



Queensland

# Weapons Legislation (Lever Action Shotguns) Amendment Regulation 2017

## Subordinate Legislation 2017 No. 212

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 (Lever Action Shotguns) Amendment Regulation 2017*.

### 2 Commencement

This regulation commences on 1 March 2018.

## Part 2 Amendment of Weapons Categories Regulation 1997

### 3 Regulation amended

This part amends the *Weapons Categories Regulation 1997*.

### 4 Insertion of new s 1A

After section 1—

*insert—*

#### 1A Definition

In this regulation—

*magazine capacity*, for a firearm, means the maximum number of rounds of ammunition of a particular calibre that are designed to be held in the receptacle from which rounds are fed into the chamber of the firearm.

### 5 Amendment of s 2 (Category A weapons)

(1) Section 2(1)(d), after ‘than a’—

*insert—*

[s 6]

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lever action shotgun,

(2) Section 2(1)—

*insert—*

(fa) an air gun;

(3) Section 2(1)(g), ‘(f)’—

*omit, insert—*

(g)

(4) Section 2(1)(fa) and (g)—

*renumber* as section 2(1)(g) and (h).

(5) Section 2(3)—

*insert—*

***air gun*** means a firearm designed to discharge a projectile (including, for example, an arrow) by compressed air, or other compressed gas, not generated by an explosive.

## **6 Amendment of s 3 (Category B weapons)**

(1) Section 3(1)—

*insert—*

(ea) a lever action shotgun with a magazine capacity of not greater than 5 rounds;

(2) Section 3(1)(f), ‘(e)’—

*omit, insert—*

(f)

(3) Section 3(1)(ea) and (f)—

*renumber* as section 3(1)(f) and (g).

## **7 Amendment of s 5 (Category D weapons)**

(1) Section 5(1)(b) and (c)—



[s 10]

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*insert—*

*Note—*

For transitional provisions about particular lever action shotguns with a magazine capacity of more than 5 rounds, see part 31, division 2.

**10 Amendment of s 34 (Prohibition on possession of magazine for particular category B weapons)**

Section 34(2)(a), ‘lever or’—

*omit, insert—*

lever action but is not a lever action shotgun, or has a

**11 Amendment of s 154F (Meaning of *eligible licensee* for subdivision)**

Section 154F(b), after ‘the person who died’—

*insert—*

, when he or she died,

**12 Amendment of s 154G (Application for exemption)**

Section 154G(2)(d)(ii), after ‘State’—

*omit, insert—*

, the Commonwealth

**13 Amendment of s 154I (Meaning of *eligible licensee* for subdivision)**

Section 154I(b), after ‘the person who died’—

*insert—*

, when he or she died,

**14 Amendment of s 154J (Application for exemption)**

Section 154J(2)(d)(ii), ‘the State,’—

*omit, insert—*

this or

**15 Replacement of pt 31, hdg (Transitional provision for Weapons Legislation Amendment Regulation (No. 1) 2017)**

Part 31, heading—

*omit, insert—*

**Part 31 Transitional provisions**

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

**16 Insertion of new pt 31, div 2**

Part 31—

*insert—*

**Division 2 Transitional provisions for Weapons Legislation (Lever Action Shotguns) Amendment Regulation 2017**

**173 Definition for division**

In this division—

*magazine capacity* see the *Weapons Categories*

[s 16]

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*Regulation 1997*, section 1A.

**174 Firearms licence—lever action shotgun  
changed from category A weapon to category  
D weapon on commencement**

- (1) This section applies if—
  - (a) immediately before the *Weapons Legislation (Lever Action Shotguns) Amendment Regulation 2017* was notified—
    - (i) a person possessed a lever action shotgun, with a magazine capacity of more than 5 rounds, under a firearms licence; and
    - (ii) the shotgun's magazine capacity—
      - (A) recorded in the firearms register was more than 5 rounds; or
      - (B) was more than 5 rounds because of a lawful modification of the shotgun; and

*Note—*

The *Acts Interpretation Act 1954*, schedule 1 defines *notified*.

- (b) at the commencement the person—
  - (i) continues to hold the firearms licence; and
  - (ii) is the registered owner of the shotgun.
- (2) An authorised officer must endorse the firearms licence with authorisation of the licensee to possess and use the shotgun.
- (3) The endorsement is in addition to any other endorsement on the licence.
- (4) Subsection (5) applies if, immediately before the commencement, the firearms licence was subject

to a condition applying to the shotgun.

- (5) The condition continues to apply, with necessary changes, to the firearms licence if the licence is endorsed under subsection (2).
- (6) This section applies despite the shotgun being a category D weapon.

**175 Firearms licence—inheritor of lever action shotgun changed from category A weapon to category D weapon on commencement**

- (1) This section applies if—
  - (a) a person (the *inheritor*) inherits a lever action shotgun with a magazine capacity of more than 5 rounds from a person who died; and
  - (b) the person who died, when he or she died—
    - (i) possessed the shotgun under a firearms licence endorsed under section 174(2) or 177(1); and
    - (ii) was the registered owner of the shotgun; and
  - (c) the inheritor holds a firearms licence (the *inheritor's licence*).
- (2) The inheritor may apply, under section 176, to an authorised officer to endorse the inheritor's licence with authorisation of the licensee to possess and use the shotgun.
- (3) The endorsement is in addition to any other endorsement on the inheritor's licence.
- (4) This section applies despite the shotgun being a category D weapon.
- (5) No fee is payable by the inheritor in relation to the application or obtaining the endorsement.

[s 16]

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(6) In this section—

*inherit*, a lever action shotgun from a person who died, means become entitled to the shotgun—

- (a) under the will of the person who died; or
- (b) under the *Succession Act 1981*, part 3, division 2 from the estate of the person who died.

### **176 How to apply for the endorsement**

For section 175(2), the application must—

- (a) be in the approved form; and
- (b) be made at, or sent to, a police station or police establishment; and
- (c) if the applicant became entitled to the shotgun—
  - (i) under the will—be accompanied by a copy of the document the applicant believes is the will of the person who died; or
  - (ii) under the *Succession Act 1981*, part 3, division 2 from the estate of the person who died—be accompanied by a copy of the document, if any, the applicant believes is the will of the person who died; and
- (d) be 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, the Commonwealth or another country,

that officially evidences the person's death.

### **177 Deciding application for the endorsement**

- (1) An authorised officer may make the endorsement if the authorised officer is satisfied sections 175(1) and 176 are complied with for the application.
- (2) 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).
- (3) If an authorised officer decides to make the endorsement, the officer must—
  - (a) make the endorsement; and
  - (b) give the applicant a written notice that the endorsement has been made.
- (4) If an authorised officer decides to refuse to make the endorsement, the officer must give the applicant a written notice stating—
  - (a) the authorised officer refuses to make the endorsement; and
  - (b) the reasons for the refusal.

ENDNOTES

- 1 Made by the Governor in Council on 10 October 2017.
- 2 Notified on the Queensland legislation website on 10 October 2017.
- 3 The administering agency is the Queensland Police Service.

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