

Queensland



# **WEAPONS AMENDMENT ACT 1996**

**Act No. 41 of 1996**



# Queensland



## WEAPONS AMENDMENT ACT 1996

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Queensland



## **Weapons Amendment Act 1996**

**Act No. 41 of 1996**

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**An Act to amend the *Weapons Act 1990*, and for related purposes**

*[Assented to 7 November 1996]*

**The Parliament of Queensland enacts—**

## **PART 1—PRELIMINARY**

### **Short title**

1. This Act may be cited as the *Weapons Amendment Act 1996*.

### **Commencement**

- 2.(1) This Act commences on a day to be fixed by proclamation.
- (2) The uncommenced provisions of the *Weapons Amendment Act 1994* commence, by force of this subsection, on the day part 2 of this Act commences.

## **PART 2—AMENDMENT OF WEAPONS ACT 1990**

### **Act amended in pt 2 and sch 1**

3. This part and schedule 1 amend the *Weapons Act 1990*.

### **Amendment of s 2 (Application of Act)**

4. Section 2—

*insert—*

- ‘(ca) who is an officer of the Australian Protective Service under the *Australian Protective Service Act 1987* (Cwlth) in relation to the person’s possession or use of a weapon when performing the duties of an officer; or’.

**Insertion of new s 2A**

5. After section 2—

*insert—*

**‘Principles and object of Act**

‘**2A.(1)** The principles underlying this Act are as follows—

- (a) weapon possession and use are subordinate to the need to ensure public and individual safety;
- (b) public and individual safety is improved by imposing strict controls on the possession of weapons and requiring the safe and secure storage and carriage of weapons.

‘**(2)** The object of this Act is to prevent the misuse of weapons.

**‘How object is to be achieved for firearms**

‘**2B.** The object of this Act is to be achieved for firearms by—

- (a) prohibiting the possession and use of all automatic and self-loading rifles and automatic and self-loading shotguns except in special circumstances; and
- (b) establishing an integrated licensing and registration scheme for all firearms; and
- (c) requiring each person who wishes to possess a firearm under a licence to demonstrate a genuine reason for possessing the firearm; and
- (d) providing strict requirements that must be satisfied for—
  - (i) licences authorising possession of firearms; and
  - (ii) the acquisition and sale of firearms; and
- (e) ensuring that firearms are stored and carried in a safe and secure way.’.

**Amendment of s 3 (Definitions)**

**6.(1)** Section 3, definitions “**antique firearm**”, “**authorised officer**”, “**collector**”, “**licence**”, “**unloaded**” and “**weapon**”—

*omit.*

(2) Section 3—

*insert—*

“**acquire**”, a weapon, see section 24F.

“**antique firearm**” means a firearm manufactured before 1900 and not designed to discharge cartridge ammunition.

“**approved officer**” see section 129C.

“**authorised officer**” see section 129D.

“**blank-fire firearm**” means a firearm, or a replica of a firearm, that is incapable of discharging a projectile.

“**category A**” weapon see schedule 1.

“**category B**” weapon see schedule 1.

“**category C**” weapon see schedule 1.

“**category D**” weapon see schedule 1.

“**category E**” weapon see schedule 1.

“**category H**” weapon see schedule 1.

“**category R**” weapon see schedule 1.

“**collection register**” see section 54.

“**collector**” means a person who collects or holds out as being ready to collect, whether on behalf of the collector or another person, a weapon or weapons—

(a) as curiosities or ornaments; or

(b) for their commemorative, historic, artistic or investment value or mechanical uniqueness.

“**commissioned officer**” see the *Police Service Administration Act 1990*, section 1.4.<sup>1</sup>

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<sup>1</sup> Section 1.4 provides—

“**commissioned officer**” means a person who holds a position in the police service as a commissioned officer.

**“domestic violence order”** means a domestic violence order under the *Domestic Violence (Family Protection) Act 1989*, section 3, and includes an interstate domestic violence order.

**“executive officer”** see the *Police Service Administration Act 1990*, section 1.4.<sup>2</sup>

**“firearms register”** see section 24T.

**“genuine reason”**, for possession of a weapon, see section 6.

**“heirloom firearm”** see section 3A.

**“identifying particular”**, of a person, means a fingerprint, palm print or footprint of the person.

**“interstate domestic violence order”** means an interstate order under the *Domestic Violence (Family Protection) Act 1989*, section 3, whether or not the interstate order is registered under that Act.

**“landowner”** means—

- (a) the owner or occupier of rural land; or
- (b) a person authorised by the owner or occupier to act on the owner’s or occupier’s behalf in the general management or control of the land.

**“licence”** means a licence continued, issued or renewed under this Act and in force at the material time, and includes a certificate under section 11(2).

**“occupier”**, of rural land, means the person entitled to possession of the land.

**“ordnance register”** see section 97.

**“permanently inoperable”** see section 3B.

**“permit to acquire”** means a permit to acquire a weapon under this Act and in force at the material time.

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<sup>2</sup> Section 1.4 provides—

**“executive officer”** means a person who holds a position in the police service as a executive officer.

“**psychologist**” see *Psychologists Act 1977*, section 4.<sup>3</sup>

“**range use register**” see section 76.

“**replacement licence**” means a licence issued in replacement of an existing licence under section 18.

“**rural land**” includes land other than land situated in any city or town or, in the case of a shire, in any township in the shire.

“**security organisation register**” see section 108(1)(a).

“**State**” includes Territory.

“**temporarily inoperable**” see section 3C.

“**temporary protection order**” means a temporary protection order under the *Domestic Violence (Family Protection) Act 1989*, section 3, and includes an interstate domestic violence order corresponding to a temporary protection order.

“**unloaded**” firearm, means the firearm contains no ammunition in its breech, chamber, magazine or muzzle.

“**weapon**” means—

- (a) a thing mentioned in schedule 1; or
- (b) another thing prescribed under a regulation; or
- (c) a thing that would be a weapon mentioned in paragraph (a) or (b), if it were not temporarily inoperable or incomplete;

but does not include an antique firearm.

“**weapons register**” see section 45(1).’.

(3) Section 3, definition “**firearm**”, from ‘but does not include’ to ‘crossbow.’—

*omit, insert—*

- ‘(d) a major component part of a firearm;

but does not include—

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<sup>3</sup> Section 4 provides—

“**psychologist**” means a person registered as a psychologist under this Act and whose name, at the material time, remains on the register.

(e) an antique firearm, explosive tool, captive bolt humane killer, spear gun, longbow or crossbow; or

(f) a replica of a spear gun, longbow or crossbow.’.

(4) Section 3, definition “**major component part**”, after ‘body,’—  
*insert—*  
‘barrel’.

### Insertion of new ss 3A–3C

7. In part 1—

*insert—*

#### ‘Meaning of “heirloom firearm”

‘3A. An “**heirloom firearm**” is a firearm, other than a category R weapon, ownership of which has passed to a person by testamentary disposition or the laws of succession.

#### ‘How a firearm is made “permanently inoperable”

‘3B. A firearm is made permanently inoperable if the firearm is modified in the way prescribed under a regulation to make it incapable of being discharged.

#### ‘How a firearm is made “temporarily inoperable”

‘3C. A firearm is made temporarily inoperable—

- (a) for a firearm designed to allow its bolt, breech block, firing pin or other integral part of the firing mechanism to be removed—if the part is removed and securely stored separately from the firearm; and
- (b) for another firearm—if the firearm’s trigger is secured by a trigger lock and the lock’s key is securely stored separately from the firearm.’.

**Replacement of pt 2 (Licences)****8. Part 2—**

*omit, insert—*

**‘PART 2—LICENCES****‘Issue, renewal, endorsement and alteration of licences**

‘4. A licence may be issued, renewed, endorsed or altered only by an authorised officer.

**‘Limitations on issue of licence**

‘5.(1) A licence may be issued only to—

- (a) an individual under subsection (2); or
- (b) a body under subsection (3).

‘(2) A licence may be issued to an individual only if the person—

- (a) is—
  - (i) for a licence other than a minor’s licence—an adult; or
  - (ii) for a minor’s licence—at least 11 years and otherwise within the age group prescribed under a regulation for the licence; and
- (b) has an adequate knowledge of safety practices for the use, storage and maintenance of the weapon or category of weapon the possession of which is to be authorised by the licence; and
- (c) has access to secure storage facilities for the weapon or category of weapon possession of which is to be authorised by the licence; and
- (d) is not prevented under this or another Act or by an order of a Magistrates Court or another court from holding the licence; and
- (e) is a fit and proper person to hold a licence; and
- (f) has a reason mentioned in section 6 to possess the weapon or category of weapon.

‘(3) A licence may be issued to a body, whether incorporated or unincorporated—

- (a) for a licence to be issued to an approved shooting club, only if it is endorsed with—
  - (i) the name of an individual, who is a member of the club’s governing body and satisfies the requirements of subsection (2)(a) to (e), as the club’s representative in the conduct of its business or affairs; and
  - (ii) the names and addresses of the individuals who are responsible for the safekeeping of the weapons or category of weapons possession of which is to be authorised by the licence when not in use by members of that club; or
- (b) for a licence to be issued to another body, only if—
  - (i) the body has a reason mentioned in section 6 to possess a weapon; and
  - (ii) it is endorsed with the name of an individual, who satisfies the requirements of subsection (2)(a) to (e), as the body’s representative in the conduct of its business or affairs.

‘(4) For this section, a person has an adequate knowledge of safety practices for the use, storage and maintenance of a weapon or category of weapon only if the person has satisfactorily completed—

- (a) a course in safety training for weapons approved by the commissioner; or
- (b) if the licence is a security licence (guard)—the training course approved by the commissioner under section 104.

‘(5) For this section, in deciding whether a person is a fit and proper person to hold a licence an authorised officer must consider, among other things—

- (a) the mental and physical fitness of the person; and
- (b) whether a domestic violence order has been made against the person; and
- (c) whether the person has stated anything in or in connection with the application for the licence the person knows is false or

misleading in a material particular; and

(d) the public interest.

‘(6) However, a person is not a fit and proper person to hold a licence if, in Queensland or elsewhere within the preceding 5 years—

(a) the person has been convicted of, or discharged from custody on sentence after the person has been convicted of, any of the following offences—

(i) an offence relating to the misuse of drugs;

(ii) an offence involving the use or threatened use of violence;

(iii) an offence involving the use, carriage, discharge or possession of firearms; or

(b) a domestic violence order, other than a temporary protection order, has been made against the person.

‘(7) A licence enabling the licensee to carry on a business may be issued only if it is endorsed with the place at which the business is to be carried on.

‘(8) If the business is to be carried on at more than 1 place, a separate application for each place must be made and a separate licence for each place issued.

#### **‘Genuine reasons for possession of a weapon**

‘6. The following are reasons for possession of a weapon—

(a) sports or target shooting;

(b) recreational shooting;

(c) an occupational requirement, including an occupational requirement for rural purposes;

(d) collection by a collector of weapons;

(e) another reason prescribed under a regulation.

#### **‘Licences**

‘7.(1) Licences are of the following classes—

- (a) armourer's licence;
- (b) blank-fire firearms licence;
- (c) collector's licence (heirloom) or (weapons);
- (d) concealable firearms licence;
- (e) dealer's licence;
- (f) firearms licence;
- (g) firearms licence (instructor);
- (h) minor's licence;
- (i) security licence (organisation) or (guard);
- (j) theatrical ordnance supplier's licence;
- (k) another licence prescribed under a regulation.

‘(2) A licence may authorise possession of a particular weapon or a category of weapon.

‘(3) Subsection (2) is subject to sections 50B and 50C, a regulation or condition.

### ‘Application for licence

‘8.(1) An application for a licence must be—

- (a) made in the approved form and state the applicant's reason for wishing to possess a weapon (the “**reason**”); and
- (b) made personally, in the way prescribed under a regulation, by—
  - (i) if the licence is for an individual—the person; or
  - (ii) if the licence is for a body, whether incorporated or unincorporated—an individual nominated by the body for endorsement on the licence as the body's representative in the conduct of its business or affairs; and
- (c) accompanied by—
  - (i) the fee prescribed under a regulation; and
  - (ii) proof of identity to the satisfaction of an authorised officer; and

- (iii) other particulars prescribed under a regulation; and
- (iv) the other relevant particulars the person to whom the application is made reasonably requires.

‘(2) If the reason is sports or target shooting, the applicant must provide proof the applicant is a current member of an approved shooting club.

‘(3) If the reason is recreational shooting, the applicant must produce written permission from a landowner authorising the applicant to shoot on the landowner’s rural land.

‘(4) If the reason is an occupational requirement, the applicant must state why possession of a weapon is necessary in the conduct of the applicant’s business or employment.

### **‘Inquiries into application**

‘9.(1) Before the application is decided, an officer in charge of police or authorised officer with whom an application for a licence is lodged may—

- (a) make an inquiry or investigation about the applicant or the application; and
- (b) require the applicant to give the officer further information the officer reasonably needs to be satisfied about the applicant’s identity or physical or mental health; and
- (c) inspect the secure storage facilities for the weapon or category of weapon possession of which is to be authorised by the licence; and
- (d) supply, for this section, information or a document relevant to the applicant’s identity to an officer or member of a State or Commonwealth police service; and
- (e) require the applicant to display an adequate knowledge of the safety practices for the use, storage and maintenance of the weapon or category of weapons the possession of which is to be authorised under the licence; and
- (f) make a report about the applicant or the application; and
- (g) make the recommendation about the application the officer thinks appropriate.

‘(2) If an authorised officer suspects, on reasonable grounds, that the applicant’s stated identity is false, the authorised officer may require the applicant to provide an identifying particular to verify the applicant’s identity.

‘(3) The applicant is taken to have withdrawn the application if, within a stated reasonable time, the applicant—

- (a) refuses to provide the information reasonably required under subsection (1)(b); or
- (b) refuses to allow the inspection under subsection (1)(c); or
- (c) fails to comply with a requirement under subsection (2).

‘(4) Unless the authorised officer considers that it is currently required for the investigation of an offence, the authorised officer must, after deciding the application—

- (a) return to the applicant any identifying particular obtained in the course of inquiries into the application; and
- (b) destroy any record or copy of the identifying particular.

‘(5) Information required to be supplied under this section may be used only to decide the application or to investigate or prosecute an offence and must not be disclosed for any other purpose.

‘(6) In this section—

“**applicant**” includes, for a body, an individual nominated by the body for endorsement on the licence as the body’s representative in the conduct of its business or affairs.

### ‘**Authorised officer decides application**

‘**10.(1)** An authorised officer must decide an application for a licence (other than renewal of a licence) as soon as practicable after the end of the period prescribed for this section under a regulation.

‘(2) However, the authorised officer may decide the application within the prescribed period if the applicant is the holder of an existing licence of another class.

‘(3) In deciding the application, the authorised officer may consider anything at the officer’s disposal.

**‘(4)** The authorised officer must—

- (a) approve the application and issue the licence subject to any conditions the authorised officer may decide, including conditions limiting the use or possession of a weapon; or
- (b) reject the application.

### **‘Issue of licence**

**‘11.(1)** A licence must be—

- (a) in the approved form; and
- (b) endorsed with—
  - (i) the weapon or category of weapon the possession of which is authorised by the licence; and
  - (ii) any conditions decided under section 10(4)(a); and
  - (iii) if the licence is an armourer’s, collector’s or dealer’s licence or a security licence (organisation)—the place approved for the secure storage of the weapon or category of weapon possession of which is authorised by the licence.

**‘(2)** A condition or any other information to be endorsed on a licence may be endorsed on the licence, or a certificate issued for the licence, by a word that is given a meaning by a code prescribed under a regulation.

**‘(3)** A regulation may prescribe things that must be provided for on the approved form of licence.

### **‘Uses permitted under licence**

**‘12.(1)** A licence authorises a licensee to use a weapon or category of weapon possession of which is authorised under the licence for any lawful purpose.

**‘(2)** If use of a firearm is authorised under another Act, a licensee does not contravene this Act merely because the licensee uses the firearm in the way authorised under the other Act.

**‘Renewal of licences**

‘**13.(1)** A licensee may apply for the renewal of the licence within a period of 46 days starting 60 days before the day the licence expires.

‘**(2)** An application for renewal of a licence must be—

- (a) made in the approved form; and
- (b) made personally, in the way prescribed under a regulation, by—
  - (i) for a licence issued to an individual—the licensee; or
  - (ii) for a licence issued to a body, whether incorporated or unincorporated—an individual nominated by the body for endorsement on the licence as the body’s representative in the conduct of its business or affairs; and
- (c) accompanied by the fee prescribed under a regulation.

‘**(3)** If an officer in charge of police receives the application, the officer must refer the application to an authorised officer.

‘**(4)** An authorised officer must decide the application before the licence expires.

‘**(5)** In deciding the application, the authorised officer may consider anything at the officer’s disposal.

‘**(6)** The authorised officer must—

- (a) approve the application and renew the licence subject to any conditions the authorised officer may decide; or
- (b) reject the application.

‘**(7)** A licence may be renewed by—

- (a) endorsing the existing licence; or
- (b) cancelling the licence and issuing a fresh licence.

**‘Notice of rejection of application to issue or renew licence**

‘**14.(1)** If an authorised officer rejects an application for a licence or renewal of a licence, the authorised officer must give the applicant a notice of rejection in the approved form stating the specific reasons for the rejection.

‘(2) The notice may be given to the applicant by sending it to the applicant by security post at the address shown on the application.

### **‘Term of licence**

‘15.(1) A licence, other than a replacement licence, remains in force for the term, not more than 5 years, stated on the licence.

‘(2) A replacement licence remains in force for the unexpired term of the licence which it replaces.

‘(3) An existing licence stops being in force if a replacement licence is issued instead of the licence.

‘(4) Also, a licence, including a replacement licence, stops being in force if—

- (a) it is suspended, cancelled, revoked or surrendered; or
- (b) the licensee dies; or
- (c) for a minor’s licence—the licensee turns 18.

### **‘Certain licences transferable**

‘16.(1) A licence is transferable only in the circumstances mentioned in this section.

‘(2) The following licences may be transferred on a sale of a business to which the licence applies—

- armourer’s licence
- dealer’s licence
- security licence (organisation)
- theatrical ordnance supplier’s licence.

‘(3) The proposed purchaser of the business must apply for the appropriate licence under section 8.

‘(4) If an authorised officer is satisfied the proposed purchaser is otherwise entitled to be issued with the licence, the authorised officer may approve the transfer of the licence subject to the sale of a business being finalised.

‘(5) If an authorised officer approves the transfer, the purchaser is taken to be the holder of the licence from the time the sale is finalised until the licence is formally transferred or a fresh licence is issued in the purchaser’s name for the balance of the original licence’s term.

### ‘Reporting loss, destruction or theft of licence

‘17. A licensee must report the loss, destruction or theft of the licence to an officer in charge of police immediately after the licensee becomes aware of the loss, destruction or theft.

Maximum penalty—10 penalty units.

### ‘Replacement licence

‘18.(1) This section applies if an authorised officer is satisfied—

- (a) a licence is lost, destroyed or stolen; or
- (b) any writing or endorsement on a licence is illegible and the licence is surrendered to an officer in charge of police.

‘(2) The authorised officer may issue to the licensee a licence (the “replacement licence”) instead of the existing licence on—

- (a) application by the licensee in the approved form; and
- (b) payment of the fee prescribed under a regulation.

### ‘Change in licensee’s circumstances

‘19.(1) It is a condition of each licence that a licensee must, within 14 days of the happening of an event mentioned in subsection (2) (the “change”), advise an officer in charge of police of the change and deliver the licence to the officer.

‘(2) The events are—

- (a) the licensee’s or the licensee’s representative’s circumstances change from those given by the licensee or representative in support of an application under section 8 or 24K;
- (b) the licensee or the licensee’s representative is convicted of an offence mentioned in section 5(6)(a) or has become the subject of

an order mentioned in section 5(6)(b);

- (c) another change in circumstances prescribed under a regulation happens.

*Examples for subsection (2)(a)—*

1. A licensee changes address.
2. A licensee's reason or need for possessing or using a weapon changes.
3. There is a change in a licensee's access to secure storage facilities for the licensee's weapon.
4. There is a change in a licensee's or a licensee's representative's mental or physical fitness to possess a weapon.
5. A landowner revokes permission previously given to the licensee to shoot on the landowner's rural land.

'(3) The officer in charge must advise an authorised officer of the change.

'(4) The authorised officer must—

- (a) if the change is to a particular on the licence and the authorised officer is satisfied of the correctness of the change—endorse the licence with the change; or
- (b) otherwise—take the appropriate action in relation to the licence.

#### **'Authorised officer may amend licence conditions**

'20.(1) An authorised officer may amend the conditions of a licence—

- (a) on the licensee's application; or
- (b) on the authorised officer's own initiative.

'(2) Before making an amendment under subsection (1)(b), the authorised officer must—

- (a) give written notice to the licensee—
  - (i) of the details of the proposed amendment; and
  - (ii) that the licensee may make written submissions to the authorised officer about the proposed amendment before a stated day, not earlier than 21 days after the notice is given to the licensee; and

- (b) have regard to submissions made to the authorised officer by the licensee before the stated day.

‘(3) If an authorised officer decides to amend the conditions of a licence, the authorised officer must give written notice of the amendment to the licensee.

‘(4) The amendment takes effect—

- (a) on the day the written notice of the amendment is given to the licensee; or
- (b) if a later day is stated in the notice—the stated day.

‘(5) An authorised officer may refuse to make an amendment under subsection (1)(a) by written notice given to the licensee stating the reasons for the refusal.

#### **‘Change of approved place**

‘21.(1) This section applies to an approved place endorsed on a licence under section 11(1)(b)(iii)<sup>4</sup>.

‘(2) On application by the licensee, an authorised officer may change the approved place to another place if the authorised officer is satisfied the other place fulfils the requirements of this Act.

‘(3) The authorised officer may endorse the licence with the change.

#### **‘Surrender of licence**

‘22.(1) A licensee may surrender the licence by—

- (a) giving written notice of surrender; and
- (b) surrendering the licence.

‘(2) The notice must be given and the licence surrendered to an authorised officer or officer in charge of police.

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<sup>4</sup> Section 11 (Issue of licence)

**‘Suspension of licence**

**‘23.(1)** An authorised officer may, by a suspension notice given to a licensee, suspend the licence if the authorised officer is satisfied that the licensee—

- (a) has been charged with an offence against any law in force in Queensland or elsewhere—
  - (i) relating to the misuse of drugs; or
  - (ii) involving the use or threatened use of violence; or
  - (iii) involving the use, carriage, discharge or possession of firearms; or
- (b) is temporarily unable to comply with a condition of the licence.

**‘(2)** The licence is suspended until—

- (a) if subsection (1)(a) applies—
  - (i) the proceeding for the charge ends; or
  - (ii) the suspension is lifted by an authorised officer; or
- (b) if subsection (1)(b) applies—the authorised officer is satisfied the licensee is able to comply with the condition.

**‘(3)** If a licensee whose licence is suspended under this section holds a permit to acquire, the permit is also suspended.

**‘Revocation of licence**

**‘24.(1)** An authorised officer may, by a revocation notice given to a licensee, revoke a licence if the authorised officer is satisfied of any of the following things—

- (a) the licence has been obtained through fraud or deception;
- (b) the licensee has been convicted of an offence against any law in force in Queensland or elsewhere involving the use, carriage, discharge or possession of firearms;
- (c) the licensee has contravened a condition of the licence;
- (d) the licensee is no longer a fit or proper person to hold the licence;

- (e) the licensee no longer has a reason mentioned in section 6 to possess a weapon;
- (f) for an armourer's licence, dealer's licence or theatrical ordnance supplier's licence—
  - (i) the licensed armourer, licensed dealer or licensed theatrical ordnance supplier is not in charge of the premises stated in the licence; or
  - (ii) the premises stated in the licence are no longer satisfactory for carrying out the business to which the licence applies;
- (g) for a collector's licence—
  - (i) the licensed collector is no longer a genuine collector or is not in charge of the premises where the collector's weapons are usually kept; or
  - (ii) the premises where the collection is usually kept are no longer satisfactory for the safekeeping of weapons.

‘(2) If a licensee whose licence is revoked under this section holds a permit to acquire, the permit is also revoked.

#### **‘Suspension or revocation notice**

‘24A.(1) A suspension or revocation notice must—

- (a) be in the approved form; and
- (b) state the specific reasons for the suspension or revocation of the licence; and
- (c) direct the licensee to surrender—
  - (i) the licence and any relevant permit to acquire to a stated police officer at a stated reasonable time and place; and
  - (ii) the weapon held by the licensee under the licence in a way prescribed under subsection (4) or (5) at, or by, a stated reasonable time.

‘(2) A suspension or revocation notice may have effect immediately only if it, or a copy of it, is given personally to the licensee or a person endorsed on the licence as representing the licensee.

‘(3) A person who is given a suspension or revocation notice must comply with the directions in the notice.

Maximum penalty—20 penalty units or 6 months imprisonment.

‘(4) A weapon to be surrendered under a suspension or revocation notice may be surrendered by delivering it to any police officer.

‘(5) A weapon may also be surrendered by—

- (a) delivering it to a licensed dealer or other person authorised under this Act to possess the weapon; and
- (b) obtaining from the person to whom the weapon is delivered a receipt in the approved form for the weapon; and
- (c) giving the receipt, within the time stated in the notice for the surrender of the weapon, to the police officer mentioned in subsection (1)(c)(i).

‘(6) An authorised officer may extend the time for compliance with a suspension or revocation notice (the “compliance time”) if the person to whom the notice is given applies to the authorised officer for an extension before the end of the compliance time.

### ‘Licensee’s representative

‘24B.(1) This section applies to—

- (a) a licensee who holds a licence to enable the licensee to carry on business; and
- (b) an applicant for a licence to enable the applicant to carry on business.

‘(2) The licensee or applicant may apply for the licence to be endorsed with the name of a fit and proper individual as the licensee’s or applicant’s representative in the conduct of its business or affairs at the place stated in the application.

‘(3) A licensee may apply for the licence to be endorsed with the name of a fit and proper individual instead of another person already endorsed as the licensee’s representative under this or another section.

‘(4) An application under subsection (2) or (3) must be made in the approved form in the way prescribed under a regulation.

‘(5) In this section—

“**fit and proper individual**” means an individual who, if the person applied for a licence, would be a fit and proper person under section 5.

### ‘**Temporary recognition of interstate licences for particular purposes**

‘**24C.(1)** This section applies if a resident of another State who is the holder of a licence entitling the person to possession of a weapon visits Queensland—

- (a) to participate in a shooting competition conducted by an approved shooting club or approved by the commissioner; or
- (b) for another purpose specified under a regulation for this section.

‘(2) The person’s licence is taken to authorise possession and use of the weapon in accordance with this Act—

- (a) for the purpose of participating in the competition; or
- (b) for the other purpose specified under the regulation—if the person complies with any conditions specified in the regulation for the purpose.

### ‘**Interstate residents moving to Queensland**

‘**24D.(1)** This section applies if a resident of another State who is the holder of a licence under the law of the other State authorising possession of a category A, B, C, D or H weapon gives written notice to the commissioner of the person’s intention to reside permanently in Queensland.

‘(2) The person’s licence is taken to be the corresponding licence under this Act in force for the period mentioned in subsection (3) or until the day the person’s application for a licence under this Act is approved or rejected, whichever is the earlier.

‘(3) The period is—

- (a) for a licence authorising possession of a category A or B weapon—3 months; and

- (b) for a licence authorising possession of a category C, D or H weapon—7 days.

‘(4) The period mentioned in subsection (3) starts on the day the person notifies the commissioner of the person’s intention to reside permanently in Queensland.

‘(5) If the holder of a licence authorising possession of a category C, D or H weapon notifies the commissioner and makes application for a licence under this Act within the time allowed under subsection (3)(b), the person does not contravene section 25 while the person’s application is being decided merely because the 7 day period has passed.

‘(6) In this section—

“**corresponding licence**”, to a licence held under the law of another State, means—

- (a) a licence under this Act declared under a regulation to be a corresponding licence; or
- (b) if no regulation is made under paragraph (a) or the regulation makes insufficient provision—a licence under this Act that most closely corresponds to the other licence.

#### ‘**Contravention of licence condition**

‘**24E.(1)** A licensee must not contravene a condition of the licence.

Maximum penalty—60 penalty units or 1 year’s imprisonment.

‘(2) The penalty under subsection (1) may be imposed in addition to revocation of a licence or seizure of a weapon because of the contravention.

**PART 2A—ACQUISITION AND SALE OF WEAPONS***Division 1—Acquisition and sale of weapons***Acquisition of weapons**

**24F.(1)** A person may acquire a weapon only if—

- (a) the person is a licensed dealer; or
- (b) the person is the holder of a permit to acquire the weapon and acquires the weapon—
  - (i) from or through a licensed dealer; or
  - (ii) through a police officer in circumstances prescribed under a regulation; or
- (c) the person acquires the weapon under other lawful authority, justification or excuse.

Maximum penalty—

- (a) for a category D, H or R weapon—100 penalty units or 2 years imprisonment; and
- (b) for a category C or E weapon—60 penalty units or 1 year's imprisonment; and
- (c) for a category A or B weapon—20 penalty units or 6 months imprisonment.

*Example 1—*

J wishes to sell J's weapon to S. S holds an appropriate licence and a permit to acquire the weapon. J and S agree on the sale price, but the sale may only be completed through a licensed dealer who must provide certain information about the acquisition to an authorised officer under subsection (2) and is entitled to a brokerage fee under subsection (3).

*Example 2—*

J wishes to give J's weapon to S. S holds an appropriate licence and a permit to acquire the weapon. The gift of the weapon may only be made through a licensed dealer who must provide certain information about the acquisition to an authorised officer under subsection (2) and is entitled to a brokerage fee under subsection (3).

*Example 3—*

J sells J's weapon to G, a licensed dealer. G later sells the weapon to S who holds an appropriate licence and a permit to acquire the weapon. G must still provide certain information about the acquisition to an authorised officer under subsection (2), but in this case is not entitled to a brokerage fee.

‘(2) If the weapon is acquired from a licensed dealer or the acquisition happens through a licensed dealer or police officer—

- (a) the acquirer must give the dealer or police officer a copy of the permit to acquire; and
- (b) the dealer must give to an authorised officer the copy of the permit to acquire and the information prescribed under a regulation within the time and in the way prescribed under the regulation.

Maximum penalty—20 penalty units or 6 months imprisonment.

‘(3) If the acquisition happens through a licensed dealer, the dealer is entitled to a brokerage fee from the acquirer in the amount prescribed under a regulation.

‘(4) The dealer is not entitled to any other payment for brokering the acquisition.

‘(5) If the acquisition happens under other lawful authority, justification or excuse, the acquirer must, unless the acquirer has a reasonable excuse, take immediate action—

- (a) to comply with this Act; or
- (b) to surrender the weapon under section 24A(4) or (5).

Maximum penalty for subsection (5)—20 penalty units or 6 months imprisonment.

‘(6) This section does not apply to the acquisition of a weapon, if the acquisition consists only of a person taking possession of the weapon—

- (a) to repair it; or
- (b) in performing duties as a security guard under a security licence (guard); or
- (c) under section 28(2), 29, 89 or 98.

‘(7) In this section—

**“acquire”**, a weapon, means purchase, accept or receive or otherwise take possession of the weapon.

**“purchase”** includes obtain under a lease, exchange, hiring or other commercial arrangement.

### **‘Sale of weapons**

**‘24G.(1)** A person may sell a weapon only if—

- (a) the person sells the weapon to a licensed dealer; or
- (b) the person sells the weapon to another person who is the holder of a permit to acquire the weapon and the sale happens—
  - (i) through a licensed dealer; or
  - (ii) through a police officer in circumstances prescribed under a regulation; or
- (c) the person sells the weapon under other lawful authority, justification or excuse.

Maximum penalty—

- (a) for a category D, H or R weapon—100 penalty units or 2 years imprisonment; and
- (b) for a category C or E weapon—60 penalty units or 1 year’s imprisonment; and
- (c) for a category A or B weapon—20 penalty units or 6 months imprisonment.

**‘(2)** If the sale happens under subsection (1)(c), the person must give to an authorised officer the information prescribed under a regulation in the way and within the time prescribed under the regulation.

Maximum penalty—60 penalty units or 1 year’s imprisonment.

### **‘Advertising sale of firearms**

**‘24H.** If a person advertises the sale of the person’s firearm, the person must state in the advertisement the firearm’s serial number.

Maximum penalty—10 penalty units.

***‘Division 2—Permits to acquire*****‘Issue etc. of permits to acquire**

**‘24I.** A permit to acquire may be issued, endorsed or altered only by an authorised officer.

**‘Limitations on issue of permits to acquire**

**‘24J.(1)** A permit to acquire a weapon may be issued only to—

- (a) an individual under subsection (2); or
- (b) a body under subsection (3).

**‘(2)** A permit to acquire a weapon may be issued to an individual only if the person is licensed to possess the weapon and—

- (a) is an adult; and
- (b) is not prevented under this or another Act or an order of a Magistrates Court or another court from holding a licence; and
- (c) is a fit and proper person to possess a weapon; and
- (d) for a category B, C, D or H weapon—has a need to possess the weapon; and
- (e) if the weapon is an heirloom firearm—is the owner of the firearm because of a testamentary disposition or the laws of succession.

**‘(3)** A permit to acquire a weapon may be issued to a body, whether incorporated or unincorporated—

- (a) for a permit to acquire to be issued to an approved shooting club—only if it is endorsed with the name of an individual member of the club’s governing body, who satisfies the requirements of subsection (2)(a) to (c), as the club’s representative in the conduct of its business or affairs; and
- (b) for a permit to acquire to be issued to another body—only if—
  - (i) the body has a need to possess the weapon for which the permit to acquire is sought; and
  - (ii) it is endorsed with the name of an individual, who satisfies

the requirements of subsection (2)(a) to (c), as the body's representative in the conduct of its business or affairs.

'(4) For this section, in deciding whether a person is a fit and proper person to possess a weapon an authorised officer must consider, among other things—

- (a) the mental and physical fitness of the person; and
- (b) whether a domestic violence order has been made against the person; and
- (c) whether the person has stated anything in or in connection with the application for the permit to acquire the person knows is false or misleading in a material particular; and
- (d) the public interest.

'(5) However, a person is not a fit and proper person to possess a weapon if, in Queensland or elsewhere within the preceding 5 years, the person has been convicted of, or discharged from custody on sentence after the person has been convicted of, any of the following offences—

- (a) an offence relating to the misuse of drugs;
- (b) an offence involving the use or threatened use of violence;
- (c) an offence involving the use, carriage, discharge or possession of firearms.

'(6) A permit to acquire must—

- (a) be issued in the approved form for a single weapon; and
- (b) state the name of the person from whom the weapon is to be acquired.

### **'Application for permit to acquire**

'24K.(1) An application for a permit to acquire must be—

- (a) made in the approved form; and
- (b) made personally, in the way prescribed under a regulation, by—
  - (i) if the permit is for an individual—the person; or
  - (ii) if the permit is for a body, whether incorporated or

unincorporated—the individual endorsed on the body’s licence as the body’s representative; and

- (c) accompanied by—
- (i) any fee that may be prescribed under a regulation; and
  - (ii) proof of identity to the satisfaction of an authorised officer; and
  - (iii) other particulars prescribed under a regulation; and
  - (iv) the other relevant particulars the person to whom the application is made reasonably requires.

‘(2) If the application is for a permit to acquire a category B, C, D or H weapon, the applicant must state why the applicant needs the weapon and why the need can not be satisfied in another way.

‘(3) If the application is for a permit to acquire an heirloom firearm, the application must also be accompanied by proof, to the satisfaction of an authorised officer, that the applicant is the owner of the firearm because of a testamentary disposition or the laws of succession.

### **‘Inquiries into application**

‘24L.(1) Before the application is decided, an officer in charge of police or authorised officer with whom an application for a permit to acquire is lodged may—

- (a) make an inquiry or investigation about the applicant or the application; and
- (b) require the applicant to give the officer further information the officer reasonably needs to be satisfied about the applicant’s identity or physical or mental health; and
- (c) inspect the secure storage facilities for the weapon for which the permit to acquire is to be issued; and
- (d) supply, for this section, information or a document relevant to the applicant’s identity to an officer or member of a State or Commonwealth police service; and
- (e) make a report about the applicant or the application; and

- (f) make the recommendation about the application the officer thinks appropriate.

‘(2) If the authorised officer suspects, on reasonable grounds, that the applicant’s stated identity is false, the authorised officer may require the applicant to provide an identifying particular to verify the applicant’s identity.

‘(3) The applicant is taken to have withdrawn the application if, within a stated reasonable time, the applicant—

- (a) refuses to provide the information reasonably required under subsection (1)(b); or
- (b) refuses to allow the inspection under subsection (1)(c); or
- (c) fails to comply with a requirement under subsection (2).

‘(4) Unless the authorised officer considers that it is currently required for the investigation of an offence, the authorised officer must, after deciding the application—

- (a) return to the applicant any identifying particular obtained in the course of inquiries into the application; and
- (b) destroy any record or copy of the identifying particular.

‘(5) Information required to be supplied under this section may be used only to decide the application or to investigate or prosecute an offence and must not be disclosed for any other purpose.

‘(6) For this section—

“**applicant**” includes, for a body, the individual endorsed on the body’s licence as the body’s representative.

### ‘**Authorised officer decides application**

‘**24M.(1)** An authorised officer must decide an application for a permit to acquire a weapon as soon as practicable after the end of any period that may be prescribed for this section under a regulation.

‘(2) In deciding the application, the authorised officer may consider anything at the officer’s disposal.

‘(3) The authorised officer must consider the following things when

deciding whether the applicant has a need to possess the weapon—

- (a) whether the applicant's requirements can be adequately met in a way not involving the use of a weapon or by using a weapon of another category or type;
- (b) whether the applicant possesses other weapons, and in particular other weapons of that category or type;
- (c) another thing prescribed under a regulation.

'(4) To remove any doubt, a collector may have a need for a particular weapon even though the collector already possesses a weapon of the same category or type.

'(5) The authorised officer must—

- (a) approve the application and issue the permit to acquire subject to any conditions the authorised officer may decide; or
- (b) reject the application.

### **'Issue of permit to acquire**

'24N. A permit to acquire must be issued in the approved form.

### **'Notice of rejection of application for permit to acquire**

'24O.(1) If an authorised officer rejects an application for a permit to acquire, the authorised officer must give the applicant a notice of rejection in the approved form stating the specific reasons for the rejection.

'(2) The notice may be given to the applicant by sending it to the applicant by security post at the address shown on the application.

### **'Term of permit to acquire**

'24P.(1) A permit to acquire remains in force for the term, not more than 3 months, stated on the permit.

'(2) A permit to acquire stops being in force if—

- (a) it is suspended, cancelled, revoked or surrendered; or
- (b) the holder of the permit dies.

**‘Reporting loss, destruction or theft of permit to acquire**

‘**24Q.** A licensee must report the loss, destruction or theft of a permit to acquire to an officer in charge of police immediately after the licensee becomes aware of the loss, destruction or theft.

Maximum penalty—10 penalty units.

**‘Replacement permit to acquire**

‘**24R.(1)** This section applies if an authorised officer is satisfied—

- (a) a permit to acquire is lost, destroyed or stolen; or
- (b) any writing or endorsement on a permit to acquire is illegible and the permit to acquire is surrendered to an officer in charge of police.

‘**(2)** The authorised officer may issue to the licensee a replacement permit to acquire instead of the permit to acquire on—

- (a) application by the licensee in the approved form; and
- (b) payment of the fee prescribed under a regulation.

**‘Surrender of permit to acquire**

‘**24S.(1)** A licensee may surrender a permit to acquire by—

- (a) giving written notice of surrender; and
- (b) surrendering the permit to acquire.

‘**(2)** The notice must be given and the permit to acquire surrendered to an authorised officer or officer in charge of police.

***‘Division 3—Firearms register*****‘Commissioner to maintain firearms register**

‘**24T.(1)** The commissioner must establish and maintain a record (the “firearms register”) of all firearms in Queensland.

‘**(2)** The firearms register must contain the following information for

each firearm—

- (a) the name and address of the firearm's owner and details of the documents relied on to establish the owner's identity and address;
- (b) the type, make, calibre, action, magazine capacity and serial number of the firearm;
- (c) details of the licence authorising possession of the firearm;
- (d) for firearms acquired after the commencement of the *Weapons Amendment Act 1996*—
  - (i) details of any permit to acquire authorising acquisition of the firearm; and
  - (ii) the name and address of the person from whom the firearm was acquired and the date it was acquired;
- (e) the place where the firearm is generally kept;
- (f) the reason given for possession of the firearm and, if appropriate, the reason why the particular firearm was needed;
- (g) other information prescribed under a regulation.

‘(3) The commissioner may make information in the register available to another entity, within or outside the State, only if the commissioner is satisfied to do so would assist in achieving the object of this Act.

‘(4) A regulation may limit the information the commissioner may make available under subsection (3).’.

## **Replacement of s 25 (Possession of weapons)**

**9.** Section 25—

*omit, insert—*

### **‘Possession of weapons**

‘**25.** A person may possess a weapon only—

- (a) if the person is authorised to possess the weapon under a licence or permit to acquire; or
- (b) with other lawful authority, justification or excuse.

Maximum penalty—

- (a) for a category D, H or R weapon—100 penalty units or 2 years imprisonment; and
- (b) for a category C or E weapon—60 penalty units or 1 year's imprisonment; and
- (c) for a category A or B weapon—20 penalty units or 6 months imprisonment.

**‘Limitation on organised target shooting**

**‘25A.** Unless otherwise authorised by this Act, a person may conduct organised target shooting only on an approved range.

Maximum penalty—20 penalty units or 6 months imprisonment.’.

**Amendment of s 30 (Discharge of weapon on private land without owner's consent prohibited)**

**10.** Section 30(1), definition “**weapon**”, ‘a spear gun’—

*omit, insert—*

‘an antique firearm, spear gun’.

**Amendment of s 31 (Particular conduct involving a weapon in a public place prohibited)**

**11.** Section 31(1), definition “**weapon**”, paragraph (a), ‘a spear gun’—

*omit, insert—*

‘an antique firearm, spear gun’.

**Amendment of s 33 (Possession or use of weapon under the influence of liquor or a drug prohibited)**

**12.** Section 33(1), definition “**weapon**”, paragraph (a), ‘a spear gun’—

*omit, insert—*

‘an antique firearm, spear gun’.

**Replacement of ss 34 and 35****13. Sections 34 and 35—**

*omit, insert—*

**‘Secure storage of weapons**

**‘34.** A person who possesses a weapon must securely store the weapon in the way prescribed under a regulation when it is not in the person’s physical possession.

Maximum penalty—60 penalty units or 1 year’s imprisonment.

**‘Shortening firearms**

**‘35.** A person must not, without reasonable excuse—

- (a) shorten a firearm; or
- (b) possess a firearm that has been shortened; or
- (c) acquire or sell a firearm that has been shortened.

Maximum penalty—60 penalty units or 1 year’s imprisonment.

**‘Modifying construction or action of firearms**

**‘35A.(1)** A person must not, without reasonable excuse—

- (a) modify the construction or action of a firearm; or
- (b) possess a firearm the construction or action of which has been modified; or
- (c) acquire or sell a firearm the construction or action of which has been modified.

Maximum penalty—60 penalty units or 1 year’s imprisonment.

**‘(2)** A person must not, without reasonable excuse, make operable a firearm that is required to be, and has been, made permanently inoperable under this Act.

Maximum penalty—60 penalty units or 1 year’s imprisonment.

**‘Altering identification marks of weapons**

**‘35B.** A person must not, without reasonable excuse—

- (a) deface or alter any identifying serial number or mark on a weapon; or
- (b) possess a weapon the identifying serial number or mark of which has been defaced or altered; or
- (c) acquire or sell a weapon the identifying serial number or mark of which has been defaced or altered.

Maximum penalty—60 penalty units or 1 year’s imprisonment.’.

**Omission of s 37 (Supply of weapons)**

**14.** Section 37—

*omit.*

**Replacement of s 39 (Dispatch of weapons)**

**15.** Section 39—

*omit, insert—*

**‘Dispatch of weapons**

**‘39.** A person may dispatch a weapon only in the way prescribed under a regulation.

Maximum penalty—60 penalty units or 1 year’s imprisonment.’.

**Omission of s 40 (Notification and recording of particulars of acquisition before possession)**

**16.** Section 40—

*omit.*

**Replacement of s 45 (Dealer to keep register)**

**17.** Section 45—

*omit, insert—*

**‘Licensed dealers and armourers to keep register**

‘**45.(1)** A licensed dealer or licensed armourer must keep at the premises stated on the licence a weapons register.

Maximum penalty—20 penalty units or 6 months imprisonment.

‘**(2)** A licensed dealer or licensed armourer must, for each transaction for the receipt, acquisition, sale or transfer of a weapon—

- (a) enter immediately in the weapons register the particulars prescribed under a regulation; and
- (b) if the transaction involves a complete or substantially complete weapon or a major component part of a firearm—within 14 days of the transaction, notify an authorised officer in the approved form.

Maximum penalty—20 penalty units or 6 months imprisonment.

‘**(3)** A person must not remove a part of the weapons register, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units or 6 months imprisonment.

‘**(4)** Subsection (3) does not prevent the correction of the weapons register in a way specified under a regulation.

‘**(5)** In this section—

“**remove**” includes make illegible or unintelligible, erase or disguise.

“**weapons register**” means a book in the approved form bound to the satisfaction of an authorised officer.’.

**Replacement of ss 48 and 49**

**18.** Sections 48 and 49—

*omit, insert—*

**‘Licensed dealer or armourer taken to be in unlawful possession**

‘**48.** A licensed dealer or licensed armourer who, without reasonable excuse, possesses a weapon the prescribed particulars of which have not

been entered in the weapons register under section 45 is taken to contravene section 25.’.

### **Insertion of new ss 50B–50C**

**19.** After section 50—

*insert—*

#### **‘Collector’s licence (heirloom)**

‘**50B.(1)** A collector’s licence (heirloom) authorises the licensee to possess a single heirloom firearm or a matched pair or set of heirloom firearms.

‘(2) However, the licence authorises the licensee to possess an heirloom firearm only if it is made permanently inoperable.

#### **‘Collector’s licence (weapons)**

‘**50C.(1)** A collector’s licence (weapons) authorises the licensee to possess weapons of the category stated in the licence.

‘(2) However, the licence authorises the licensee to possess—

(a) category D or R weapons only if—

(i) for weapons that are firearms—the weapons are made permanently inoperable; or

(ii) for other weapons—the weapons are inert; and

(b) category A, B, C or H weapons that are firearms manufactured after 1900 only if the weapons are made temporarily or permanently inoperable.’.

### **Replacement of ss 54–57**

**20.** Sections 54 to 57—

*omit, insert—*

#### **‘Collectors to keep register**

‘**54.(1)** A licensed collector must keep at the premises stated in the

licence a collection register.

Maximum penalty—20 penalty units or 6 months imprisonment.

‘(2) A licensed collector must, for each transaction for the receipt, acquisition, sale or transfer of a weapon, enter immediately in the collection register the particulars prescribed under a regulation.

Maximum penalty—20 penalty units or 6 months imprisonment.

‘(3) A person must not remove a part of the collections register, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units or 6 months imprisonment.

‘(4) Subsection (3) does not prevent the correction of the collections register in a way specified under a regulation.

‘(5) In this section—

“**collection register**” means a book in the approved form bound to the satisfaction of an authorised officer.

“**remove**” includes make illegible or unintelligible, erase or disguise.’.

### **Omission of ss 59 and 60**

**21.** Sections 59 and 60—

*omit.*

### **Replacement of ss 62 and 63**

**22.** Sections 62 and 63—

*omit, insert—*

#### **‘Licensed collector taken to be in unlawful possession**

‘**62.** A licensed collector who, without reasonable excuse, possesses a weapon the prescribed particulars of which have not been entered in the collection register under section 54 is taken to contravene section 25.’.

**Amendment of s 92 (Conditions of approval)**

**23.(1)** Section 92(1)(b) and (c)—

*omit.*

**(2)** Section 92(2), ‘(b), (c) and (d) do’—

*omit, insert—*

‘(d) does’.

**Replacement of s 97 (Theatrical ordnance supplier to keep register)**

**24.** Section 97—

*omit, insert—*

**‘Theatrical ordnance supplier to keep register**

**‘97.(1)** A licensed theatrical ordnance supplier must keep at the premises stated in the licence an ordnance register.

Maximum penalty—20 penalty units or 6 months imprisonment.

**‘(2)** A licensed theatrical ordnance supplier must, for each transaction for the acquisition, sale, supply, rental or transfer of a weapon, enter immediately in the ordnance register the particulars prescribed under a regulation.

Maximum penalty—20 penalty units or 6 months imprisonment.

**‘(3)** A person must not remove a part of the ordnance register, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units or 6 months imprisonment.

**‘(4)** Subsection (3) does not prevent the correction of the ordnance register in a way specified under a regulation.

**‘(5)** In this section—

**“ordnance register”** means a book in the approved form bound to the satisfaction of an authorised officer.

**“remove”** includes make illegible or unintelligible, erase or disguise.’.

**Insertion of new s 101A**

**25.** After section 101—

*insert—*

**‘Licensed theatrical ordnance supplier taken to be in unlawful possession**

‘**101A.** A licensed theatrical ordnance supplier who, without reasonable excuse, possesses a weapon the prescribed particulars of which have not been entered in the ordnance register under section 97 is taken to contravene section 25.’.

**Replacement of s 112 (Power to demand production of licence etc.)**

**26.** Section 112—

*omit, insert—*

**‘Power to demand production of licence etc.**

‘**112.(1)** This section applies if, under this Act, a person is required—

- (a) to be the holder of a licence or permit to acquire; or
- (b) to have the approval of any person; or
- (c) to keep a register or record.

‘**(2)** The person must, if required to do so by a police officer, produce to a police officer for inspection at a stated reasonable place and time (within 48 hours) any of the following documents—

- (a) the licence or permit to acquire;
- (b) a certificate or other evidence of approval;
- (c) the register or record.

‘**(3)** A police officer may also require the person to produce for inspection at a stated reasonable place and time (within 48 hours) any weapon still in the person’s possession mentioned in any of the documents.

‘**(4)** However, if a person has physical possession of a weapon, a police officer may require the person to produce immediately to the police officer for inspection the weapon and the licence authorising possession of the weapon.

‘(5) A person must not contravene a requirement under subsection (2), (3) or (4), unless the person has a reasonable excuse.

Maximum penalty—20 penalty units or 6 months imprisonment.’.

### **Insertion of new ss 129A–129D**

27. In part 6—

*insert—*

#### **‘Advisory council**

‘129A.(1) The Minister may constitute an advisory council to advise the Minister in the administration of this Act.

‘(2) The advisory council is to consist of the members appointed to the council by the Minister.

#### **‘Disclosure by doctors and psychologists of certain information**

‘129B.(1) This section applies if a doctor or psychologist is of the opinion that a patient is an unsuitable person to possess a firearm—

- (a) because of the patient’s mental or physical condition; or
- (b) because the patient may be a danger to the patient or another person.

‘(2) The doctor or psychologist may inform the commissioner of his or her opinion and give the commissioner any relevant information about the patient’s condition and identity.

‘(3) This section applies despite any duty of confidentiality owed by the doctor or psychologist to the patient.

‘(4) The giving of an opinion or information by a doctor or psychologist under this section does not give rise to any criminal or civil action or remedy against the doctor or psychologist.

#### **‘Approved officers**

‘129C.(1) The commissioner may appoint a police officer or officer of the public service as an approved officer for this Act.

‘(2) However, a police officer or officer of the public service may be appointed as an approved officer only if, in the commissioner’s opinion, the person has the necessary expertise or experience to be an approved officer.’

### ‘Authorised officers

‘**129D.(1)** For this Act, the following officers are authorised officers—

- (a) the commissioner, an executive officer or commissioned officer;
- (b) a police officer appointed as an authorised officer by the commissioner.

‘(2) However, a police officer may be appointed as an authorised officer only if, in the commissioner’s opinion, the officer has the necessary expertise or experience to be an authorised officer.’

### **Amendment of s 137 (Proceedings for offences)**

**28.** Section 137(1)—

*omit, insert—*

‘**137.(1)** A proceeding for an offence against this Act, other than section 38, may be prosecuted in a summary way under the *Justices Act 1886*.

‘**(1A)** The proceeding must be commenced—

- (a) within 1 year after the commission of the offence; or
- (b) within 1 year after the offence comes to the complainant’s knowledge, but within 2 years after the commission of the offence.’

### **Amendment of s 139 (Evidentiary provisions)**

**29.(1)** Section 139(1)(b), after ‘commissioner’—

*insert—*

‘, authorised officer’.

**(2)** Section 139(1)—

*insert—*

‘(da) a document purporting to contain information extracted from the firearms register and signed by an authorised officer is evidence that the information is recorded in the firearms register; and’.

### **Insertion of new s 143A**

**30.** After section 143—

*insert—*

#### **‘Landowner incurs no liability merely because permission given**

‘**143A.** A landowner does not incur any liability merely because the landowner provides a person with written permission to shoot on the landowner’s land.’.

### **Insertion of new s 144A**

**31.** After section 144—

*insert—*

#### **‘Delegations**

‘**144A.(1)** The Minister may delegate the Minister’s powers under this Act to an appropriately qualified authorised officer.

‘**(2)** In this section—

“**an appropriately qualified authorised officer**”, to whom a power under this section may be delegated, means an authorised officer who has the necessary expertise or experience to exercise the power.’.

### **Insertion of new pt 7**

**32.** After part 6—

*insert—*

## **‘PART 7—SAVINGS AND TRANSITIONAL PROVISIONS**

### **‘Definitions for pt 7**

**‘148.** In this part—

**“amnesty”** means the period starting on the commencement and ending on 30 September 1997.

**“commencement”** means the commencement of the *Weapons Amendment Act 1996*, part 2.

**“existing licence”** means a licence in force immediately before the commencement.

**“former Act”** means this Act as in force immediately before the commencement.

**“new Act”** means this Act as in force on the commencement.

### **‘Existing licences continue during amnesty**

**‘149.(1)** An existing licence continues in force, subject to any limitations and conditions placed on it under the former Act, until the earlier of the following days—

- (a) the day the amnesty ends;
- (b) the day it is suspended, cancelled, revoked or expires.

**‘(2)** A weapon lawfully possessed under an existing licence continues to be lawfully possessed under the licence while the licence remains in force.

**‘(3)** A person lawfully in possession of a category C or D weapon under an existing licence must not use the weapon after the commencement.

Maximum penalty—60 penalty units or 1 year’s imprisonment.

**‘(4)** Subsection (3) applies despite section 12(1).

### **‘Existing approvals, authorities and permits**

**‘150.** An approval, authority or permit in force at the commencement

continues in force, subject to any limitations and conditions placed on it under the former Act, after the commencement.

#### **‘Some licensees taken to have adequate knowledge of safety practices**

‘**151.(1)** This section applies to a person who lawfully possesses a firearm under an existing licence and who, on or before 30 September 1997, applies for a firearms licence.

‘**(2)** The person is taken to have an adequate knowledge of safety practices for the use, storage and maintenance of firearms similar to those possessed under the authority of the existing licence.

#### **‘Existing applications**

‘**152.(1)** An application not decided on the commencement is to be decided under the new Act.

‘**(2)** If the application does not contain enough information for an authorised officer to make a decision about the application under the new Act, the authorised officer may require the applicant to supply further information to enable the authorised officer to make the decision.

‘**(3)** If the applicant fails to provide the information within a stated reasonable time, the applicant is taken to have withdrawn the application.

#### **‘Existing appeals**

‘**153.** An appeal not decided on the commencement is to be decided as if the *Weapons Amendment Act 1996* had not been enacted.

#### **‘Compensation**

‘**154.(1)** A person who owns a weapon and, after the commencement, surrenders it to the commissioner is entitled to compensation from the State, but only under this section.

‘**(2)** Compensation is payable only for category C or D weapons.

‘**(3)** Compensation is payable for category C or D weapons only if they are surrendered on or before the last day of the amnesty.

‘(4) Compensation for a surrendered category C or D weapon is payable in an amount and in the way prescribed under a regulation.

‘(5) If a regulation does not provide for the amount of compensation payable for a particular weapon, the regulation may provide for the way in which a dispute about its value is to be decided.

‘(6) A regulation may also provide for compensation for loss of business in circumstances specified in the regulation.

‘(7) A weapon surrendered under this section is the State’s property when compensation for the weapon is paid under this section.

### **‘Expiry of pt 7**

‘155. This part expires on 30 September 1998.

### **‘Numbering and renumbering of Act**

‘156. In the next reprint of this Act produced under the *Reprints Act 1992*, the provisions of this Act must be numbered and renumbered as permitted by the *Reprints Act 1992*, section 43.5’.

### **Replacement of schs 1–3**

**33.** Schedules 1 to 3—

*omit, insert—*

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<sup>5</sup> Section 43 (Numbering and renumbering of provisions)

**‘SCHEDULE 1****‘CATEGORIES OF WEAPONS**

section 3

**Category A**

- a miniature cannon under 120 cm in barrel length that is a black powder and muzzle loading cannon, depicting a scale model of an historical artillery piece or naval gun
- air rifles
- blank-fire firearms at least 75 cm in length
- rimfire rifles (other than self-loading rimfire rifles)
- single and double barrel shotguns
- powerheads

**Category B**

- muzzle-loading firearms
- single shot centre fire rifles
- double barrel centre fire rifles
- repeating centre fire rifles
- break action shotgun and rifle combinations

**Category C**

- semiautomatic rimfire rifles with a magazine capacity no greater than 10 rounds
- semiautomatic shotguns with a magazine capacity no greater than 5 rounds

- pump action shotguns with a magazine capacity no greater than 5 rounds

**Category D**

- self-loading centre fire rifles designed or adapted for military purposes or a firearm that substantially duplicates those rifles in design, function or appearance
- non-military style self-loading centre fire rifles with either an integral or detachable magazine
- self-loading shotguns with either an integral or detachable magazine and pump action shotguns with a capacity of more than 5 rounds
- self-loading rimfire rifles with a magazine capacity of more than 10 rounds

**Category E**

- bulletproof vests or protective body vests or body armour designed to prevent the penetration of small arms projectiles
- any device constructed or designed as a telescopic baton, not being a toy baton, that if used is capable of causing bodily harm

**Category H**

- all firearms, including air pistols and blank-fire firearms, under 75 cm in length, other than powerheads
- conversion units being any unit or device or barrel that is capable of being used for converting any firearm from one calibre to another calibre

**Category R**

- a machine gun or submachine gun that is fully automatic in its operation and actuated by energy developed when it is being fired or has multiple revolving barrels, and any replica or facsimile of a

machine gun or submachine gun that is not a toy

- any firearm capable of firing 50 calibre cartridge ammunition
- any clothing, apparel, accessory or article designed to disguise any weapon or other cutting or piercing instrument capable of causing bodily harm
- antipersonnel gases and antipersonnel substances of a corrosive, noxious or irritant nature or that are capable of causing bodily harm, and any weapon capable of discharging the gases or substances by any means
- acoustical antipersonnel devices of an intensity that is capable of causing bodily harm
- electrical antipersonnel devices of an intensity that is capable of causing bodily harm
- hand grenades and antipersonnel mines
- rocket launchers, recoilless rifles, antitank rifles, and bazooka or rocket propelled grenade type launchers
- any knife so designed or constructed so as to be used as a weapon that while the knife is held in 1 hand, the blade may be released by that hand
- any clothing, apparel, adornment or accessory designed for use as a weapon or a cutting or piercing instrument capable of causing bodily harm
- mortars, all artillery and any incendiary or inflammable device containing any substance capable of causing bodily harm or damage to property
- any crossbow designed to be discharged by the use of 1 hand (that is not a toy pistol crossbow) that when discharged is capable of causing damage or injury to property or capable of causing bodily harm
- a chinese throwing iron that is a hard non-flexible plate having 3 or more radiating points with 1 or more sharp edges in the shape of a polygon, trefoil, cross, star, diamond or geometric shape and constructed or designed to be thrown as a weapon

- flails or similar devices constructed and designed as a weapon consisting of in part a striking head and which, if used offensively, are capable of causing bodily harm
- a device known as a ‘manrikiguisari’ or ‘kusari’, consisting of a length of rope, cord, wire or chain fastened at each end to a geometrically shaped weight or handgrip and constructed or designed for use as a weapon
- a device known as a knuckleduster or any device made or adapted for use as a knuckleduster and which, if used offensively against a person, is capable of causing bodily harm
- a weighted glove designed or constructed to be used as a weapon
- a mace or any similar article (other than a ceremonial mace made for and used solely as a symbol of authority on ceremonial occasions)
- a silencer or other device or contrivance made or used, or capable of being used or intended to be used, for reducing the sound caused by discharging a firearm
- a laser sight that is a device designed to be attached to a firearm and to project a beam of light onto a target.’.

#### **Amendment of sch 4 (Subject matter for regulations)**

**34.(1)** Schedule 4, before item 1—

*insert—*

#### **‘Eligibility requirements for licences**

**‘1.** Eligibility requirements for a licence.

#### **‘Authorising things under a licence**

**‘2.** Providing for things a licensee may or may not do under the authority of a licence.

**‘Limiting or prohibiting licensing of particular weapons**

**‘3.** Limiting or prohibiting licensing of particular weapons or particular categories of weapons.

**‘Limiting or prohibiting use of particular weapons**

**‘4.** Limiting or prohibiting use of particular weapons or particular categories of weapons.

**‘Secure storage of weapons**

**‘5.** Requirements for the secure storage of weapons.’.

(2) Schedule 4, items 1 to 5—

*renumber* as items 6 to 10.

## **PART 3—AMENDMENT OF WEAPONS AMENDMENT ACT 1994**

**Act amended in pt 3**

**35.** This part amends the *Weapons Amendment Act 1994*.

**Amendment of s 6 (Amendment of s.1.6 (Interpretation))**

**36.** Section 6(2), proposed definition ‘security guard’s weapons licence’—

*omit.*

**Amendment of s 12 (Replacement of part 3, division 4 (Approved clubs))**

**37.(1)** Section 12, proposed section 3.39, ‘with Schedule 2 weapons’—

*omit.*

(2) Section 12, proposed section 3.47(1)—

*insert—*

‘(c) whether the individual is the holder of a licence.’

(3) Section 12, proposed section 3.47(2)(b)—

*omit, insert—*

‘(b) if the person holds or previously held in another State a relevant licence, permit, authority or position—a report from the appropriate authority in the other State.’

(4) Section 12, proposed section 3.48F—

*omit, insert—*

#### **‘Limits on approvals**

‘**3.48F** A range may be approved only if the range is conducted by an approved shooting club.’

(5) Section 12, proposed section 3.48G(1)(c), ‘and 3.48F’—

*omit.*

(6) Section 12, proposed section 3.48N(1), definition “**range operator**”, after ‘approved range’—

*insert—*

‘for an approved shooting club’.

(7) Section 12, proposed section 3.48Q—

*omit.*

#### **Amendment of s 17 (Replacement of part 3, division 7 (Security guards))**

**38.(1)** Section 17, proposed section 3.60—

*omit, insert—*

#### **‘Armed security guard must be licensed**

‘**3.60** A person must not, in performing duties as a security guard, physically possess a weapon unless the person holds a security licence (guard).

Maximum penalty—20 penalty units.’.

(2) Section 17, proposed section 3.61, ‘security guard’s weapons licence’—

*omit, insert—*

‘security licence (guard)’.

(3) Section 17, proposed section 3.63(1), ‘register book mentioned in section 3.65’—

*omit, insert—*

‘security organisation register’.

(4) Section 17, proposed section 3.64(2), ‘the licence for a security organisation prescribed by regulation’—

*omit, insert—*

‘a security licence (organisation)’.

(5) Section 17, proposed section 3.65, ‘register book’—

*omit, insert—*

‘security organisation register’.

(6) Section 17, proposed section 3.65(1)(b) and (c), ‘register’—

*omit, insert—*

‘security organisation register’.

(7) Section 17, proposed section 3.67—

*omit, insert—*

### **‘Inspection by police officer**

**3.67** If a police officer inspects a security organisation’s security organisation register, the police officer may endorse the register with the time the inspection was made and any comments about the inspection.’.

**PART 4—OTHER AMENDMENTS****Act amended in sch 2**

**39.** Schedule 2 amends the *Law Courts and State Buildings Protective Security Act 1983*.

**SCHEDULE 1****MINOR AMENDMENTS**

section 3

**1. Section 26, ‘schedule 3 weapon’—***omit, insert—*

‘category A or B weapon’.

**2. Section 26(2), ‘schedule 3 weapons’—***omit, insert—*

‘category A or B weapons’.

**3. Section 28(1), definition “weapon”, ‘schedule 3’—***omit.***4. Section 28(2)(b), ‘a schedule 3 weapon’—***omit, insert—*

‘the weapon’.

**5. Section 32(1), definition “weapon”, paragraph (a), ‘a powerhead’—***omit, insert—*

‘an antique firearm’.

**6. Section 38, penalty—***omit, insert—*

‘Maximum penalty—

## SCHEDULE 1 (continued)

- (a) if the offence relates to a category H or R weapon—20 years imprisonment;
- (b) if the offence relates to a category A, B, C, D or E weapon or explosives—15 years imprisonment.’.

**7. Section 41, heading, ‘non-schedule’—**

*omit, insert—*

‘particular’.

**8. Sections 44 and 96, ‘17 years’—**

*omit, insert—*

‘18 years’.

**9. Sections 47 and 49, ‘register’—**

*omit, insert—*

‘weapons register’.

**10. Section 91(2)(a), ‘17 years’—**

*omit, insert—*

‘18 years’.

**11. Section 93(3)—**

*omit, insert—*

‘(3) An application under subsection (1) or (2) may be made to an officer in charge of police.’.

## SCHEDULE 1 (continued)

**12. Section 100(1), ‘register of ordnance’—***omit, insert—*

‘ordnance register’.

**13. Section 101, from ‘in or to the effect’ to ‘schedule 2’—***omit, insert—*

‘in the approved form to an authorised officer particulars of all’.

**14. Section 102—***omit.***15. Section 119(2)(c), ‘a powerhead’***omit, insert—*

‘an antique firearm’.

**16. Section 131(1)(c), ‘powerhead’—***omit, insert—*

‘antique firearm’.

**17. Section 133(1)(a)(iii), ‘void, cancelled, suspended’—***omit, insert—*

‘suspended, cancelled, revoked’.

**18. Section 146, heading—***omit, insert—***‘Regulation-making power’.**

**SCHEDULE 2****OTHER AMENDMENTS**

section 39

**AMENDMENT OF LAW COURTS AND STATE  
BUILDINGS PROTECTIVE SECURITY ACT 1983****Section 22(2)—***omit, insert—*

‘(2) A firearm, explosive substance or offensive weapon seized under subsection (1) may be disposed of under the *Weapons Act 1990*, section 130 as if it were a weapon held by or in the custody of a police officer.

‘(3) Until it is disposed of, it may be held in the way the Minister directs.’.