



Weapons and Other Legislation (Firearms Offences) Amendment Bill 2019



Queensland

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2019

A Bill

for

An Act to amend the Criminal Code, the *Police Powers and Responsibilities Act 2000* and the *Weapons Act 1990* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Weapons and Other Legislation
(Firearms Offences) Amendment Act 2019*. 4
5

Part 2 Amendment of Criminal Code 6

Clause 2 Code amended 7

This part amends the Criminal Code. 8

Clause 3 Insertion of new ss 317AA and 317AB 9

After section 317— 10

insert— 11

**317AA Discharging firearm or other loaded arms
with intent to resist arrest** 12
13

A person who, with intent to resist or prevent the
lawful arrest or detention of the person or another
person— 14
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16

(a) discharges any firearm or other loaded arms;
or 17
18

(b) attempts to discharge any firearm or other
loaded arms; 19
20

commits a crime. 21

Maximum penalty—25 years imprisonment. 22

317AB Use or possession of offensive weapon or instrument with intent to resist arrest or prevent investigation	1
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	3
(1) A person who uses, attempts to use, threatens to use or possesses an offensive weapon or instrument with intent to prevent or hinder—	4
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	6
(a) the lawful apprehension or detention of the person or another person; or	7
	8
(b) the investigation by a police officer of an act or circumstance that reasonably calls for investigation by the officer;	9
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commits a crime.	12
Maximum penalty—15 years imprisonment.	13
(2) A person who commits an offence against subsection (1) in company of 1 or more persons is liable to imprisonment for 18 years.	14
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Clause 4	Amendment of s 398 (Punishment of stealing)	17
	Section 398, punishment in special cases, clause 15, ‘10 years’—	18
		19
	<i>omit, insert</i> —	20
	14 years	21

Part 3	Amendment of Police Powers and Responsibilities Act 2000	22
		23

Clause 5	Act amended	24
	This part amends the <i>Police Powers and Responsibilities Act 2000</i> .	25
		26

[s 6]

Clause 6	Amendment of s 30 (Prescribed circumstances for searching persons without warrant)	1 2
	Section 30(a)(i), ‘or an interstate domestic violence order’—	3
	<i>omit, insert—</i>	4
	, an interstate domestic violence order or a firearms prohibition order	5 6
Clause 7	Amendment of s 32 (Prescribed circumstances for searching vehicle without warrant)	7 8
	Section 32(1)(a), ‘or an interstate domestic violence order’—	9
	<i>omit, insert—</i>	10
	, an interstate domestic violence order or a firearms prohibition order	11 12
Clause 8	Insertion of new s 808AA	13
	After section 808—	14
	<i>insert—</i>	15
	808AA Review of additional powers for firearms prohibition orders	16 17
	(1) The public interest monitor must ensure the operation and effectiveness of the powers of a police officer under sections 19, 29 and 31, in relation to a person who is subject to a firearms prohibition order, are reviewed.	18 19 20 21 22
	(2) The public interest monitor must give a report of the outcome of the review to the Minister within 3 years after the commencement of the operation of the powers.	23 24 25 26
	(3) As soon as practicable after receiving the report, the Minister must table a copy of the report in the Legislative Assembly.	27 28 29

Clause 9	Amendment of sch 6 (Dictionary)	1
	Schedule 6—	2
	<i>insert</i> —	3
	<i>firearms prohibition order</i> see the <i>Weapons Act 1990</i> , section 141C(1).	4
		5
Part 4	Amendment of Weapons Act 1990	6
		7
Clause 10	Act amended	8
	This part amends the <i>Weapons Act 1990</i> .	9
Clause 11	Amendment of s 57 (Particular conduct involving a weapon in a public place prohibited)	10
	Section 57(3) and (4), penalty—	11
	<i>omit, insert</i> —	12
	Maximum penalty—10 years imprisonment.	13
		14
Clause 12	Insertion of new s 57A	15
	After section 57—	16
	<i>insert</i> —	17
	57A Firing at dwelling houses, buildings or vehicles	18
		19
	(1) A person must not fire a firearm at a dwelling house, another building or a vehicle with reckless disregard for the safety of any person.	20
		21
		22
	Maximum penalty—14 years imprisonment.	23
	(2) A person must not, during a public disorder, fire a firearm at a dwelling house, another building or a vehicle with reckless disregard for the safety of	24
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		26

[s 13]

	any person.	1
	Maximum penalty—16 years imprisonment.	2
(3)	A person must not, in the course of an organised criminal activity, fire a firearm at a dwelling house, another building or a vehicle with reckless disregard for the safety of any person.	3 4 5 6
	Maximum penalty—16 years imprisonment.	7
(4)	In the prosecution of an offence against subsection (1), (2) or (3), it is not necessary to prove that a person was actually placed in danger by the firing of the firearm.	8 9 10 11
(5)	In this section—	12
	<i>public disorder</i> means a riot or other civil disturbance that gives rise to a serious risk to public safety, whether at a single location or resulting from a series of incidents at the same or different locations.	13 14 15 16 17
Clause 13	Insertion of new ss 67A and 67B	18
	After section 67—	19
	<i>insert—</i>	20
	67A Possession of digital blueprint and device for manufacture of firearms	21 22
(1)	A person must not possess—	23
(a)	a digital blueprint for the manufacture of a firearm; and	24 25
(b)	a 3D printer, electronic milling machine or other device capable of manufacturing the firearm mentioned in paragraph (a).	26 27 28
	Maximum penalty—14 years imprisonment.	29
(2)	Subsection (1) does not apply to a person who—	30

-
- (a) is authorised by an armourer’s licence to manufacture the firearm concerned; or
- (b) is acting in the ordinary course of the person’s duties as a member, other than a police officer, of the Queensland Police Service.
- (3) In this section—
- digital blueprint* means any type of digital, or electronic, reproduction of a technical drawing of the design of an object.
- possession*, of a digital blueprint, includes the following—
- (a) possession of a computer or data storage device holding or containing the blueprint or of a document in which the blueprint is recorded;
- (b) control of the blueprint held in a computer that is in the possession of another person, whether the computer is within or outside the State.

67B Defences for offence against s 67A

- (1) It is a defence to a prosecution for an offence against section 67A(1) if the defendant proves the defendant did not know, and could not reasonably be expected to have known, that the defendant possessed the digital blueprint concerned.
- (2) It is a defence to a prosecution for an offence against section 67A(1) if the defendant proves the digital blueprint concerned came into the defendant’s possession unsolicited and the defendant, as soon as the defendant became aware of its nature, took reasonable steps to dispose of, or destroy, it.
- (3) It is a defence to a prosecution for an offence

[s 14]

	against section 67A(1) if the defendant proves the conduct engaged in by the defendant—	1 2
	(a) was of public benefit; and	3
	(b) did not extend beyond what was of public benefit.	4 5
(4)	For subsection (3), conduct is of public benefit if, and only if, the conduct is necessary for or of assistance in—	6 7 8
	(a) enforcing or administering a law of the State, another State or the Commonwealth; or	9 10 11
	(b) monitoring compliance with, or investigating a contravention of, a law of the State, another State or the Commonwealth; or	12 13 14 15
	(c) the administration of justice.	16
(5)	The question of whether a person’s conduct is of public benefit is a question of fact and the person’s motives for engaging in the conduct are irrelevant.	17 18 19 20
(6)	It is a defence to a prosecution for an offence against section 67A(1) if the defendant proves the conduct engaged in by the defendant was necessary for or of assistance in conducting scientific, medical, educational, military or law enforcement research.	21 22 23 24 25 26
Clause 14	Insertion of new pt 5A	27
	After part 5—	28
	<i>insert—</i>	29
	Part 5A	
	Firearms prohibition orders	30 31

141C Commissioner may make firearms prohibition order	1
	2
(1) The commissioner may make an order (a <i>firearms prohibition order</i>) against a person if, in the opinion of the commissioner—	3
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(a) the person is not fit, in the public interest, to have possession of a firearm; or	6
	7
(b) the person is a participant in a criminal organisation within the meaning of the <i>Penalties and Sentences Act 1992</i> or is subject to a control order under that Act.	8
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(2) A firearms prohibition order takes effect when a police officer serves a copy of the order personally on the person against whom it is made.	12
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(3) The commissioner may revoke a firearms prohibition order at any time for any or no stated reason.	15
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141D Effect of firearms prohibition order	18
(1) A person who is subject to a firearms prohibition order must not acquire, possess or use a firearm.	19
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Maximum penalty—15 years imprisonment.	21
(2) A person who is subject to a firearms prohibition order must not acquire or possess a prohibited thing or ammunition for any firearm.	22
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Maximum penalty—7 years imprisonment.	25
(3) If a firearms prohibition order comes into effect against a person, the person must immediately surrender to a police officer all firearms, prohibited things and ammunition for any firearm in the possession of the person.	26
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Maximum penalty—	31
(a) for a firearm—500 penalty units or 10 years imprisonment; or	32
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[s 14]

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|-----|--|----------------------------------|
| (b) | for a prohibited thing or ammunition for any firearm—200 penalty units or 4 years imprisonment. | 1
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| (4) | A person must not supply or give possession of a firearm to another person knowing that the other person is subject to a firearms prohibition order.
Maximum penalty—15 years imprisonment. | 4
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| (5) | A person must not supply or give possession of a prohibited thing or ammunition for any firearm to another person knowing that the other person is subject to a firearms prohibition order.
Maximum penalty—7 years imprisonment. | 8
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| (6) | A person who is subject to a firearms prohibition order commits an offence if a firearm, prohibited thing or ammunition for a firearm is kept or found on premises at which the person is residing.
Maximum penalty—500 penalty units or 10 years imprisonment. | 13
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| (7) | It is a defence to a prosecution for an offence against subsection (6) if the defendant proves the defendant— | 19
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| (a) | did not know, and could not reasonably be expected to have known, that the firearm, prohibited thing or ammunition was on the premises; or | 22
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| (b) | took reasonable steps to prevent the firearm, prohibited thing or ammunition from being on the premises. | 26
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| (8) | A person who is subject to a firearms prohibition order must not without reasonable excuse attend— | 29
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| (a) | a place at which a licensed dealer carries on business under the licence; or | 32
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- (b) a place at which a licensed armourer carries on business under the licence; or 1
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- (c) a range for weapons target shooting; or 3
- (d) the premises of a shooting club; or 4
- (e) the premises of an approved historical society; or 5
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- (f) an arms fair; or 7
- (g) any other premises of a type prescribed by regulation for this paragraph. 8
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- Maximum penalty—500 penalty units or 10 years imprisonment. 10
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- (9) Membership of a shooting club or approved historical society is not a reasonable excuse for subsection (8). 12
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14
- (10) A person subject to a firearms prohibition order must— 15
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- (a) inform each other person who is 18 years or more and who resides or proposes to reside at the same premises as the person of the fact that a firearms prohibition order is in effect against the person; and 17
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- (b) ask each of the persons mentioned in paragraph (a) whether or not they have or propose to have a firearm, prohibited thing or ammunition for any firearm on the premises. 22
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- Maximum penalty—200 penalty units or 4 years imprisonment. 27
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- (11) A person who has physical possession of a firearm must not, without reasonable excuse, be in the company of a person subject to a firearms prohibition order. 29
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- Maximum penalty—200 penalty units or 4 years imprisonment. 33
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[s 15]

	(12) In this section—	1
	<i>prohibited thing</i> means—	2
	(a) an antique firearm; or	3
	(b) a silencer or other thing mentioned in the <i>Weapons Categories Regulation 1997</i> , section 8(1)(h); or	4 5 6
	(c) a magazine.	7
Clause 15	Amendment of s 142 (Right to apply for review of decisions)	8 9
	Section 142(1)—	10
	<i>insert</i> —	11
	(g) a decision imposing a firearms prohibition order.	12 13
Clause 16	Amendment of s 145 (Applicant may carry on business pending review)	14 15
	Section 145—	16
	<i>insert</i> —	17
	(2) Subsection (1) does not apply if a firearms prohibition order is in effect against the person.	18 19
Clause 17	Amendment of sch 2 (Dictionary)	20
	Schedule 2—	21
	<i>insert</i> —	22
	<i>firearms prohibition order</i> see section 141C(1).	23