) The device mentioned in subsection (1)(b) must be kept locked by a dealer except during the dealer's business hours.

TDR rated safes

30. Concealable weapons must be stored in a torch and drill resistant safe that is substantially secured to the premises where the weapons are kept.

Additional precautions determined by Commissioner

31. Having regard to the matters set out in section 27(2), the Commissioner may set out other precautions in relation to a dealer or armourer to ensure the safekeeping of all weapons in the possession of the dealer or armourer.

Division 3—Collectors**Application for approval of arms fair**

32. For the purposes of section 3.27(2) of the Act, an authorised officer when approving an application is to act in the manner prescribed by section 2.7 of the Act for the approval of an application for the issue of a licence.

Acquisition by collectors to be notified and recorded

33. For the purposes of section 3.29(2) of the Act, the prescribed manner is that determined by the Commissioner.

De-activation of collector's weapons

34. For the purposes of section 3.30 of the Act, a prescribed person is a person approved by the Commissioner.

Collector Class B to keep register

35. For the purposes of section 3.31(2)(a) of the Act, the prescribed particulars are—

- (a) the name, address and licence number of the person purchasing, selling or transferring a weapon or its major component parts; and
- (b) the date of the purchase, sale or transfer; and
- (c) the serial number of the weapon or components; and
- (d) the make and model of the weapon or the weapon of which the components form part; and
- (e) the type of the weapon or the weapon of which the components form part; and
- (f) the calibre of the weapon or the weapon of which the components form part; and
- (g) the magazine or chamber capacity of the weapon or the weapon of which the components form part.

Inspection and presentation of weapons

36. For the purposes of section 3.33(3)(b) of the Act, a prescribed person is an inspector under the *Explosives Act 1952*.

Security precautions—collector Class B

37. For the purposes of section 3.36(2)(a) of the Act, the prescribed precautions are set out in section 27 and 38 to 40.

Bolt action weapons

38. A weapon that is operated by bolt action—

- (a) must be kept with the bolt removed; and
- (b) must not be kept in close proximity to the removed bolt.

Ammunition

39.(1) Ammunition must not be kept in close proximity to a weapon.

(2) Ammunition must be kept in a securely locked receptacle.

Additional precautions determined by Commissioner

40. The Commissioner may set out other precautions in relation to a collector Class B to ensure that when weapons in the collector's collection are not in the collector's physical possession they are kept in a place of safety such that it is unlikely that an unauthorised person will gain possession of them.

Division 4—Approved clubs**Range officer's powers**

41.(1) A range officer may direct a person to leave a range if—

- (a) the person contravenes the Act; or
- (b) the range officer considers that the person's behaviour may

jeopardise the safety of the person or another person on the range.

(2) If a direction is given to a person to leave the range, the range officer may close the range until the person complies with the direction.

Attendance register

42. For the purposes of section 3.47(2) of the Act, the prescribed particulars are—

- (a) the date of attendance; and
- (b) the name, address and licence number of the licensee; and
- (c) the serial number and make of any weapon used during the attendance.

Division 5—Theatrical ordnance suppliers

Theatrical ordnance supplier to keep register

43.(1) For the purposes of section 3.55(1) of the Act, the prescribed manner is that determined by the Commissioner.

(2) For the purposes of section 3.55(2) of the Act, the prescribed particulars are—

- (a) the name, address and licence number of the person supplying, purchasing, renting or transferring a weapon; and
- (b) the date and time of the supply, purchase, rental or transfer; and
- (c) the date and time the weapon is returned, if applicable; and
- (d) the serial number of the weapon; and
- (e) the make of the weapon.

Division 6—Security guards

Number of weapons

44. A security guard may carry only 1 of each of the following

weapons—

- (a) a revolver, or automatic pistol, of not less than .22 calibre;
- (b) a 12 gauge or 16 gauge shotgun;
- (c) a folding pocket knife;
- (d) a baton;
- (e) a pair of handcuffs.

Type of ammunition

45. A security guard may only use ammunition that consists of—

- (a) in the case of a revolver or automatic pistol—factory loaded semi-wad cutter or hollow point projectiles; or
- (b) in the case of a shotgun—factory loaded cartridges having a pellet size not less than bird shot and not more than SSG.

Weapon not to be disguised

46.(1) A security guard must not carry a weapon that is disguised not to look like a weapon.

(2) Subsection (1) does not apply to a combination baton/torch.

Use of holster

47.(1) A security guard may only carry a revolver or automatic pistol in a holster worn by the security guard.

(2) The shape and size of the holster must be consistent with the shape and size of the revolver or automatic pistol.

(3) If worn in conjunction with a waist belt, the holster must be securely attached to the belt.

(4) If a holstered weapon is concealed by a security guard's clothing, the holster must be designed to allow free access to the weapon.

(5) If a holstered weapon is not concealed by a security guard's clothing—

- (a) the security guard must wear clothing that readily identifies him or her as a security guard; and
- (b) the holster must be designed—
 - (i) with a thumb-break safety strap; and
 - (ii) so that the trigger is not exposed.

Restrictions relating to carriage of weapons

48. For the purposes of section 3.61(2) of the Act—

- (a) such course of training in the safe handling and use of weapons as is approved by the Commissioner is prescribed; and
- (b) every 12 months during the currency of a security guard's weapons licence, the security guard is to undertake and successfully complete such a course.

Security organisation to keep register

49.(1) For the purposes of section 3.63(1) of the Act, the prescribed manner is that determined by the Commissioner.

(2) For the purposes of section 3.63(2) of the Act, the prescribed particulars are—

- (a) the name and licence number of the security guard to whom a weapon is issued; and
- (b) the date and time of the issue; and
- (c) the date and time the weapon is returned; and
- (d) the serial number of the weapon.

PART 4—POLICE POWERS

Production of licence

50. For the purposes of section 4.2(1) of the Act, the prescribed period is

48 hours.

Search warrant

51. For the purposes of section 4.8 of the Act, a complaint and a warrant are to be in the prescribed form.

SCHEDULE**FEES**

| | section 6 |
|---|-----------|
| 1. Processing fee | 20.00 |
| 2. Application for an exemption | 40.00 |
| 3. Application for a shooter's licence | 40.00 |
| 4. Application for, or renewal of, a Schedule 2 weapon licence by— | |
| (a) a member of an approved club | 60.00 |
| (b) any other person | 150.00 |
| 5. Application for, or renewal of, a Schedule 2 dealer's licence | 1 000.00 |
| 6. Application for, or renewal of, a Schedule 3 dealer's licence | 500.00 |
| 7. Application for, or renewal of, a collector's licence Class A | 40.00 |
| 8. Application for, or renewal of, a collector's licence Class B | 40.00 |
| 9. Application for, or renewal of, an armourer's licence .. | 100.00 |
| 10. Application for, or renewal of, a theatrical ordnance supplier's licence | 1 000.00 |
| 11. Application for, or renewal of, a blank-fire licence | 60.00 |
| 12. Application for, or renewal of, a security guard's weapons licence | 40.00 |
| 13. Application for, or renewal of, a security organisation's weapons licence | 1000.00 |
| 14. Application for, or renewal of, a visitor's licence | 5.00 |
| 15. Application for a replacement licence | 15.00 |
| 16. Application for approval to conduct an arms fair | 60.00 |
| 17. Application for approval to transfer a collection | 30.00 |
| 18. Application for approval as an approved club | 110.00 |
| 19. Application for approval of a range | 110.00 |

SCHEDULE
continued

| | | |
|-----|--|--------|
| 20. | Application for approval of alteration or modification of a range | 110.00 |
| 21. | Application for, or renewal of, approval of a shooting gallery | 90.00 |
| 22. | Notification of particulars of acquisition | 15.00 |

ENDNOTES

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2 Date to which amendments incorporated

This is the day mentioned in section 5(c) of the *Reprints Act 1992*. However, no amendments have commenced operation before that day. Future amendments of the *Weapons Regulation 1991* may be made in accordance with this reprint because of section 49 of the *Reprints Act 1992*.

3 List of legislation

Weapons Regulation 1991 SL No 185

made Governor in Council 19 December 1991
 pubd Gaz 21 December 1991 pp 2719–2735
 tabled 28 April 1992
 commenced 1 January 1992 (see s 2)
 administering agency Police Service

4 List of annotations

Key to abbreviations in list of annotations

| | | |
|----------|---|--------------------------|
| RA | = | <i>Reprints Act 1992</i> |
| amd | = | amended |
| ins | = | inserted |
| om | = | omitted |
| renum | = | renumbered |
| sub | = | substituted |
| Pt hdg | = | Part heading |
| Div hdg | = | Division heading |
| Sdiv hdg | = | Subdivision heading |
| hdg prec | = | heading preceding |
| prov hdg | = | provision heading |
| cl | = | clause |
| pres | = | present |
| orig | = | original |

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

Repeal

s 3 om (see s 40 RA)