

# **WEAPONS AMENDMENT BILL 1996**

## **EXPLANATORY NOTES**

### **GENERAL OUTLINE**

#### **Objective of the Legislation**

The legislation seeks to amend the *Weapons Act 1990* to implement the resolutions of the Australasian Police Ministers' Council (APMC) meeting of 10 May 1996 dealing with national uniform gun controls. At that meeting Police Ministers from all Australian jurisdictions agreed to implement nationally consistent legislation to give effect to a wide range of resolutions.

These resolutions can be described in broad groups as seeking to implement legislation which:

- prohibits semi-automatic and military style weapons;
- puts in place a national scheme for the registration of all firearms;
- requires a person to demonstrate a genuine reason to possess or use a firearm before a licence may be issued to that person, and in certain cases demonstrate a genuine need to possess or use particular firearms;
- creates uniform licensing requirements across all jurisdictions;
- makes training a prerequisite for obtaining a firearms licence;
- creates common grounds for the refusal or revocation of a licence;
- requires a licensee to obtain a permit prior to acquiring any firearm;
- introduces uniform standards for the secure storage of firearms; and
- restricts mail order purchases of firearms to licensed dealers.

APMC also resolved to introduce a scheme for compensating firearms owners who surrender prohibited firearms and certain dealers who lose business as a result of the resolutions.

### **Means of Achieving Policy Objectives**

The policy objectives outlined in the resolutions are to be achieved by introducing a licensing scheme based on a range of licence types and weapons categories. An authorised police officer will have the authority to issue to a person one of a range of licence types. The licence will be endorsed with one or more categories of weapons consistent with the categories provided for by APMC. The authorised officer will also have the discretion to impose a range of conditions on the licence should there be a need to do so.

The Regulation to accompany the Weapons Amendment Act will outline limitations on the eligibility of persons to be issued with a licence of a particular type or allowed access to firearms of a particular category. This will be supplemented with provisions in the Regulation which outline any conditions under which a licence of a particular type has been issued. These may be of a general or specific nature.

### **Alternative Means of Achieving Policy Objectives**

The policy objectives of the resolutions cannot be achieved in any way other than by substantial amendments to the Weapons Act.

### **Consistency with Fundamental Legislative Principles**

The decision as to whether a genuine reason, and in some cases a genuine need, to own a firearm exists will rest with the Commissioner of the Police Service or an authorised delegate. That decision will represent an exercise of administrative power, but will be subject to appeal by any person who is aggrieved by a decision and to judicial review. Currently, Part 5 of the existing Act provides for an appeal mechanism.

The *Weapons Act 1990* currently contains authority for a police officer acting in response to a dangerous situation to enter and search premises without a warrant. This power is exercised only in certain limited situations and the present proposal does not seek to extend that power further. However, the recovery of unlicensed firearms will necessitate the inspection of premises where it is suspected, on reasonable grounds, that an unlicensed firearm is being kept in contravention of the new legislation. In such cases, the use of a warrant will be necessary to allow timely access to the unlicensed firearm.

**Consultation conducted in the development of the Bill**

Consultation in the development of the legislation has been extensive and has considered the views of all significant and legitimate organisations representing both gun control and gun lobby interests. On 13-14 June 1996 consultative meetings were held with about 30 of these groups in which the proposed legislation and its underpinning policy were explained. The groups were presented with an opportunity to provide comment on the APMC resolutions and the extent and manner in which they could be embodied in legislation.

**NOTES ON PROVISIONS****PART ONE—PRELIMINARY**

*Clauses 1 and 2* specify the short title of the proposed Act and provide for its commencement on a date to be proclaimed. *Clause 2* also commences some previously uncommenced provisions of the *Weapons Amendment Act 1994*.

**PART TWO—AMENDMENT OF THE WEAPONS ACT  
1990****Preliminary**

*Clause 3* applies the amendments outlined in this part to the *Weapons Act 1990*.

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

*Clause 4*. This includes members of the Australian Protective Service in section 2 of the principal Act so that they are excluded from the provisions of the Act. This allows members of that Service to carry firearms while on duty.

**Insertion of ss 2A and 2B**

*Clause 5.* This provision creates an objects clause for the Weapons Act. The objects clause outlines the principles which underlie the Act and the means by which the policy objectives are to be achieved. This is intended to assist in the interpretation of the amended Act.

**Amendment of s 3 (Definitions)**

*Clause 6.* Revised definitions are either inserted, omitted or amended to support later provisions of the amended Act. These are generally self explanatory, with the exception of the following.

The term “antique firearm” is amended so that firearms falling within this category are excluded from licensing requirements.

The term “firearm” is amended so as to remove the word ‘powerhead’. This has the effect of having speargun powerheads fall into the definition of a firearm, and as a result, come within the licensing scheme. The term was previously excluded from the definition of a firearm and the possession of such items was unregulated.

**Insertion of ss 3A-3C**

*Clause 7.* The new sections 3A, B and C provide for definitions of the terms shown. Separate sections are created to do this because the definitions include some substantive elements.

**Replacement of Part 2 (Licences)**

*Clause 8.* This clause replaces part two of the principal Act in its entirety with a revised part 2 and a new part 2A. The following notes are numbered in accordance with the proposed sections. Many of the sections are replaced by provisions which are the same or substantially similar to existing sections. It was considered simpler, in drafting terms, to replace the entire part rather than to amend many of the provisions in the part.

**Issue, renewal, endorsement and alteration of licences**

*Section 4.* This replicates the existing section 4, except that the power of an officer in charge of a police station to issue a licence has been removed.

**Limitations on issue of licence**

*Section 5.* This creates the conditions under which licences may be issued and the limitations placed on their issue.

*Subsection 5(1).* This confirms that a licence may be issued to either an individual or to a body. This allows a licence to be issued, for example, to a company or to an approved shooting club.

*Subsection 5(2).* This provides the basic requirements that must be met by an individual who applies for a licence.

*Subsection 5(3).* This provides that in the case of a licence issued to a club or other organisation the name of an appropriate person who meets the basic licence requirements must be endorsed on the licence.

*Subsection 5(4).* This provides the criteria to be used in deciding whether a person has an adequate knowledge of firearm safety for the purposes of deciding a licence application.

*Subsection 5(5).* This provides the criteria to be considered in determining whether a person is a fit and proper person to hold a firearms licence.

*Subsection 5(6).* This provides further criteria to be considered in determining whether a person is a fit and proper person to hold a firearms licence. This subsection provides circumstances under which a person must be considered as not fit and proper.

*Subsection 5(7).* This requires that a licence which supports a business, such as a dealer or armourer, must indicate the place of business.

*Subsection 5(8).* This requires that where a licence supports a business, and the business is conducted at more than one address, a separate licence must be obtained in respect of each premises.

**Genuine reasons for possession of a weapon**

*Section 6.* This section outlines the range of reasons held to be acceptable for possessing a weapon, at least one of which an applicant must demonstrate in order to be eligible for the issue of a firearms licence by operation of section 8.

## **Classes of licence**

*Section 7.* This provides for the types of licences which may be issued, and that a licence may be limited to specific weapon or category of weapon or ammunition.

## **Application for Licence**

*Section 8.* This establishes the process by which an application for a licence is made. The section requires that an application be lodged in the manner outlined in the regulation and that it be accompanied with the requisite details to allow a determination to be made.

## **Inquiries into application**

*Section 9.* This section provides power for an authorised officer to take certain actions in making a determination as to the suitability of an applicant for a firearms licence.

*Subsection 9(1).* This provides for specific inquiries to be made by an authorised officer, including requiring the applicant to provide information about his or her physical or mental health.

*Subsection 9(2).* This authorises an officer to require the supply of finger, palm or foot prints from an applicant if there is doubt as to the identity of the applicant.

*Subsection 9(3).* This provides that an applicant who elects not to provide any information, or a finger, palm or footprint requested under this section, the applicant is deemed to have withdrawn the application.

*Subsection 9(4).* This section requires an authorised officer to destroy any prints taken unless they are required for the investigation of an offence.

*Subsection 9(5).* This section limits the uses to which information obtained in the course of an application can be put.

*Subsection 9(6).* This section defines “applicant” as including the representative of an applicant organisation.

## **Authorised officer decides application**

*Section 10.* This section provides for the process of determining an application for a licence. The section requires that the authorised officer

may not issue a licence until the prescribed period has elapsed. This will be 28 days, in line with the APMC resolutions. An exception to this rule will be that the 28 day period will not apply if the applicant is already the holder of a firearms licence of another type. The section also empowers the authorised officer to consider all material at his or her disposal and creates the formal mechanism by which an application may be approved or rejected.

### **Issue of Licence**

*Section 11.* This section provides for the format in which a licence may be issued and the information which must be contained on it. The provision also allows the use of codes to impose conditions on the licence. This section also creates a power to prescribe by regulation things which must be included on a licence.

### **Uses Permitted Under a Licence**

*Section 12.* This provision confirms that a person who has possession of a weapon by virtue of a licence may use that weapon for any other lawful purpose, regardless of the genuine reason demonstrated in obtaining the licence originally.

This provision also confirms that if a person uses a firearm for a lawful reason under another Act, that would not constitute a breach of this Act, such as a breach of a licence condition.

### **Renewal of Licence**

*Section 13.* This section provides for the time frame within which an application to renew a licence must be lodged and allows the authorised officer to consider information and to accept or reject the application.

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

*Section 14.* This section requires an authorised officer who rejects an application for the issue or renewal of a licence to advise the applicant in writing of the reasons for that decision.

**Term of licence**

*Section 15.* This section limits the life of a licence to not more than 5 years, or sooner after the occurrence of certain events, such as the death of the licensee.

**Certain licences transferable**

*Section 16.* This section allows licences which enable a person to carry on a business to be transferred, and the conditions under which the transfer takes place. This provision largely replicates the scheme of the existing section 15, and is included because of the significant cost associated with a dealers, armourers or theatrical ordnance suppliers licence.

*Sections 17 to 22.* These provisions largely replicate sections 16-20 of the existing Act. They require a licensee to advise of any changes which affect the details on the licence, and allow an authorised officer to issue a new licence or endorse a change on a licence. A provision has been added which allows an authorised officer to amend a licence condition, as this is not explicitly stated in the existing Act. A provision requiring a person who surrenders a licence to do so in the approved form has also been removed.

**Suspension of licence**

*Section 23.* This section allows an authorised officer to suspend a licence when the licensee has been charged with certain offences. The suspension remains in effect until the determination of the charge or until sooner lifted.

**Revocation of Licence**

*Section 24.* This provides for the circumstances under which an authorised officer may revoke a licence. These provisions largely replicate the provisions of section 21 of the existing Act, with the exception that the relevant grounds for revocation provided in APMC resolutions have been included.

**Suspension or revocation notice**

*Section 24A.* This replicates existing section 21(2) but has been extended to include a suspension notice as well as a revocation notice. The provisions place conditions on the service of such a notice and when it comes into effect.

**Licensee's representative**

*Section 24B.* This allows certain licensees to nominate another person to act as their representative for a business conducted under a licence and replicates section 22 of the existing Act.

**Temporary recognition of interstate licences for shooting competition purposes**

*Section 24C.* This recognises interstate licences for a limited period when a person is visiting Queensland to take part in a shooting competition run by an approved club. The provision also allows for a regulation to provide for other temporary purposes, and will include for example a person who is resident in another State who crosses the border to shoot on a landowner's property.

**Interstate residents moving to Queensland**

*Section 24D.* Interstate licenses will be recognised for a limited period for persons moving permanently to Queensland. The provision is constructed in such a way that a person moving to Queensland is deemed, for a limited period, to be licensed if the person notifies the Commissioner of Police of their intention to reside permanently in Queensland. If the person does not so advise, the section does not apply and the person commits an offence by possession of any weapon.

**Contravention of Licence Condition**

*Section 24E.* This creates a penalty for failing to comply with a condition of a licence.

**Acquisition of Weapons**

*Section 24F.* This section puts in place a scheme which requires that any acquisition of a firearm must be either through or from a licensed firearms dealer or in some cases a police officer. In addition, the person acquiring the firearm must be the holder of a valid permit to acquire.

**Sale of Weapons**

*Section 24G.* This provides that a person may only sell a weapon to a person who is the holder of a valid permit to acquire or who is a dealer.

**Sale of ammunition**

*Section 24H.* This requires that ammunition may be sold to a person who has a licence for the type of firearm which uses the ammunition purchased. The section also puts in place the ability to limit, by regulation, the amount of ammunition a person may purchase, in line with APMC resolutions.

**Purchase of ammunition**

*Section 24I.* This requires that ammunition may only be purchased by a person who has a licence for the type of firearm which uses the ammunition purchased and who produces that licence.

**Advertising sale of firearms**

*Section 24J.* This allows a person to advertise a firearm for sale only if the advertisement includes the serial number of the firearm.

**Issue etc. of permits to acquire**

*Section 24K.* This section creates the power for an authorised officer to issue, alter or endorse a permit to acquire.

**Limitations on issue of permits to acquire**

*Section 24L.* This section establishes the constraints on an authorised officer considering an application for a permit to acquire.

*Subsection 24L(1).* This allows a permit to acquire to be issued to an individual or group.

*Subsection 24L(2).* This establishes conditions under which a permit to acquire may be issued to an individual.

*Subsection 24L(3).* This establishes conditions under which a permit to acquire may be issued to an organisation.

*Subsection 24L(4).* This establishes the criteria to be considered in determining whether a person is a fit and proper person to be issued with a permit to acquire. This subsection provides circumstances under which a person may be considered as not fit and proper.

*Subsection 24L(5).* This provides further criteria to be considered in determining whether a person is a fit and proper person to be issued with a permit to acquire. This subsection provides circumstances under which a person must be considered as not fit and proper.

*Subsection 24L(6).* This provides for the contents and format of a permit to acquire, and that the permit must relate to one firearm only.

### **Application for Permit to Acquire**

*Section 24M.* This outlines the requirements on a person making an application for a permit to acquire, in terms of the information required, and the means of providing that information. Subsection (2) requires that a person who has applies for a permit to acquire a category B, C, D or H weapon, the person must demonstrate a genuine need for that weapon.

### **Inquiries into application**

*Section 24N.* This section provides authority for an authorised officer to take certain actions in making a determination as to the suitability of an applicant for a permit to acquire.

*Subsection 24N(1).* This provides for the specific inquiries an authorised officer may make, including requiring the applicant to provide information about his or her physical or mental health.

*Subsection 24N(2).* This authorises an officer to require the supply of finger, palm or foot prints from an applicant if there is doubt as to the identity of the applicant.

*Subsection 24N(3).* This provides that an applicant who elects not to provide the information, finger, palm or footprint requested under this section, the applicant is deemed to have withdrawn the application.

*Subsection 24N(4).* This requires an authorised officer to destroy any prints taken unless they are required for the investigation of an offence.

*Subsection 24N(5).* This limits the uses to which information obtained in the course of an application can be put.

*Subsection 24N(6)*. This defines an applicant for the purposes of this section to include the representative of a firm or club.

### **Authorised officer decides application**

*Section 24O*. This provides for the process of determining an application for a permit to acquire. The section requires that the authorised officer may not issue a permit to acquire until the prescribed period has elapsed. This will be 28 days, in line with the APMC resolutions. The section also empowers the authorised officer to consider all material at his or her disposal and creates the formal mechanism by which an application may be approved or rejected.

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

*Section 24P*. This outlines the format in which a permit to acquire may be issued.

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

*Section 24Q*. This requires an authorised officer who rejects an application for a permit to acquire to advise the applicant in writing of the reasons.

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

*Section 24R*. This limits the life of a permit to acquire to three months.

### **Loss, etc. of permit to acquire**

*Section 24S-T*. These sections require a licensee to immediately report the loss, destruction or theft of a permit to acquire and empowers an authorised officer to issue a replacement.

### **Surrender of permit to acquire**

*Section 24U*. This establishes a mechanism by which a person may voluntarily surrender a permit to acquire.

**Commissioner to maintain firearms register**

*Section 24N.* This imposes a requirement on the Commissioner of Police to maintain a register of all firearms in Queensland, and prescribes the information to be stored on that register.

**Replacement of s 25 (Possession of Weapons)**

*Clause 9.* This section is replaced so as to include a permit to acquire as an as authority to possess a weapon and to take into account the changed categories of weapons consistent with the APMC resolutions. Possession of ammunition is also included in the section.

**Replacement of ss 34 & 35**

*Clause 10.* The existing section 34 deals with the security precautions required to be observed by firearms owners. Security arrangements will be incorporated in a Regulation to the proposed Act, and this section reflects that position. The present s 35 creates the offence of altering identification marks on a firearm. This section has been replaced with provisions which create offences to, without reasonable excuse:

- shorten a firearm;
- modify the construction or action of a firearm; or
- alter any identification marks on a weapon.

**Omission of s 37**

*Clause 11.* The existing section 37 creates an offence of supplying a weapon to a person who is either unlicensed or otherwise not authorised to possess the weapon. This section is now not necessary as the provisions of the proposed legislation relating to the acquisition and disposal of weapons incorporates such an offence.

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

*Clause 12.* This section is replaced to omit reference to the former schedules and to rephrase the wording in line with current drafting principles.

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

*Clause 13.* This section currently applies only to restricted and registered weapons. Provisions similar to this in relation to all types of weapons will come into effect in the proposed legislation and this section therefore becomes unnecessary.

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

*Clause 14.* The previous section 45 referred only to licensed dealers. The legislative scheme proposed will require both armourers and dealers to maintain a register of firearms coming into their possession. The section provides the means by which records are to be entered into the register.

**Replacement of ss 48 and 49**

*Clause 15.* The present section 48 requires dealers and armourers to comply with certain security arrangements. Security arrangements for all licence holders and all weapon types will be dealt with in the regulation to the proposed legislation. This section is therefore unnecessary.

The present section 49 provides that a dealer who has possession of a firearm which is not entered into the relevant register is considered to be unlawfully in possession of that firearm for the purposes of section 38. This creates significant enforcement difficulties.

The proposed section 49 largely replicates the existing provision, but includes armourers. The provision also creates the assumption that unlawful possession under this section constitutes an offence under section 25.

**Insertion of new ss 50A-50C**

*Clause 16.* These new sections create three new classes of collectors. Under the proposed sections a person may obtain a licence as a collector of ammunition, of weapons generally, or of specific heirloom firearms.

Ammunition collectors may only collect ammunition. Certain conditions will apply, by regulation, to the possession of certain types of ammunition.

An heirloom collector establishes a class of licence intended to refer to persons who inherit a firearm. This will allow persons in that position to establish a genuine reason for retaining the firearm.

A licence as a weapons collector will allow a person to collect any number of weapons of the category stated in the licence.

### **Replacement of ss 54-57**

*Clause 17.* The existing section 54 provides a means by which a person who has possession of a weapon contrary to the Act to avoid prosecution by either disposing of the weapon or taking steps to comply with the Act. The proposed section 24F(5) makes provision for this to occur and the existing section becomes unnecessary.

The existing sections 55 and 56 deal with the acquisition and deactivation of weapons by collectors. These sections are now unnecessary as these issues are dealt with by the provisions dealing with acquisitions and in the three preceding clauses.

The existing section 57 creates a requirement on collectors class B to keep a register. This provision will now apply to all collectors, and a register requirement similar to that imposed on dealers and armourers is put in place by this clause.

### **Omission of ss 59 & 60**

*Clause 18.* Section 59 presently imposes an obligation on a collector to present a new acquisition to a police station for inspection, permit an inspection of the collection by a police officer and produce certain certificates relating to the collection when necessary. Each of these is now dealt with in either the acquisition provisions, the police powers provisions or will be dealt with by regulation.

Section 60 presently places limits on transferring a collection from one place to another. This is now not necessary as a collector will be required to store the collection at an approved place, which will be endorsed on the licence. Section 20 allows the approved place to be changed.

### **Replacement of ss 62 & 63**

*Clause 19.* The present section 62 deals with security precautions by collectors. This is now not necessary as the regulation to the proposed legislation will detail all security requirements.

The present section 63 provides that a dealer who has possession of a firearm which is not entered into the relevant register is considered to be unlawfully in possession of that firearm for the purposes of section 38. This creates significant enforcement difficulties. The proposed section largely replicates the existing provision but creates the assumption that unlawful possession under this section constitutes an offence under section 25.

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

*Clause 20.* This section is replaced so that the requirements on a theatrical ordnance supplier to maintain a register are consistent with the requirements on other classes of licensees.

### **Insertion of s 101A (Licensed theatrical ordnance supplier taken to be in unlawful possession)**

*Clause 21.* This section creates an offence for a licensed theatrical ordnance supplier to be in possession of a weapon which has not been entered in the supplier's register. This is consistent with the requirements on other classes of licensees who are required to maintain a register.

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

*Clause 22.* The existing section provides a power for a police officer to demand production of a licence, register or any other record a person or organisation is required to keep under this Act. In its present form a person is given a period in which to produce the licence or register, and there have been concerns that the inability to require immediate production may result in the loss of evidence of an offence.

The proposed section requires a person to produce on demand by a police officer, a weapon, licence or register within 48 hours at any reasonable place. If the person is in possession of a weapon, the weapon and licence must be produced immediately.

### **Insertion of ss 129A and 129B**

*Clause 23.* The proposed section 129A empowers the Minister to establish a council which may provide advice in relation to the administration of the Act. This is a new provision which does not have an equivalent provision in the existing Act.

The proposed section 129B creates a means by which a doctor or psychologist may advise the Commissioner that a patient is not a fit person to possess firearms. This section provides a defence against criminal and civil proceedings for a practitioner who takes this action.

Proposed section 129C empowers the Commissioner to appoint a police officer or public servant as an approved officer. Approved officers will have expertise in the field of ballistics and will be able to give opinion evidence to a Court that an item is a firearm, or that ammunition was in a certain state and matters of a similar nature.

The proposed section 129D empowers the Commissioner to appoint a police officer as an authorised officer. Authorised officers will have authority to determine applications for licences and their renewals, place endorsements on a licence or revoke or suspend a licence.

Both Approved and Authorised Officers exist in the present Act, except that an anomaly exists as no provision is made for their appointment. These provisions correct that anomaly.

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

*Clause 24.* The present section 137 only allows a prosecution for an offence to be commenced within twelve months of its commission. This scheme is lacking in that an offence may not become apparent for some time after its commission. For example, a person may fail to notify a change of address, but this does not become known to a police officer for some years. Under the present scheme the person could escape prosecution if that course was considered appropriate.

The proposed section allows a prosecution within one year, or within one year of the matter coming to the attention of the complainant.

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

*Clause 25.*

*Section 139(1).* The existing section is amended to allow an extract from the firearms register to be evidence that the information is recorded on the register. The register does not presently exist but will do so after commencement of these provisions.

*Section 139(2)(c)(v).* The paragraph is inserted to allow an approved officer to certify that ammunition has been rendered inactive.

*Section 139(4)(ea)*. The paragraph is inserted to allow a court to make determination that an item is ammunition without having reference to the opinion evidence of an expert unless necessary.

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

*Clause 26*. This section confirms that landowners do not incur criminal or civil liability merely because they provide another person permission to shoot on their land.

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

*Clause 27*. This provision creates a specific power for the Minister to delegate powers under the Act.

### **Insertion of part 7 (Savings and Transitional Provisions)**

*Clause 28*. This part puts in place a transitional period within which the owners of firearms will be required to comply with the provisions of the amended Act. The transitional arrangements are based on a period of amnesty which expires on 30 September 1997, during which certain arrangements will operate. These are as follows:

- An existing licence under the Act will remain in force until the end of the amnesty period or until it is revoked after issue of a replacement;
- Any other approval, authority or permit presently in force will remain in force on the commencement of the proposed legislation.
- A person who presently holds a licence will not be required to prove that he or she has an adequate knowledge of safety practices to obtain a new type licence;
- An application for a licence, approval, permit made under the existing Act which has not been determined on the commencement of the proposed legislation will be determined under the amended Act after commencement;
- Any appeal against a decision which has been commenced but not yet decided will be decided under the existing provisions.
- Compensation will be payable for certain firearms surrendered as a result of this legislation.

This part also puts in place a compensation scheme for owners of category C and D firearms who will be required to surrender them following the introduction of the proposed legislation. Loss of business, under some circumstances, will also be compensable. The means and amount of payments will be outlined in regulation.

### **Replacement of schedules 1-3**

*Clause 29.* At present the Act uses three schedules to describe weapons and firearms. These are categorised under the headings of restricted weapons, registered weapons and unrestricted weapons. On commencement of the proposed legislation all weapons will be restricted to some degree and registered. The existing schedules therefore become redundant. It is also necessary to reflect the categories of weapons as dictated by APMC in its original resolutions.

To meet these requirements a single schedule replaces schedules one, two and three. This schedule contains categories A, B, C, D, and H as dictated by APMC. The schedule also contains categories E and R which have been inserted to include the items previously listed in category one as restricted weapons.

### **Amendment of schedule 4**

*Clause 30.* Schedule 4 presently contains subject matter for regulations. The ability to make regulations in regard to the things mentioned in items one to five are included.

## **PART THREE—AMENDMENT OF THE WEAPONS AMENDMENT ACT 1994**

This section identifies the Act being amended by this part. The *Weapons Amendment Act 1994* amended the *Weapons Act 1990* in a number of significant areas. Some of the provisions to be amended relied heavily on the existence of a proposed regulation for their operation. As such, these provisions were not commenced until the amended regulation also commenced.

The uncommenced provisions of that Act will now be commenced in conjunction with the amendments in this Bill, if passed. There are, however, a range of amendments which have been necessary to ensure that those uncommenced provisions fit with the proposed legislation. This part makes those amendments.

The amendments largely consist of removing terms which no longer have meaning in the proposed Act.

## **PART FOUR—OTHER AMENDMENTS**

### **Acts Amended**

*Clause 35.* Provides that schedule 2 to this Bill lists a number of Acts which are amended by this Bill and indicates the way in which they are amended.

#### *Schedule 1*

### **Minor Amendments**

These clauses contain amendments to the existing Act which are minor in nature and self explanatory.

These amendments generally omit terms no longer used, or correct references to other sections, parts, schedules and so on, which would no longer be accurate.

#### *Schedule 2*

### **Consequential Amendments**

The *Law Courts and State Buildings Protective Security Act 1983* is amended to update references to the former Firearms and Offensive Weapons Act 1979 to the equivalent provisions of the 1990 Act.