



Queensland

Weapons and Other Legislation Amendment Act 2012

Act No. 40 of 2012



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Act No. 40 of 2012

An Act to amend the Weapons Act 1990 for particular purposes and to make consequential amendments to the Corrective Services Act 2006 and the Penalties and Sentences Act 1992

[Assented to 11 December 2012]

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Weapons and Other Legislation Amendment Act 2012*.

2 Commencement

- (1) Parts 2 and 3, and sections 15 to 17, 23 and 24(1) (to the extent it inserts definitions *corrective services facility* and *short firearm*) commence on 1 February 2013.
- (2) Sections 10, 11, 14, 21 and 22 commence on a date to be fixed by proclamation.

Part 2 Amendment of Corrective Services Act 2006

3 Act amended

This part amends the *Corrective Services Act 2006*.

4 Insertion of new s 185B

After section 185A—
insert—

‘185B Parole eligibility date for prisoner serving term of imprisonment for an offence against *Weapons Act 1990*, section 50, 50B or 65

- ‘(1) This section applies if—
- (a) a prisoner is serving a term of imprisonment for an offence against the *Weapons Act 1990*, section 50, 50B or 65; and
 - (b) a minimum penalty applies to the offence under the following provisions of that Act—
 - (i) section 50(1), penalty, paragraph (d) or (e);
 - (ii) section 50B(1), penalty, paragraph (d) or (e);
 - (iii) section 65(1), penalty, paragraph (c) or (d); and
 - (c) apart from this section, the prisoner would be eligible for parole under this subdivision before the prisoner has served a term of imprisonment that is the minimum penalty for the offence.
- ‘(2) The prisoner’s parole eligibility date is the day after the day on which the prisoner has served a term of imprisonment that is the minimum penalty for the offence.’.

5 Amendment of s 194 (Types of parole orders granted by parole board)

Section 194(5), definition *eligible prisoner*, paragraph (b), ‘or 185’—

omit, insert—

‘, 185 or 185B’.

-
- ‘(4) The person complies with this subsection if the person is the holder of a current licence, equivalent to the new licence, issued under the law of another State or country.’

10 Insertion of new s 18D

After section 18C—

insert—

‘18D Delegation by representative

- ‘(1) A representative of a body or club may delegate the representative’s power to make a declaration under section 18A or 18B to an appropriate person.
- ‘(2) An authorised officer may, by written notice given to the body or club, revoke the delegation if the authorised officer reasonably suspects the person to whom power is delegated under subsection (1) is not, or is no longer, an appropriate person.
- ‘(3) The revocation of a delegation under subsection (2) does not affect the validity of a licence issued or renewed before the delegation was revoked.
- ‘(4) In this section—
- appropriate person***, to whom a power may be delegated by a representative of a body or club, means a person who is a member of the governing body of the body or club.’

11 Amendment of s 20 (Term of licence)

Section 20(1)—

omit, insert—

- ‘(1) A licence, other than a replacement licence, remains in force for the term stated on the licence which must not be more than—
- (a) if the licence is for a category A or B weapon—10 years; or

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- (b) if the licence is for a weapon other than a category A or B weapon—5 years.’.

12 Amendment of s 24 (Change in licensee’s circumstances)

- (1) Section 24(1), ‘and deliver the licence to the officer’—
omit.
- (2) Section 24—
insert—
- ‘(2A) Subject to subsection (3), the advice must be given in a way prescribed by regulation.’.

13 Amendment of s 40 (Application for permit to acquire)

- Section 40(1)(b), ‘made personally,’—
omit, insert—
‘made,’.

14 Amendment of s 45 (Term of permit to acquire)

- Section 45(1), ‘3 months’ —
omit, insert—
‘6 months’.

15 Amendment of s 50 (Possession of weapons)

- (1) Section 50(1), penalty—
insert—
‘Minimum penalty—
- (d) for an offence, committed by an adult, to which paragraph (a), (b), (c)(i) or (c)(ii) applies—
- (i) if the person unlawfully possesses a firearm and uses the firearm to commit an indictable

-
- offence—18 months imprisonment served wholly in a corrective services facility; or
- (ii) if the person unlawfully possesses a firearm for the purpose of committing or facilitating the commission of an indictable offence—1 year’s imprisonment served wholly in a corrective services facility; or
 - (iii) if the person unlawfully possesses a short firearm in a public place without a reasonable excuse—1 year’s imprisonment served wholly in a corrective services facility; or
- (e) for an offence, committed by an adult, to which paragraph (c)(iii) applies—
- (i) if the person unlawfully possesses a firearm and uses the firearm to commit an indictable offence—9 months imprisonment served wholly in a corrective services facility; or
 - (ii) if the person unlawfully possesses a firearm for the purpose of committing or facilitating the commission of an indictable offence—6 months imprisonment served wholly in a corrective services facility.’.
- (2) Section 50—
- insert—*
- ‘(1A) For the purpose of subsection (1), penalty, paragraph (d)(iii), but without limiting that provision, it is a reasonable excuse to unlawfully possess the short firearm in the public place if—
- (a) a licence was in force within the 12 months immediately before the day the person committed the offence but is no longer in force at the time of the offence; and
 - (b) the person would have been authorised under this Act to possess the short firearm in the public place at the time of the offence if the licence was still in force at that time; and

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- (c) it was not a reason for the licence being no longer in force that the licence had been surrendered, suspended or revoked under this Act.
- ‘(1B) It is not a reasonable excuse for subsection (1), penalty, paragraph (d)(iii) to unlawfully possess the short firearm in the public place for the purpose of self-defence.’.
- (3) Section 50—
insert—
- ‘(3) In this section—
public place includes any vehicle that is in or on a public place.’.

16 Amendment of s 50B (Unlawful supply of weapons)

- (1) Section 50B(1), penalty—
insert—
‘Minimum penalty—
 - (d) for an offence, committed by an adult, to which paragraph (a) applies, if at least 1 of the weapons unlawfully supplied is a short firearm and the person does not have a reasonable excuse for unlawfully supplying the weapons—3 years imprisonment served wholly in a corrective services facility; or
 - (e) for an offence, committed by an adult, to which paragraph (c)(i) applies, if the weapon is a short firearm and the person does not have a reasonable excuse for unlawfully supplying the weapon—2½ years imprisonment served wholly in a corrective services facility.’.
- (2) Section 50B—
insert—
- ‘(1A) For the purpose of subsection (1), penalty, paragraph (d) or (e), but without limiting those provisions, it is a reasonable excuse to unlawfully supply the weapon if—

- (a) a licence was in force within the 12 months immediately before the day the person committed the offence but is no longer in force at the time of the offence; and
- (b) the person would have been authorised under this Act to supply the weapon at the time of the offence if the licence was still in force at that time; and
- (c) it was not a reason for the licence being no longer in force that the licence had been surrendered, suspended or revoked under this Act.’.

17 Amendment of s 65 (Unlawful trafficking in weapons)

- (1) Section 65, penalty—

insert—

‘Minimum penalty—

- (c) for an offence, committed by an adult, to which paragraph (a) applies, if at least 1 of the weapons that the offence relates to is a firearm and the person does not have a reasonable excuse for unlawfully carrying on the business—5 years imprisonment served wholly in a corrective services facility; or
- (d) for an offence, committed by an adult, to which paragraph (b) applies, if at least 1 of the weapons that the offence relates to is a firearm and the person does not have a reasonable excuse for unlawfully carrying on the business—3½ years imprisonment served wholly in a corrective services facility.’.

- (2) Section 65—

insert—

- ‘(2) For the purpose of subsection (1), penalty, paragraph (c) or (d), but without limiting those provisions, it is a reasonable excuse to unlawfully carry on the business of trafficking in weapons or explosives if—
- (a) a dealer’s licence was in force within the 12 months immediately before the day the person committed the

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offence but is no longer in force at the time of the offence; and

- (b) the person would have been authorised under this Act to carry on the business at the time of the offence if the licence was still in force at that time; and
- (c) it was not a reason for the licence being no longer in force that the licence had been surrendered, suspended or revoked under this Act.’

18 Replacement of s 72 (Annual returns by licensed dealers)

Section 72—

omit, insert—

‘72 Annual returns by licensed dealers

- ‘(1) Each year, a licensed dealer must, within the time determined under subsection (2), give an authorised officer particulars, in the approved form, of all weapons held in stock by the licensed dealer as at the beginning of the anniversary day for the licensed dealer’s licence.

Maximum penalty—60 penalty units.

- ‘(2) The licensed dealer must give the particulars to an authorised officer within 2 months after the anniversary day or any extended time allowed under subsection (3).
- ‘(3) An authorised officer may extend the time within which the licensed dealer is required to give the particulars for a particular year if—
- (a) the licensed dealer asks the authorised officer, in writing, for an extension within 2 months after the anniversary day for the licensed dealer’s licence; and
 - (b) the authorised officer is satisfied there are reasonable grounds for the request.’

19 Replacement of s 121 (Annual returns by licensed theatrical ordnance supplier)

Section 121—

omit, insert—

‘121 Annual returns by licensed theatrical ordnance supplier

‘(1) Each year, a licensed theatrical ordnance supplier must, within the time determined under subsection (2), give an authorised officer particulars, in the approved form, of all weapons held in stock by the licensed theatrical ordnance supplier as at the beginning of the anniversary day for the licensed theatrical ordnance supplier’s licence.

Maximum penalty—60 penalty units.

‘(2) The licensed theatrical ordnance supplier must give the particulars to an authorised officer within 2 months after the anniversary day or any extended time allowed under subsection (3).

‘(3) An authorised officer may extend the time within which the licensed theatrical ordnance supplier is required to give the particulars for a particular year if—

(a) the licensed theatrical ordnance supplier asks the authorised officer, in writing, for an extension within 2 months after the anniversary day for the licensed theatrical ordnance supplier’s licence; and

(b) the authorised officer is satisfied there are reasonable grounds for the request.’.

20 Amendment of s 140 (Approved pistol club to give annual report)

(1) Section 140, heading—

omit, insert—

‘140 Approved pistol club to give report about members’

(2) Section 140(2)—

renumber as section 140(3).

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(3) Section 140(1)—

omit, insert—

- ‘(1) An authorised officer may, by written notice given to the representative of an approved pistol club, require the representative to give the authorised officer a report under this section.
- ‘(2) The representative must comply with the requirement within 28 days after receiving the notice.’.

21 Amendment of s 141 (Show cause notice)

Section 140(1), from ‘an authorised officer’ to ‘as required’—

omit, insert—

‘a representative of an approved pistol club fails to comply with a requirement’.

22 Amendment of s 142 (Right to apply for review of decisions)

Section 142(1)—

insert—

‘(f) a decision, under section 18D(2), revoking a delegation.’.

23 Amendment of s 168B (Amnesty declaration)

Section 168B(3), after ‘section 50’—

insert—

‘or 50A’.

24 Amendment of sch 2 (Dictionary)

(1) Schedule 2—

insert—

‘anniversary day, for a licence, means the date in each year that is the anniversary of the issue of the licence.

corrective services facility see the *Corrective Services Act 2006*, schedule 4.

short firearm means—

- (a) a category H weapon that is a firearm; or
 - (b) a category C, D or R weapon that is a firearm under 75cm in length.’.
- (2) Schedule 2, definition *representative*, ‘sections 27A and 28A’—

omit, insert—

‘sections 27A, 28A and 140’.