



Queensland

Weapons Legislation Amendment Regulation (No. 1) 2017

Subordinate Legislation 2017 No. 117

made under the

Weapons Act 1990

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Weapons Legislation Amendment Regulation (No. 1) 2017*.

Part 2 Amendment of Weapons Categories Regulation 1997

2 Regulation amended

This part amends the *Weapons Categories Regulation 1997*.

3 Amendment of s 2 (Category A weapons)

(1) Section 2(1)(c)—

omit.

(2) Section 2(1)(d) to (g)—

renumber as section 2(1)(c) to (f).

(3) Section 2(1)—

insert—

(g) a weapon mentioned in any of paragraphs (a) to (f) that is a blank-fire firearm.

4 Amendment of s 3 (Category B weapons)

Section 3(1)—

insert—

(f) a weapon mentioned in any of paragraphs (a) to (e) that is a blank-fire firearm.

5 Amendment of s 4 (Category C weapons)

Section 4—

insert—

- (d) a weapon mentioned in any of paragraphs (a) to (c) that is a blank-fire firearm.

6 Amendment of s 5 (Category D weapons)

Section 5(1)—

insert—

- (e) a weapon mentioned in any of paragraphs (a) to (d) that is a blank-fire firearm.

7 Amendment of s 8 (Category R weapons)

(1) Section 8(1)(f)—

omit, insert—

- (f) an electric antipersonnel device;

Examples of electric antipersonnel devices—

a stun gun, a stun baton or a device made or adapted for use as an electric antipersonnel device

Examples of electric devices that are not antipersonnel devices—

an electric cattle prod or electric medical equipment

(2) Section 8(1)—

insert—

- (k) a weapon mentioned in any of paragraphs (a) to (j) that is a blank-fire firearm.

Part 3 **Amendment of Weapons Regulation 2016**

8 Regulation amended

This part amends the *Weapons Regulation 2016*.

9 Amendment of s 5 (Possession of weapon for transport not authorised unless necessarily incidental to licence activities)

Section 5(2)—

omit, insert—

- (2) This section does not apply to the holder of a minor's licence who physically possesses a category A, B or H weapon under the licence—
 - (a) to transport the weapon to or from an approved range for the category of weapon;
or
 - (b) to transport the weapon in Queensland as part of transporting it to or from a firearms range in another State.

10 Amendment of s 36 (What minor's licence authorises)

Section 36(1)(a)—

omit, insert—

- (a) to authorise the licensee to physically possess any category A, B or H weapon—
 - (i) to transport the weapon to or from an approved range for the category of weapon; or
 - (ii) to transport the weapon in Queensland as part of transporting it to or from a firearms range in another State;

11 Amendment of pt 26, div 2, hdg (Commissioner's exemptions other than exemptions under division 3)

Part 26, division 2, heading, after 'division 3'—

insert—

or 4

12 Amendment of s 150 (How to apply for a commissioner's exemption other than an exemption under division 3)

Section 150, after 'division 3'—

insert—

or 4

13 Insertion of new pt 26, div 4

After section 154—

insert—

Division 4 Commissioner's exemptions from provision requiring permit to acquire

Subdivision 1 Exemption for swapping like firearms and replacement under warranty

154A How standing exemption works

- (1) An exemption made by the commissioner under section 154B—
 - (a) does not require a person to apply for an exemption; and

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- (b) applies automatically to exempt a person from the requirement to hold a permit to acquire in the circumstances mentioned in section 154B(2) and stated in the exemption.
 - (2) The exemption does not remove the requirement, under section 35(1)(b) of the Act, for the licensee to acquire a firearm—
 - (a) from or through a licensed dealer; or
 - (b) through a police officer in circumstances prescribed under a regulation.
- Note—*
- See section 102(1) for the prescribed circumstances.
- (3) No fee is payable by the licensee in relation to the exemption.

154B Grant of standing exemption by commissioner

- (1) The commissioner may grant an exemption—
 - (a) from the application of section 35(1)(b) of the Act to the extent that section requires a person to hold a permit to acquire a firearm; and
 - (b) that applies generally to persons in the circumstances mentioned in subsection (2).
- (2) The circumstances are—
 - (a) the person (the *licensee*) possesses a firearm (the *old firearm*) under a licence; and
 - (b) the licensee is the registered owner of the old firearm; and
 - (c) the licensee either—
 - (i) swaps the old firearm for a new firearm; or

- (ii) replaces the old firearm, under a warranty (however called) by the manufacturer of the old firearm, with a new firearm; and

Example of a warranty—

an oral, written, statutory or implied warranty

- (d) the licensee may possess the new firearm under the licence; and
 - (e) the new firearm—
 - (i) is of the same category of weapon as the old firearm; and
 - (ii) has the same action and cartridge as the old firearm; and
 - (iii) has the same calibre as the calibre, recorded in the firearms register, of the old firearm; and
 - (f) the licensee will not, as a result of the swap, add to the number of firearms held under the licence.
- (3) The exemption must be granted by written notice and published on the QPS website.
 - (4) For subsection (2)(c)(ii), there does not need to be a contract or other arrangement between the licensee and the manufacturer in relation to the warranty, but the licensee must, under the warranty, replace the old firearm with the new firearm.

Subdivision 2 Replacement of firearm reported stolen with like firearm

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154C Meaning of *eligible licensee* for subdivision

For this subdivision, the licensee of a licence under which a firearm may be possessed is an *eligible licensee* if the licensee—

- (a) possessed a firearm (the *old firearm*) under the licence; and
- (b) is the registered owner of the old firearm; and
- (c) has reported that the old firearm has been stolen to a police officer.

154D Application for exemption

- (1) An eligible licensee may apply to the commissioner for an exemption from the application of section 35(1)(b) of the Act—
 - (a) to acquire a firearm (the *new firearm*) to replace the old firearm; and
 - (b) to the extent that section requires the licensee to hold a permit to acquire the new firearm.
- (2) An application under subsection (1) must be—
 - (a) for a single exemption—
 - (i) in relation to 1 act or episode of stealing reported to a police officer by the licensee; and
 - (ii) for the acquisition of 1 or more new firearms to replace 1 or more old firearms; and
 - (b) in the approved form; and
 - (c) made at, or sent to, a police station or police establishment.
- (3) No fee is payable by the licensee in relation to the exemption.

154E Granting exemption

The commissioner may grant the exemption if satisfied—

- (a) section 154D(2) has been complied with for the application; and
- (b) the applicant is an eligible licensee; and
- (c) the applicant may possess the new firearm under the licence; and
- (d) the new firearm—
 - (i) is of the same category of weapon as the old firearm; and
 - (ii) has the same action and cartridge as the old firearm; and
 - (iii) has the same calibre as the calibre, recorded in the firearms register, of the old firearm; and
- (e) the licensee will not, as a result of acquiring the new firearm, add to the number of firearms possessed under the licence.

Subdivision 3 Weapon disposed of to beneficiary by a will

154F Meaning of *eligible licensee* for subdivision

For this subdivision, a licensee is an *eligible licensee* if—

- (a) the licensee is the beneficiary of a weapon under the will of a person who died; and
- (b) the person who died possessed the weapon under a licence and, for a firearm, was its registered owner; and

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- (c) the licensee holds a licence under which the licensee may possess the weapon.

154G Application for exemption

- (1) An eligible licensee may apply to the commissioner for an exemption from the application of section 35(1)(b) of the Act—
 - (a) to acquire the weapon as a beneficiary under the will of the person who died; and
 - (b) to the extent that section requires the licensee to hold a permit to acquire the weapon.
- (2) The application must be—
 - (a) in the approved form; and
 - (b) made at, or sent to, a police station or police establishment; and
 - (c) accompanied by a copy of the document the applicant believes is the will of the person who died; and
 - (d) accompanied by an original or a copy of—
 - (i) a cause of death certificate issued under the *Births, Deaths and Marriages Registration Act 2003* for the person who died; or
 - (ii) a certificate or other document, issued under a law of this or another State or another country, that officially evidences the person's death.
- (3) The commissioner may grant the exemption if satisfied—
 - (a) subsection (2) has been complied with for the application; and
 - (b) the applicant is an eligible licensee.

- (4) No fee is payable by the licensee in relation to the exemption.

154H Commissioner may accept and rely on copy of will without checking

The commissioner may accept, and without checking, rely on a copy of a will given to the commissioner for the application by the applicant (whether or not it accompanied the application).

Subdivision 4 Weapon to which person is entitled on an intestacy

154I Meaning of *eligible licensee* for subdivision

For this subdivision, a licensee is an *eligible licensee* if—

- (a) the licensee is entitled, under the *Succession Act 1981*, part 3, division 2, to a weapon from the estate of a person who died; and
- (b) the person who died possessed the weapon under a licence and, for a firearm, was its registered owner; and
- (c) the licensee holds a licence under which the licensee may possess the weapon.

154J Application for exemption

- (1) An eligible licensee may apply to the commissioner for an exemption from the application of section 35(1)(b) of the Act—
- (a) to acquire the weapon as the person entitled to the weapon under the *Succession Act 1981*, part 3, division 2; and

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- (b) to the extent that section requires the licensee to hold a permit to acquire the weapon.
- (2) The application must be—
 - (a) in the approved form; and
 - (b) made at, or sent to, a police station or police establishment; and
 - (c) accompanied by a copy of the document, if any, the applicant believes is the will of the person who died; and
 - (d) accompanied by an original or a copy of—
 - (i) a cause of death certificate issued under the *Births, Deaths and Marriages Registration Act 2003* for the person who died; or
 - (ii) a certificate or other document, issued under a law of the State, another State, the Commonwealth or another country, that officially evidences the person's death.
- (3) The commissioner may grant the exemption if satisfied—
 - (a) subsection (2) has been complied with for the application; and
 - (b) the applicant is an eligible licensee.
- (4) No fee is payable by the licensee in relation to the exemption.

154K Commissioner may accept and rely on copy of will without checking

The commissioner may accept, and without checking, rely on a copy of a will given to the commissioner for the application by the applicant (whether or not it accompanied the application).

14 Insertion of new pt 31

After section 171—

insert—

**Part 31 Transitional provision
for Weapons
Legislation
Amendment Regulation
(No. 1) 2017**

**172 Undecided application for particular blank-fire
firearms licence**

- (1) This section applies if—
 - (a) before the commencement, a person applied for a blank-fire firearms licence for a category A weapon and the application had not been decided; and
 - (b) on the commencement, under the amended categories regulation, the category of the weapon changed from category A to category B, C, D or R.
- (2) To the extent the application relates to the weapon, the application is taken to relate to the weapon as a weapon of the category it is under the amended categories regulation.
- (3) The application must be read with the changes necessary to make it consistent with the weapon being of the category it is under the amended categories regulation.
- (4) In this section—

amended categories regulation means the *Weapons Categories Regulation 1997* as amended by the *Weapons Legislation Amendment Regulation (No. 1) 2017*.

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15 Insertion of new sch 4, s 1A

Schedule 4, part 1, before section 1—

insert—

1A Definition for schedule

In this schedule—

deactivating guide means the document titled ‘Guide on Deactivating Warfare Items’ published by the Australian Government.

16 Amendment of sch 4, s 3 (Bolt action rifle)

(1) Schedule 4, section 3, after ‘A bolt action rifle’—

insert—

that has a calibre of .50 or less

(2) Schedule 4, section 3—

insert—

(2) A bolt action rifle that has a calibre of more than .50 may be modified to make it permanently incapable of being discharged by welding it in accordance with the deactivating guide.

17 Amendment of sch 4, s 4 (Self-loading rifle)

(1) Schedule 4, section 4, after ‘A self-loading rifle’—

insert—

that has a calibre of .50 or less

(2) Schedule 4, section 4—

insert—

(2) A self-loading rifle that has a calibre of more than .50 may be modified to make it permanently incapable of being discharged by welding it in accordance with the deactivating guide.

18 Amendment of sch 4, s 5 (Pump action rifle)

- (1) Schedule 4, section 5, after ‘A pump action rifle’—

insert—

that has a calibre of .50 or less

- (2) Schedule 4, section 5—

insert—

- (2) A pump action rifle that has a calibre of more than .50 may be modified to make it permanently incapable of being discharged by welding it in accordance with the deactivating guide.

19 Amendment of sch 4, s 6 (Lever action rifle)

- (1) Schedule 4, section 6, after ‘A lever action rifle’—

insert—

that has a calibre of .50 or less

- (2) Schedule 4, section 6—

insert—

- (2) A lever action rifle that has a calibre of more than .50 may be modified to make it permanently incapable of being discharged by welding it in accordance with the deactivating guide.

20 Amendment of sch 4, s 13 (Submachine gun or select fire assault rifle)

- (1) Schedule 4, section 13, after ‘A submachine gun or select fire assault rifle’—

insert—

that has a calibre of .50 or less

- (2) Schedule 4, section 13—

insert—

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- (2) A select fire assault rifle that has a calibre of more than .50 may be modified to make it permanently incapable of being discharged by welding it in accordance with the deactivating guide.

21 Amendment of sch 4, s 14 (Machine gun)

- (1) Schedule 4, section 14, after ‘A machine gun’—
insert—

that has a calibre of .50 or less

- (2) Schedule 4, section 14—
insert—

- (2) A machine gun that has a calibre of more than .50 may be modified to make it permanently incapable of being discharged by welding it in accordance with the deactivating guide.

22 Insertion of new sch 4, ss 14A and 14B

Schedule 4, part 2—

insert—

14A Field gun, mortar and launcher

- (1) This section applies to the following firearms—
 - (a) a field gun that has a calibre of at least .70, including—
 - (i) a self-propelled gun; and
 - (ii) a cannon, including, for example, an aircraft cannon or other automatic shell firing cannon; and
 - (iii) a howitzer or recoilless rifle;
 - (b) a mortar, rocket launcher or other projectile launcher.
- (2) The firearm may be modified to make it

permanently incapable of being discharged by welding it in accordance with the deactivating guide.

14B Flamethrower

A flamethrower may be modified to make it permanently incapable of being discharged by welding it in accordance with the deactivating guide.

23 Amendment of sch 4, s 15 (Firearms)

(1) Schedule 14, section 15, heading—

omit, insert—

15 Firearm, other than a pistol, with a calibre of .50 or less

(2) Schedule 4, section 15, after ‘A firearm’—

insert—

that has a calibre of .50 or less

24 Insertion of new sch 4, ss 17–19

Schedule 4, part 3—

insert—

17 Rifle with a calibre of more than .50

A rifle that has a calibre of more than .50 may be modified to make it permanently incapable of being discharged by sectioning it in accordance with the deactivating guide.

18 Machine gun with a calibre of more than .50

A machine gun that has a calibre of more than .50 may be modified to make it permanently incapable of being discharged by sectioning it in

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accordance with the deactivating guide.

19 Flamethrower

A flamethrower may be modified to make it permanently incapable of being discharged by sectioning it in accordance with the deactivating guide.

25 Amendment of sch 5 (Dictionary)

Schedule 5—

insert—

eligible licensee—

- (a) for part 26, division 4, subdivision 2, see section 154C; or
- (b) for part 26, division 4, subdivision 3, see section 154F; or
- (c) for part 26, division 4, subdivision 4, see section 154I.

licensee, for part 26, division 4, subdivision 1, see section 154B(2)(a).

new firearm, for part 26, division 4, subdivision 2, see section 154D(1)(b).

old firearm—

- (a) for part 26, division 4, subdivision 1, see section 154B(2)(a); or
- (b) for part 26, division 4, subdivision 2, see section 154C(a).

will see the *Succession Act 1981*, section 5.

ENDNOTES

- 1 Made by the Governor in Council on 29 June 2017.
- 2 Notified on the Queensland legislation website on 30 June 2017.
- 3 The administering agency is the Queensland Police Service.

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