



Queensland

Weapons Act 1990

Weapons Categories Regulation 1997

Current as at 19 December 2014



Queensland

Weapons Categories Regulation 1997

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Weapons Categories Regulation 1997

1 Short title

This regulation may be cited as the *Weapons Categories Regulation 1997*.

Editor's note—

This is a reprint of the *Weapons Categories Regulation 1997* set out in schedule 1 of the *Weapons and Other Legislation Amendment Act 1997* No. 48.

2 Category A weapons

- (1) Each of the following is a category A weapon if it has not been rendered permanently inoperable—
 - (a) a miniature cannon under 120cm in barrel length that is a black powder and muzzle loading cannon, depicting a scale model of an historical artillery piece or naval gun;
 - (b) an air rifle;
 - (c) a blank-fire firearm at least 75cm in length;
 - (d) a rim-fire rifle (other than a self-loading rim-fire rifle);
 - (e) a shotgun other than a pump action shotgun or self-loading shotgun;
 - (f) a powerhead;
 - (g) a break action shotgun and rim-fire rifle combination.
- (2) A conversion unit is also a category A weapon.
- (3) In this section—

conversion unit means a unit or device or barrel that is capable of being used for converting a category A weapon that is a firearm from one calibre to another calibre.

3 Category B weapons

- (1) Each of the following is a category B weapon if it has not been rendered permanently inoperable—

- (a) a muzzle-loading firearm;
 - (b) a single shot centre-fire rifle;
 - (c) a double barrel centre-fire rifle;
 - (d) a repeating centre-fire rifle;
 - (e) a break action shotgun and centre-fire rifle combination.
- (2) A conversion unit is also a category B weapon.
- (3) In this section—

conversion unit means a unit or device or barrel that is capable of being used for converting a category B weapon that is a firearm from one calibre to another calibre.

4 **Category C weapons**

Each of the following is a category C weapon if it has not been rendered permanently inoperable—

- (a) a semiautomatic rim-fire rifle with a magazine capacity no greater than 10 rounds;
- (b) a semiautomatic shotgun with a magazine capacity no greater than 5 rounds;
- (c) a pump action shotgun with a magazine capacity no greater than 5 rounds.

5 **Category D weapons**

- (1) Each of the following is a category D weapon—
- (a) a self-loading centre-fire rifle designed or adapted for military purposes or a firearm that substantially duplicates a rifle of that type in design, function or appearance;
 - (b) a non-military style self-loading centre-fire rifle with either an integral or detachable magazine;
 - (c) a self-loading shotgun with either an integral or detachable magazine with a capacity of more than 5

rounds and a pump action shotgun with a capacity of more than 5 rounds;

- (d) a self-loading rim-fire rifle with a magazine capacity of more than 10 rounds.
- (2) Subsection (1) applies to a weapon mentioned in the subsection even if the weapon is permanently inoperable.

6 Category E weapons

- (1) A bulletproof vest or protective body vest or body armour designed to prevent the penetration of small arms projectiles is a category E weapon.
- (2) In this section—
- body armour***—
- (a) means an article designed for anti-ballistic purposes that is designed to be worn on a part of the body; and
- (b) does not include a helmet, or other article, designed for sight or hearing protection.

7 Category H weapons

- (1) A firearm, including an air pistol and a blank-fire firearm, under 75cm in length, other than a powerhead, is a category H weapon, regardless of whether it has been rendered permanently inoperable.
- (2) A conversion unit is also a category H weapon.
- (3) This section does not apply to a powerhead or category C, D or R weapon.
- (4) In this section—
- conversion unit*** means a unit or device or barrel that is capable of being used for converting a category H weapon that is a firearm from one calibre to another calibre.

7AA Category H weapon classes

For schedule 2 of the Act, each of the following comprises a class of category H weapon—

Editor's note—

Schedule 2 (Dictionary) of the Act

- (a) an air pistol;
- (b) a centre-fire pistol with a calibre of not more than .38 inch or a black-powder pistol;
- (c) a centre-fire pistol with a calibre of more than .38 inch but not more than .45 inch;
- (d) a rim-fire pistol.

7A Category M weapons

Each of the following is a category M weapon—

- (a) any clothing, apparel, adornment, accessory or other thing—
 - (i) designed to disguise any weapon or other cutting or piercing instrument capable of causing bodily harm; or
- Examples—*
- a bowen knife belt, a credit card knife
- (ii) designed for use as a weapon or a cutting or piercing instrument capable of causing bodily harm;
- (b) any knife so designed or constructed so as to be used as a weapon that while the knife is held in 1 hand, the blade may be released by that hand;
 - (c) a ballistic knife that propels or releases a knife-like blade of any material by any means other than an explosive;
 - (d) a butterfly knife, a knife known as a 'balisong', a pantographic knife, or a similar device that consists of a single-edged or multi-edged blade or spike that fits within 2 handles attached to the blade or spike by

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- transverse pivot pins or pantographic linkage and is capable of being opened by gravity or centrifugal force;
- (e) a flick knife, or a similar device of any material that has a blade folded or recessed into the handle that opens automatically by gravity or centrifugal force or if pressure is applied to a button, spring or device in or attached to the handle of the device;
 - (f) a push knife, or a similar device designed as a weapon that consists of a single-edged or multi-edged blade or spike and allows the blade or spike to be supported by the palm of the hand so that stabbing blows or slashes can be inflicted by a punching or pushing action;
 - (g) a sheath knife, or a similar device of any material that has a sheath which withdraws into its handle by gravity or centrifugal force or if pressure is applied to a button, spring or device attached to or forming part of the sheath, handle or blade of the device;
 - (h) a star knife, or a similar device that consists of at least 2 angular points, blades or spikes, of any material, disposed outwardly about a central axis point and that are designed to spin around the central axis point in flight when thrown at a target;
 - (i) a trench knife, or a similar device that consists of a single-edged or multi-edged blade or spike of any material that is fitted with a handle made of any hard substance that is designed to be fitted over the knuckles of the hand of the user to protect the knuckles and increase the effect of a punch or blow;
 - (j) a riding crop that contains, conceals or disguises a knife, stiletto or any other single-edged or multi-edged blade or spike of any length or of any material;
 - (k) a walking stick or cane that contains, conceals or disguises a sword or any other single-edged or multi-edged blade, knife or spike of any length or of any material;
 - (l) any incendiary or inflammable device containing any substance capable of causing bodily harm or damage to

- property that is primarily designed for vegetation management;
- (m) any pistol crossbow designed to be discharged by the use of 1 hand (that is not a toy pistol crossbow) that when discharged is capable of causing damage or injury to property or capable of causing bodily harm;
 - (n) any crossbow designed to be discharged by the use of 2 hands that, when discharged, is capable of causing damage or injury to property or capable of causing bodily harm;
 - (o) a chinese throwing iron that is a hard non-flexible plate having 3 or more radiating points with 1 or more sharp edges in the shape of a polygon, trefoil, cross, star, diamond or geometric shape and constructed or designed to be thrown as a weapon;
 - (p) a flail or similar device constructed and designed as a weapon consisting of in part a striking head and which, if used offensively against a person, is capable of causing bodily harm;
 - (q) a device known as a 'manrikiguisari' or 'kusari', consisting of a length of rope, cord, wire or chain fastened at each end to a geometrically shaped weight or handgrip and constructed or designed for use as a weapon;
 - (r) a device known as a knuckleduster or any device made or adapted for use as a knuckleduster and which, if used offensively against a person, is capable of causing bodily harm;
 - (s) a weighted glove designed or constructed to be used as a weapon;
 - (t) a mace or any similar article (other than a ceremonial mace made for and used solely as a symbol of authority on ceremonial occasions);
 - (u) any device, not a toy, constructed or designed as a telescopic baton, the extension of which is actuated by the operation of a mechanical trigger.

8 Category R weapons

- (1) Each of the following is a category R weapon—
- (a) a machine gun or submachine gun that is fully automatic in its operation and actuated by energy developed when it is being fired or has multiple revolving barrels, and any replica or facsimile of a machine gun or submachine gun that is not a toy;
 - (b) a unit or device that is capable of being used for converting any firearm to a weapon mentioned in paragraph (a);
 - (c) a firearm capable of firing 50 calibre BMG cartridge ammunition;
 - (d) an antipersonnel gas, and an antipersonnel substance, of a corrosive, noxious or irritant nature or that is capable of causing bodily harm, and any weapon capable of discharging the gas or substance by any means, other than a gas or substance and any weapon capable of discharging the gas or substance that is primarily designed for the control of native or feral animals;
 - (e) an acoustical antipersonnel device of an intensity that is capable of causing bodily harm;
 - (f) an electrical antipersonnel device of an intensity that is capable of causing bodily harm;
 - (g) a hand grenade, other than an inert hand grenade, and an antipersonnel mine;
 - (h) a silencer or other device or contrivance made or used, or capable of being used or intended to be used, for reducing the sound caused by discharging a firearm;
 - (i) a rocket launcher, recoilless rifle, antitank rifle, a bazooka or a rocket propelled grenade type launcher;
 - (j) a mortar, all artillery and any incendiary or inflammable device containing any substance capable of causing bodily harm or damage to property, other than an incendiary or inflammable device primarily designed for vegetation management.

- (2) A thing mentioned in subsection (1)(a), (c), (i) or (j) is not a category R weapon if it is a public monument.

9 Restricted items (Act, s 67)

The following items are restricted items for section 67 of the Act—

Editor's note—

Section 67 (Possessing and acquiring restricted items) of the Act

- (a) handcuffs, thumbcuffs or other similar restraints;
- (b) nunchaku or kung-fu sticks or any similar device which consists of 2 hard non-flexible sticks, clubs, pipes or rods connected by a length of rope, cord, wire or chain constructed or designed to be used in connection with the practice of a system of self-defence and which if used offensively against a person is or are capable of causing bodily harm;
- (c) a billy club, a baton or any device constructed or designed as a telescopic baton, not being a toy or a category M weapon, that if used is capable of causing bodily harm;
- (d) any studded glove which if used offensively against a person is capable of causing bodily harm;
- (e) a laser pointer.

10 Recognised astronomical organisations (Act, s 67)

Each of the following is prescribed for paragraph (a) of the definition recognised astronomical organisation in section 67(5) of the Act—

- (a) Astronomical Association of Queensland ABN 95 717 067 440;
- (b) Astronomy Connect Inc.;
- (c) Townsville Astronomy Group Inc.;
- (d) South East Queensland Astronomical Society Inc.

1 Index to endnotes

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2 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amd	= amendment	prov	= provision
t			
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous	m	

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3237 0466 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments to	Effective	Reprint date
1	none	14 November 1997	17 November 1997
1A	2001 SL No. 87	29 June 2001	14 September 2001

Reprint No.	Amendments included	Effective	Notes
1B	2003 SL No. 134	30 June 2003	
1C	2003 Act No. 37 2003 SL No. 134	1 July 2003	
1D	2003 SL No. 357	19 December 2003	
1E	2003 Act No. 92	1 November 2004	R1E withdrawn, see R2
2	—	1 November 2004	
2A	2011 Act No. 37	2 January 2012	
2B	2011 Act No. 37	2 April 2012	

Current as at	Amendments included	Notes
8 April 2013	2012 SL No. 187	
1 November 2013	2013 SL No. 214	
19 December 2014	2014 SL No. 326	

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Weapons Categories Regulation 1997

enacted by the Weapons and Other Legislation Amendment Act 1997 No. 48 s 57
sch 1 on 14 November 1997 (1997 SL No. 381)
commenced 14 November 1997
SIA pt 7 does not apply (see SIA sch 2A)

amending legislation—

Weapons Legislation Amendment Regulation (No. 1) 2001 SL No. 87 pts 1–2

notfd gaz 29 June 2001 pp 822–5
commenced on date of notification

Weapons (Handguns and Trafficking) Amendment Act 2003 No. 37 ss 1–2(1), pt 6

date of assent 2 June 2003
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 2003 (2003 SL No. 132)

Weapons Legislation Amendment Regulation (No. 1) 2003 SL No. 134 ss 1–2, 3(1) sch

notfd gaz 27 June 2003 pp 749–56
ss 1–2 commenced on date of notification
sch, amdt 2 commenced at the end of 30 June 2003 (see s 2(1))
remaining provisions commenced 1 July 2003 (see s 2(2))

Police Powers and Responsibilities and Other Legislation Amendment Act 2003 No. 92 ss 1, 2(3), pt 15

date of assent 3 December 2003
ss 1–2 commenced on date of assent
remaining provisions commenced 1 November 2004 (see s 2(3))

Weapons Legislation Amendment Regulation (No. 2) 2003 SL No. 357 pts 1, 3

notfd gaz 19 December 2003 pp 1307–13
commenced on date of notification

Weapons Amendment Act 2011 No. 37 pts 1, 3

date of assent 24 November 2011
ss 1–2 commenced on date of assent
ss 30–31 commenced 2 January 2012 (2011 SL No. 273 item 1)
remaining provisions commenced 2 April 2012 (2011 SL No. 273 item 2)

Weapons Legislation Amendment Regulation (No. 1) 2012 SL No. 187 ss 1–2(1), pt 2

notfd gaz 26 October 2012 pp 264–6
ss 1–2 commenced on date of notification
remaining provisions commenced 8 April 2013 immediately after the commencement of the Weapons and Other Legislation Amendment Act 2012, section 10 (see s 2(1) and 2013 SL No. 43)

Weapons Categories Amendment Regulation (No. 1) 2013 SL No. 214

notfd <www.legislation.qld.gov.au> 1 November 2013
commenced on date of notification

Weapons Legislation Amendment Regulation (No. 1) 2014 SL No. 326 pts 1–2

notfd <www.legislation.qld.gov.au> 19 December 2014
commenced on date of notification

5 List of annotations

Category A weapons

s 2 amd 2012 SL No. 187 ss 4, 6; 2013 SL No. 214 s 3

Category B weapons

s 3 amd 2012 SL No. 187 ss 5, 7

Category C weapons

s 4 amd 2012 SL No. 187 s 4

Category D weapons

s 5 amd 2003 SL No. 357 s 14; 2012 SL No. 187 ss 4, 5

Category E weapons

s 6 amd 2011 Act No. 37 s 31

Category H weapons

s 7 amd 2001 SL No. 87 s 3

Category H weapon classes

s 7AA ins 2003 SL No. 134 s 3(1) sch

Category M weapons

s 7A ins 2003 Act No. 37 s 88
amd 2003 Act No. 92 s 83; 2011 Act No. 37 s 32

Category R weapons

s 8 prev s 8 om 2003 SL No. 134 s 3(1) sch
pres s 8 ins 2003 Act No. 37 s 88
amd 2011 Act No. 37 s 33

Restricted items (Act, s 67)

s 9 amd 2003 SL No. 134 s 3(1) sch; 2011 Act No. 37 s 34

Recognised astronomical organisations (Act, s 67)

s 10 ins 2014 SL No. 326 s 3