



Queensland

Weapons Amendment Regulation (No. 1) 2004

Subordinate Legislation 2004 No. 228

made under the

Weapons Act 1990

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1 Short title

This regulation may be cited as the *Weapons Amendment Regulation (No. 1) 2004*.

2 Commencement

This regulation commences immediately after the commencement of the *Police Powers and Responsibilities and Other Legislation Amendment Act 2003*, section 80, on 1 November 2004.

3 Regulation amended

This regulation amends the *Weapons Regulation 1996*.

4 Amendment of s 9 (Temporary recognition of interstate licences)

Section 9—

insert—

‘(c) to participate in a shooting competition conducted by a club that is, or is affiliated with, an organisation that is recognised by the commissioner as being—

(i) a State or national archery organisation; or

(ii) a State, national or international historical or military re-enactment organisation; or

(iii) a genuine historical or military re-enactment organisation that gives training in the use of category M crossbows.’.

5 Amendment of s 11 (Visitor’s licence—Act, s 12(1)(k))

(1) Section 11(3)(b), ‘weapon’—

omit, insert—

‘firearm’.

(2) Section 11—

insert—

‘(6) In this section—

firearm includes a category M crossbow.’.

6 Insertion of new ss 14A–14C

Part 2—

insert—

‘14A Licence conditions

‘(1) A condition may be stated on a licence by a code.

‘(2) A code in schedule 1A that is stated on a licence is taken to be the corresponding condition in schedule 1A.

‘14B Transfer of firearm between licensee’s licences

‘(1) This section applies if a licensee who is an individual—

- (a) has more than 1 licence; and
- (b) has a firearm endorsed on 1 licence; and
- (c) wants to transfer the endorsement to another licence (the *other licence*).

‘(2) The licensee must apply to an authorised officer to transfer the endorsement to the other licence.

‘(3) The application must—

- (a) be made in the approved form; and
- (b) for a category B, C, D or H weapon—state the licensee’s reason for needing to transfer the endorsement to the other licence, and why this need can not be satisfied in another way; and
- (c) be accompanied by—
 - (i) if the application is to transfer the endorsement of a temporarily inoperable modern handgun to a collector’s licence (weapons)—a declaration signed by an approved historical society’s representative stating that the representative is satisfied that the weapon is of obvious and

significant commemorative, historic, thematic or investment value; and

(ii) any other relevant particulars that the authorised officer reasonably requires.

‘(4) The authorised officer must decide the application as if it were an application for a licence of the same type as the other licence.

‘(5) For that purpose, sections 14 to 16¹ of the Act apply to the application as if it were an application for a licence of the same type as the other licence.

‘14C Recreational shooting club—Act, s13(3)(b)

‘A recreational shooting club that is an approved weapons club is prescribed for section 13(3)(b) of the Act.’.

7 Amendment of s 19 (Firearms licence—category C shotguns for clay target shooting)

Section 19(3), ‘and signed by a club officer for the member’s club’—

omit, insert—

‘because of a medical condition, that is signed by a doctor,’.

8 Insertion of new s 23A

After section 23—

insert—

‘23A Conditions for minor’s licence

‘(1) It is a condition of a minor’s licence that the licensee must not possess any of these category H weapons under the authority of a minor’s licence—

(a) a weapon that—

(i) is semi-automatic; and

1 Sections 14 (Inquiries into application), 15 (Authorised officer decides application) and 16 (Issue of licence) of the Act

- (ii) has a barrel length of less than 120 mm, unless it has an overall length of at least 250 mm measured parallel to the barrel; or
 - (b) a weapon that—
 - (i) is not semi-automatic; and
 - (ii) has a barrel length of less than 100 mm, unless it has an overall length of at least 250 mm measured parallel to the barrel; or
 - (c) a weapon with a magazine with a maximum capacity of more than 10 rounds; or
 - (d) a weapon designed to be used without a magazine that has a maximum capacity of more than 10 rounds; or
 - (e) a weapon that has a calibre of more than .38 inch.
- ‘(2) Despite subsection (1)(e), an authorised officer may, by condition endorsed on the licence, authorise the licensee to possess a category H weapon if the authorised officer is satisfied that the licensee is to possess the weapon for use in an accredited event.
- ‘(3) In this section—
category H weapon does not include a black-powder pistol.’.

9 Amendment of s 25A (Miscellaneous weapons licence)

- (1) Section 25A(4)(b)—

omit, insert—

- ‘(b) is, or is affiliated with, an organisation that is recognised by the commissioner as being—
- (i) a State or national archery organisation; or
 - (ii) a State, national or international historical or military re-enactment organisation; or
 - (iii) a genuine historical or military re-enactment organisation that gives training in the use of category M crossbows.’.

- (2) Section 25A—

insert—

- ‘(4A) An organisation mentioned in subsection (4)(b)(i), (ii) or (iii) that is an approved weapons club under part 11A is taken to be a club that is recognised by the commissioner for subsection (4)(b).’.

10 Amendment of s 30 (How weapons may be stored)

Section 30(2), ‘or B’—

omit, insert—

‘, B or M’.

11 Amendment of s 60 (Storage of weapon not in licensee’s physical possession—secure storage facilities)

Section 60(5)(a)—

omit, insert—

‘(a) for category A, B, C or D weapons—a total of 30 of any of those weapons; or’.

12 Amendment of s 68L (Disclosing licence information to approved shooting clubs and approved historical societies)

- (1) Section 68L, heading, ‘**shooting clubs and approved historical**’—

omit, insert—

‘**clubs and**’.

- (2) Section 68L—

insert—

- ‘(3) If an authorised officer—

- (a) revokes or suspends a miscellaneous weapons licence for a category M crossbow held by a member of an approved weapons club; or
- (b) becomes aware that a miscellaneous weapons licence for a category M crossbow held by a member of an approved weapons club has expired and not been renewed;

the authorised officer must disclose this information to the approved weapons club.’.

13 Insertion of new pt 11A

After section 69L—

insert—

‘Part 11A Approved weapons clubs

‘70A Definitions for part

‘In this part—

crossbow club means—

- (a) an archery organisation; or
- (b) a historical or military re-enactment organisation that demonstrates the use of category M crossbows; or
- (c) a genuine historical or military re-enactment organisation that gives training in the use of category M crossbows.

weapons club means—

- (a) a crossbow club; or
- (b) a recreational shooting club.

‘70B Weapons club must be approved by authorised officer

‘A person must not conduct a weapons club unless it is approved by an authorised officer.

Maximum penalty—20 penalty units.

‘70C Application for club approval

- ‘(1) Application may be made to an authorised officer to approve a weapons club.
- ‘(2) The application must—
 - (a) be in the approved form; and

- (b) provide the further particulars reasonably required by the authorised officer.

‘70D Authorised officer may approve weapons club

- ‘(1) The authorised officer may approve a weapons club only if satisfied—
 - (a) the primary purpose of the club is—
 - (i) for a crossbow club—
 - (A) to conduct the sport of target shooting with category M crossbows; or
 - (B) the study, preservation or collection of category M crossbows; or
 - (C) to give training in the use of category M crossbows; or
 - (ii) for a recreational shooting club—recreational shooting; and
 - (b) the application complies with section 70C(2); and
 - (c) each individual member of the governing body of the weapons club is an appropriate person; and
 - (d) if section 70G applies to the application—the section has been complied with and the person nominated under section 70G(2) is an appropriate person; and
 - (e) for a club that conducts a shooting range—the location, construction and equipment of each shooting range, or proposed shooting range, of the club is appropriate having regard to the need to protect persons from death or injury and property from unlawful destruction or damage.
- ‘(2) If the authorised officer grants the approval, the authorised officer must give the club an approval.

‘70E Authorised officer to give reasons for refusing to grant approval

- ‘(1) If the authorised officer is not satisfied about the matters mentioned in section 70D, the authorised officer must refuse to grant the approval.
- ‘(2) The authorised officer must give the body a written notice stating the reasons for the refusal.

‘70F Conditions to apply to approval

- ‘(1) If the authorised officer grants the approval under section 70D, the authorised officer may impose conditions on the approval.
- ‘(2) When imposing conditions, the authorised officer must have regard to the need to protect persons from death or injury and property from unlawful destruction or damage.
- ‘(3) The conditions must be specified in the approval or in a written notice given to the applicant.

‘70G A representative is required for some applications

- ‘(1) This section applies only if an application under section 70C is made by an unincorporated body or association of persons.
- ‘(2) The application must nominate an adult individual to be the club’s representative if the approval is granted.
- ‘(3) The nominated person must hold the position in the club in which the person is charged with responsibility for the conduct of the activities of the club (the *responsible position*).
- ‘(4) If the approval is granted, the nominated person is taken to be the club’s representative for the purpose of the approval (the *representative*), until the nominated person stops being the representative under section 70I.
- ‘(5) The club must ensure that, at all times while the approval is in effect, it maintains an appropriate person in the responsible position.

Maximum penalty for subsection (5)—20 penalty units.

‘70H Duty of representative

‘The representative must exercise all reasonable diligence to ensure the weapons club and its members comply with this part.

Maximum penalty—20 penalty units.

‘70I Change of representative

‘(1) A person stops being the representative of an approved weapons club if the person stops holding the club’s responsible position.

‘(2) If a person stops being the representative, the person must give written notice to an authorised officer within 28 days.

Maximum penalty—20 penalty units.

‘(3) The person who occupies an approved weapons club’s responsible position after another person stops being the representative must give written notice (the ***representative notice***) to an authorised officer within 28 days.

Maximum penalty—20 penalty units.

‘(4) If the authorised officer accepts a representative notice from a person—

(a) the person becomes the representative; and

(b) the authorised officer must give written notice of the acceptance to the representative.

‘(5) The authorised officer may refuse to accept the representative notice if the authorised person is not satisfied that the person who gave the representative notice—

(a) occupies the responsible position in the weapons club;
or

(b) is an appropriate person.

‘(6) The refusal must be by written notice to the person who gave the representative notice and must state the reasons for the refusal.

‘70J How to decide whether an individual is an appropriate person

- ‘(1) When deciding whether an individual is an appropriate person for the purpose of this part, an authorised officer may have regard only to—
 - (a) whether the individual demonstrates knowledge and understanding of the obligations of an approved weapons club and the individual’s proposed position under this Act; and
 - (b) whether the individual is a person of good repute; and
 - (c) whether the individual is the holder of a licence.
- ‘(2) The authorised officer may obtain—
 - (a) a report from the commissioner about the criminal history of the person; or
 - (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.

‘70K Authorised officer may amend approval conditions

- ‘(1) An authorised officer may amend the conditions applying to a weapons club approval—
 - (a) on the application of the club; or
 - (b) on the initiative of the authorised officer.
- ‘(2) When amending a condition, the authorised officer must have regard to the need to protect persons from death or injury and property from unlawful destruction or damage.
- ‘(3) Before amending a condition on his or her initiative, the authorised officer must—
 - (a) give written notice to the club informing it—
 - (i) of the proposed amendment; and
 - (ii) that it may make written submissions to the authorised officer about the proposed amendment before a specified day, not earlier than 21 days after the notice is given to the club; and

- (b) have regard to submissions made to the authorised officer by the club before the specified day.
- ‘(4) If an authorised officer amends the conditions, the authorised officer must give written notice of the amendment to the weapons club.
- ‘(5) The amendment takes effect on—
 - (a) the day that the written notice of the amendment is given to the club; or
 - (b) if a later day is specified in the notice—the specified day.
- ‘(6) An authorised officer may refuse to amend a condition on the application of a weapons club by giving the club a written notice that states the reasons for the refusal.

‘70L Authorised officer may make temporary amendment of conditions

- ‘(1) An authorised officer may make a temporary amendment of the conditions applying to a weapons club’s approval if the authorised officer reasonably believes that it is necessary to make the amendment to protect persons from death or injury or property from unlawful destruction or damage.
- ‘(2) An authorised officer may amend a condition by giving the weapons club a written notice that states the reasons for the amendment.
- ‘(3) The amendment takes effect on—
 - (a) the day that the written notice is given to the weapons club; or
 - (b) if a later day is specified in the notice—the specified day.
- ‘(4) The amendment has effect for 28 days unless—
 - (a) the notice specifies a shorter period; or
 - (b) the authorised officer extends the amendment for a single further specified period of not longer than 28 days.

- ‘(5) An authorised officer may extend an amendment under subsection (4)(b) by giving the weapons club a written notice that states the reasons for the extension.

‘70M Suspending or cancelling approval

- ‘(1) An authorised officer may suspend or cancel a weapons club’s approval if—
- (a) the club contravenes the Act; or
 - (b) the club contravenes a condition applying to the approval; or
 - (c) the authorised officer reasonably believes it is likely a member of the club or the public will suffer injury or loss if the approval is not suspended or cancelled.
- ‘(2) The authorised officer must give written notice of the suspension or cancellation to the club.
- ‘(3) The notice must state—
- (a) the reasons for the suspension or cancellation; and
 - (b) if the approval has been suspended—the day on which the suspension ends.
- ‘(4) The suspension or cancellation takes effect on—
- (a) the day that the notice is given to the weapons club; or
 - (b) if a later day is specified in the notice—the specified day.
- ‘(5) A weapons club’s approval that is suspended stops having effect until the suspension ends.

‘70N Club must keep range use register books

- ‘(1) If a crossbow club conducts a range, it is a condition of the club’s approval that the club must—
- (a) keep a range use register; and
 - (b) ensure the register is available at all times when the range is being conducted by the club.

‘(2) Before a person discharges a weapon at the range, the person must—

- (a) if the person is a licensee—produce the person’s licence to a range officer at the range; and
- (b) enter in the range use register the details provided for under subsection (3).

Maximum penalty—20 penalty units.

‘(3) The register must include provision for—

- (a) the person’s identity; and
- (b) the category of weapon the person will discharge at the range.

‘(4) It is a condition of a crossbow club’s approval that the club ensure that, before a person is allowed to use the range, a range officer of the club—

- (a) inspects the entry made by the person in the register; and
- (b) endorses the entry as correct.

‘(5) The endorsement of the entry must clearly identify the person who makes the endorsement.

‘(6) Subsections (2)(a) and (4) do not apply to a range officer of the club who discharges a weapon at the range.

‘700 Service of notice on approved weapons club

‘(1) A notice under this part may be served on an approved weapons club by serving it on the club’s representative.

‘(2) Subsection (1) does not affect the operation of any other law that authorises the service of the document in another way.’.

14 Omission of s 76 (Search warrants and complaints to be in approved form)

Section 76—

omit.

15 Insertion of new pt 13

After section 81—

insert—

**‘Part 13 Transitional provisions for
Police Powers and
Responsibilities and Other
Legislation Amendment Act
2003**

‘82 Transitional regulation for the Act, s 186

‘(1) This section applies to a person who, immediately before the commencement of this section, possessed a category M crossbow.

‘(2) A person does not commit an offence against section 50 of the Act if—

(a) if the person does not have a licence—the person does not obtain a licence for the crossbow; or

(b) if the person has a licence—the person does not have the licence endorsed for the crossbow;

before 1 May 2005.

‘(3) A licensee does not commit an offence against section 50, 50A or 60 of the Act if the licensee does not register the crossbow before 1 May 2005.

‘(4) In this section—

licence means a miscellaneous weapons licence.

‘83 Expiry of part

‘This part expires at the end of 31 October 2005.’.

16 Replacement of sch 1 (Fees)

Schedule 1—

omit, insert—

‘Schedule 1 Fees

section 74

		\$
1	Application for licence	31.75
2	Licence, or renewal of licence, for each year—	
	(a) armourer’s licence	66.10
	(b) blank-fire firearms licence	10.50
	(c) collector’s licence (heirloom)	10.50
	(d) collector’s licence (weapons).	10.50
	(e) concealable firearms licence—	
	(i) for a pistol club member	15.85
	(ii) for anyone else.	39.70
	(f) dealer’s licence—	
	(i) for a licence that includes only category A, B or M weapons.	132.45
	(ii) for a licence that includes only category C, D, E, H or R weapons	132.45
	(iii) for any other licence	264.95
	(g) firearms licence.	10.50
	(h) firearms licence (instructor)	39.70
	(i) minor’s licence	10.50
	(j) security licence (guard).	21.00
	(k) security licence (organisation)	264.95
	(l) theatrical ordnance supplier’s licence.	264.95
	(m) miscellaneous weapons licence	10.00
3	Visitor’s licence	33.05
4	Replacement licence	26.35
5	Permit to acquire	19.70
6	Shooting club permit, for each year.	39.70
7	Approval—	
	(a) to conduct a shooting gallery, for each year	198.55
	(b) of a range for weapons target shooting.	198.55
	(c) to conduct an arms fair	132.45

		\$
	(d) to transfer a collection of weapons to other premises.	66.10
	(e) to transfer a transferable licence	132.45
	(f) for an approved shooting club, to alter, modify or permit alteration or modification of actual firing range, butts of firing line in a material way	198.55
8	Exemption under section 2(1)(m) of the Act.	52.75
9	Amendment of conditions applying to an approval of a range for weapons target shooting.	26.35
10	Amendment of conditions applying to a shooting club permit.	26.35

‘Schedule 1A Licence conditions

section 14A

The language used to describe the following conditions is subject to change to make it easier to understand

Code	Condition
AR1	<p>The licensee is authorised to possess and use registered weapons of the category endorsed on this licence for the business of storing, manufacturing, modifying or repairing weapons.</p> <p>The licensee is authorised to conduct the business at the premises specified in this licence.</p> <p>The weapons must be securely stored, unless otherwise authorised, justified or excused by law.</p> <p>The weapons register must remain at those premises, unless the licensee first obtains the written consent of an authorised officer.</p>

AR2 The licensee may remove up to 5 weapons from the premises specified in this licence to test them at an approved shooting range.

However, the licensee must not test the weapons at an approved shooting range when the range is being used by an approved shooting club.

CO4 The licensee is authorised to possess—

- (a) registered category A, B or C weapons, of the category endorsed on this licence, that are collectable firearms made temporarily inoperable in the way required by section 8 of the Act; and
- (b) registered category D, H, M or R firearms that are made permanently inoperable; and
- (c) any other registered category M or R weapon that is inert.

The weapons must be securely stored, unless otherwise authorised, justified or excused by law.

DEA The licensee is authorised to possess and use registered weapons of the category endorsed on this licence for the business of buying, selling, transferring, brokering, repairing or storing weapons.

The licensee is authorised to conduct the business at the premises specified in this licence.

The weapons register must remain at those premises, unless the licensee first obtains the written consent of an authorised officer.

DE2The weapons must be securely stored, unless otherwise authorised, justified or excused by law.

The licensee must give an authorised officer written notice of the change of the category of, or the rendering inoperable of, a weapon within 14 days of the change.

The licensee may remove up to 5 weapons from the premises specified in this licence to demonstrate or test them at an approved shooting range.

However, the licensee must not demonstrate or test the weapons at an approved shooting range when the range is being used by an approved shooting club.

MI1The licensee is authorised to possess and use registered weapons of the category endorsed on this licence at an approved shooting range.

The licensee must be a financial member of an approved shooting club and regularly participate in the sport of target shooting as a member of the club.

The weapons must be securely stored, unless otherwise authorised, justified or excused by law.

NO1This licence does not authorise the licensee to purchase or acquire a weapon.

PC1The licensee is authorised to possess and use registered category H weapons at an approved shooting range.

The category H weapons must be of a type that are approved for use at an approved shooting range.

The licensee must be a financial member of an approved shooting club and regularly participate in the sport of target shooting as a member of the club.

The weapons must be securely stored, unless otherwise authorised, justified or excused by law.

PP1.....The licensee is authorised to possess and use registered category H weapons for primary production activities on rural land that is owned, managed or used by the licensee or the licensee's employer.

The category H weapons must be of a type that are approved for use on the rural land.

The weapons must be securely stored, unless otherwise authorised, justified or excused by law.

PSAThe licensee is authorised to possess 1 registered category H semi-automatic pistol.

The pistol must be securely stored, unless otherwise authorised, justified or excused by law.

RE1
Recreational . . .The licensee is authorised to possess and use registered category A and B weapons for recreational shooting on rural land with the express consent of the owner.

The weapons must be securely stored, unless otherwise authorised, justified or excused by law.

REVThe licensee is authorised to possess 1 registered category H revolver.

The revolver must be securely stored, unless otherwise authorised, justified or excused by law.

SC1 Club . . .The licensee is authorised to possess and use registered category A and B weapons for sports or target shooting at an approved shooting range.

The weapons must be securely stored, unless otherwise authorised, justified or excused by law.

SO1The licensee must not adopt, operate under, or use any name or title other than that which appears on the licence.

The licensee must securely store the weapon at the stated premises, unless otherwise authorised, justified or excused by law.

SG3 The licensee is authorised to possess a weapon if—

- (a) the weapon is provided by a licensed security organisation that is authorised to possess the weapon; and
- (b) the licensee is employed by that organisation; and
- (c) the licensee is performing duties of a security guard that necessitate possession of the weapon.

The licensee must not possess a firearm when performing private inquiry work, process serving, crowd control or door person duties.

If the licensee is performing duties in clothing that does not readily identify the licensee as a security guard, the licensee must not possess a category C shotgun that is exposed to view in a public place, unless the licensee has a reasonable excuse.

TR2 The licensee is authorised to possess and use registered weapons of the category endorsed on the licence to provide a course in firearms training.

The course must be approved by the commissioner of the police service.

The licensee must provide the course as, or for, a registered training organisation under the *Vocational Education, Training and Employment Act 2000*.

17 Amendment of sch 3 (Dictionary)

Schedule 3—

insert—

‘recreational shooting club means a club that—

- (a) owns rural land on which the club’s members shoot; or
- (b) has written permission from a landowner authorising members of the club to shoot on the landowner’s rural land.’.

ENDNOTES

- 1 Made by the Governor in Council on 28 October 2004.
- 2 Notified in the gazette on 29 October 2004.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Police.