

Queensland



WEAPONS AMENDMENT BILL 1998

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1998

A BILL

FOR

An Act to amend the *Weapons Act 1990*

The Parliament of Queensland enacts—

1

Short title

2

Clause **1.** This Act may be cited as the *Weapons Amendment Act 1998*.

3

Commencement

4

Clause **2.** This Act commences on assent.

5

Act amended

6

Clause **3.** This Act amends the *Weapons Act 1990*.

7

Amendment of s 3 (Principles and object of Act)

8

Clause **4.** Section 3(1)—

9

omit, insert—

10

‘**3.(1)** The principle underlying this Act is to ensure—

11

(a) only fit and proper persons are eligible to own or possess
firearms; and

12

13

(b) firearms are stored and transported safely and securely.’.

14

Amendment of s 4 (How object is to be achieved for firearms)

15

Clause **5.(1)** Section 4(a)—

16

omit.

17

(2) Section 4(b)—

18

omit, insert—

19

‘(b) establishing an integrated licensing scheme; and’.

20

(3) Section 4(d)—

21

omit, insert—

22

Weapons Amendment

- 1
2
- ‘(d) providing strict requirements that must be satisfied for licences authorising possession of firearms; and’.

3

Amendment of s 10 (Limitations on issue of licence)

- 4
5
- Clause **6.** Section 10(6)—
 omit.

6

Insertion of new s 10A

- 7
8
- Clause **7.** After section 10—
 insert—

9

‘Prohibited persons register

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11
12

‘**10A.(1)** The commissioner must establish a register (“**prohibited persons register**”) of persons who are not fit and proper persons to hold a licence or possess a weapon for any of the following reasons—

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- (a) a doctor or psychologist has notified the commissioner about the person under section 151¹;
 - (b) a domestic violence order, other than a temporary protection order, has been made against the person within the 5 years immediately before the person applies for the issue of the licence;
 - (c) the person has been convicted of any of the following offences in Queensland or elsewhere within the 5 years immediately before the person applies for the issue of the licence—
 - (i) a non-indictable offence relating to the misuse of drugs;
 - (ii) a non-indictable offence involving the use or threatened use of violence;
 - (iii) a non-indictable offence involving the use, carriage, discharge or possession of a weapon;
 - (d) the person has been convicted of an indictable offence in Queensland or elsewhere.

¹ Section 151 (Disclosure by doctors and psychologists of certain information)

Weapons Amendment

- ‘(2) The commissioner must remove the person’s name from the register if—
- (a) the reason for including the person in the register no longer applies; or
 - (b) for subsection (1)(a)—a doctor or psychologist informs the commissioner that the person is no longer an unsuitable person to possess a firearm.
- ‘(3) The *Criminal Law (Rehabilitation of Offenders) Act 1986* does not prevent the inclusion of a person in the register for the reason mentioned in subsection (1)(d).
- ‘(4) A person included in the register is not a fit and proper person to hold a licence or possess a weapon.
- ‘(5) In this section—
- “**convicted**” includes discharged from custody on sentence after the person has been convicted.’.

Amendment of s 11 (Genuine reasons for possession of a weapon)

- Clause 8. Section 11—
- insert—*
- ‘(da) defence of a person or the person’s family in the person’s place of residence;’.

Amendment of s 20 (Term of licence)

- Clause 9. Section 20(1)—
- omit, insert—*
- ‘**20.(1)** A licence, other than a replacement licence, remains in force—
- (a) for a firearms licence—for an indefinite term; or
 - (b) for any other licence—for the term, of not more than 5 years, stated on the licence.’.

Amendment of s 33 (Interstate residents moving to Queensland)

Clause	10.(1) Section 33(3)—	1
	<i>omit, insert—</i>	2
	‘(3) The period is—	3
	(a) for a licence authorising possession of a category A, B or C	4
	weapon—28 days; and	5
	(b) for a licence authorising possession of a category D or H	6
	weapon—7 days.’.	7
	(2) Section 33(5), ‘C,’—	8
	<i>omit.</i>	9
		10

Amendment of s 35 (Acquisitions of weapons)

Clause	11.(1) Before section 35(1)(b)—	11
	<i>insert—</i>	12
	‘(ba) for a category A, B or C weapon—	13
	(i) the person first produces the person’s licence, that authorises	14
	the person to possess the weapon, to the person from whom	15
	the weapon is being acquired (the “seller”); and	16
	(ii) the person gives the seller, on the seller’s request, the	17
	person’s licence number; or’.	18
	(2) Section 35(1)(b), before ‘the person’—	19
	<i>insert—</i>	20
	‘for a category D, E or H weapon—’.	21
	(3) Section 35(1), penalty, paragraph (b), ‘C or’—	22
	<i>omit.</i>	23
	(4) Section 35(1), penalty, paragraph (c), ‘or B’—	24
	<i>omit, insert—</i>	25
	‘, B or C’.	26
	(5) Section 35(1), examples 1 to 3, after ‘J’s’—	27
		28

Weapons Amendment

<i>insert—</i>	1
‘category D’.	2
(6) Section 35(1), example 4, ‘a firearm’—	3
<i>omit, insert—</i>	4
‘a category D weapon’.	5
(7) Section 35(1), example 4, ‘the firearm’—	6
<i>omit, insert—</i>	7
‘the weapon’.	8
(8) Section 35(2), ‘the weapon’—	9
<i>omit, insert—</i>	10
‘a category D, E or H weapon’.	11

Amendment of s 36 (Sale or disposal of weapons)	12
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Clause	12.(1) Before section 36(1)(b)—	13
	<i>insert—</i>	14
	‘(ba)for a category A, B or C weapon—the person sells or otherwise	15
	disposes of the weapon to someone who first produces to the	16
	person a licence that authorises the other person to possess the	17
	weapon; or’.	18
	(2) Section 36(1)(b), before ‘the person’—	19
	<i>insert—</i>	20
	‘for a category D, E or H weapon—’.	21
	(3) Section 36(1), penalty, paragraph (b), ‘C or’—	22
	<i>omit.</i>	23
	(4) Section 36(1), penalty, paragraph (c), ‘or B’—	24
	<i>omit, insert—</i>	25
	‘, B or C’.	26

	Amendment of s 39 (Limitations on issue of permits to acquire)	1
Clause	13.(1) Section 39(2)(d), ‘B, C,’—	2
	<i>omit.</i>	3
	(2) Section 39(5)—	4
	<i>omit.</i>	5
	Amendment of s 40 (Application for permit to acquire)	6
Clause	14. Section 40(2), ‘B, C,’—	7
	<i>omit.</i>	8
	Amendment of s 49 (Commissioner to maintain firearms register)	9
Clause	15.(1) Section 49(1), from ‘firearms’, second mention—	10
	<i>omit, insert—</i>	11
	‘category D, H or R weapons that are firearms in Queensland.’.	12
	(2) Section 49(3)—	13
	<i>omit, insert—</i>	14
	‘(3) The commissioner may release information in the register only to—	15
	(a) the chief executive of the police service of the Commonwealth or	16
	another State for the purposes of the prevention of offences or	17
	detection and punishment of offenders; or	18
	(b) another person with the consent of the firearm’s owner.	19
	‘(3A) The commissioner may release the following information in the	20
	register to another entity—	21
	(a) the information mentioned in subsection(2)(b), other than the	22
	serial number of a firearm;	23
	(b) the information mentioned in subsection (2)(f).’.	24
	Amendment of s 50 (Possession of weapons)	25
Clause	16.(1) Section 50, penalty, paragraph (b), ‘C or’—	26

Weapons Amendment

	<i>omit.</i>	1
	(2) Section 50, penalty, paragraph (c), ‘or B’—	2
	<i>omit, insert—</i>	3
	‘, B or C’.	4
	Amendment of s 60 (Secure storage of weapons)	5
Clause	17. Section 60—	6
	<i>insert—</i>	7
	‘(2) However, if the person possesses a firearm in a vehicle for an occupational requirement and it is impracticable, because of the requirement, to store it in the way required under subsection (1), it is enough for the person to ensure the firearm—	8
	(a) is placed unobtrusively in the vehicle; and	9
	(b) is unloaded; and	10
	(c) is under the person’s control.’.	11
	Amendment of s 68 (Dealers to be licensed)	12
Clause	18.(1) Section 68(1), penalty, paragraph (b), ‘C or’—	13
	<i>omit.</i>	14
	(2) Section 68(1), penalty, paragraph (c), ‘or B’—	15
	<i>omit, insert—</i>	16
	‘, B or C’.	17
	Amendment of s 69 (Armourers to be licensed)	18
Clause	19.(1) Section 69(1), penalty, paragraph (b), ‘C or’—	19
	<i>omit.</i>	20
	(2) Section 69(1), penalty, paragraph (c), ‘or B’—	21
	<i>omit, insert—</i>	22
	‘, B or C’.	23

Weapons Amendment

(3) Section 69(1A), penalty, paragraph (b), ‘C or’—
omit.

(2) Section 69(1A), penalty, paragraph (c), ‘or B’—
omit, insert—
‘, B or C’.

Insertion of new s 150A

Clause 20. After section 150—
insert—

‘Community liaison committee

‘150A.(1) A community liaison committee is established.

‘(2) The committee is to be made up of—

- (a) 1 individual nominated by shooting associations; and
- (b) 1 individual nominated by the firearms industry; and
- (c) 1 individual nominated by primary producers; and
- (d) 1 individual nominated by the police service; and
- (e) 1 individual nominated by corrective services; and
- (f) 4 individuals nominated by the Minister.

‘(3) As soon as practicable after the commencement of this section or a vacancy arises in the office of a member mentioned in subsection (2)(a) to (e), the Minister must, by written notice, ask the appropriate entity mentioned in subsection (2) to nominate an individual for appointment to the office or vacancy.

‘(4) If the Minister does not receive a nomination within the reasonable time stated in the notice—

- (a) the Minister may nominate an individual; and
- (b) the nominee is taken to have been nominated by the entity.

‘(5) The members of the committee are to be appointed by the Minister.

‘(6) The function of the committee is to provide the Minister with advice on the administration of this Act.’.

Amendment of s 151 (Disclosure by doctors and psychologists of certain information)

Clause **21.(1)** Section 151(1), ‘This section’—

omit, insert—

‘Subsection (2)’.

(2) Section 151(1)(a), ‘or physical’—

omit.

(3) Section 151(2), ‘may’—

omit, insert—

‘must’.

(4) Section 151—

insert—

‘**(2A)** If the doctor or psychologist changes an opinion of which the commissioner was informed, and no longer considers a patient is an unsuitable person to possess a firearm, the doctor or psychologist must inform the commissioner of the change of opinion.’.

Insertion of new s 158A

Clause **22.** After section 158—

insert—

‘Confidentiality of information

‘158A.(1) A person must not disclose, record or use information, including information contained in any register under this Act, that the person gained—

(a) through involvement in the administration of this Act; or

(b) because of an opportunity provided by the involvement.

Maximum penalty—200 penalty units.

- ‘(3) However, a person may disclose, record or use the information— 1
- (a) in the discharge of a function under this Act; or 2
 - (b) if it is authorised— 3
 - (i) under another Act or a regulation; or 4
 - (ii) by the person to whom the information relates; or 5
 - (c) to a court or tribunal, but only if it is necessary to do so for the 6

purposes of this Act. 7
- ‘(4) In this section— 8
- “disclose” information— 9
- (a) means intentionally or recklessly disclose the information; and 10
 - (b) includes allow access to the information.’. 11

Insertion of new pt 8 12

Clause 23. After part 7— 13

insert— 14

‘PART 8—TRANSITIONAL PROVISIONS FOR 15

WEAPONS AMENDMENT ACT 1998 16

‘Firearms licences 17

‘173. A firearms licence in force immediately before the commencement 18

of this section is taken to have been issued for an indefinite term.’. 19

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