

Queensland

Weapons Act 1990

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Reprint note
As to the validity of section [51(5) *for pre-Act 2024 No. 45*] / [51(6) *for post-Act 2024 No. 45*], see *Athwal v State of Queensland* (2023) 16 QR 218; [2023] QCA 156.

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Queensland

Weapons Act 1990

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Weapons Act 1990

An Act to consolidate and amend the laws regulating or prohibiting the purchase, possession, use, carrying and sale of certain weapons and articles and to provide for the prevention of the misuse of weapons and for related purposes

Part 1 Preliminary

Division 1 Introduction

1 Short title

This Act may be cited as the *Weapons Act 1990*.

2 Application of Act

(1) This Act does not apply to a person—

(a) who is—

(i) a member of the armed forces of the Commonwealth as prescribed by the *Defence Act 1903* (Cwlth) in respect of that person's possession or use of a weapon, or possession or distribution of blueprint material for the manufacture of a firearm, as part of performance of duty as such member; or

(ii) a member of the armed forces of any government associated with the armed forces of the Commonwealth in respect of that person's possession or use of a weapon, or possession or distribution of blueprint material for the manufacture of a firearm, as part of performance of duty as such member; or

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(iii) a member in a cadet force under the *Cadet Forces Regulations* (Cwlth) in relation to the member's possession and use of a weapon, or possession or distribution of blueprint material for the manufacture of a firearm, when participating in the activities of the cadet force in which the person is a member; or

Editor's notes—

1 *Cadet Forces Regulations 1977* (Cwlth), section 2—

cadet force means the Australian Navy Cadets, the Australian Army Cadets or the Australian Air Force Cadets.

member means an officer, instructor or cadet in a cadet force.

2 The *Cadet Forces Regulations 1977* are in force under the *Defence Act 1903* (Cwlth), the *Naval Defence Act 1910* (Cwlth) and the *Air Force Act 1923* (Cwlth).

(b) who is a member of the federal police as prescribed by the *Australian Federal Police Act 1979* (Cwlth) or member of the police service of any other State or Territory in respect of that person's possession or use of a weapon, or possession or distribution of blueprint material for the manufacture of a firearm, as part of performance of duty as such member or when performing a function for the Queensland Police Service at the request of the commissioner of the Queensland Police Service; or

(c) who is an officer of Customs in the Australian Border Force in relation to the person's possession or use of a weapon, or possession or distribution of blueprint material for the manufacture of a firearm, when performing the duties of an officer; or

(d) who is an officer of the Australian Protective Service under the *Australian Protective Service Act 1987* (Cwlth) in relation to the person's possession or use of a weapon, or possession or distribution of blueprint material for the manufacture of a firearm, when performing the duties of an officer; or

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(e) who is a police officer, special constable or trainee member of the Queensland police service, or any other member of the Queensland police service authorised by the commissioner—

(i) in respect of the person's possession or use of a weapon, or possession or distribution of blueprint material for the manufacture of a firearm, as part of the performance of the person's functions as a member of the Queensland police service; or

(ii) while the person is not on duty as a member of the Queensland police service in relation to the person's possession or use of a weapon, if the person is acting in accordance with the directions of the commissioner in relation to the off-duty possession and use of weapons; or

(g) who is undergoing an approved training course in respect of the person's possession or use of a weapon as part of the training course; or

(h) whilst, and to the extent, the person is actually engaged in the manufacture, assembly or handling of any weapon for or on behalf of the Government of the Commonwealth or any State or Territory; or

(i) whilst, and to the extent, the person is engaged in scientific or experimental work in relation to a weapon, including in relation to the manufacture of a weapon, under an authority given by the Minister for this section; or

(k) being a person over the prescribed age who is the owner, lessee, hirer or licensee of any boat, ship, or aircraft in respect of possession on board or in connection with, that boat, ship or aircraft of a recognised safety device, signalling apparatus or ammunition thereof as part of and solely for the use as part of the safety equipment of that boat, ship or aircraft; or

(l) who is actually engaged in the warehousing or transport under consignment of merchandise for or on behalf of—

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(i) a licensed dealer; or

(ii) the armed forces of the Commonwealth; or

(iii) any authority of the Commonwealth or State;

in respect of possession of merchandise consigned thereto or therefrom; or

(m) to whom the commissioner of the police service in the prescribed manner has granted an exemption from the application of those provisions of this Act specified therein in respect of the application of those provisions.

(2) This Act does not apply to a government service entity or an employee of a government service entity in relation to the entity's or employee's acquisition, possession or use of a weapon, or possession or distribution of blueprint material for the manufacture of a firearm, as part of the performance of—

(a) the functions of the entity or employee; or

(b) if the functions of the entity or employee are prescribed under a regulation—those functions of the entity or employee that are prescribed.

(3) Subsection (2) does not exempt a government service entity or an employee of a government service entity from—

(a) the application of section 60 or provisions of a regulation dealing with the safe handling and storage of weapons; or

(b) the application of the remaining provisions of this Act to the possession or use of a weapon unless the entity or employee complies with the conditions stated in subsection (4).

(4) The conditions are—

(a) for a government service entity—

(i) the entity notifies the commissioner, in the approved form, of the acquisition or sale of a weapon within 14 days after acquiring or selling the weapon; and

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(ii) the entity keeps, on a register in a form approved by the commissioner and kept for the purpose, the following details—

(A) where the weapon is stored;

(B) the name of each employee to whom a weapon is issued and the date and time when the weapon is issued to the employee and returned by the employee; and

(iii) at least 14 days before the entity issues the weapon to a particular employee for the first time, it gives the commissioner the information about the employee the commissioner reasonably needs to be satisfied the employee is a fit and proper person to possess the weapon; and

(iv) the entity issues the weapon to an employee only if it is satisfied—

(A) the performance of the employee's functions necessarily requires the employee to have possession of the weapon; and

(B) the employee holds a firearms licence; and

(C) the employee is properly trained in the use of the weapon; and

(b) for an employee of a government service entity—the employee holds a firearms licence.

(5) An employee mentioned in subsection (4)(a)(iv) may possess any category of weapon in the performance of the employee's functions even though the employee is not licensed to possess the category of weapon.

(6) The condition mentioned in subsection (4)(a)(iv)(B) does not apply to a prescribed service entity.

(7) The condition mentioned in subsection (4)(b) does not apply to an employee of a prescribed service entity.

(8) The operation of this section is subject to the *Domestic and Family Violence Protection Act 2012*, section 83.

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(9) In this section—

Australian Border Force see the *Australian Border Force Act 2015* (Cwlth), section 4(1).

government service entity means—

(a) a department of Government of the State; or

(b) a museum under the control of the Government of the State or the Commonwealth; or

(c) another entity prescribed under a regulation that—

(i) is established under an Act or under State authorisation for a public or State purpose; or

(ii) is engaged by the State or an entity mentioned in subparagraph (i) to provide a service for the State or entity;

but does not include the Queensland Police Service.

officer of Customs see the *Customs Act 1901* (Cwlth), section 4(1).

prescribed service entity means an entity prescribed for the definition *government service entity*, paragraph (c).

3 Principles and object of Act

(1) The principles underlying this Act are as follows—

(a) weapon possession and use are subordinate to the need to ensure public and individual safety;

(b) public and individual safety is improved by imposing strict controls on the possession of weapons and requiring the safe and secure storage and carriage of weapons.

(2) The object of this Act is to prevent the misuse of weapons.

4 How object is to be achieved for firearms

The object of this Act is to be achieved for firearms by—

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(a) prohibiting the possession and use of all automatic and self-loading rifles and automatic and self-loading shotguns except in special circumstances; and

(b) establishing an integrated licensing and registration scheme for all firearms; and

(c) requiring each person who wishes to possess a firearm under a licence to demonstrate a genuine reason for possessing the firearm; and

(d) providing strict requirements that must be satisfied for—

(i) licences authorising possession of firearms; and

(ii) the acquisition and sale of firearms; and

(e) ensuring that firearms are stored and carried in a safe and secure way.

Division 2 Interpretation

5 Definitions

The dictionary in schedule 2 defines particular words used in this Act.

5A Meaning of *class A serious offence*

(1) A ***class A serious offence*** is—

(a) an offence against any of the following provisions of the Criminal Code—

(i) section 302;

(ii) section 303;

(iii) section 320;

(iv) section 323;

(v) section 409, if—

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(A) the offender is or pretends to be armed with any dangerous or offensive weapon or instrument; or

(B) at or immediately before or immediately after the time of the robbery, the offender wounds or uses any other personal violence to any person; or

(b) an offence under a law of another jurisdiction that, if it had been committed in Queensland, would have constituted an offence mentioned in paragraph (a).

(2) An offence against a provision of the Criminal Code mentioned in subsection (1)(a) is a *class A serious offence* regardless of whether the provision has been amended from time to time or numbered differently.

5B Meaning of *class B serious offence*

(1) A ***class B serious offence*** is—

(a) an offence against a provision of an Act mentioned in schedule 1AA subject to any circumstance, stated for the offence in the schedule, that applies to the offence; or

(b) an offence under a law of another jurisdiction that, if it had been committed in Queensland, would have constituted an offence mentioned in paragraph (a).

(2) An offence against a provision of an Act mentioned in schedule 1AA is a *class B serious offence* regardless of whether the provision has been amended from time to time or numbered differently.

5C Meaning of *class C serious offence*

(1) A ***class C serious offence*** is an offence under a law of Queensland or another jurisdiction that—

(a) relates to the misuse of drugs; or

(b) involves the use or threatened use of violence; or

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(c) involves the carriage, discharge, possession or use of a weapon; or

(d) involves the possession or distribution of blueprint material for the manufacture of a firearm on a 3D printer or an electronic milling machine.

(2) However, an offence is not a *class C serious offence* if it is a class A serious offence or a class B serious offence.

5D Meaning of *disqualified person*

(1) A ***disqualified person*** is a person who—

(a) is a reportable offender under the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*; or

(b) is or has been subject to a firearm prohibition order; or

(c) is or has been subject to an order made under a law of another jurisdiction that corresponds to a firearm prohibition order; or

(d) is or has been subject to a division 3 order under the *Dangerous Prisoners (Sexual Offenders) Act 2003*; or

(e) has been convicted of a serious violent offence under the *Penalties and Sentences Act 1992*, section 161A.

(2) However—

(a) a person who is or has been subject to an order mentioned in subsection (1)(b) or (c) is not a *disqualified person* if, when the order was made, the person was a child; and

(b) a person who has been subject to an order mentioned in subsection (1)(b), (c) or (d) is not a *disqualified person* if the decision to make the order was revoked or set aside on review or appeal.

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6 Meaning of *heirloom firearm*

An ***heirloom firearm*** is a firearm, other than a category R weapon, ownership of which has passed to a person by testamentary disposition or the laws of succession.

6A What is a *replica*

(1) A ***replica of a weapon*** is—

(a) a reasonable facsimile or copy of a weapon, even if it is not capable of discharging a projectile or substance; or

(b) a category A, B or C weapon that has been rendered permanently inoperable; or

(c) a hand grenade that is inert.

(2) A ***replica***—

(a) of a particular weapon—means a reasonable facsimile or copy of the weapon, even if it is not capable of discharging a projectile or substance; or

(b) of a spear gun, longbow or crossbow—means a reasonable facsimile or copy of a spear gun, longbow or crossbow even if it is not capable of discharging a projectile; or

(c) of a thing prescribed under a regulation—means anything prescribed under a regulation to be a replica of the thing.

6B Meaning of *security guard*

(1) A ***security guard*** is a person who patrols, protects, watches over or guards (***protects***) the person's property or other persons or other person's property—

(a) in the course of carrying on a business; or

(b) in the course of employment.

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Example—

A jeweller transporting jewellery in the course of carrying on a business who does not engage someone else to guard the jewellery while it is being transported is a 'security guard'.

Note—

Section 123 provides that a person must not, in performing duties as a security guard, physically possess a weapon unless the person holds a security licence (guard).

(2) However, the following persons are not security guards—

(a) a person who protects property if the protection is carried out in the course of primary production;

(b) a person, other than a security organisation, who engages someone else to protect property for the person.

6C Meaning of *public monument*

(1) A ***public monument*** is a thing that is—

(a) mentioned in the *Weapons Categories Regulation 1997*, section 8(1)(a), (c), (i) or (j); and

(b) permanently incapable of being discharged; and

(c) permanently and lawfully displayed in a public place for memorial or commemorative purposes.

Examples—

- permanently deactivated WWI artillery permanently displayed in the foyer or grounds, open to the public, of an RSL club
- a permanently deactivated Bofors anti-aircraft gun mounted on a concrete platform in a public park

(2) For subsection (1)(c), a thing is permanently displayed only if the thing is displayed in a way that prevents its removal by an unauthorised person.

(3) In this section—

public place includes a place that can be seen from a public place.

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7 How a firearm is made *permanently inoperable*

(1) A firearm is made permanently inoperable if the firearm is modified in the way prescribed under a regulation to make it incapable of being discharged.

(2) However, a firearm is not taken to be permanently inoperable unless a licensed armourer or a person approved by the commissioner for this subsection certifies, in the approved form, the firearm as being incapable of being discharged.

(3) The commissioner may approve a person for subsection (2) only if the commissioner is satisfied the person has the necessary expertise or experience to certify that a firearm is incapable of being discharged.

8 How a firearm is made *temporarily inoperable*

A firearm is made temporarily inoperable—

(a) for a firearm designed to allow its bolt, breech block, firing pin or other integral part of the firing mechanism to be removed—if the part is removed and securely stored separately from the firearm; and

(b) for another firearm—if the firearm's trigger is secured by a trigger lock and the lock's key is securely stored separately from the firearm.

8A Notes in text

A note in the text of this Act is part of the Act.

Part 2 Licences

9 Issue, renewal, endorsement and alteration of licences

A licence may be issued, renewed, endorsed or altered only by an authorised officer.

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10 Limitations on issue of licence

(1) A licence may be issued only to—

(a) an individual under subsection (2); or

(b) a body under subsection (3).

(2) A licence may be issued to an individual only if the person—

(a) is—

(i) for a licence other than a minor's licence—an adult; or

(ii) for a minor's licence—at least 11 years and otherwise within the age group prescribed under a regulation for the licence; and

(b) has, under section 10A, an adequate knowledge of safety practices for the use, storage and maintenance of the weapon or category of weapon the possession of which is to be authorised by the licence; and

(c) has access to secure storage facilities for the weapon or category of weapon possession of which is to be authorised by the licence; and

(d) is not prevented under this or another Act or by an order of a Magistrates Court or another court from holding the licence; and

(e) is a fit and proper person to hold a licence; and

Note—

See also sections 10B and 10C.

(f) has a reason mentioned in section 11 to possess the weapon or category of weapon; and

(g) resides only in Queensland.

(2A) Subsection (2)(g) does not apply to a person who—

(a) for a person who resides in a State adjoining Queensland—

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(i) satisfies the authorised officer that the person has a genuine reason for possessing a weapon for which a licence is required under this Act; and

(ii) is not disqualified from obtaining a similar licence in the adjoining State; or

(b) for a person who resides in a State other than an adjoining State but whose main place of residence is Queensland—is not disqualified from obtaining a similar licence in the other State.

(2B) Also, subsection (2)(g) does not apply to a person who—

(a) resides outside Queensland and intends visiting Queensland to engage in an activity that is a reason for possession of a weapon under section 11; and

(b) is entitled by law (whether or not under a licence) to possess and use a firearm or type of firearm in the State or country where the person usually resides; and

(c) applies for a licence prescribed under section 12(k) for visitors to Queensland.

(3) A licence may be issued to a body, whether incorporated or unincorporated, only if—

(a) for a licence to be issued to an approved shooting club—

(i) it is endorsed with the name of an individual, who is a member of the club's governing body and satisfies the requirements of subsection (2)(a) to (e), as the club's representative in the conduct of its business or affairs; and

(ii) it is endorsed with the names and addresses of the individuals who are responsible for the safekeeping of the weapons or category of weapons possession of which is to be authorised by the licence when not in use by members of that club; or

(b) for a licence to be issued to another body, only if—

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(i) the body has a reason mentioned in section 11 to possess a weapon; and

(ii) it is endorsed with the name of an individual, who satisfies the requirements of subsection (2)(a) to (e), as the body's representative in the conduct of its business or affairs.

(4) A licence enabling the licensee to carry on a business may be issued only if it is endorsed with the place at which the business is to be carried on.

(5) If the business is to be carried on at more than 1 place, a separate application for each place must be made and a separate licence for each place issued.

(6) In this section—

similar licence, for a weapon in an adjoining or other State, means a licence, permit or authority issued under the law of the other State entitling the person to possession of the weapon.

10A Adequate knowledge of weapon

(1) For section 10(2)(b), a person has an adequate knowledge of safety practices for the use, storage and maintenance of a weapon, or category of weapon, the possession of which is to be authorised by a licence (the ***new licence***) if the person complies with subsection (2), (3) or (4).

(2) The person complies with this subsection if the person satisfies the commissioner that the person has completed, within 1 year before the day the person applies for the issue of the new licence—

(a) if the new licence is a security licence (guard)—

(i) an approved safety training course (security guard); or

(ii) a course in safety training for weapons conducted in another State that the commissioner is satisfied

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is at least equivalent to an approved safety training course (security guard); or

(b) if the new licence is not a security licence (guard)—

(i) an approved safety training course (general); or

(ii) a course in safety training for weapons conducted in another State that the commissioner is satisfied is at least equivalent to an approved safety training course (general).

(3) The person complies with this subsection if—

(a) within 1 year immediately before the day the person made the application for the new licence, the person was a licensee; and

(b) the licence (the ***previous licence***) held by the person as a licensee was no longer in force when the person made the application for the new licence; and

(c) it was not a reason for the previous licence being no longer in force that the licence had been suspended or revoked under this Act; and

(d) the previous licence was a licence of 1 of the following classes—

(i) collector's licence (heirloom) or (weapons);

(ii) concealable firearms licence;

(iii) firearms licence;

(iv) minor's licence.

(4) The person complies with this subsection if the person is the holder of a current licence, equivalent to the new licence, issued under the law of another State or country.

10AA Approval of training courses

(1) The commissioner may approve a course as a safety training course (general) if the commissioner is satisfied the course—

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(a) is about the safe use, storage and maintenance of a weapon that is authorised to be possessed under a licence other than a security licence (guard); and

(b) complies with the requirements prescribed under a regulation.

(2) The commissioner may approve a course as a safety training course (security guard) if the commissioner is satisfied the course—

(a) is about the safe use, storage and maintenance of either or both of the following—

(i) a weapon that is authorised to be possessed under a security licence (guard);

(ii) a restricted item; and

(b) complies with the requirements prescribed under a regulation.

(3) The commissioner must notify the approval of a course under subsection (1) or (2) on the QPS website.

(4) Failure to comply with subsection (3) does not affect the validity of the approval.

10B Fit and proper person—licensees

(1) In deciding or considering, for the issue, renewal, suspension or revocation of a licence, whether a person is, or is no longer, a fit and proper person to hold a licence, an authorised officer must consider, among other things—

(a) the mental and physical fitness of the person; and

(b) if the authorised officer is aware the person has a conviction for a relevant offence, including a conviction that is a spent conviction, a conviction that has not been recorded or a conviction that has been quashed or set aside—

(i) the conviction; and

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(ii) any information about the circumstances of the offence or conviction to which the officer has access; and

(c) if the authorised officer is aware the person has been charged with a relevant offence, including a charge that has been withdrawn, discharged or struck out—

(i) the charge; and

(ii) any information about the circumstances of the offence or charge to which the officer has access; and

(d) whether a domestic violence order has been made, a police protection direction or police protection notice issued or release conditions imposed against the person; and

(e) whether the person has stated anything in or in connection with an application for a licence, or an application for the renewal of a licence, the person knows is false or misleading in a material particular; and

(f) whether there is any criminal intelligence or other information to which the authorised officer has access that indicates—

(i) the person is a risk to public safety; or

(ii) that authorising the person to possess a weapon would be contrary to the public interest; and

(g) the public interest.

(2) Subsections (3) to (5) apply in relation to the issue, renewal or revocation of a licence.

(3) A person is not a fit and proper person to hold or continue to hold the licence if the person—

(a) is a disqualified person; or

(b) is prevented by an order of a court, other than a temporary protection order, from holding or obtaining a licence or possessing a weapon.

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(4) A person is not a fit and proper person to hold or continue to hold the licence if, within 10 years before the relevant day, the person—

(a) has been convicted of a class A serious offence or a class B serious offence; or

(b) has been released from lawful custody in relation to a conviction for a class A serious offence or a class B serious offence; or

(c) has been subject to a supervision order in relation to a conviction for a class A serious offence or a class B serious offence.

(5) A person is not a fit and proper person to hold or continue to hold the licence if, within 5 years before the relevant day—

(a) the person—

(i) has been convicted of a class C serious offence; or

(ii) has been released from lawful custody in relation to a conviction for a class C serious offence; or

(iii) has been subject to a supervision order in relation to a conviction for a class C serious offence; or

(b) a domestic violence order, other than a temporary protection order, has been made against the person or a police protection direction has been issued against the person.

(6) Also, for the issue, renewal, suspension or revocation of a dealer's licence, a person is not, or is no longer, a fit and proper person to hold or continue to hold the licence unless each associate of the person is a fit and proper person to be an associate of a licensed dealer under section 10C.

(7) For subsections (4) and (5), the conviction—

(a) must be a recorded conviction; and

(b) may be a spent conviction.

(8) In this section—

court means—

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(a) the Magistrates Court or another Queensland court; or

(b) a court of another jurisdiction.

relevant day means—

(a) in relation to the issue or renewal of a licence—the day the application for the issue or renewal of the licence is made; or

(b) in relation to the revocation of a licence—the day the licensee is given a revocation notice under section 29 for the revocation.

10C Fit and proper person—licensed dealer's associate

(1) In deciding or considering, for the issue, renewal, suspension or revocation of a dealer's licence, whether an associate of an applicant for a dealer's licence or a licensed dealer is, or is no longer, a fit and proper person to be an associate of a licensed dealer, an authorised officer must consider—

(a) if the authorised officer is aware the associate has a conviction for a relevant offence, including a conviction that is a spent conviction, a conviction that has not been recorded or a conviction that has been quashed or set aside—

(i) the conviction; and

(ii) any information about the circumstances of the offence or conviction to which the officer has access; and

(b) if the authorised officer is aware the associate has been charged with a relevant offence, including a charge that has been withdrawn, discharged or struck out—

(i) the charge; and

(ii) any information about the circumstances of the offence or charge to which the officer has access; and

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(c) whether there is any criminal intelligence or other information to which the authorised officer has access that indicates—

(i) the associate is a risk to public safety; or

(ii) any relationship involving weapons between the associate and the applicant or licensed dealer would be contrary to the public interest.

(2) A person is not a fit and proper person to be an associate of a licensed dealer if—

(a) the person is a disqualified person; or

(b) within 10 years before the relevant day, the person—

(i) has been convicted of a class A serious offence or a class B serious offence; or

(ii) has been released from lawful custody in relation to a conviction for a class A serious offence or a class B serious offence; or

(iii) has been subject to a supervision order in relation to a conviction for a class A serious offence or a class B serious offence.

(3) Also, a person is not a fit and proper person to be an associate of a licensed dealer if an authorised officer is satisfied that any relationship involving weapons between the person and the applicant or licensed dealer would be contrary to the public interest because—

(a) within 5 years before the relevant day, the person—

(i) has been convicted of a class C serious offence; or

(ii) has been released from lawful custody in relation to a conviction for a class C serious offence; or

(iii) has been subject to a supervision order in relation to a conviction for a class C serious offence; or

(b) a domestic violence order, other than a temporary protection order, has been made against the person or a

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police protection direction has been issued against the person.

(4) For subsections (2) and (3)(a), the conviction—

(a) must be a recorded conviction; and

(b) may be a spent conviction.

(5) In this section—

relevant day means—

(a) in relation to the issue or renewal of a dealer's licence—the day an application for the issue or renewal of the licence is made; or

(b) in relation to the suspension of a dealer's licence—the day the licensee is given a suspension notice under section 28 for the suspension; or

(c) in relation to the revocation of a dealer's licence—the day the licensee is given a revocation notice under section 29 for the revocation.

11 Genuine reasons for possession of a weapon

The following are reasons for possession of a weapon—

(a) sports or target shooting;

(b) recreational shooting;

(c) an occupational requirement, including an occupational requirement for rural purposes;

(d) the collection, preservation or study of weapons;

(e) another reason prescribed under a regulation.

12 Licences

Licences are of the following classes—

(a) armourer's licence;

(b) blank-fire firearms licence;

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(c) collector's licence (heirloom) or (weapons);

(d) concealable firearms licence;

(e) dealer's licence;

(f) firearms licence;

(g) firearms licence (instructor);

(h) minor's licence;

(i) security licence (organisation) or (guard);

(j) theatrical ordnance supplier's licence;

(k) another licence prescribed under a regulation.

13 Application for licence

(1) An application for a licence must—

(a) be made in the approved form and state the applicant's reason for wishing to possess a weapon (the ***reason***); and

(b) be made personally, in the way prescribed under a regulation, by—

(i) if the licence is for an individual—the person; or

(ii) if the licence is for a body, whether incorporated or unincorporated—an individual nominated by the body for endorsement on the licence as the body's representative in the conduct of its business or affairs; and

(c) state whether the applicant has a conviction for a relevant offence, including a conviction that is a spent conviction, a conviction that has not been recorded or a conviction that has been quashed or set aside; and

(d) state whether the applicant has been charged with a relevant offence, including a charge that has been withdrawn, discharged or struck out; and

(e) if the applicant has a conviction for a relevant offence as mentioned in paragraph (c) or has been charged with a

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relevant offence as mentioned in paragraph (d)—include—

(i) details of the conviction or charge; and

(ii) information about the circumstances of the offence; and

(iii) information about the circumstances of the conviction or charge; and

(f) be accompanied by—

(i) the fee prescribed under a regulation; and

(ii) proof of identity to the satisfaction of an authorised officer; and

(iii) other particulars prescribed under a regulation; and

(iv) the other relevant particulars the person to whom the application is made reasonably requires.

(2) If the reason is sports or target shooting, the applicant must provide proof the applicant is a current member of an approved shooting club.

(3) If the reason is recreational shooting, the applicant must produce—

(a) written permission from a landowner authorising the applicant to shoot on the landowner's rural land; or

(b) proof of current membership of a body prescribed under a regulation for this subsection.

(4) A body may be prescribed for subsection (3)(b) only if—

(a) it is a landowner of rural land; or

(b) it holds written permission from a landowner authorising members of the body to shoot on the landowner's rural land.

(5) If the reason is an occupational requirement, the applicant must state why possession of a weapon is necessary in the conduct of the applicant's business or employment.

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14 Inquiries into application

(1) Before the application is decided, an officer in charge of police or authorised officer with whom an application for a licence is lodged may—

(a) make an inquiry or investigation about the applicant or the application; and

(b) require the applicant to give the officer further information the officer reasonably needs to be satisfied about the applicant's identity or physical or mental health including—

(i) in relation to the applicant's physical health—a report from a doctor about the applicant's physical health; and

(ii) in relation to the applicant's mental health—a report from a doctor or psychologist about the applicant's mental health; and

(c) require the applicant—

(i) to confirm whether the applicant has a conviction for a relevant offence, including a conviction that is a spent conviction, a conviction that has not been recorded or a conviction that has been quashed or set aside; and

(ii) if the applicant has a conviction for a relevant offence as mentioned in subparagraph (i)—to give the officer details of the conviction and information about the circumstances of the offence or conviction, other than details or information included in the application; and

(d) require the applicant—

(i) to confirm whether the applicant has been charged with a relevant offence, including a charge that has been withdrawn, discharged or struck out; and

(ii) if the applicant has been charged with a relevant offence as mentioned in subparagraph (i)—to give the officer details of the charge and information

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about the circumstances of the offence or charge, other than details or information included in the application; and

(e) inspect the secure storage facilities for the weapon or category of weapon possession of which is to be authorised by the licence; and

(f) supply, for this section, information or a document relevant to the applicant's identity to an officer or member of a State or Commonwealth police service; and

(g) require the applicant to display an adequate knowledge of the safety practices for the use, storage and maintenance of the weapon or category of weapons the possession of which is to be authorised under the licence; and

(h) make a report about the applicant or the application; and

(i) make the recommendation about the application the officer thinks appropriate.

(2) If an authorised officer suspects, on reasonable grounds, that the applicant's stated identity is false, the authorised officer may require the applicant to provide an identifying particular to verify the applicant's identity.

(3) The applicant is taken to have withdrawn the application if, within a stated reasonable time, the applicant—

(a) refuses to provide the information reasonably required under subsection (1)(b); or

(b) fails to comply with a requirement under subsection (1)(c) or (d); or

(c) refuses to allow the inspection under subsection (1)(e); or

(d) fails to comply with a requirement under subsection (2).

(4) If information about the applicant's mental health given under subsection (1)(b) is provided in a doctor's or psychologist's report, an authorised officer may—

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(a) make information in the officer's possession available to the doctor or psychologist; and

(b) ask the doctor or psychologist to provide a further report.

(5) The authorised officer may make the information available only if the officer considers, on reasonable grounds—

(a) the doctor or psychologist was not aware of the information; and

(b) the information may influence the doctor's or psychologist's opinion about the applicant's mental health.

(6) The authorised officer must also advise the applicant of the information being supplied to the doctor or psychologist.

(7) The authorised officer may make the information available under subsection (4) despite the provisions of any other Act.

(8) Unless the authorised officer considers that it is currently required for the investigation of an offence, the authorised officer must, after deciding the application—

(a) return to the applicant any identifying particular obtained in the course of inquiries into the application; and

(b) destroy any record or copy of the identifying particular.

(9) Information required to be supplied under this section may be used only to decide the application or to investigate or prosecute an offence and must not be disclosed for any other purpose.

(10) In this section—

applicant includes, for a body, an individual nominated by the body for endorsement on the licence as the body's representative in the conduct of its business or affairs.

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15 Authorised officer decides application

(1) An authorised officer must decide an application for a licence (other than renewal of a licence) as soon as practicable after the end of the period prescribed for this section under a regulation.

(2) However, the authorised officer may decide the application within the prescribed period if the applicant is the holder of an existing licence of another class.

(3) In deciding the application, the authorised officer may consider anything at the officer's disposal.

Note—

Additional requirements are prescribed for particular applications under section 18A, 18B or 18C.

(4) The authorised officer must—

(a) approve the application and issue the licence subject to any conditions the authorised officer may decide, including, but not limited to—

(i) conditions limiting the use or possession of a weapon; or

(ii) conditions prescribed under a regulation and applying to the weapon; or

(iii) for a licence authorising possession of a category M crossbow—conditions requiring the licensee within 7 days to permanently mark on the crossbow an identifying serial number fixed by the authorised officer for the crossbow; or

(iv) any other conditions the authorised officer considers appropriate in the particular circumstances; or

(b) reject the application.

(5) However, if the authorised officer is acting on the basis of criminal intelligence or other information of the kind mentioned in section 10B(1)(f) or 10C(1)(c), the authorised officer may reject the application because the person is not a

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fit and proper person only if the commissioner or deputy commissioner, acting personally, approves that the application be rejected on that basis.

(6) A person whose application is rejected because the person is not a fit and proper person to hold a licence is not entitled to reapply for a licence—

(a) if the person's application was rejected because the person was not a fit and proper person under section 10B(3), (4) or (5)—until the day the section stops having the effect that the person is not a fit and proper person under that subsection; or

(b) otherwise—until the day 3 years after the day the application was rejected.

16 Issue of licence

(1) A licence must be—

(a) in the approved form; and

(b) endorsed with—

(i) the weapon or category of weapon the possession of which is authorised by the licence; and

(ii) any conditions decided by an authorised officer; and

(iii) if the licence is an armourer's, collector's or dealer's licence or a security licence (organisation)—the place approved for the secure storage of the weapon or category of weapon possession of which is authorised by the licence.

(2) A condition or any other information to be endorsed on a licence may be endorsed on the licence or a certificate issued for the licence.

(3) The condition or information may be endorsed on the licence or certificate by a word that is given a meaning by a code prescribed under a regulation.

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(4) A regulation may prescribe things that must be provided for on the approved form of licence.

18 Renewal of licences

(1) A licensee may apply for the renewal of the licensee's licence.

(1A) The licensee must make the application for renewal of the licence on or before the day the licence expires.

(2) An application for renewal of a licence must be—

(a) made in the approved form; and

(b) made personally, in the way prescribed under a regulation, by—

(i) for a licence issued to an individual—the licensee; or

(ii) for a licence issued to a body, whether incorporated or unincorporated—an individual nominated by the body for endorsement on the licence as the body's representative in the conduct of its business or affairs; and

(c) accompanied by the fee prescribed under a regulation.

(3) If an officer in charge of police receives the application, the officer must refer the application to an authorised officer.

(4) An authorised officer must ensure the application is decided—

(a) as soon as practicable after the application is made; and

(b) if the application is not decided on or before the day the licence expires—within 42 days after the day the licence expires.

(5) In deciding the application, the authorised officer may consider anything at the officer's disposal.

(6) The authorised officer must—

(a) approve the application and renew the licence subject to any conditions the authorised officer may decide; or

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(b) reject the application.

(7) However, if the authorised officer is acting on the basis of criminal intelligence or other information of the kind mentioned in section 10B(1)(f) or 10C(1)(c), the authorised officer may reject the application because the person is not a fit and proper person only if the commissioner or deputy commissioner, acting personally, approves that the application be rejected on that basis.

(8) A licence may be renewed by—

(a) endorsing the existing licence; or

(b) cancelling the licence and issuing a fresh licence endorsed with any condition decided by an authorised officer or other information.

(9) Section 10(1), (2)(a), (2)(c) to (g) and (2A) to (3) applies to the renewal of a licence.

(10) For applying the provisions mentioned in subsection (9) to the renewal of a licence, a reference to the issue of the licence is taken to be a reference to the renewal of the licence.

18AA Alternative provision for renewal application if licensee is an individual

(1) This section applies if a licensee is an individual.

(2) However, this section applies to a licensee only if, when the licensee is required to apply for the renewal of a licence, the licensee—

(a) is temporarily absent from Australia for a genuine occupational reason; or

(b) is temporarily a patient in a hospital.

(3) Also, this section applies despite section 18(2)(b)(i).

(4) If the licensee authorises an attorney under a power of attorney to make the application for the licensee, the attorney may make the application for renewal of the licensee's licence for the licensee.

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(5) However, the attorney may make the application—

(a) only on a single occasion; and

(b) only if the attorney gives the authorised officer a statutory declaration stating that the attorney is not entitled to any fee or other benefit for making the application.

(6) The attorney must make the application by—

(a) personally giving to a police officer at a police station or police establishment a renewal application completed and signed by the licensee; and

(b) producing to the police officer the information mentioned in section 18AB (***required information***).

18AB What is *required information* for s 18AA

(1) The required information for section 18AA is as follows—

(a) photographic evidence of the attorney's identity;

(b) the original of the instrument conferring the power of attorney, or a copy of the instrument certified by a justice of the peace, commissioner for declarations, lawyer or notary public as a true copy of the instrument;

(c) a statutory declaration complying with subsection (2), (3) or (4), as appropriate.

(2) If the attorney makes the application because the licensee is temporarily absent from Australia for a genuine occupational reason, the statutory declaration must be signed by the licensee and state the following—

(a) the licensee is temporarily absent from Australia for a genuine occupational reason;

(b) the genuine occupational reason for the licensee's absence;

(c) how long the licensee will be absent.

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(3) If the attorney makes the application because the licensee is temporarily a patient in a hospital, the statutory declaration must be signed by the licensee and state the following—

(a) the licensee is temporarily a patient in a stated hospital because of a genuine medical condition;

(b) the nature of the medical condition;

(c) when the licensee became a patient in the hospital.

(4) If the attorney makes the application because the licensee is temporarily a patient in a hospital and the licensee is unable to make the declaration because of a genuine medical reason, the statutory declaration must be signed by the attorney and state the following—

(a) the licensee is temporarily a patient in a stated hospital because of a genuine medical condition;

(b) the nature of the medical condition;

(c) when the licensee became a patient in the hospital;

(d) the licensee is unable to make the application.

18A Additional application requirements for collector's licence (weapons) for category H weapon

(1) If the application is for a collector's licence (weapons) or the renewal of a collector's licence (weapons) and the licensee intends to possess a temporarily inoperable category H weapon, the application must include a current declaration signed by an approved historical society's representative stating—

(a) the applicant holds current membership with the approved historical society; and

(b) the representative is satisfied that the applicant is a genuine collector of weapons.

(2) Subsection (1) does not apply if the applicant is an approved historical society.

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(3) A declaration mentioned in subsection (1) is current for 28 days after the day it is signed by the representative.

18B Additional application requirements for concealable firearms licence

(1) If the application is for a concealable firearms licence and the applicant's reason for possession of a weapon under that licence is sports or target shooting, the application must include a current declaration by the representative of an approved pistol club stating that—

(a) the applicant holds current membership with the pistol club; and

(b) the applicant has been a member of the pistol club for the 6 month period immediately before the declaration is made; and

(c) the applicant has participated in at least 3 handgun shooting competitions during that 6 month period.

(2) Subsection (3) applies if an applicant for a concealable firearms licence—

(a) holds a licence or other authority under a law of another State that corresponds with this Act authorising the applicant to possess a category H weapon for sports or target shooting; or

(b) was, within the period prescribed under a regulation for this section, a resident of another country and at the time of the application resides only in Queensland.

(3) The declaration included in the application need not address the matters mentioned in subsection (1)(b) or (c) if the application is accompanied by evidence—

(a) for subsection (2)(a), that the applicant—

(i) has been a member of a shooting club in the other State for the 6 month period immediately before the declaration is made; and

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(ii) holds a licence or other authority under a law of the other State that corresponds with this Act authorising the applicant to possess a category H weapon for sports or target shooting; and

(iii) has held the authority mentioned in subparagraph (ii) for at least 12 months; and

(iv) has, in the other State, participated in not less than the number of handgun shooting competitions necessary to comply with the law of the other State; or

(b) for subsection (2)(b), that the applicant—

(i) was permitted or authorised under the law of the other country to possess a category H weapon for sports or target shooting; and

(ii) has, within the 2 year period immediately before the declaration is made, consistently participated at a national or international level in internationally recognised shooting competitions for a category H weapon.

Examples of internationally recognised shooting competitions—

- shooting competitions in the Olympic Games
- shooting competitions in the Commonwealth Games
- metallic silhouette world championship

(4) If the application is for the renewal of a concealable firearms licence and the applicant's reason for possession of a weapon is sports or target shooting, the application must include—

(a) a current declaration by the representative of an approved shooting club stating that the applicant holds current membership with the shooting club; and

(b) a copy of the applicant's participation record for the period of the applicant's current licence.

(5) A declaration under this section is current for 28 days after the day it is signed by the representative.

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18C Additional application requirements for dealer's licence

If the application is for a dealer's licence or the renewal of a dealer's licence, the approved form must require the applicant to disclose—

(a) the full name, occupation and residential address of each person who is an associate of the applicant for the dealer's licence or the licensed dealer; and

(b) details of the relevant interest, relevant power or relevant position each associate holds or will hold or may be entitled to exercise.

18D Delegation by representative

(1) A representative of a body or club may delegate the representative's power to make a declaration under section 18A or 18B to an appropriate person.

(2) An authorised officer may, by written notice given to the body or club, revoke the delegation if the authorised officer reasonably suspects the person to whom power is delegated under subsection (1) is not, or is no longer, an appropriate person.

(3) The revocation of a delegation under subsection (2) does not affect the validity of a licence issued or renewed before the delegation was revoked.

(4) In this section—

appropriate person, to whom a power may be delegated by a representative of a body or club, means a person who is a member of the governing body of the body or club.

19 Notice of rejection of application to issue or renew licence

(1) If an authorised officer rejects an application for a licence or renewal of a licence, the authorised officer must give the applicant a notice of rejection in the approved form stating the specific reasons for the rejection.

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(2) If a reason an authorised officer rejects an application is criminal intelligence or other information that is not publicly available, it is enough that the notice under subsection (1) states the specific reason for rejection as 'confidential information'.

(3) The notice may be given to the applicant by sending it to the applicant by security post at the address shown on the application.

20 Term of licence

(1) A licence, other than a replacement licence, remains in force for the term stated on the licence which must not be more than—

(a) if the licence is for a category A or B weapon—10 years; or

(b) if the licence is for a weapon other than a category A or B weapon—5 years.

(2) Despite subsection (1) but subject to any direction by the commissioner, an authorised officer may, by written notice given to a licensee, extend the term the licensee's licence remains in force to a day that coincides with the licensee's next birthday.

(3) No fee is payable for the extension of a term under subsection (2).

(4) A replacement licence remains in force for the unexpired term of the licence which it replaces.

(5) An existing licence stops being in force if a replacement licence is issued instead of the licence.

(6) Also, a licence, including a replacement licence, stops being in force if—

(a) it is suspended, cancelled, revoked or surrendered; or

(b) the licensee dies or is disqualified from holding the licence; or

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(c) for a minor's licence—the licensee turns 18.

20A Continuation of licence until renewal application dealt with

(1) This section applies if—

(a) a licensee applies under section 18 for the renewal of a licence; and

(b) the application is not decided on or before the day the licence expires.

(2) The licence, as in force immediately before its expiry, continues in force, as if it had not expired, until the first of the following happens—

(a) the authorised officer deciding the application approves the application and renews the licence;

(b) the authorised officer deciding the application rejects the application and gives the applicant the notice of rejection under section 19(1);

(c) 42 days elapse after the licence's expiry.

21 Certain licences transferable

(1) A licence is transferable only in the circumstances mentioned in this section.

(2) The following licences may be transferred on a sale of a business—

- armourer's licence
- dealer's licence
- security licence (organisation)
- theatrical ordnance supplier's licence.

(3) The proposed purchaser of the business must apply for the appropriate licence under section 13.

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(4) If an authorised officer is satisfied the proposed purchaser is otherwise entitled to be issued with the licence, the authorised officer may approve the transfer of the licence subject to the sale of a business being finalised.

(5) If an authorised officer approves the transfer, the purchaser is taken to be the holder of the licence from the time the sale is finalised until the licence is formally transferred or a fresh licence is issued in the purchaser's name for the balance of the original licence's term.

22 Reporting loss, destruction or theft of licence

A licensee must report the loss, destruction or theft of the licence to an officer in charge of police immediately after the licensee becomes aware of the loss, destruction or theft.

Maximum penalty—10 penalty units.

23 Replacement licence

(1) This section applies if an authorised officer is satisfied—

(a) a licence is lost, destroyed or stolen; or

(b) any writing or endorsement on a licence is illegible and the licence is surrendered to an officer in charge of police.

(2) The authorised officer may issue to the licensee a licence (the ***replacement licence***) instead of the existing licence on—

(a) application by the licensee in the approved form; and

(b) payment of the fee prescribed under a regulation.

24 Change in licensee's circumstances

(1) It is a condition of each licence that a licensee must, within 14 days of the happening of an event mentioned in subsection (2) (the ***change***), advise an officer in charge of police of the change and the particulars of the change the officer reasonably requires.

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(2) The events are—

(a) any of the following events—

(i) a change of address for the licensee or the licensee's representative;

(ii) a change in the mental or physical fitness of the licensee or the licensee's representative;

(iii) the licensee or the licensee's representative is charged with, or convicted of, a serious offence;

(iv) a domestic violence order is made, or a police protection direction is issued, against the licensee or the licensee's representative;

(v) the licensee or the licensee's representative becomes a disqualified person; or

(b) a change in the licensee's—

(i) reason or need for possessing or using a weapon; or

(ii) access to secure storage facilities for the licensee's weapon; or

(c) a change in the licensee's name or the licensee's representative's name; or

(d) a change in the place entered in the firearms register as the place where a firearm is generally kept if the licensee is the registered owner of the firearm; or

(e) if the licensee is a licensed dealer, a change in the licensee's associates; or

(f) the revocation of the licensee's permission to shoot on a landowner's rural land; or

(g) another event prescribed under a regulation.

(2A) Subject to subsection (3), the advice must be given in a way prescribed by regulation.

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(3) If advice of a change in the licensee's associates is given under subsection (2)(e), the advice must be given in the approved form and include—

(a) the full name, occupation and residential address of each of the licensee's associates; and

(b) details of the associate's relevant financial interest, relevant power or relevant position in the licensee's business.

(4) The officer in charge must advise an authorised officer of the change.

(5) The authorised officer must—

(a) if the change is to a particular on the licence and the authorised officer is satisfied of the correctness of the change—endorse the licence with the change; or

(b) otherwise—take the appropriate action in relation to the licence.

(6) In this section—

representative of a licensee means a person who is endorsed—

(a) on the licensee's licence as the licensee's representative; or

(b) on a permit to acquire issued to the licensee as the licensee's representative.

25 Authorised officer may amend licence conditions

(1) An authorised officer may amend the conditions of a licence—

(a) on the licensee's application; or

(b) on the authorised officer's own initiative.

(2) Before making an amendment under subsection (1)(b), the authorised officer must—

(a) give written notice to the licensee—

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(i) of the details of the proposed amendment; and

(ii) that the licensee may make written submissions to the authorised officer about the proposed amendment before a stated day, not earlier than 21 days after the notice is given to the licensee; and

(b) have regard to submissions made to the authorised officer by the licensee before the stated day.

(3) If an authorised officer decides to amend the conditions of a licence, the authorised officer must give written notice of the amendment to the licensee.

(4) The amendment takes effect—

(a) on the day the written notice of the amendment is given to the licensee; or

(b) if a later day is stated in the notice—on the stated day.

(5) An authorised officer may refuse to make an amendment under subsection (1)(a) by written notice given to the licensee stating the reasons for the refusal.

(6) In this section—

conditions of a licence means conditions decided by an authorised officer under section 15(4)(a).

25A Authorised officer may require information about licensed dealer's associates

(1) An authorised officer may, by written notice, require a licensed dealer to give a declaration to the authorised officer in the approved form—

(a) if the dealer did not previously have an associate and now has an associate or the dealer's associates have changed, advising the name and address of each associate of the dealer and details of the associate's relevant financial interest, relevant power or relevant position in the dealer's business; or

(b) if paragraph (a) does not apply, advising the associates of the dealer have not changed since the dealer—

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(i) most recently applied for the dealer's licence or renewal of the licence; or

(ii) advised an officer, and delivered the licence to the officer, as required under section 24(1); or

(iii) gave a declaration under this section to the authorised officer.

(2) The licensed dealer must give the declaration as required under subsection (1) within 7 days after the written notice is given to the dealer, unless the dealer has a reasonable excuse.

Maximum penalty—100 penalty units.

(3) A licensed dealer who is required to give a declaration to an authorised officer under subsection (1) and gives a declaration under the subsection with information about—

(a) the dealer's associates; or

(b) details of the dealer's associates; or

(c) a change in the dealer's associates;

can not be prosecuted for a failure to disclose that information before the authorised officer made that requirement.

(4) It is not a reasonable excuse for subsection (2) that giving the declaration as mentioned in the subsection may incriminate the person for an offence for which the person can not be prosecuted under subsection (3).

26 Change of approved place

(1) This section applies to an approved place endorsed on a licence under section 16(1)(b)(iii).

(2) On application by the licensee, an authorised officer may change the approved place to another place if the authorised officer is satisfied the other place fulfils the requirements of this Act.

(3) The authorised officer may endorse the licence with the change.

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27 Surrender of licence

(1) A licensee may surrender the licence by—

(a) giving written notice of surrender; and

(b) surrendering the licence.

(2) The notice must be given and the licence surrendered to an authorised officer or officer in charge of police.

27A Effect of temporary protection order, police protection notice or release conditions on licence

(1) If a person is a licensee and is named as the respondent in a temporary protection order, police protection notice or release conditions, the licence is suspended while the order, notice or conditions are in force.

(2) If a person is a body's representative and is named as the respondent in a temporary protection order, police protection notice or release conditions—

(a) any authority the respondent has to possess a weapon because the respondent is the body's representative is ineffective while the order, notice or conditions are in force; and

(b) the body's licence is suspended 7 days after the licensee is given the order, notice or conditions unless, in that period, another individual is endorsed on the licence as the body's representative in substitution for the respondent.

(3) Subsections (1) and (2)(a) take effect—

(a) if the respondent is present in court when the temporary protection order is made—from the time of the order; or

(b) otherwise—when the respondent is given the order, notice or conditions.

(4) A suspension under subsection (2)(b) ends on the earlier of the following—

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(a) when another individual is endorsed on the licence as the body's representative in substitution for the respondent;

(b) the order, notice or conditions are no longer in force.

(5) Subsections (1) and (2)(a) stop having effect when the order, notice or conditions are no longer in force.

(6) If the licensee of a licence suspended under subsection (1) or (2)(b) holds a permit to acquire, the permit is also suspended while the licence is suspended.

(7) Despite a suspension under this section, an authorised officer may suspend the licence under section 28.

27B Notice of intention to revoke because dealer's associate is not fit and proper

(1) This section applies if an authorised officer is satisfied that an associate of a licensed dealer is not a fit and proper person to be an associate of a licensed dealer.

Note—

See also sections 10B and 10C.

(2) Before revoking the licensed dealer's licence, the authorised officer must give the dealer a notice stating that the authorised officer—

(a) is satisfied that a named associate of the dealer is not a fit and proper person to be an associate of a licensed dealer; and

(b) intends to give the dealer a revocation notice under section 29 unless the dealer discontinues the dealer's association with the associate within a stated reasonable time.

(3) In deciding what is a reasonable time, regard is to be had to the following—

(a) the extent of the associate's relevant financial interest in the dealer's business;

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(b) any relevant power the associate may exercise in the dealer's business;

(c) any relevant position the associate holds in the dealer's business;

(d) the public interest.

28 Suspension of licence by giving suspension notice

(1) An authorised officer may, by a suspension notice given to a licensee, suspend the licence if the authorised officer—

(a) is satisfied that the licensee—

(i) has been charged with a serious offence; or

(ii) is temporarily unable to comply with a condition of the licence; or

(b) considers, on reasonable grounds, that the licensee may no longer be a fit and proper person to hold a licence.

Note—

See also sections 10B and 10C.

(2) The licence is suspended until—

(a) if subsection (1)(a)(i) applies—

(i) the proceeding for the charge ends; or

(ii) the suspension is lifted by an authorised officer; or

(b) if subsection (1)(a)(ii) applies—the authorised officer is satisfied the licensee is able to comply with the condition and lifts the suspension; or

(c) if subsection (1)(b) applies—the earlier of the following days—

(i) the day the authorised officer is satisfied the person is a fit and proper person to hold a licence and lifts the suspension;

(ii) the day 90 days after the licence is suspended.

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(3) If a licensee whose licence is suspended under this section holds a permit to acquire, the permit is also suspended.

(4) However, if the authorised officer is acting on the basis of criminal intelligence or other information of the kind mentioned in section 10B(1)(f) or 10C(1)(c), the authorised officer may suspend the licence because the licensee is not a fit and proper person only if the commissioner or deputy commissioner, acting personally, approves the licence be suspended on that basis.

28A Revocation or suspension of licence and related matters after protection order is made or police protection direction issued

(1) If a person is a licensee and is named as the respondent in a protection order or police protection direction, the licence is revoked.

(2) If a person is a body's representative and is named as the respondent in a protection order or police protection direction—

(a) any authority the respondent has to possess a weapon because the respondent is the body's representative is ineffective; and

(b) the body's licence is suspended 7 days after the day the licensee is given the protection order or the direction takes effect unless, in that period, another individual is endorsed on the licence as the body's representative in substitution for the respondent.

(3) Subsections (1) and (2)(a) take effect—

(a) if the respondent is present in court when the protection order is made—on the making of the order; or

(b) if the respondent is present when a police officer issues and explains the police protection direction—when the police officer issues the direction; or

(c) otherwise—when the respondent is given the protection order or is personally served with the direction.

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(4) A suspension under subsection (2)(b) ends on the earlier of the following—

(a) when another individual is endorsed on the licence as the body's representative in substitution for the respondent;

(b) the protection order or police protection direction is no longer in force.

(5) If the licensee of a licence revoked under subsection (1) or suspended under subsection (2)(b) holds a permit to acquire, the permit is revoked or suspended while the licence is revoked or suspended.

(6) Despite a suspension under subsection (2)(b), an authorised officer may suspend the licence under section 28.

29 Revocation of licence by giving revocation notice

(1) An authorised officer may, by a revocation notice given to a licensee, revoke the licensee's licence if the authorised officer is satisfied of any of the following things—

(a) the licence has been obtained through fraud or deception;

(b) the licensee has been convicted of an offence against any law in force in Queensland or elsewhere involving the use, carriage, discharge or possession of a weapon;

(c) the licensee has contravened a condition, participation condition or special condition of the licence;

(d) the licensee is no longer a fit and proper person to hold a licence;

Note—

See sections 10B and 10C.

(e) the licensee no longer has a reason mentioned in section 11 to possess a weapon;

(f) for an armourer's licence, dealer's licence or theatrical ordnance supplier's licence—

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(i) the licensed armourer, licensed dealer or licensed theatrical ordnance supplier is not in charge of the premises stated in the licence; or

(ii) the premises stated in the licence are no longer satisfactory for carrying out the business;

(g) for a collector's licence—

(i) the licensed collector is no longer a genuine collector or is not in charge of the premises where the collector's weapons are usually kept; or

(ii) the premises where the collection is usually kept are no longer satisfactory for the safekeeping of weapons.

(2) Also, if a licensee reports or states to a police officer that a weapon or 1 or more weapons of which the licensee is the registered owner were lost or stolen, an authorised officer may, by a revocation notice given to the licensee, revoke the licensee's licence if—

(a) the licensee fails to satisfy the authorised officer that the licensee took reasonable precautions to prevent the loss or theft; or

(b) the authorised officer reasonably believes that the licensee has unlawfully disposed of the weapon.

(3) If the authorised officer is acting on the basis of criminal intelligence or other information of the kind mentioned in section 10B(1)(f) or 10C(1)(c), the authorised officer may revoke the licence because the person is not a fit and proper person only if the commissioner or deputy commissioner, acting personally, approves the licence be revoked on that basis.

(4) If a licensee whose licence is revoked under this section holds a permit to acquire, the permit is also revoked.

(5) This section does not prevent an authorised officer reinstating a licence that is revoked by the authorised officer because of a mistake of fact.

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Examples for subsection (5)—

1 J was charged with an offence and although no conviction was recorded for the offence, police records indicated a conviction had been recorded.

2 A was required to be a member of a pistol club but the club failed to tell the commissioner that A had joined the club before the revocation happened.

(6) A licence reinstated under subsection (5) is taken not to have been revoked.

(7) The licence may be reinstated by—

(a) returning the licence; or

(b) issuing a fresh licence.

(8) The authorised officer must also ensure any entry made in the firearms register because of the revocation is corrected.

29A Action by court if respondent has access to weapons through employment

(1) This section applies if—

(a) a person is the respondent in a domestic violence order, police protection direction, police protection notice or release conditions; and

(b) under section 27A or 28A, the respondent's licence is suspended or revoked, or the respondent is a representative of a body and the authority to possess a weapon as the body's representative is ineffective; and

(c) an authorised officer reasonably considers the respondent has access to a weapon as part of the respondent's employment.

(2) The authorised officer must—

(a) consider the circumstances of the employment; and

(b) consider the respondent's access to the weapon; and

(c) consider the employment arrangements and whether there is an effective individual within the employing

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entity to whom to give a copy of the order, direction, notice or conditions to ensure the respondent does not possess a weapon as part of the respondent's employment; and

(d) if the authorised officer considers there is an effective individual within the employing entity—give a copy of the order, direction, notice or conditions to the effective individual.

(3) The effective individual may disclose information about the order, direction, notice or conditions to another person within the employing entity to the extent necessary to ensure the respondent does not possess a weapon as part of the respondent's employment.

(4) However, the effective individual must not disclose information about the order, direction, notice or conditions to anyone else, other than as permitted under subsection (3) or expressly permitted by a court or magistrate under the *Domestic and Family Violence Protection Act 2012*, section 159.

Maximum penalty—40 penalty units or 1 year's imprisonment.

(5) In this section—

effective individual within the employing entity, relating to a respondent, means any 1 of the following who is in a position to ensure the respondent does not possess weapons as part of the respondent's employment—

(a) the employer if the employer is an individual;

(b) another partner in a partnership in which the respondent is a partner;

(c) an individual within the entity that employs the respondent.

employment, of a respondent, includes employment by a partnership in which the respondent is a partner.

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29B Arrangements for surrender of suspended or revoked licences and weapons

(1) This section applies to a person whose licence is suspended under section 27A or revoked under section 28A, because the person is named as the respondent in a domestic violence order, police protection direction, police protection notice or release conditions.

(2) Subsection (3) applies—

(a) if the respondent is present—

(i) in court when the court makes the order; or

(ii) when a police officer issues and explains the direction or notice; or

(b) when a police officer gives the order, direction or notice to the respondent at a place other than the respondent's place of residence; or

(c) when a police officer gives the conditions to the respondent.

(3) The respondent must immediately do the following—

(a) if the respondent's licence is in the respondent's possession—give the licence to a police officer;

(b) if the respondent's licence is not in the respondent's possession—arrange with a police officer to give the licence to a police officer no later than 1 day after—

(i) for subsection (2)(a)—the order is made, the direction takes effect or the notice is issued;

(ii) otherwise—the order, direction, notice or conditions are given to the respondent;

(c) arrange with a police officer to give to a police officer any weapon the respondent possesses, or to otherwise surrender the weapon, as soon as practicable, but no later than 1 day, after—

(i) for subsection (2)(a)—the order is made, the direction takes effect or the notice is issued;

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(ii) otherwise—the order, direction, notice or conditions are given to the respondent.

Maximum penalty—10 penalty units.

(4) If a police officer personally serves the order, direction or notice on the respondent at the respondent's place of residence, the respondent must immediately give the weapons licence and any weapon in the respondent's possession to the police officer unless the respondent has a reasonable excuse for not doing so.

Maximum penalty—10 penalty units.

(5) Also, a respondent must immediately give the weapons licence or any weapon in the respondent's possession to a police officer (the ***surrender officer***) if—

(a) a police officer made arrangements under subsection (3) with the respondent about the weapons licence or any weapon in the respondent's possession; and

(b) the surrender officer believes the respondent has not complied with the arrangements; and

(c) the surrender officer asks the respondent to give the officer the weapons licence or any weapon in the respondent's possession.

Maximum penalty—10 penalty units.

(6) If a weapon is given to a police officer under this section and, within 3 months of the weapon being given to the police officer, the respondent wants to otherwise surrender it, the respondent may make arrangements with a police officer for a licensed dealer or licensed armourer, in company with the respondent, to collect the weapon.

(7) The *Police Powers and Responsibilities Act 2000* also provides for the role of police officers, and for offences by respondents, after a domestic violence order, police protection direction, police protection notice or release conditions are made.

(8) In this section—

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made includes issued or imposed.

otherwise surrender, for a weapon, means the respondent deals with the weapon in the following way—

(a) the respondent consigns the weapon to a licensed dealer or licensed armourer—

(i) for sale; or

(ii) for storage for a period that does not end before the period of the domestic violence order or police protection direction;

(b) the respondent obtains a copy of the transaction notification for the weapon's consignment from the licensed dealer or licensed armourer and, if the weapon is consigned for storage, the transaction notification states the respondent acknowledges the cost of the storage is the responsibility of the respondent;

(c) the respondent gives the copy of the transaction notification to a police officer—

(i) immediately; or

(ii) within the time allowed under this section for giving the weapon to a police officer.

30 Suspension or revocation notice

(1) A suspension or revocation notice must—

(a) be in the approved form; and

(b) state the specific reasons for the suspension or revocation of the licence; and

(c) direct the licensee to surrender—

(i) the licence and any relevant permit to acquire to a stated police officer at a stated reasonable time and place; and

(ii) the weapon held by the licensee under the licence in a way prescribed under subsection (4) or (5) at, or by, a stated reasonable time.

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(1A) If a reason an authorised officer suspends or revokes a licence is criminal intelligence or other information that is not publicly available, it is enough that the notice states the specific reason as 'confidential information'.

(2) A suspension or revocation notice may have effect immediately only if it, or a copy of it, is given personally to the licensee or a person endorsed on the licence as representing the licensee.

(3) A person who is given a suspension or revocation notice must comply with the directions in the notice.

Maximum penalty—20 penalty units or 6 months imprisonment.

(4) A weapon to be surrendered under a suspension or revocation notice may be surrendered by delivering it to any police officer.

(5) A weapon may also be surrendered by—

(a) delivering it to a licensed dealer or other person authorised under this Act to possess the weapon; and

(b) obtaining from the person to whom the weapon is delivered a receipt in the approved form for the weapon; and

(c) giving the receipt, within the time stated in the notice for the surrender of the weapon, to the police officer mentioned in subsection (1)(c)(i).

(6) An authorised officer may extend the time for compliance with a suspension or revocation notice (the ***compliance time***) if the person to whom the notice is given applies to the authorised officer for an extension before the end of the compliance time.

31 Licensee's representative

(1) This section applies to—

(a) a licensee who holds a licence to enable the licensee to carry on business; and

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(b) an applicant for a licence to enable the applicant to carry on business.

(2) The licensee or applicant may apply for the licence to be endorsed with the name of a fit and proper individual as the licensee's or applicant's representative in the conduct of its business or affairs at the place stated in the application.

(3) A licensee may apply for the licence to be endorsed with the name of a fit and proper individual instead of another person already endorsed as the licensee's representative under this or another section.

(4) An application under subsection (2) or (3) must be made in the approved form in the way prescribed under a regulation.

(5) In this section—

fit and proper individual means an individual who, if the person applied for a licence, would be a fit and proper person under section 10B.

32 Temporary recognition of interstate licences for particular purposes

(1) This section applies if a person who holds a licence, permit or authority issued under the law of another State entitling the person to possession of a weapon visits Queensland—

(a) to participate in a shooting competition conducted by an approved shooting club or approved by the commissioner; or

(b) for another purpose specified under a regulation for this section.

(2) The person's licence, permit or authority is taken to authorise possession and use of the weapon in accordance with this Act—

(a) for the purpose of participating in the competition; or

(b) for the other purpose specified under the regulation—if the person complies with any conditions specified in the regulation for the purpose.

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33 Interstate residents moving to Queensland

(1) This section applies if a resident of another State who is the holder of a licence under the law of the other State authorising possession of a category A, B, C, D or H weapon or a category M crossbow gives written notice to the commissioner of the person's intention to reside permanently in Queensland.

(2) The person's licence is taken to be the corresponding licence under this Act in force for the period mentioned in subsection (3) or until the day the person's application for a licence under this Act is approved or rejected, whichever is the earlier.

(3) The period is—

(a) for a licence authorising possession of a category A or B weapon or a category M crossbow—3 months; and

(b) for a licence authorising possession of a category C, D or H weapon—7 days.

(4) The period mentioned in subsection (3) starts on the day the person notifies the commissioner of the person's intention to reside permanently in Queensland.

(5) If the holder of a licence authorising possession of a category C, D or H weapon notifies the commissioner and makes application for a licence under this Act within the time allowed under subsection (3)(b), the person does not contravene section 50 while the person's application is being decided merely because the 7 day period has passed.

(6) In this section—

corresponding licence, to a licence held under the law of another State, means—

(a) a licence under this Act declared under a regulation to be a corresponding licence; or

(b) if no regulation is made under paragraph (a) or the regulation makes insufficient provision—a licence under this Act that most closely corresponds to the other licence.

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34 Contravention of licence condition

(1) A licensee must not contravene a condition of the licence.

Maximum penalty—60 penalty units or 1 year's imprisonment.

(2) The penalty under subsection (1) may be imposed in addition to revocation of a licence or seizure of a weapon because of the contravention.

34AA Effect of discharging domestic violence order or revoking or setting aside police protection direction

(1) This section applies if—

(a) a domestic violence order is made against a person as the respondent; and

(b) the person appeals against the decision to make the domestic violence order under the *Domestic and Family Violence Protection Act 2012*, section 164; and

(c) the domestic violence order is discharged under the *Domestic and Family Violence Protection Act 2012*, section 169.

(2) This section also applies if—

(a) a person is named as the respondent in a police protection direction; and

(b) the direction is—

(i) revoked under the *Domestic and Family Violence Protection Act 2012*, section 100Y; or

(ii) set aside under section 100ZD of that Act.

(3) For this Act, the domestic violence order or police protection direction is taken not to have been made or issued.

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Part 3 Acquisition, sale and disposal of weapons

Division 1 Preliminary

34A Definitions for pt 3

In this part—

firearm does not include a barrel, breechbolt or top slide of a firearm.

weapon does not include a barrel, breechbolt or top slide of a firearm.

Division 2 Acquisition, sale and disposal of weapons

35 Acquisition of weapons

(1) A person may acquire a weapon only if—

(a) the person is a licensed dealer; or

(b) the person is the holder of a permit to acquire the weapon and acquires the weapon—

(i) from or through a licensed dealer; or

(ii) through a police officer in circumstances prescribed under a regulation; or

(c) the person acquires the weapon under other lawful authority, justification or excuse.

Maximum penalty—

(a) for a category D, H or R weapon—100 penalty units or 2 years imprisonment; and

(b) for a category C or E weapon—60 penalty units or 1 year's imprisonment; and

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(c) for a category A, B or M weapon—20 penalty units or 6 months imprisonment.

Example 1—

J wishes to sell J's weapon to S. S holds an appropriate licence and a permit to acquire the weapon. J and S agree on the sale price, but the sale may only be completed through a licensed dealer who must provide certain information about the acquisition to an authorised officer under subsection (2) and is entitled to a brokerage fee under subsection (3).

Example 2—

J wishes to give J's weapon to S. S holds an appropriate licence and a permit to acquire the weapon. The gift of the weapon may only be made through a licensed dealer who must provide certain information about the acquisition to an authorised officer under subsection (2) and is entitled to a brokerage fee under subsection (3).

Example 3—

J sells J's weapon to G, a licensed dealer. G later sells the weapon to S who holds an appropriate licence and a permit to acquire the weapon. G must still provide certain information about the acquisition to an authorised officer under subsection (2), but in this case is not entitled to a brokerage fee.

Example 4—

J pays a deposit on a firearm J is buying from G, a licensed dealer. J has applied for a permit to acquire, but the application has not been finally decided. If J takes possession of the firearm before the permit to acquire is issued, J acquires the weapon and commits an offence against subsection (1).

(2) If the weapon is acquired from a licensed dealer or the acquisition happens through a licensed dealer or police officer—

(a) the acquirer must give the dealer or police officer a copy of the permit to acquire; and

(b) the dealer must give to an authorised officer the copy of the permit to acquire and the information prescribed under a regulation within the time and in the way prescribed under the regulation.

Maximum penalty—20 penalty units or 6 months imprisonment.

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(3) If the acquisition happens through a licensed dealer, the dealer is entitled to a brokerage fee from the acquirer in the amount prescribed under a regulation.

(4) The dealer is not entitled to any other payment for brokering the acquisition.

(5) If the acquisition happens under other lawful authority, justification or excuse, the acquirer must, unless the acquirer has a reasonable excuse, take immediate action—

(a) to comply with this Act; or

(b) to surrender the weapon under section 30(4) or (5).

Maximum penalty for subsection (5)—20 penalty units or 6 months imprisonment.

(6) This section does not apply to the acquisition of a weapon, if the acquisition consists only of a person taking possession of the weapon—

(a) to repair it; or

(b) to store it, if the person is an armourer storing it for someone else; or

(c) on a temporary basis for not more than 6 months without giving consideration for the acquisition or for the weapon; or

(d) in performing duties as a security guard under a security licence (guard); or

(e) under section 52, 53, 54(2), 55 or 55A.

(7) In this section—

acquire, a weapon, means purchase, accept or receive or otherwise take possession of the weapon.

36 Sale or disposal of weapons

(1) A person must not sell or otherwise dispose of a weapon unless—

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(a) the person sells or otherwise disposes of the weapon to a licensed dealer; or

(b) the person sells or otherwise disposes of the weapon to another person who is the holder of a permit to acquire the weapon and the sale or disposal happens—

(i) through a licensed dealer; or

(ii) through a police officer in circumstances prescribed under a regulation; or

(c) the person sells or otherwise disposes of the weapon under other lawful authority, justification or excuse.

Maximum penalty—

(a) for a category D, H or R weapon—100 penalty units or 2 years imprisonment; and

(b) for a category C or E weapon—60 penalty units or 1 year's imprisonment; and

(c) for a category A or B weapon or a category M crossbow—20 penalty units or 6 months imprisonment.

(2) If the sale or disposal happens under subsection (1)(c), the person must give to an authorised officer the information prescribed under a regulation in the way and within the time prescribed under the regulation.

Maximum penalty—60 penalty units or 1 year's imprisonment.

(3) This section does not apply to the disposal of a weapon to a person, if the disposal consists only of a disposal—

(a) for repair; or

(b) to an armourer for storage by the armourer; or

(c) on a temporary basis for not more than 6 months without receiving consideration for the disposal or for the weapon; or

(d) to a person performing duties as a security guard under a security licence (guard); or

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(e) authorised under section 52, 53, 54(2), 55 or 55A.

37 Advertising sale of firearms

If a person advertises the sale of the person's firearm, the person must state in the advertisement the firearm's serial number, if any.

Maximum penalty—10 penalty units.

Division 3 Permits to acquire

38 Issue etc. of permits to acquire

(1) A person, other than an authorised officer, must not issue, endorse or alter a permit to acquire.

Maximum penalty—100 penalty units or 2 years imprisonment.

(2) In this section—

issue, endorse or alter a permit to acquire includes purporting to issue, endorse or alter a permit to acquire.

39 Limitations on issue of permits to acquire

(1) A permit to acquire a weapon may be issued only to—

(a) an individual under subsection (2); or

(b) a body under subsection (3).

(2) A permit to acquire a weapon may be issued to an individual only if—

(a) the person is authorised to possess the weapon or category of weapon under a licence; and

(b) the person is an adult; and

(c) for a category B, C, D, H or M weapon—the person has a need to possess the weapon; and

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(d) if the weapon is an heirloom firearm—the person is the owner of the firearm because of a testamentary disposition or the laws of succession; and

(e) if the person intends to possess the weapon under the authority of a collector's licence (weapons) and the weapon is a temporarily inoperable modern handgun—

(i) the person satisfies an authorised officer that the person has a prolonged and genuine interest in the study, preservation or collection of firearms; and

(ii) the person is a member of an approved historical society.

Note—

See section 131 (Limitation on number of concealable firearms particular licensees may acquire) for limitations on the number of category H weapons an individual who is the holder of a concealable firearms licence can possess during the first year after the holder is first licensed.

(3) A permit to acquire a weapon may be issued to a body, whether incorporated or unincorporated—

(a) for a permit to acquire to be issued to an approved shooting club—only if it is endorsed with the name of an individual member of the club's governing body, who satisfies the requirements of subsection (2)(a) to (c), as the club's representative in the conduct of its business or affairs; and

(b) for a permit to acquire to be issued to another body—only if—

(i) the body has a need to possess the weapon for which the permit to acquire is sought; and

(ii) it is endorsed with the name of an individual, who satisfies the requirements of subsection (2)(a) to (c), as the body's representative in the conduct of its business or affairs.

(4) A permit to acquire must—

(a) be issued in the approved form for a single weapon; and

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(b) state the name of the person from whom the weapon is to be acquired.

40 Application for permit to acquire

(1) An application for a permit to acquire must be—

(a) made in the approved form; and

(b) made, in the way prescribed under a regulation, by—

(i) if the permit is for an individual—the person; or

(ii) if the permit is for a body, whether incorporated or unincorporated—the individual endorsed on the body's licence as the body's representative; and

(c) accompanied by—

(i) any fee that may be prescribed under a regulation; and

(ii) proof of identity to the satisfaction of an authorised officer; and

(iii) other particulars prescribed under a regulation; and

(iv) the other relevant particulars the person to whom the application is made reasonably requires.

(2) If the application is for a permit to acquire a category B, C, D or H weapon, the applicant must state why the applicant needs the weapon and why the need can not be satisfied in another way.

(3) If the application is for a permit to acquire an heirloom firearm, the application must also be accompanied by proof, to the satisfaction of an authorised officer, that the applicant is the owner of the firearm because of a testamentary disposition or the laws of succession.

(4) If the application is for a permit to acquire a temporarily inoperable modern handgun that the applicant intends to possess under the authority of a collector's licence (weapons), the application must include a declaration signed by an approved historical society's representative stating that the

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representative is satisfied that the weapon is of obvious and significant commemorative, historic, thematic or investment value.

41 Inquiries into application

(1) Before the application is decided, an officer in charge of police or authorised officer with whom an application for a permit to acquire is lodged may—

(a) make an inquiry or investigation about the applicant or the application; and

(b) require the applicant to give the officer further information the officer reasonably needs to be satisfied about the applicant's identity or physical or mental health including—

(i) in relation to the applicant's physical health—a report from a doctor about the applicant's physical health; and

(ii) in relation to the applicant's mental health—a report from a doctor or psychologist about the applicant's mental health; and

(c) inspect the secure storage facilities for the weapon for which the permit to acquire is to be issued; and

(d) supply, for this section, information or a document relevant to the applicant's identity to an officer or member of a State or Commonwealth police service; and

(e) make a report about the applicant or the application; and

(f) make the recommendation about the application the officer thinks appropriate.

(2) If the authorised officer suspects, on reasonable grounds, that the applicant's stated identity is false, the authorised officer may require the applicant to provide an identifying particular to verify the applicant's identity.

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(3) The applicant is taken to have withdrawn the application if, within a stated reasonable time, the applicant—

(a) refuses to provide the information reasonably required under subsection (1)(b); or

(b) refuses to allow the inspection under subsection (1)(c); or

(c) fails to comply with a requirement under subsection (2).

(4) If information about the applicant's mental health given under subsection (1)(b) is provided in a doctor's or psychologist's report, an authorised officer may—

(a) make information in the officer's possession available to the doctor or psychologist; and

(b) ask the doctor or psychologist to provide a further report.

(5) The authorised officer may make the information available only if the officer considers, on reasonable grounds—

(a) the doctor or psychologist was not aware of the information; and

(b) the information may influence the doctor's or psychologist's opinion about the applicant's mental health.

(6) The authorised officer must also advise the applicant of the information being supplied to the doctor or psychologist.

(7) The authorised officer may make the information available under subsection (4) despite the provisions of any other Act.

(8) Unless the authorised officer considers that it is currently required for the investigation of an offence, the authorised officer must, after deciding the application—

(a) return to the applicant any identifying particular obtained in the course of inquiries into the application; and

(b) destroy any record or copy of the identifying particular.

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(9) Information required to be supplied under this section may be used only to decide the application or to investigate or prosecute an offence and must not be disclosed for any other purpose.

(10) For this section—

applicant includes, for a body, the individual endorsed on the body's licence as the body's representative.

42 Authorised officer decides application

(1) An authorised officer must decide an application for a permit to acquire a weapon as soon as practicable after the end of any period that may be prescribed for this section under a regulation.

(2) In deciding the application, the authorised officer may consider anything at the officer's disposal.

(3) The authorised officer must consider the following things when deciding whether the applicant has a need to possess the weapon—

(a) whether the applicant's requirements can be adequately met in a way not involving the use of a weapon or by using a weapon of another category or type;

(b) whether the applicant possesses other weapons, and in particular other weapons of that category or type;

(c) another thing prescribed under a regulation.

(4) To remove any doubt, a collector may have a need for a particular weapon even though the collector already possesses a weapon of the same category or type.

(5) The authorised officer must—

(a) approve the application and issue the permit to acquire subject to any conditions the authorised officer may decide; or

(b) reject the application.

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43 Issue of permit to acquire

A permit to acquire must be issued in the approved form.

44 Notice of rejection of application for permit to acquire

(1) If an authorised officer rejects an application for a permit to acquire, the authorised officer must give the applicant a notice of rejection in the approved form stating the specific reasons for the rejection.

(2) The notice may be given to the applicant by sending it to the applicant by security post at the address shown on the application.

45 Term of permit to acquire

(1) A permit to acquire remains in force for the term, not more than 6 months, stated on the permit.

(2) A permit to acquire stops being in force if—

(a) it is suspended, cancelled, revoked or surrendered; or

(b) the holder of the permit dies.

46 Reporting loss, destruction or theft of permit to acquire

A licensee must report the loss, destruction or theft of a permit to acquire to an officer in charge of police immediately after the licensee becomes aware of the loss, destruction or theft.

Maximum penalty—10 penalty units.

47 Replacement permit to acquire

(1) This section applies if an authorised officer is satisfied—

(a) a permit to acquire is lost, destroyed or stolen; or

(b) any writing or endorsement on a permit to acquire is illegible and the permit to acquire is surrendered to an officer in charge of police.

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(2) The authorised officer may issue to the licensee a replacement permit to acquire instead of the permit to acquire on—

(a) application by the licensee in the approved form; and

(b) payment of the fee prescribed under a regulation.

48 Surrender of permit to acquire

(1) A licensee may surrender a permit to acquire by—

(a) giving written notice of surrender; and

(b) surrendering the permit to acquire.

(2) The notice must be given and the permit to acquire surrendered to an authorised officer or officer in charge of police.

Division 3A Marking serial numbers on unmarked firearms

48A Marking serial numbers on unmarked firearms

(1) This section applies to a firearm included or to be included in the firearms register if the firearm does not have a serial number marked on it.

(2) The authorised officer may—

(a) give a serial number to the firearm; and

(b) require the registered owner of the firearm to mark the serial number on the firearm.

(3) No compensation is payable because of the requirement.

(4) Before deciding whether to require the registered owner of a firearm that is an antique handgun to mark the serial number on the handgun, the authorised officer must have regard to—

(a) the impact marking the serial number on the handgun will have on the handgun's value; and

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(b) ways of minimising the impact marking the serial number on the handgun may have on the handgun's value.

(5) If the authorised officer requires a registered owner of the firearm to mark the serial number on the firearm, the authorised officer must give the registered owner a written notice stating—

(a) the serial number; and

(b) that the registered owner must mark the serial number on the firearm in the way stated in the notice—

(i) within 28 days after being given the notice; or

(ii) if the 28 days period is extended under subsection (7), within the period as extended; and

(c) that the registered owner may apply to the authorised officer within the 28 days for approval to mark the serial number on the firearm in another way stated in the application.

(6) The person must comply with the requirement unless the person applies under subsection (5)(c).

Maximum penalty for subsection (6)—20 penalty units.

(7) The authorised officer may extend the period for compliance with subsection (5) (the ***compliance time***) if the registered owner applies to the authorised officer for an extension before the compliance time ends.

48B Approval of alternative way of marking serial number

(1) This section applies if a registered owner of a firearm applies to the authorised officer to mark the serial number on the firearm in another way.

(2) The authorised officer may approve or refuse to approve the application.

(3) If the authorised officer approves the application, the authorised officer must give the registered owner a written

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notice requiring the registered owner to mark the serial number on the firearm in the way stated in the approval within 28 days after being given notice of the approval.

(4) The person must comply with the requirement.

Maximum penalty for subsection (4)—20 penalty units.

(5) On the giving of notice under subsection (3), the notice under section 48A(5) in relation to the firearm stops having effect.

(6) If the authorised officer refuses to approve the application, the authorised officer—

(a) must give the registered owner notice of the refusal; and

(b) may, whether or not the registered owner applied for an extension of the compliance time under section 48A, by written notice, extend the compliance time for a period, of not more than 21 days, stated in the notice.

(7) The person must comply with the requirement within the compliance time as extended under subsection (6)(b).

Maximum penalty for subsection (7)—20 penalty units.

Division 4 Firearms register

49 Commissioner to maintain firearms register

(1) The commissioner must establish and maintain a record (the ***firearms register***) of all firearms in Queensland.

(2) The following information for each firearm must be entered in the firearms register—

(a) the name and address of the firearm's owner and details of the documents relied on to establish the owner's identity and address;

(b) for a firearm other than a category M crossbow—the type, make, calibre, action, magazine capacity and any serial number of the firearm;

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(c) details of the licence authorising possession of the firearm;

(d) for firearms acquired after the commencement of the *Weapons Amendment Act 1996*—

(i) details of any permit to acquire authorising acquisition of the firearm; and

(ii) the name and address of the person from whom the firearm was acquired and the date it was acquired;

(e) the place where the firearm is generally kept;

(f) the reason given for possession of the firearm and, if appropriate, the reason why the particular firearm was needed;

(g) for a category M crossbow—the identifying serial number of the crossbow;

(h) other information prescribed under a regulation.

(3) Also, the following information for each antique handgun must be entered in the firearms register—

(a) the name and address of the handgun's owner and details of the documents relied on to establish the owner's identity and address;

(b) the type, make, calibre, action, magazine capacity and any serial number of the firearm;

(c) the place where the firearm is generally kept;

(d) other information prescribed under a regulation.

(4) The commissioner may make information in the register available to another entity, within or outside the State, only if the commissioner is satisfied to do so would assist in achieving the object of this Act.

(5) A regulation may limit the information the commissioner may make available under subsection (4).

(6) In this section—

firearm includes—

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(a) a category H weapon that is permanently inoperable; and

(b) a category M crossbow.

owner, of a firearm, includes a person who has lawfully acquired the firearm under a permit to acquire.

Part 4 Possession and use of weapons and other things

Division 1 General

49A Authority given by licence

(1) A licence authorises a licensee to possess and use a weapon or category of weapon endorsed on the licence for any lawful purpose.

(2) However, the authority to possess or use a weapon, or a category of weapon, under a licence is subject to a regulation, condition or participation condition, whether imposed by an authorised officer or prescribed under a regulation.

(3) If a condition is prescribed under a regulation for a category of weapon—

(a) the condition applies to all weapons of the category, whether licensed before or after the day the condition has effect; and

(b) the licence is taken to have been amended to include the condition.

(4) If use of a firearm is authorised under another Act, a licensee does not contravene this Act only because the licensee uses the firearm in the way authorised under the other Act.

50 Possession of weapons

(1) A person must not unlawfully possess a weapon.

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Maximum penalty—

(a) if the person unlawfully possesses 10 or more weapons at least 5 of which are category D, E, H or R weapons—1,000 penalty units or 20 years imprisonment; or

(b) if paragraph (a) does not apply and the person unlawfully possesses 10 or more weapons—750 penalty units or 15 years imprisonment; or

(c) if paragraphs (a) and (b) do not apply—

(i) for a category D, H or R weapon—700 penalty units or 14 years imprisonment; or

(ii) for a category C or E weapon—500 penalty units or 10 years imprisonment; or

(iii) for a category A, B or M weapon—300 penalty units or 7 years imprisonment.

Minimum penalty—

(d) for an offence, committed by an adult, to which paragraph (a), (b), (c)(i) or (c)(ii) applies—

(i) if the person unlawfully possesses a firearm and uses the firearm to commit an indictable offence—18 months imprisonment served wholly in a corrective services facility; or

(ii) if the person unlawfully possesses a firearm for the purpose of committing or facilitating the commission of an indictable offence—1 year's imprisonment served wholly in a corrective services facility; or

(iii) if the person unlawfully possesses a short firearm in a public place without a reasonable excuse—1 year's imprisonment served wholly in a corrective services facility; or

(e) for an offence, committed by an adult, to which paragraph (c)(iii) applies—

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(i) if the person unlawfully possesses a firearm and uses the firearm to commit an indictable offence—9 months imprisonment served wholly in a corrective services facility; or

(ii) if the person unlawfully possesses a firearm for the purpose of committing or facilitating the commission of an indictable offence—6 months imprisonment served wholly in a corrective services facility.

(1AA) However, subsection (1) does not apply if—

(a) the weapon is a firearm within the meaning of part 5A; and

(b) the person is subject to a firearm prohibition order or a corresponding order.

Note—

See section 141Y for offences relating to the possession of a firearm by a person subject to a firearm prohibition order or a corresponding order.

(1A) For the purpose of subsection (1), penalty, paragraph (d)(iii), but without limiting that provision, it is a reasonable excuse to unlawfully possess the short firearm in the public place if—

(a) a licence was in force within the 12 months immediately before the day the person committed the offence but is no longer in force at the time of the offence; and

(b) the person would have been authorised under this Act to possess the short firearm in the public place at the time of the offence if the licence was still in force at that time; and

(c) it was not a reason for the licence being no longer in force that the licence had been surrendered, suspended or revoked under this Act.

(1B) It is not a reasonable excuse for subsection (1), penalty, paragraph (d)(iii) to unlawfully possess the short firearm in the public place for the purpose of self-defence.

(2) A court, in sentencing a person found guilty of an offence against subsection (1), may take into consideration whether

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the person stored the weapon in the way prescribed under a regulation for the weapon.

(3) In this section—

public place includes any vehicle that is in or on a public place.

50A Possession of unregistered firearms

(1) A licensee must not possess an unregistered firearm.

Maximum penalty—120 penalty units.

(2) A licensed dealer or licensed armourer does not contravene subsection (1) if the unregistered firearm is entered in the dealer's or armourer's weapons register under section 71.

(3) In this section—

firearm does not include a barrel, breechbolt or top slide of a firearm.

unregistered firearm means a firearm for which information is not entered in the firearms register.

50B Unlawful supply of weapons

(1) A person must not unlawfully supply a weapon to another person.

Maximum penalty—

(a) if the person unlawfully supplies 5 or more weapons at least 1 of which is a category D, E, H or R weapon—1,000 penalty units or 20 years imprisonment; or

(b) if paragraph (a) does not apply and the person unlawfully supplies 5 or more weapons—750 penalty units or 15 years imprisonment; or

(c) if paragraphs (a) and (b) do not apply—

(i) for a category D, H or R weapon—750 penalty units or 15 years imprisonment; or

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(ii) for a category C or E weapon—600 penalty units or 12 years imprisonment; or

(iii) for a category A, B, or M weapon—500 penalty units or 10 years imprisonment.

Minimum penalty—

(d) for an offence, committed by an adult, to which paragraph (a) applies, if at least 1 of the weapons unlawfully supplied is a short firearm and the person does not have a reasonable excuse for unlawfully supplying the weapons—3 years imprisonment served wholly in a corrective services facility; or

(e) for an offence, committed by an adult, to which paragraph (c)(i) applies, if the weapon is a short firearm and the person does not have a reasonable excuse for unlawfully supplying the weapon—$2^{1}/_{2}$ years imprisonment served wholly in a corrective services facility.

(1A) For the purpose of subsection (1), penalty, paragraph (d) or (e), but without limiting those provisions, it is a reasonable excuse to unlawfully supply the weapon if—

(a) a licence was in force within the 12 months immediately before the day the person committed the offence but is no longer in force at the time of the offence; and

(b) the person would have been authorised under this Act to supply the weapon at the time of the offence if the licence was still in force at that time; and

(c) it was not a reason for the licence being no longer in force that the licence had been surrendered, suspended or revoked under this Act.

(2) A person does not contravene subsection (1) if the person to whom the weapon is supplied—

(a) is authorised under a licence to possess weapons of the same category as the weapon supplied; or

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(b) is authorised to possess the weapon under section 52, 53, 54(2), 55, 55A, 70 or 116.

Note—

If subsection (1) does not apply because subsection (2)(a) applies, the person disposing of the weapon may contravene section 36 (Sale or disposal of weapons).

(3) The *Penalties and Sentences Act 1992*, section 161Q also states a circumstance of aggravation for an offence against this section.

(4) An indictment charging an offence against this section with the circumstance of aggravation stated in the *Penalties and Sentences Act 1992*, section 161Q may not be presented without the consent of the Attorney-General or the Director of Public Prosecutions.

51 Possession of a knife in a public place or a school

(1) A person must not physically possess a knife in a public place or a school, unless the person has a reasonable excuse.

Maximum penalty—

(a) for a first offence—50 penalty units or 18 months imprisonment; or

(b) for a second or later offence—100 penalty units or 2 years imprisonment.

(2) If the offender publishes material on a social media platform or an online social network to—

(a) advertise the offender's involvement in the offence; or

(b) advertise the act or omission constituting the offence;

the offender is liable to a maximum penalty of—

(c) for a first offence—100 penalty units or 2 years imprisonment; or

(d) for a second or later offence—150 penalty units or 30 months imprisonment.

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(3) It is a reasonable excuse for subsection (1) to physically possess a knife—

(a) to perform a lawful activity, duty or employment; or

(b) to participate in a lawful entertainment, recreation or sport; or

(c) for lawfully exhibiting the knife; or

(d) for use for a lawful purpose.

Example for paragraph (a)—

1 A person may carry a knife on his or her belt for performing work in primary production.

Examples for paragraph (b)—

1 A scout may carry a knife on his or her belt as part of the scout uniform.

2 A person may carry a knife as an accessory while playing in a pipe band.

3 A fisher may carry a knife for use while fishing.

Example for paragraph (c)—

1 A person who collects knives may exhibit them at a fete or another public gathering.

Examples for paragraph (d)—

1 A person may use a knife to prepare or cut food at a restaurant in a public place or when having a picnic in a park.

2 A person may carry a pen knife or swiss army knife for use for its normal utility purposes.

(4) However, it is not a reasonable excuse to physically possess a knife in a public place or a school for self-defence purposes.

(5) Also, it is a reasonable excuse for subsection (1), to the extent the subsection relates to a public place, to physically possess a knife for genuine religious purposes.

Example—

A Sikh may possess, in a public place, a knife known as a kirpan to comply with the person's religious faith.

(6) However, it is not a reasonable excuse to physically possess a knife in a school for genuine religious purposes.

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(7) In deciding what is a reasonable excuse for subsection (1), regard may be had, among other things, to whether the way the knife is held in possession, or when and where it is held in possession, would cause a reasonable person concern that he or she, or someone else in the vicinity, may be threatened or harmed.

(8) In this section—

advertise means attract the notice and attention of the public or a limited section of the public.

knife includes a thing with a sharpened point or blade that is reasonably capable of—

(a) being held in 1 or both hands; and

(b) being used to wound or threaten to wound anyone when held in 1 or both hands.

material includes an electronic document.

public place includes a vehicle that is in or on a public place.

school means any part of the premises of—

(a) a State educational institution under the *Education (General Provisions) Act 2006*; or

(b) a non-State school under the *Education (Accreditation of Non-State Schools) Act 2017*.

Editor's note—

As to the validity of section [51(5) *for pre-Act 2024 No. 45*] / [51(6) *for post-Act 2024 No. 45*], see *Athwal v State of Queensland* (2023) 16 QR 218; [2023] QCA 156.

52 Physical possession and use of weapon sometimes allowed for the purpose of training a minor

(1) A minor who is at least 11 years may have physical possession of and use a category A or B weapon or a category M crossbow in a place where it is lawful to physically possess and use a category A or B weapon or a category M crossbow if—

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(a) the minor is under the direct and immediate supervision of a parent, guardian or another person who is acting in the place of a parent or guardian; and

(b) the parent, guardian or other person is licensed to possess the weapon.

(2) A minor who is at least 11 years may have physical possession of and use a category A or B weapon or a category M crossbow at an approved range for category A or B weapons or category M crossbows if the minor is supervised—

(a) directly and immediately by a range officer; or

(b) as prescribed by regulation.

53 An unlicensed person may use a weapon at an approved range

(1) This section applies to a person—

(a) who is not a licensee; or

(b) who is a licensee but is not authorised to possess the weapon the person proposes to physically possess and use under this section.

(2) The person may physically possess and use a weapon at an approved range for the category of weapon if, immediately before possessing and using the weapon, the person—

(a) produces for the inspection of a range officer at the range photographic identification identifying the person; and

Examples of photographic identification—

- weapons licence
- driver licence

(b) completes and signs an approved form stating the following and gives the form to the range officer—

(i) the person's name, residential address and date of birth;

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(ii) that the person is a licensee or is not an excluded person;

(iii) the date and time the declaration is completed.

(3) Before allowing the person to physically possess and use a weapon at the approved range, the range officer must sign the approved form declaring that the range officer—

(a) inspected the person's photographic identification; and

(b) if the person states in the approved form that the person is a licensee, inspected the person's licence; and

(c) was satisfied—

(i) the person signing the approved form appeared to be the person shown in the photographic identification; and

(ii) after inspecting the completed approved form—

(A) that information in the completed approved form agreed with information shown on the photographic identification; and

(B) that the person is a licensee or, on the information contained in the approved form, is not an excluded person.

Maximum penalty—20 penalty units.

(4) It is a condition of the approved shooting club's shooting club permit that the club must keep the approved form for 3 years after the approved form is signed.

(5) The range officer must ensure the person is supervised by the range officer or another range officer at all times when the person is in physical possession of the weapon.

Maximum penalty—20 penalty units.

(6) For subsection (5), if the person is in physical possession of a category H weapon, the supervision of the person by a range officer must be direct, personal and exclusive supervision by the range officer at all times when that person is in physical possession of the weapon.

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(7) For subsection (8), definition *excluded person*, paragraphs (b), (c) and (d), it is irrelevant whether or not the conviction is a spent conviction, provided the conviction is recorded.

(8) In this section—

excluded person means a person—

(a) who is a disqualified person; or

(b) who has a conviction for a class A serious offence; or

(c) who, within 10 years before the day the person signs the approved form under this section—

(i) has been convicted of a class B serious offence; or

(ii) has been released from lawful custody in relation to a conviction for a class B serious offence; or

(iii) has been subject to a supervision order in relation to a conviction for a class B serious offence; or

(d) who, within 5 years before the day the person signs the approved form under this section—

(i) has been convicted of a class C serious offence; or

(ii) has been released from lawful custody in relation to a conviction for a class C serious offence; or

(iii) has been subject to a supervision order in relation to a conviction for a class C serious offence; or

(e) who, within 5 years before the day the person signs the approved form under this section, has been subject to a domestic violence order, other than a temporary protection order, or a police protection direction; or

(f) who is subject to a temporary protection order, police protection notice or release conditions; or

(g) who is prevented by another order of a Queensland court or another court outside Queensland from holding a licence or possessing a weapon unless the order permits the person to possess or use a weapon under supervision; or

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(h) who, within 5 years before the day the person signs the approved form under this section, has been subject to an involuntary assessment order under the *Mental Health Act 2016* or a similar order under the repealed *Mental Health Act 2000*, or a similar order in another State; or

(i) who has been refused a licence, or whose licence has been revoked, within 5 years before the day the person signs the approved form under this section because the person is not, or is no longer, a fit and proper person to hold a licence; or

(j) whose licence is suspended.

54 Possession or use of weapon by unlicensed person in primary production sometimes allowed

(1) In this section—

primary producer means a person who—

(a) has a licence; and

(b) usually carries out primary production on land (the ***primary producer's land***), even if only as an agent or employee of another person.

weapon means a weapon that a primary producer possesses under the authority of a licence.

(2) A person who is an agent, employee or member of the immediate family of the primary producer may possess or use a weapon on the primary producer's land, even if the person does not hold a licence for that category of weapon, if the person—

(a) assists the primary producer with primary production on the land; and

(b) is eligible to obtain a licence to possess a weapon; and

(c) only uses the weapon with the express consent of the primary producer; and

(d) only uses the weapon in connection with carrying out primary production on the land.

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55 Use of weapons by particular unlicensed persons at shooting gallery allowed

(1) A person (***customer***) using a shooting gallery may physically possess and use a weapon allowed under the conditions of approval of the shooting gallery, even if the person is not the holder of a licence for the category of weapon.

(2) However, a person conducting a shooting gallery must not allow the customer to physically possess and use the weapon unless the customer—

(a) for a shooting gallery being used for paint-pellet sports—is at least 15 years; or

(b) for a shooting gallery not being used for paint-pellet sports—is at least 11 years.

Maximum penalty for subsection (2)—20 penalty units.

55A Possession of weapons supplied by theatrical ordnance supplier

A person may have physical possession of and use a weapon supplied to the person by a theatrical ordnance supplier under section 118 for use in a theatrical, film or television production if the use is personally supervised by the supplier.

56 Discharge of weapon on private land without owner's consent prohibited

(1) In this section—

owner of private land includes the occupier of the land.

private land means land that is not a public place.

weapon includes an antique firearm, spear gun, longbow and slingshot.

(2) A person must not, without reasonable excuse, discharge a weapon on or across private land without the express consent of the owner.

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Maximum penalty—40 penalty units or 6 months imprisonment.

(3) A person must not carry a weapon on private land without the express consent of the owner unless—

(a) the person has a reasonable excuse; or

(b) the weapon is unloaded, broken or for another reason can not be readily discharged.

Maximum penalty—40 penalty units.

56A Reckless discharge of weapon towards building or vehicle

(1) A person must not, with reckless disregard for the safety of any person, discharge a weapon towards a building or vehicle.

Maximum penalty—

(a) for an offence that is a prescribed offence—1,000 penalty units or 20 years imprisonment; or

(b) otherwise—800 penalty units or 16 years imprisonment.

(2) For subsection (1), it is irrelevant whether a person's safety was in fact endangered by the discharging of the weapon.

(3) The *Penalties and Sentences Act 1992*, section 161Q also states a circumstance of aggravation for an offence against this section.

(4) An indictment charging an offence against this section with the circumstance of aggravation stated in the *Penalties and Sentences Act 1992*, section 161Q may not be presented without the consent of the Attorney-General or the Director of Public Prosecutions.

(5) In this section—

prescribed offence means—

(a) an offence against this section if, when the offence was committed, the offender was a participant in a criminal organisation; or

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(b) an offence against this section that relates to—

(i) a building that is, or is on, a place of religious worship; or

(ii) a vehicle that is in or on a place of religious worship; or

(c) an offence against this section if the offender was wholly or partially motivated to commit the offence by hatred or serious contempt for a person or group of persons based on—

(i) in relation to a person—an attribute, or presumed attribute, of the person mentioned in the Criminal Code, section 52B(1)(a); or

(ii) in relation to a group of persons—an attribute mentioned in the Criminal Code, section 52B(1)(b) that is shared, or presumed to be shared, by the members of the group.

weapon includes an antique firearm, longbow, spear gun, slingshot or shanghai.

57 Particular conduct involving a weapon in a public place prohibited

(1) In this section—

public place includes a vehicle that is in or on a public place.

weapon includes—

(a) an antique firearm, spear gun, longbow or sword; and

(b) a replica of a weapon; and

(c) a replica of a thing mentioned in paragraph (a); and

(d) a slingshot or shanghai.

(2) A person must not, without reasonable excuse, carry a weapon exposed to view in a public place.

Maximum penalty—40 penalty units or 6 months imprisonment.

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(3) A person must not, without reasonable excuse, carry in a public place a loaded firearm or a weapon capable of being discharged.

Maximum penalty—120 penalty units or 2 years imprisonment.

(4) A person must not, without reasonable excuse, discharge a weapon in, into, towards, over or through a public place.

Maximum penalty—200 penalty units or 4 years imprisonment.

(5) It is a reasonable excuse for subsection (2) to carry a sword exposed to view in a public place—

(a) to perform a lawful activity, duty or employment; or

(b) to participate in a lawful entertainment, recreation or sport; or

(c) to exhibit the sword; or

(d) for use for a lawful purpose.

Example for paragraph (a)—

A person may carry a sword for ceremonial purposes at an official function attended by the Governor.

Example for paragraph (b)—

A person may carry a sword as an accessory while playing in a pipe band.

Example for paragraph (c)—

A person who collects swords may exhibit them at a fete or another public gathering.

Example for paragraph (d)—

A person may carry a sword as part of an official uniform the person is entitled to wear.

(6) It is not a reasonable excuse for subsection (2) or (3) to carry a weapon in a public place for self-defence purposes.

(7) In deciding what is a reasonable excuse for subsection (2) or (3), regard may be had, among other things, to whether the way the weapon is carried, or when and where it is carried,

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would cause a reasonable person concern that he or she, or someone else in the vicinity, may be threatened or harmed.

58 Dangerous conduct with weapon prohibited generally

(1) In this section—

weapon includes—

(a) an antique firearm, explosive tool, captive bolt humane killer, spear gun, longbow or sword; and

(b) a replica of a weapon; and

(c) a replica of a thing mentioned in paragraph (a); and

(d) an explosive; and

(e) a slingshot or shanghai; and

(f) a laser pointer.

(2) A person must not—

(a) without reasonable excuse; and

(b) by the physical possession or use of a weapon;

engage in conduct, alone or with another, likely to cause—

(c) death or injury to a person; or

(d) unlawful destruction or damage to property; or

(e) alarm to another person.

Maximum penalty—200 penalty units or 4 years imprisonment.

59 Possession or use of weapon under the influence of liquor or a drug prohibited

(1) In this section—

weapon includes—

(a) an antique firearm, spear gun, longbow or sword; and

(b) a replica of a thing mentioned in paragraph (a); and

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(c) a slingshot or shanghai; and

(d) an explosive.

(2) A person must not have physical possession of or use a weapon if the person is under the influence of liquor or a drug.

Maximum penalty—40 penalty units.

60 Secure storage of weapons

(1) A licensee who has control of a weapon at a place must keep the weapon in secure storage facilities at the place when a person is not in physical possession of the weapon.

Maximum penalty—100 penalty units or 2 years imprisonment.

(2) The registered owner of a firearm must ensure that secure storage facilities for the firearm are available at the place shown in the firearms register as the place where the firearm is generally kept.

Maximum penalty—100 penalty units.

60A Lost or stolen weapons

A person who owns or possesses a weapon that, while in the person's ownership or possession, is, or apparently is, lost or stolen must report the loss or stealing to a police officer immediately the person becomes aware of the loss or stealing.

Maximum penalty—10 penalty units.

61 Shortening firearms

A person must not, without reasonable excuse—

(a) shorten a firearm; or

(b) possess a firearm that has been shortened; or

(c) acquire or sell a firearm that has been shortened.

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Maximum penalty—700 penalty units or 14 years imprisonment.

62 Modifying construction or action of firearms

(1) A person must not, without reasonable excuse—

(a) modify the construction or action of a firearm; or

(b) possess a firearm the construction or action of which has been modified; or

(c) acquire or sell a firearm the construction or action of which has been modified.

Maximum penalty—750 penalty units or 15 years imprisonment.

(2) A person must not, without reasonable excuse, make operable a firearm that is required to be, and has been, made permanently inoperable under this Act.

Maximum penalty—750 penalty units or 15 years imprisonment.

63 Altering identification marks of weapons

A person must not, without reasonable excuse—

(a) deface or alter any identifying serial number or mark on a weapon; or

(b) possess a weapon the identifying serial number or mark of which has been defaced or altered; or

(c) acquire or sell a weapon the identifying serial number or mark of which has been defaced or altered.

Maximum penalty—700 penalty units or 14 years imprisonment.

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64 Obtaining weapons by deceit

A person is not to obtain or gain possession of a weapon or an explosive by any deceitful or fraudulent means.

Maximum penalty—60 penalty units or 1 year's imprisonment.

65 Unlawful trafficking in weapons

(1) A person who unlawfully carries on the business of trafficking in weapons or explosives commits a crime.

Minimum penalty—

(a) for an offence, committed by an adult, relating to a category H or R weapon, if at least 1 of the weapons that the offence relates to is a firearm and the person does not have a reasonable excuse for unlawfully carrying on the business—5 years imprisonment served wholly in a corrective services facility; or

(b) for an offence, committed by an adult, relating to a category A, B, C, D or E weapon, a category M crossbow or explosives, if at least 1 of the weapons that the offence relates to is a firearm and the person does not have a reasonable excuse for unlawfully carrying on the business—$3^{1}/_{2}$ years imprisonment served wholly in a corrective services facility.

Maximum penalty—life imprisonment.

(2) For the purpose of subsection (1), penalty, paragraph (a) or (b), but without limiting those provisions, it is a reasonable excuse to unlawfully carry on the business of trafficking in weapons or explosives if—

(a) a dealer's licence was in force within the 12 months immediately before the day the person committed the offence but is no longer in force at the time of the offence; and

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(b) the person would have been authorised under this Act to carry on the business at the time of the offence if the licence was still in force at that time; and

(c) it was not a reason for the licence being no longer in force that the licence had been surrendered, suspended or revoked under this Act.

(3) The *Penalties and Sentences Act 1992*, section 161Q also states a circumstance of aggravation for an offence against this section.

(4) An indictment charging an offence against this section with the circumstance of aggravation stated in the *Penalties and Sentences Act 1992*, section 161Q may not be presented without the consent of the Attorney-General or the Director of Public Prosecutions.

66 Dispatch of weapons

A person may dispatch a weapon only in the way prescribed under a regulation.

Maximum penalty—60 penalty units or 1 year's imprisonment.

67 Possessing and acquiring restricted items

(1) A person must not, without reasonable excuse, possess or acquire a restricted item.

Maximum penalty—10 penalty units.

(2) However, subsection (1) does not apply if—

(a) the restricted item is a replica of a firearm; and

(b) the person is subject to a firearm prohibition order or a corresponding order.

Note—

See section 141Y for offences relating to the acquisition or possession of a firearm by a person subject to a firearm prohibition order or a corresponding order.

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(3) For subsection (1), it is not a reasonable excuse to possess or acquire a restricted item for crowd or traffic control.

(4) It is a reasonable excuse for a person to possess or acquire a laser pointer if—

(a) each of the following apply—

(i) the person is a member of a recognised astronomical organisation or a person being personally supervised by a member of a recognised astronomical organisation;

(ii) the person's reason for possession or acquisition of the laser pointer is to take part in activities associated with astronomy;

(iii) the laser pointer has a power output of less than 20 milliwatts; or

(b) both of the following apply—

(i) the person's reason for possession or acquisition of the laser pointer is to take part in activities associated with a recognised occupation;

(ii) the laser pointer has a power output of less than 20 milliwatts; or

(c) both of the following apply—

(i) the person holds a licence that authorises possession of a firearm in relation to which the laser pointer may be used;

(ii) the laser pointer has a power output of less than 10 milliwatts.

(5) It is a reasonable excuse for a person to possess or acquire a restricted item that is a replica of a firearm if—

(a) both of the following apply—

(i) the person is a member of an association, whether or not incorporated, that provides recreational activities involving replicas of firearms and the

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activities are conducted other than in, and in a way not reasonably able to be seen from, a public place;

(ii) the person's reason for possession or acquisition of the replica of a firearm is to participate in the recreational activities; or

(b) both of the following apply—

(i) the person is the holder of a collector's licence;

(ii) the person's reason for possession or acquisition of the replica of the firearm is for it to be part of the holder's collection of weapons.

(6) It is a reasonable excuse for a person to possess or acquire a weapon that is permanently inoperable and would be, if it were not permanently inoperable, a category A, B or C weapon if—

(a) the person is the holder of a collector's licence; and

(b) the person's reason for possession or acquisition of the weapon is for it to be part of the holder's collection of weapons.

(7) Subsections (4) to (6) do not limit what may be a reasonable excuse for subsection (1).

(8) For subsection (9), definitions *recognised astronomical organisation* and *recognised occupation*—

(a) an astronomical organisation or an occupation may only be published on the QPS website once and for not more than 6 months; and

(b) any publication of an organisation or occupation on the QPS website has no effect to the extent it does not comply with paragraph (a).

(9) In this section—

association see the *Associations Incorporation Act 1981*.

recognised astronomical organisation means an astronomical organisation—

(a) prescribed under a regulation; or

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(b) published on the QPS website for this paragraph.

recognised occupation means an occupation—

(a) prescribed under a regulation; or

(b) published on the QPS website for this paragraph.

restricted item means an item prescribed as a restricted item under the *Weapons Categories Regulation 1997*.

67A Possession and distribution of blueprint material for manufacture of firearms

(1) A person must not possess or distribute blueprint material for the manufacture of a firearm on a 3D printer or an electronic milling machine.

Maximum penalty—500 penalty units or 10 years imprisonment.

(2) For subsection (1), a person does not possess blueprint material merely because the person is able to access the material on the internet.

67B Defences for offences against s 67A

(1) It is a defence to an offence against section 67A for the person to prove that—

(a) the person did not know, and could not reasonably be expected to have known, that the person possessed or distributed the blueprint material; or

(b) the person possessed or distributed the blueprint material for use for a lawful purpose; or

Examples of possession or distribution for use for a lawful purpose—

- a person who holds a licence that authorises the person to manufacture a firearm possesses blueprint material for the manufacture of the firearm
- a person who holds a licence that authorises the person to manufacture a firearm distributes blueprint material for the

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manufacture of the firearm to an employee who is involved in manufacturing the firearm

(c) the person's conduct in relation to the blueprint material was of public benefit and did not extend beyond what was of public benefit.

(2) It is a defence to an offence against section 67A relating to the possession of blueprint material for the person to prove that—

(a) the material came into the person's possession unsolicited; and

(b) as soon as the person became aware of the nature of the material, the person took reasonable steps to ensure the person no longer possessed the material.

(3) For subsection (1)(c)—

(a) conduct is of public benefit only if the conduct is necessary for, or of assistance in—

(i) enforcing or administering a law of a State or the Commonwealth; or

(ii) monitoring compliance with, or investigating a contravention of, a law of a State or the Commonwealth; or

(iii) the administration of justice; and

(b) the question of whether the person's conduct is of public benefit is a question of fact and the person's motive for engaging in the conduct is irrelevant.

Division 2 Dealers, armourers and employees

68 Dealers to be licensed

(1) A person must not deal in weapons in the course of business, unless the person is a licensed dealer.

Maximum penalty—

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(a) for a category D, H or R weapon—100 penalty units or 2 years imprisonment; or

(b) for a category C or E weapon—60 penalty units or 1 year's imprisonment; or

(c) for a category A or B weapon or a category M crossbow—20 penalty units or 6 months imprisonment.

(2) Subsection (1) does not apply to a person, who is not disqualified from holding a dealer's licence, whilst acting as an agent or employee of a licensed dealer.

69 Armourers to be licensed

(1) Unless a person is a licensed dealer or licensed armourer or is otherwise authorised under this Act, that person is not to repair or store weapons in the course of business.

Maximum penalty—

(a) for a category D, H or R weapon—100 penalty units or 2 years imprisonment; or

(b) for a category C or E weapon—60 penalty units or 1 year's imprisonment; or

(c) for a category A or B weapon or a category M crossbow—20 penalty units or 6 months imprisonment.

(1A) A person who is not a licensed armourer must not manufacture a weapon.

Maximum penalty—

(a) for a category D, H or R weapon—1,000 penalty units or 20 years imprisonment; or

(b) for a category C or E weapon—750 penalty units or 15 years imprisonment; or

(c) for a category A, B or M weapon—500 penalty units or 10 years imprisonment.

(2) Subsection (1) does not apply to a person, who is not disqualified from holding a dealer's licence or an armourer's

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licence, whilst acting as an agent or employee of a licensed armourer.

(3) A licensed armourer, or the agent or employee of the licensed armourer to whom subsection (2) refers, may carry, discharge, possess, repair and store weapons on the premises specified in the licence.

70 Employees of dealers and armourers

(1) A licensed dealer or armourer must not employ a person who, in the course of the person's employment, will have access to weapons unless the person is a qualified weapons employee.

Maximum penalty—100 penalty units.

(2) For subsection (1), a person is a ***qualified weapons employee*** only if the person—

(a) is at least 18 years; and

(b) holds a licence.

(3) In the course of employment as a qualified weapons employee, a person may possess any category of weapon his or her employer is authorised to possess.

(4) Subsection (3) has effect even if the employee is not licensed to possess the category of weapon.

(5) In this section—

employ a person includes engage the person as an agent.

70A Obligations of armourers when modifying firearm to become different category of weapon

(1) This section applies if a person asks a licensed armourer to modify a firearm so that the firearm becomes a different category of weapon (the ***new weapons category***).

(2) Before modifying the firearm, the licensed armourer must be satisfied the person holds a licence authorising the person to possess a firearm in the new weapons category.

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Maximum penalty—100 penalty units.

71 Licensed dealers and armourers to keep register

(1) A licensed dealer or licensed armourer must keep at the premises stated on the licence a weapons register.

Maximum penalty—20 penalty units or 6 months imprisonment.

(2) A licensed dealer or licensed armourer must, for each transaction involving a weapon, enter immediately in the weapons register the particulars prescribed by regulation.

Maximum penalty—20 penalty units or 6 months imprisonment.

(3) A licensed dealer or licensed armourer must notify an authorised officer in the approved form of each transaction involving a weapon within 14 days after the transaction happens.

Maximum penalty—20 penalty units or 6 months imprisonment.

(4) A licensed armourer must, for each modification of a firearm under section 70A, enter immediately in the weapons register the particulars prescribed by regulation.

Maximum penalty—20 penalty units or 6 months imprisonment.

(5) A licensed armourer must notify an authorised officer in the approved form of each modification of a firearm under section 70A within 14 days after the modification happens.

Maximum penalty—20 penalty units or 6 months imprisonment.

(6) A person must not remove a part of the weapons register, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units or 6 months imprisonment.

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(7) Subsection (6) does not prevent the correction of the weapons register in a way specified by regulation.

(8) In this section—

remove includes make illegible or unintelligible, erase or disguise.

transaction means receipt, acquisition, sale or transfer.

weapons register means—

(a) a book in the approved form, bound in a way satisfactory to an authorised officer; or

(b) a computer register approved by the commissioner.

72 Annual returns by licensed dealers

(1) Each year, a licensed dealer must, within the time determined under subsection (2), give an authorised officer particulars, in the approved form, of all weapons held in stock by the licensed dealer as at the beginning of the anniversary day for the licensed dealer's licence.

Maximum penalty—60 penalty units.

(2) The licensed dealer must give the particulars to an authorised officer within 2 months after the anniversary day or any extended time allowed under subsection (3).

(3) An authorised officer may extend the time within which the licensed dealer is required to give the particulars for a particular year if—

(a) the licensed dealer asks the authorised officer, in writing, for an extension within 2 months after the anniversary day for the licensed dealer's licence; and

(b) the authorised officer is satisfied there are reasonable grounds for the request.

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73 Dealer etc. to require information

A person who is a licensed dealer, a licensed armourer or an agent, employee or representative of the dealer or armourer (each of whom is a ***trader***) must not purchase from, trade with, sell to or deal in any weapon with a person unless—

(a) the person provides the trader with the particulars prescribed under a regulation; and

(b) the trader records the particulars in the weapons register maintained by the dealer or armourer.

Maximum penalty—60 penalty units.

74 Licensed dealer or armourer taken to be in unlawful possession

A licensed dealer or licensed armourer who, without reasonable excuse, possesses a weapon the prescribed particulars of which have not been entered in the weapons register under section 71 is taken to contravene section 50.

Division 3 Collectors

75 Collector to be licensed

A person must not collect weapons unless that person is a licensed collector for the category of weapons being collected.

Maximum penalty—60 penalty units.

76 Collector's licence (heirloom)

It is a condition of a collector's licence (heirloom) that the licensee may possess an heirloom firearm only if it is made permanently inoperable.

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77 Collector's licence (weapons)

(1) It is a condition of a collector's licence (weapons) that the licensee may possess—

(a) category D, M or R weapons only if—

(i) for weapons that are firearms—the weapons are made permanently inoperable; or

(ii) for other weapons—the weapons are inert; or

(b) category A, B or C weapons that are collectable firearms manufactured on or after 1 January 1901 only if the weapons are made temporarily inoperable; or

(c) category H weapons only if—

(i) they are manufactured before 1 January 1947 and are temporarily inoperable, collectable firearms; or

(ii) they are manufactured on or after 1 January 1947 and are temporarily inoperable, collectable firearms and the licensee's licence is endorsed to allow possession of collectable firearms manufactured on or after 1 January 1947; or

(iii) otherwise—they are permanently inoperable.

(2) In this section—

collectable firearm means a firearm that is of obvious and significant commemorative, historic, thematic or investment value.

78 Weapons not to be discharged or operated

A collector must not discharge or operate or cause or permit to be discharged or operated any weapon held or proposed to be held under a collector's licence unless authorised to do so under a licence.

Maximum penalty—40 penalty units.

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79 Approval of arms fair

(1) Subject to this Act, a person or body of persons must not conduct an arms fair unless the conduct of the arms fair has been approved by an authorised officer.

Maximum penalty—60 penalty units.

(2) An authorised officer may approve the conduct of an arms fair, either unconditionally or subject to such conditions as the authorised officer may determine, in or to the effect of the approved form or may refuse an application for approval.

(3) An authorised officer may at any time revoke an approval given under subsection (2).

(4) Where approval is refused or revoked, the authorised officer is to issue a notice of refusal or revocation in or to the effect of the approved form stating the specific reasons for the refusal or revocation and forward the notice to the applicant or person to whom approval had been given by registered post to the address shown in the application.

80 Application for approval

(1) An application for approval to conduct an arms fair—

(a) may be made by a licensed collector or an organisation representing licensed collectors; and

(b) is to be made at least 28 days prior to the proposed date for the fair; and

(c) is to be in or to the effect of the approved form; and

(d) is to be accompanied—

(i) by the prescribed fee; and

(ii) such other information as may be required by an authorised officer.

(2) The authorised officer may make or cause to be made such inquiries in respect of the application for approval as the officer considers necessary and may approve the application

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in the prescribed manner as the officer may determine or may refuse the application.

81 Collectors to keep register

(1) A licensed collector must keep at the premises stated in the licence a collection register.

Maximum penalty—20 penalty units or 6 months imprisonment.

(2) A licensed collector must, for each transaction for the receipt, acquisition, sale or transfer of a weapon, enter immediately in the collection register the particulars prescribed under a regulation.

Maximum penalty—20 penalty units or 6 months imprisonment.

(3) A person must not remove a part of the collections register, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units or 6 months imprisonment.

(4) Subsection (3) does not prevent the correction of the collections register in a way specified under a regulation.

(5) In this section—

collection register means a book in the approved form bound to the satisfaction of an authorised officer.

remove includes make illegible or unintelligible, erase or disguise.

82 Removal of register and weapons

(1) Except as provided in subsections (2) to (4), a licensed collector must not, without a reasonable excuse, remove any weapon or the collection register from the premises specified in the licence.

Maximum penalty—40 penalty units.

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(2) Where an arms fair has been approved by an authorised officer under section 80, a licensed collector may remove weapons from the premises specified in the licence for the purpose of display or sale for the duration of the fair.

(3) At the conclusion of the fair, the licensed collector must return the weapons that have not been sold or disposed of to another licensed collector together with any additional weapons acquired by the licensed collector, to the premises specified in the licence.

Maximum penalty—40 penalty units.

(4) A licensed collector who displays weapons at an arms fair approved by an authorised officer, must have possession at the fair of the collection register.

Maximum penalty—40 penalty units.

83 Licensed collector leaving Queensland

(1) A licensed collector who is about to leave Queensland to reside elsewhere must, before leaving, advise an authorised officer in writing of—

(a) the date of departure; and

(b) the proposed residence; and

(c) what is proposed to be done regarding the collection.

Maximum penalty—20 penalty units.

(2) A licensed collector must not move weapons to which the licence relates from the premises specified in the licence to a place outside Queensland unless an authorised officer is satisfied that the manner of transporting the weapons ensures their safekeeping whilst in Queensland.

Maximum penalty—20 penalty units.

84 Licensed collector taken to be in unlawful possession

A licensed collector who, without reasonable excuse, possesses a weapon the prescribed particulars of which have

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not been entered in the collection register under section 81 is taken to contravene section 50.

Division 4 Approved shooting clubs

85 Only an approved shooting club may conduct target shooting

A person must not conduct a shooting club for the sport of target shooting unless the shooting club is an approved shooting club.

Maximum penalty—20 penalty units.

86 Application for shooting club permit

(1) Application may be made to an authorised officer to grant a shooting club permit to a shooting club.

(2) The shooting club permit may only be granted to a shooting club whose primary purpose is to conduct the sport of target shooting.

(3) The application must—

(a) be in the approved form; and

(b) provide the further particulars reasonably required by the authorised officer; and

(c) be accompanied by the fee prescribed by regulation.

87 Authorised officer may grant or refuse shooting club permit

The authorised officer may grant the shooting club permit if the authorised officer is satisfied—

(a) the primary purpose of the shooting club is to conduct the sport of target shooting; and

(b) the location, construction and equipment of each shooting range, and proposed shooting range, of the

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shooting club is appropriate having regard to the need to protect persons from death or injury and property from unlawful destruction or damage; and

(c) the application complies with section 86; and

(d) each individual member of the governing body of the shooting club is an appropriate person; and

(e) section 90 has been complied with and the person nominated under section 90(1) is an appropriate person.

88 Authorised officer to give reasons for refusing to grant permit

The authorised officer may refuse to grant the shooting club permit by written notice given to the applicant stating the reasons for the refusal.

89 Conditions to apply to permit

(1) If an authorised officer grants a shooting club permit to an approved club, the authorised officer may impose conditions that apply to the permit.

(2) The authorised officer may impose conditions about—

(a) the location, construction, equipment and maintenance of shooting ranges; and

(b) the use, control, administration and management of shooting ranges; and

(c) matters prescribed by regulation.

(3) In imposing conditions, the authorised officer must have regard to the need to protect persons from death or injury and property from unlawful destruction or damage.

(4) The conditions must be specified in the permit or by written notice given to the applicant.

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90 Representative required for application

(1) An application for a shooting club permit must nominate an adult individual to be the shooting club's representative.

(2) The nominated person must hold the position in the shooting club in which the person is charged with responsibility for the conduct of the activities of the shooting club relating to the sport of target shooting (the ***responsible position***).

(3) If a shooting club permit is granted on the application, the nominated person is taken to be the shooting club's representative for the purpose of the permit (the ***representative***), until ceasing to be the representative under section 92.

(4) The shooting club must ensure that, at all times while the permit is in effect, it maintains an appropriate person in the responsible position.

Maximum penalty for subsection (4)—20 penalty units.

91 Duty of representative

The representative must exercise all reasonable diligence to ensure the shooting club, its members and all persons using a range conducted by it comply with this division and division 5.

Maximum penalty—20 penalty units.

92 Change of representative

(1) A person stops being the representative of an approved shooting club if the person stops holding the shooting club's responsible position.

(2) If a person stops being the representative, the person must give written notice to an authorised officer within 28 days.

Maximum penalty—20 penalty units.

(3) The person who occupies an approved shooting club's responsible position after another person stops being the

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representative must give written notice (the ***representative notice***) to an authorised officer within 28 days after occupying the responsible position.

Maximum penalty—20 penalty units.

(4) If the authorised officer accepts a representative notice from a person—

(a) the person becomes the representative; and

(b) the authorised officer must give written notice of the acceptance to the representative.

(5) The authorised officer may refuse to accept the representative notice on the ground that the authorised person is not satisfied the person who gave the representative notice—

(a) occupies the shooting club's responsible position; or

(b) is an appropriate person.

(6) The refusal must be by written notice to the person who gave the representative notice stating reasons for the refusal.

93 How to decide whether an individual is an appropriate person

(1) In determining whether an individual is an appropriate person for the purpose of this division, an authorised officer may have regard only to—

(a) whether the individual demonstrates knowledge and understanding of the obligations of an approved shooting club and the individual's proposed position under this Act; and

(b) whether the individual is a person of good repute; and

(c) whether the individual is the holder of a licence.

(2) The authorised officer may obtain—

(a) a report from the commissioner about the criminal history of the person; or

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(b) if the person holds or previously held in another State a relevant licence, permit, authority or position—a report from the appropriate authority in the other State.

(3) In this section—

criminal history, of a person, means the person's criminal history within the meaning of the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than a spent conviction.

94 Authorised officer may amend permit conditions

(1) An authorised officer may amend the conditions applying to a shooting club permit of an approved shooting club—

(a) on the application of the shooting club; or

(b) on the initiative of the authorised officer.

(2) In making an amendment under subsection (1), the authorised officer must have regard to the need to protect persons from death or injury and property from unlawful destruction or damage.

(3) Before making an amendment under subsection (1)(b), the authorised officer must—

(a) give written notice to the club informing it—

(i) of the proposed amendment; and

(ii) that it may make written submissions to the authorised officer about the proposed amendment before a specified day (not earlier than 21 days after the notice is given to the shooting club); and

(b) have regard to submissions made to the authorised officer by the shooting club before the specified day.

(4) If an authorised officer amends the conditions applying to a shooting club permit, the authorised officer must give written notice of the amendment to the shooting club.

(5) The amendment takes effect—

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(a) on the day the written notice of the amendment is given to the shooting club; or

(b) if a later day is specified in the notice—on the specified day.

(6) An authorised officer may refuse to make an amendment under subsection (1)(a) by written notice given to the shooting club stating the reasons for the refusal.

95 Authorised officer may make temporary amendment of conditions

(1) An authorised officer may make a temporary amendment of the conditions applying to a shooting club permit if the authorised officer considers, on reasonable grounds, that it is necessary to make the amendment to protect a person from death or injury or property from unlawful destruction or damage.

(2) An authorised officer may make an amendment under subsection (1) by written notice given to the shooting club stating the reasons for the amendment.

(3) The amendment takes effect on the day the written notice of the temporary amendment is given to the shooting club or, if a later day is specified in the notice, the specified day.

(4) The amendment has effect for 28 days unless—

(a) the notice specifies a shorter period; or

(b) the authorised officer extends the amendment for a single further specified period (not longer than 28 days).

(5) An authorised officer may extend an amendment under subsection (4)(b) by written notice given to the shooting club stating the reasons for the extension.

96 Revoking or suspending permit

(1) An authorised officer may revoke or suspend a shooting club permit if—

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(a) the shooting club contravenes this Act; or

(b) the shooting club contravenes a condition applying to the permit; or

(c) the authorised officer reasonably believes it is likely a member of the shooting club or the public will suffer injury or loss if the permit is not revoked or suspended.

(2) The authorised officer must give written notice of the revocation or suspension to the shooting club.

(3) The notice must specify—

(a) if the permit has been suspended—the day the suspension is lifted; and

(b) the reasons for the revocation or suspension.

(4) The revocation or suspension takes effect on the day the notice is given to the shooting club or, if a later day is specified in the notice, the specified day.

(5) A shooting club permit that is suspended stops having effect until the suspension is lifted.

97 Club must keep range use register books

(1) It is a condition of an approved shooting club's shooting club permit that the club must keep a range use register and ensure the register is available at all times when the range is being conducted by the shooting club.

(2) Before a person uses a range conducted by an approved shooting club to discharge a weapon, the person must—

(a) if the person is a licensee, produce the person's licence to a range officer at the range; and

(b) enter in the range use register the details provided for under subsection (3).

Maximum penalty—20 penalty units.

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Note—

If the person proposing to use the range is not a licensee, the person must produce the identification and complete the approved form required under section 53.

(3) The register must include provision for the following details—

(a) the person's identity;

(b) the category of weapon the person will use on the range;

(c) other details prescribed under a regulation.

(4) It is a condition of an approved shooting club's shooting club permit that the club ensure that a range officer of the club must inspect the entry made by the person in the register and endorse the entry as correct before allowing the person to use the range.

(5) An endorsement under this section must clearly identify the person making the endorsement.

(6) Subsections (2)(a) and (4) do not apply in relation to a range officer of the approved range using the range to discharge a weapon.

98 Service of notice on approved shooting club

(1) A notice required or permitted by this division to be served on an approved shooting club may be served on the shooting club's representative.

(2) Subsection (1) does not affect the operation of any other law that authorises the service of the document in another way.

98A Limitation on organised target shooting

Unless otherwise authorised by this Act, a person may conduct organised target shooting only on an approved range.

Maximum penalty—20 penalty units or 6 months imprisonment.

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98B Membership of approved pistol clubs

(1) It is a condition of an approved pistol club's shooting club permit that the club must not accept a person for membership of the club unless the person submits with the person's application for membership—

(a) if the person is not a licensee, a current statement in the approved form signed by an authorised officer that the person is a fit and proper person to hold a licence; and

(b) 2 character references from persons the person has known for at least 2 years; and

(c) a declaration that the person is a current member of other named approved shooting clubs or that the person is not a current member of any other approved shooting club.

(2) A statement mentioned in subsection (1)(a) is current for 3 months after the day it is signed by the authorised officer.

Division 5 Approved ranges

99 Application for range approval

(1) Application may be made to an authorised officer to approve a range for weapons target shooting.

(2) The application must—

(a) be in the approved form; and

(b) provide the further particulars reasonably required by the authorised officer; and

(c) be accompanied by the fee prescribed by regulation.

100 Limits on approvals

A range may be approved only if the range is conducted by—

(a) an approved shooting club; or

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(b) an incorporated association; or

(c) an entity conducting an approved training course.

101 Authorised officer may grant or refuse range approval

(1) The authorised officer may grant the approval if the authorised officer is satisfied—

(a) the range will be used for—

(i) conducting an approved training course; or

(ii) the sport of target shooting; and

(b) the location, construction and equipment of the range is appropriate having regard to the need to protect persons from death or injury and property from unlawful destruction or damage; and

(c) the application complies with section 99.

(2) An approval must be given in the approved form.

102 Authorised officer to give reasons for refusing to grant approval

The authorised officer may refuse to grant the approval by written notice given to the applicant stating the reasons for the refusal.

103 Conditions to apply to approval

(1) If an authorised officer grants the approval, the authorised officer may impose conditions applying to the approval.

(2) The authorised officer may impose conditions about—

(a) the location, construction, equipment and maintenance of the range; and

(b) matters prescribed by regulation.

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(3) In imposing conditions, the authorised officer must have regard to the need to protect persons from death or injury and property from unlawful destruction or damage.

(4) The conditions must be specified in the approval or by written notice given to the applicant.

104 Authorised officer may amend approval conditions

(1) An authorised officer may amend the conditions applying to an approval—

(a) on the application of the range operator; or

(b) on the initiative of the authorised officer.

(2) In making an amendment under subsection (1), the authorised officer must have regard to the need to protect persons from death or injury and property from unlawful destruction or damage.

(3) Before making an amendment under subsection (1)(b), the authorised officer must—

(a) give written notice to the range operator—

(i) of the details of the proposed amendment; and

(ii) that the range operator may make written submissions to the authorised officer about the proposed amendment before a specified day (not earlier than 21 days after the notice is given to the range operator); and

(b) have regard to submissions made to the authorised officer by the range operator before the specified day.

(4) If an authorised officer amends the conditions applying to an approval, the authorised officer must give written notice of the amendment to the range operator.

(5) The amendment takes effect—

(a) on the day the written notice of the amendment is given to the range operator; or

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(b) if a later day is specified in the notice—on the specified day.

(6) An authorised officer may refuse to make an amendment under subsection (1)(a) by written notice given to the range operator stating the reasons for the refusal.

105 Authorised officer may make temporary amendment of conditions

(1) An authorised officer may make a temporary amendment of the conditions applying to an approval if the authorised officer considers, on reasonable grounds, that it is necessary to make the amendment to protect a person from death or injury or property from unlawful destruction or damage.

(2) An authorised officer may make an amendment under subsection (1) by written notice given to the range operator stating the reasons for the amendment.

(3) The amendment takes effect—

(a) on the day the written notice of the amendment is given to the range operator; or

(b) if a later day is specified in the notice—on the specified day.

(4) The amendment has effect for 28 days unless—

(a) the notice specifies a shorter period; or

(b) the authorised officer extends the amendment for a single further specified period (not longer than 28 days).

(5) An authorised officer may extend an amendment under subsection (4)(b) by written notice given to the range operator stating the reasons for the extension.

106 Suspending or revoking approval

(1) An authorised officer may suspend or revoke an approval if—

(a) a range operator or a range officer contravenes this Act; or

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(b) the authorised officer believes, on reasonable grounds, that it is necessary to suspend or revoke the approval to protect a person from death or injury, or property from unlawful destruction or damage.

(2) The authorised officer must give written notice of the suspension or revocation to the range operator.

(3) The notice must specify—

(a) if the approval has been suspended—the period of suspension; and

(b) the reasons for the suspension or revocation.

(4) The suspension or revocation takes effect—

(a) on the day the notice is given to the range operator; or

(b) if a later day is specified in the notice—on the specified day.

(5) A range approval that is suspended stops having effect until the suspension is lifted.

107 Range can be dealt with in conjunction with shooting club permit

An application, grant of approval or notice under this division may be included in an application, issue of permit or notice respectively under division 4.

108 Responsibilities of range operator

(1) In this section—

range operator means the person conducting an approved range for an approved shooting club under the approval given under this division and, if the approval is issued to an unincorporated body or association of persons, includes each member of the body's or association's governing body.

(2) A range operator must ensure every person who physically possesses or uses a weapon at the approved range is properly supervised by an adult (a ***range officer***) who—

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(a) holds a firearms licence under this Act; or

(b) is a range officer, however called, under a law of another State that corresponds with this Act.

Maximum penalty—20 penalty units.

(3) A range operator must ensure the name of each range officer supervising persons using the approved range is prominently displayed at the range at any time when a weapon is discharged.

Maximum penalty—20 penalty units.

(4) A range operator must take all reasonable steps to ensure a person attending the approved range does not contravene this Act.

Maximum penalty—20 penalty units.

109 Responsibilities of range officer

A range officer supervising an approved shooting range must take all reasonable steps to ensure a person attending the range does not contravene this Act.

Maximum penalty—20 penalty units.

110 Responsibilities of person attending an approved range

(1) A person attending an approved range must not possess or use a weapon at the range unless the possession or use—

(a) is authorised under—

(i) a licence issued to the person; or

(ii) section 52; or

(iii) section 53; and

(b) is permitted by the range officer; and

(c) complies with the conditions on which the range was approved, including, for example, that it is a weapon of a category for which the range was approved.

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Maximum penalty—40 penalty units.

(2) A person attending an approved range must not use a weapon at the range in a way that is likely to cause death or injury to a person or unlawful destruction of, or damage to, property.

Maximum penalty—40 penalty units.

(3) A person attending an approved range must comply with a direction by a range officer for the range given for the purposes of this Act or safety reasons, unless the person has a reasonable excuse.

Maximum penalty for subsection (3)—20 penalty units.

Division 6 Shooting galleries

111 Approval of shooting galleries

(1) A person must not conduct a shooting gallery at any time without the approval of an authorised officer to conduct that gallery.

Maximum penalty—60 penalty units.

(2) An authorised officer must not grant approval to conduct a shooting gallery unless—

(a) the applicant for approval has attained the age of 18 years; and

(b) the officer is satisfied that the applicant has an adequate knowledge of safety practices relating to the use of the firearms to be used at the gallery; and

(c) in the opinion of the authorised officer—

(i) the applicant is a fit and proper person to conduct the gallery; and

(ii) the prescribed conditions and any conditions imposed by the authorised officer will be complied with.

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(3) An authorised officer may grant approval to conduct a shooting gallery subject to the prescribed conditions and to such other conditions as the officer thinks fit.

(4) An authorised officer may refuse to grant approval to conduct a shooting gallery by giving the applicant for approval a notice in or to the effect of the approved form stating the specific reasons for the refusal and forwarding the notice to the applicant by registered post to the address shown on the application.

(5) An authorised officer may revoke an approval given under subsection (3) by written notice, given to the person granted the approval, that sets out the reasons for the revocation.

112 Conditions of approval

(1) Approval to conduct a shooting gallery is to be subject to the following conditions—

(a) the several parts of the shooting gallery are to be designed, constructed and maintained to the satisfaction of an authorised officer;

(b) where live ammunition is to be used—

(i) the area between the place where the firearm is mounted and the target is to be so constructed as to prevent projectile penetration or ricochet; and

(ii) the firearm is to be so mounted that its barrel must remain within the confines of the gallery at all times;

(c) at least 1 natural person specified in the approval is to—

(i) be physically present at the gallery at all times when it is open to the public; and

(ii) personally supervise the use of every firearm by each person resorting to the gallery; and

(iii) exercise all reasonable care and precaution and give such directions as are necessary to any person

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to prevent danger during the use of any firearm at the gallery.

(2) Subsection (1)(b) does not apply to the use of a paint-pellet gun at a shooting gallery used solely for paint-pellet sports.

113 Representative of holder of approval

(1) The holder of or an applicant for an approval to conduct a shooting gallery may apply in or to the effect of the approved form (which may be incorporated as part of the form of application for the approval) for the approval to be endorsed in accordance with this Act with the name of a fit and proper natural person who satisfies the requirements of section 111 as the representative of the holder of the approval at the premises or location specified in the application.

(2) On application by the holder of an approval to conduct a shooting gallery in or to the effect of the approved form, the approval may be endorsed with the name of a fit and proper person who satisfies the requirements of section 111 in place of the name of another person endorsed as representative of the holder under this section.

(3) An application under subsection (1) or (2) may be made to an officer in charge of police.

113A Authorised officer may amend approval conditions

(1) An authorised officer may amend the conditions applying to an approval to conduct a shooting gallery—

(a) on the application of the person granted the approval (***gallery operator***); or

(b) on the initiative of the authorised officer.

(2) In making the amendment, the authorised officer must have regard to the need to protect persons from death or injury and property from unlawful destruction or damage.

(3) Before making an amendment under subsection (1)(b), the authorised officer must—

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(a) give written notice to the gallery operator stating—

(i) the details of the proposed amendment; and

(ii) that the person may make written submissions to the authorised officer about the proposed amendment before a stated day, not earlier than 21 days after the notice is given to the person; and

(b) have regard to submissions made to the authorised officer by the person before the stated day.

(4) If the authorised officer amends the conditions applying to an approval, the authorised officer must give written notice of the amendment to the gallery operator.

(5) The amendment takes effect—

(a) on the day the written notice of the amendment is given to the person; or

(b) if a later day is stated in the notice—on the stated day.

(6) An authorised officer may refuse to make an amendment under subsection (1)(a) by written notice given to the gallery operator stating the reasons for the refusal.

113B Authorised officer may make temporary amendment of conditions

(1) An authorised officer may make a temporary amendment of the conditions applying to an approval if the authorised officer considers, on reasonable grounds, it is necessary to make the amendment to protect a person from death or injury or property from unlawful destruction or damage.

(2) An authorised officer may make an amendment under subsection (1) by written notice given to the gallery operator stating the reasons for the amendment.

(3) The amendment takes effect—

(a) on the day the written notice of the amendment is given to the gallery operator; or

(b) if a later day is stated in the notice—on the stated day.

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(4) The amendment has effect for 28 days unless—

(a) the notice states a shorter period; or

(b) the authorised officer extends the amendment for a single further stated period, not longer than 28 days.

(5) An authorised officer may extend an amendment under subsection (4)(b) by written notice given to the gallery operator stating the reasons for the extension.

113C Suspending or revoking approval

(1) An authorised officer may suspend or revoke an approval if—

(a) the gallery operator contravenes this Act; or

(b) the authorised officer believes, on reasonable grounds, it is necessary to suspend or revoke the approval to protect a person from death or injury, or property from unlawful destruction or damage.

(2) The authorised officer must give written notice of the suspension or revocation to the gallery operator.

(3) The notice must specify—

(a) if the approval has been suspended—the period of suspension; and

(b) the reasons for the suspension or revocation.

(4) The suspension or revocation takes effect—

(a) on the day the notice is given to the gallery operator; or

(b) if a later day is stated in the notice—on the stated day.

(5) A shooting gallery approval that is suspended stops having effect until the suspension is lifted.

114 Conduct of persons resorting to shooting galleries

(1) A person resorting to or making use of a shooting gallery must not—

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(a) point a firearm otherwise than in the direction of the target area in the shooting gallery; or

(b) take away a firearm from the shooting gallery; or

(c) interfere with—

(i) any other person resorting to or using the shooting gallery; or

(ii) a firearm at a shooting gallery otherwise than as directed by any person conducting that gallery or the servant of that person; or

(iii) any part or equipment of the shooting gallery; or

(d) disobey a direction given to that person pursuant to section 112(1)(c)(iii).

Maximum penalty—60 penalty units.

(2) Subsection (1)(a), (b), (c)(i) and (ii) do not apply to the use of a paint-pellet gun at a shooting gallery used solely for paint-pellet sports.

Division 7 Theatrical ordnance suppliers and other associated matters

115 Theatrical ordnance suppliers to be licensed

(1) Subject to this Act, a person must not supply or have possession for the purpose of supply of any replica of a weapon in the production of a theatrical, motion picture or television production without first obtaining a theatrical ordnance supplier's licence.

Maximum penalty—120 penalty units.

(2) Subsection (1) does not apply to a person not disqualified from holding a theatrical ordnance supplier's licence whilst acting as an agent or employee of a licensed theatrical ordnance supplier.

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116 Employees of theatrical ordnance suppliers

(1) A theatrical ordnance supplier must not employ a person who, in the course of the person's employment, will have access to weapons unless the person is a qualified weapons employee.

Maximum penalty—20 penalty units.

(2) For subsection (1), a person is a ***qualified weapons employee*** only if the person—

(a) is at least 18 years; and

(b) holds a licence.

(3) In the course of employment as a qualified weapons employee, a person may possess any category of weapon his or her employer is authorised to possess.

(4) Subsection (3) has effect even if the employee is not licensed to possess the category of weapon.

(5) In this section—

employ a person includes engage the person as an agent.

117 Theatrical ordnance supplier to keep register

(1) A licensed theatrical ordnance supplier must keep at the premises stated in the licence an ordnance register.

Maximum penalty—20 penalty units or 6 months imprisonment.

(2) A licensed theatrical ordnance supplier must, for each transaction for the acquisition, sale, supply, rental or transfer of a weapon, enter immediately in the ordnance register the particulars prescribed under a regulation.

Maximum penalty—20 penalty units or 6 months imprisonment.

(3) A person must not remove a part of the ordnance register, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units or 6 months imprisonment.

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(4) Subsection (3) does not prevent the correction of the ordnance register in a way specified under a regulation.

(5) In this section—

ordnance register means a book in the approved form bound to the satisfaction of an authorised officer.

remove includes make illegible or unintelligible, erase or disguise.

118 Weapons may be supplied for theatre, film and television productions

(1) The holder of a theatrical ordnance supplier's licence may supply a weapon under the licence to a person only for the purpose of the person using the weapon in a theatrical, film or television production.

(2) If the licence held by a theatrical ordnance supplier only allows the licensee to supply a weapon to a specified person, or type of person, the licensee may supply a weapon only to the specified person or type of person.

119 Supervision of use of weapons in theatre, film and television productions

(1) In this section—

licensee means a person who holds a theatrical ordnance supplier's licence.

personal supervision by a licensee means—

(a) personal supervision by the licensee; or

(b) personal supervision by an employee of the licensee who is eligible to obtain a theatrical ordnance supplier's licence.

(2) A licensee must, by personal supervision, ensure that a weapon supplied by the licensee to another person under the licence is properly used.

Maximum penalty—10 penalty units.

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(3) If a licensee considers that a weapon supplied by the licensee under the licence is being improperly used, the licensee must immediately take all appropriate steps—

(a) to ensure the weapon is properly used; or

(b) to recover the weapon.

Maximum penalty—10 penalty units.

(4) For the purpose of this section, a weapon is properly used if it—

(a) is used only for the theatre, film and television production for which it was supplied; and

(b) is not used in an unlawful way; and

(c) is not used in a way that may cause death of, or injury to, any person or the unlawful destruction of, or damage to, property.

120 Removal of register and weapons

(1) A licensed theatrical ordnance supplier must not remove any weapon or the ordnance register from the premises specified in the licence except in the course of business as a theatrical ordnance supplier.

Maximum penalty—60 penalty units.

(2) A licensed theatrical ordnance supplier who has possession of weapons at a place other than the premises specified in the licence must keep a record of the disposition of ordnance in the approved form.

Maximum penalty—60 penalty units.

121 Annual returns by licensed theatrical ordnance supplier

(1) Each year, a licensed theatrical ordnance supplier must, within the time determined under subsection (2), give an authorised officer particulars, in the approved form, of all weapons held in stock by the licensed theatrical ordnance supplier as at the

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beginning of the anniversary day for the licensed theatrical ordnance supplier's licence.

Maximum penalty—60 penalty units.

(2) The licensed theatrical ordnance supplier must give the particulars to an authorised officer within 2 months after the anniversary day or any extended time allowed under subsection (3).

(3) An authorised officer may extend the time within which the licensed theatrical ordnance supplier is required to give the particulars for a particular year if—

(a) the licensed theatrical ordnance supplier asks the authorised officer, in writing, for an extension within 2 months after the anniversary day for the licensed theatrical ordnance supplier's licence; and

(b) the authorised officer is satisfied there are reasonable grounds for the request.

122 Licensed theatrical ordnance supplier taken to be in unlawful possession

A licensed theatrical ordnance supplier who, without reasonable excuse, possesses a weapon the prescribed particulars of which have not been entered in the ordnance register under section 117 is taken to contravene section 50.

Division 8 Security guards and security organisations

123 Armed security guard must be licensed

A person must not, in performing duties as a security guard, physically possess a weapon unless the person holds a security licence (guard).

Maximum penalty—20 penalty units.

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124 Training courses for security guards

(1) A person may be issued with a security licence (guard) only if the person has completed an approved safety training course (security guard).

(2) If a person who holds a security licence (guard) intends to renew the licence, the person must complete an approved safety training course (security guard) within the period prescribed by regulation.

125 Control of possession and use of weapons by security guards

A regulation may impose conditions on the possession and use of weapons by persons performing the duties of a security guard.

126 Employed security guard must record prescribed information

(1) A person who possesses or uses a weapon in performing duties as an employed security guard must, as prescribed by regulation, record information about the possession or use in the security organisation register kept by the security guard's security organisation.

Maximum penalty—10 penalty units.

(2) A regulation may specify the type of information that must be recorded and the time it must be recorded.

(3) In this section—

employed security guard means a person who is employed as a security guard by a security organisation.

126A Obligation of security guard carrying on business to keep register

(1) An individual who carries on business on the individual's own account as a security guard must—

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(a) keep a register in the approved form (***security guard's register***); and

(b) record in the security guard's register, as prescribed under a regulation, information about the individual's possession or use of weapons.

Maximum penalty—10 penalty units.

(2) A person must not make an entry in the security guard's register that is false or misleading.

Maximum penalty—10 penalty units.

(3) A regulation may prescribe—

(a) the type of information that must be recorded in the security guard's register; and

(b) the time when the information must be recorded.

127 Obligations of security organisation in relation to the possession or use of a weapon

(1) In this section—

employee of a security organisation includes a person engaged in any way by the security organisation to perform duties for it.

(2) A security organisation must not—

(a) possess a weapon; or

(b) allow an employee to have physical possession of a weapon while performing duties for the organisation;

unless the security organisation has been issued with a security licence (organisation).

Maximum penalty—200 penalty units.

(3) A security organisation may only possess or use a weapon as prescribed by regulation.

Maximum penalty—200 penalty units.

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(4) A security organisation must ensure an employee of the security organisation only physically possesses or uses a weapon as prescribed by regulation.

Maximum penalty for subsection (4)—200 penalty units.

128 Obligations of security organisation in relation to register

(1) A security organisation must—

(a) keep a security organisation register in the approved form; and

(b) record in the security organisation register, as prescribed by regulation, information about its, and its employees', possession or use of weapons.

Maximum penalty—20 penalty units.

(2) A person must not make an entry in the security organisation register that is false or misleading.

Maximum penalty—20 penalty units.

(3) A regulation may prescribe—

(a) the type of information that must be recorded in the security organisation register; and

(b) the time when the information must be recorded; and

(c) who must record the information on behalf of the security organisation; and

(d) procedures the security organisation must undertake to verify an entry in the security organisation register.

129 Obligation of members of governing body of security organisation

Each member of the governing body of a security organisation must ensure the security organisation complies with this division.

Maximum penalty—20 penalty units.

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Part 5 Additional requirements in relation to category H weapons

Division 1 Requirements for holders of concealable firearms licence

130 Application of div 1

This division applies to a holder of a concealable firearms licence (***licensee***) whose genuine reason for possession of a weapon is sports or target shooting.

131 Limitation on number of concealable firearms particular licensees may acquire

(1) An individual licensee must not, during the first year after the individual is first issued with a concealable firearms licence, acquire for sports or target shooting under that licence more than—

(a) 1 air pistol; and

(b) 1 of the following—

(i) a rim-fire pistol;

(ii) a centre-fire pistol;

(iii) a black-powder pistol.

(2) Subsection (1) does not apply to—

(a) a person who—

(i) holds a licence or other authority under a law of another State that corresponds with this Act authorising the applicant to possess a category H weapon for sports or target shooting (***relevant authority***); and

(ii) has held the relevant authority for at least 12 months; and

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(iii) has, in the other State, participated in not less than the number of handgun shooting competitions for the weapon necessary to comply with the law of the other State; or

(b) a person who—

(i) was permitted or authorised under the law of another country to possess a category H weapon for sports or target shooting; and

(ii) has, within the 2 year period immediately before the application is made, consistently participated at a national or international level in internationally recognised shooting competitions for a category H weapon.

Examples of internationally recognised shooting competitions—

- shooting competitions in the Olympic Games
- shooting competitions in the Commonwealth Games
- metallic silhouette world championship

132 Conditions for concealable firearms licence

(1) It is a condition of a concealable firearms licence that the licensee must not possess any of the following category H weapons under the authority of a concealable firearms licence—

(a) a weapon that has a calibre of more than .38 inch;

(b) a weapon that is semi-automatic and has a barrel length of less than 120mm unless it has an overall length of at least 250mm measured parallel to the barrel;

(c) a weapon that is not semi-automatic and has a barrel length of less than 100mm unless it has an overall length of at least 250mm measured parallel to the barrel;

(d) a weapon with a magazine capacity of more than 10 rounds.

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(2) Despite subsection (1)(a), an authorised officer may authorise the licensee, by condition endorsed on the licence, to possess a category H weapon that the licensee is not authorised to possess under subsection (1) if the authorised officer is satisfied that the licensee is to possess the weapon for use in an accredited event.

Note—

Subsection (1) does not interfere with a person's ability to hold the weapons under another appropriate licence.

(3) It is a condition of a concealable firearms licence that the licensee must be a member of an approved pistol club.

(4) In this section—

category H weapon does not include a black-powder pistol.

133 Participation conditions for concealable firearms licence

(1) If a licensee is the registered owner of 1 or more category H weapons in a single class, the licensee's licence is subject to the condition that the licensee use a weapon from that class in not less than 6 handgun shooting competitions conducted on different days in each financial year.

(2) For subsection (1), if a category H weapon to be used is a high calibre weapon, the handgun shooting competitions at which the weapon must be used must be accredited events.

(3) If the licensee is the registered owner of at least 1 category H weapon in each of 2 or more classes, the licensee's licence is subject to the condition that the licensee use a weapon from each class in not less than 4 club organised shoots for the class in each financial year.

(4) For subsection (3)—

(a) at least 6 of the club organised shoots must be handgun shooting competitions; and

(b) if 1 of the classes is a class for high calibre weapons, at least 4 of the club organised shoots for a weapon from the class must be accredited events; and

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(c) each club organised shoot for the classes must be conducted on different days.

Example for paragraph (c)—

If a licensee uses category H weapons from 2 classes in club organised shoots conducted on a single day, only 1 of the shoots is to be taken into account for the licensee's participation record because the shoots are not conducted on different days.

Note—

Under section 134, the licensee must keep a participation record. The licensee's participation in club organised shoots must be entered in the record and endorsed by a range officer of the shooting club conducting the shoot.

(5) If the licensee is the registered owner of a single category H weapon in a particular class for less than 12 months in a particular financial year, the relevant participation condition for use of a weapon from that class applies proportionately, based on whole calendar months, for that financial year, after rounding down to the nearest whole number of competitions.

Examples for subsection (5)—

1 If the licensee has 1 category H weapon for 6 months during a particular financial year, the licensee must participate in 3 club organised shoots to satisfy the participation condition for that weapon in that financial year.

2 If the licensee has 1 category H weapon for 5 months during a particular financial year, the licensee must participate in 2 club organised shoots to satisfy the participation condition for that weapon in that financial year.

(6) However, if the licensee is the registered owner of a single category H weapon in a particular class for less than 3 months in a particular financial year, the relevant participation condition for use of a weapon from that class does not apply for that financial year.

(7) Also, if in a particular financial year the licensee satisfies an authorised officer that the licensee is, or was, unable to comply with a relevant participation condition for the year for reasons outside the licensee's control, the authorised officer may decide the number of times, if any, that the licensee must use, or was required to use, a weapon in a club organised

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shoot for the particular year to satisfy the participation condition.

(8) A decision under subsection (7) must be made on a proportionate basis, based on whole calendar months, having regard to the period that the authorised officer is satisfied the licensee is, or was, unable to comply with a relevant participation condition for reasons outside the licensee's control.

(9) In this section—

high calibre weapon means a category H weapon, other than a black-powder pistol, having a calibre of more than .38 inch but not more than .45 inch.

134 Licensees to keep participation record

(1) If a licensee is the registered owner of a category H weapon, it is a special condition of the licensee's licence that the licensee—

(a) advise each approved pistol club of which the licensee is a member of the participation conditions, and any change to the participation conditions, to which the member's licence is subject; and

(b) keep a record of the licensee's participation in handgun shooting competitions (***participation record***).

(2) The advice under subsection (1)(a) must be given in writing within 28 days after the happening of any of the following—

(a) the start of a financial year;

(b) the licensee becoming a member of an approved pistol club;

(c) a change to the participation conditions to which the licensee's licence is subject.

(3) The participation record must contain the information prescribed under a regulation.

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(4) The licensee must enter the prescribed information immediately after the licensee's participation in a club organised shoot has ended.

(5) The licensee must have the entry endorsed, in the way prescribed under a regulation, as correct by a range officer of the approved pistol club conducting the club organised shoot on the day of the shoot before the shoot ends.

(6) If the club organised shoot is a handgun shooting competition conducted outside Queensland, the licensee may have the entry endorsed, in the way prescribed under a regulation, as correct by an official supervising the competition.

(7) An endorsement under subsection (5) or (6) must clearly identify the person making the endorsement.

(8) An entry properly endorsed under this section is evidence of the licensee's participation in the club organised shoot.

(9) In this section—

registered owner, of a category H weapon, means the person entered in the firearms register as the owner of the weapon.

135 Show cause notice

(1) If an authorised officer reasonably suspects that a licensee has failed to comply with a participation condition, the authorised officer may give the licensee a written notice (***show cause notice***).

(2) The show cause notice must state the following—

(a) that the licensee may be required to dispose of a particular category H weapon or class of category H weapon (the ***proposed action***);

(b) the ground for the proposed action;

(c) an outline of the facts and circumstances forming the basis for the grounds;

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(d) an invitation to the licensee to show, within a stated period (the ***show cause period***), why the proposed action should not be taken.

(3) The show cause period must be a period ending at least 28 days after the day the show cause notice is given to the licensee.

136 Consideration of representations

(1) The licensee may make written representations about the show cause notice to the authorised officer in the show cause period.

(2) The authorised officer must consider all written representations (the ***accepted representations***) made under subsection (1).

137 Notice to dispose

(1) If, after considering the accepted representations, the authorised officer is not satisfied that the licensee has complied with a participation condition, the authorised officer may, by written notice (***notice to dispose***) given to the licensee, require the licensee to dispose of a particular category H weapon or class of category H weapon within 3 months after the date of the notice.

Note—

If the authorised officer is satisfied that the licensee's failure to comply with a participation condition was for reasons outside the licensee's control, the authorised officer may, under section 133(7), decide the number of times the licensee was required to use the weapon to satisfy the participation condition.

(2) The licensee must dispose of the weapon within 3 months after the date of the notice to dispose—

(a) to a person lawfully acquiring the weapon under a permit to acquire; or

(b) by delivering the weapon to a licensed dealer; or

(c) by delivering the weapon to a licensed armourer; or

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(d) by surrendering the weapon to a police officer under arrangements made for the surrender.

(3) The licensee may acquire a weapon delivered to a licensed dealer or licensed armourer under this section only if the licensee has a current permit to acquire the weapon issued after the weapon was delivered to the dealer or armourer.

Maximum penalty—100 penalty units or 2 years imprisonment.

(4) The licensee must provide evidence of the disposal to an authorised officer within 4 months after the date of the notice to dispose.

Maximum penalty—60 penalty units.

(5) If a weapon is surrendered to a police officer under this section—

(a) on the surrender, the weapon is State property; and

(b) no compensation is payable for the weapon.

Division 2 Requirements for collectors

138 Condition for collector's licence (weapons)

(1) It is a condition of a collector's licence (weapons) that the licensee must not possess temporarily inoperable category H weapons unless the licensee is a member of an approved historical society.

(2) It is a condition of a collector's licence (weapons) that the licensee must not possess temporarily inoperable modern handguns.

(3) Despite subsection (2), an authorised officer may authorise the licensee to possess temporarily inoperable modern handguns if the authorised officer is satisfied that the licensee has a prolonged and genuine interest in the study, preservation or collection of firearms.

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(4) If the authorised officer authorises the licensee to possess temporarily inoperable modern handguns, the authorised officer must endorse the licensee's licence accordingly.

Division 3 Requirements for approved pistol clubs

139 Endorsement of participation record

(1) This section applies if an approved pistol club is conducting a club organised shoot.

(2) If asked by a licensee participating in the club organised shoot after the licensee's participation in the shoot has ended, but before the shoot ends, a range officer of the pistol club must—

(a) inspect the licensee's entry in the licensee's participation record; and

(b) if satisfied the entry is correct, endorse the entry in the way prescribed under a regulation.

140 Approved pistol club to give report about members

(1) An authorised officer may, by written notice given to the representative of an approved pistol club, require the representative to give the authorised officer a report under this section.

(2) The representative must comply with the requirement within 28 days after receiving the notice.

(3) The report must advise the authorised officer—

(a) about each member of the pistol club who, according to the pistol club's records, failed to satisfy a participation condition to which the member's licence was subject during the immediately preceding financial year; or

(b) that, according to the pistol club's records, each member of the pistol club satisfied the participation conditions to

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which the member's licence was subject during the immediately preceding financial year.

141 Show cause notice

(1) If a representative of an approved pistol club fails to comply with a requirement under section 140, the authorised officer may give the approved pistol club a written notice (***show cause notice***).

(2) The show cause notice must state the following—

(a) that the authorised officer may revoke the approved pistol club's shooting club permit (the ***proposed action***);

(b) the ground for the proposed action;

(c) an outline of the facts and circumstances forming the basis for the grounds;

(d) an invitation to the approved pistol club to show, within a stated period (the ***show cause period***), why the proposed action should not be taken.

(3) The show cause period must be a period ending at least 28 days after the day the show cause notice is given to the approved pistol club.

141A Consideration of representations

(1) The approved pistol club may make written representations about the show cause notice to the authorised officer in the show cause period.

(2) The authorised officer must consider all written representations (the ***accepted representations***) made under subsection (1).

Note—

An authorised officer is empowered to suspend or revoke a shooting club permit under section 96.

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Division 4 Disclosure requirements for approved pistol clubs and approved historical societies

141B Disclosure requirements

(1) It is a condition of a relevant entity's shooting club permit or approval that the representative of the entity must advise the commissioner in writing as required under subsection (2)—

(a) when a member of the entity stops being a member of an entity; or

(b) when a member of the entity is expelled from the entity and the reason for the expulsion.

(2) The representative must advise the commissioner within 14 days after the member stops being a member or is expelled.

(3) This section applies despite any duty of confidentiality owed by the representative or entity to the member.

(4) The giving of information by a representative under this section does not give rise to any criminal or civil action or remedy against the representative or the entity.

(5) In this section—

relevant entity means—

(a) an approved pistol club; or

(b) an approved historical society.

Part 5A Firearm prohibition orders

Division 1 Preliminary

141C Purpose of part

The purpose of this part is to provide for the making of firearm prohibition orders in order to—

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(a) promote public safety and security; and

(b) disrupt and deter firearm related crime, including reducing the risk of firearms being used in the commission of offences.

141D Definitions for part

In this part—

criminal history, of a person, means, despite the *Criminal Law (Rehabilitation of Offenders) Act 1986*, sections 5, 6, 8 and 9, all of the following—

(a) a conviction against the person for an offence in Queensland or elsewhere, including a conviction that is a spent conviction, a conviction that has not been recorded or a conviction that has been quashed or set aside;

(b) a charge made against the person for an offence in Queensland or elsewhere, including a charge that has been withdrawn, discharged or struck out;

(c) information about the circumstances of—

(i) the offence; and

(ii) the conviction or charge.

firearm includes an antique firearm and a replica of a firearm.

firearm prohibition order means a firearm prohibition order under section 141G.

firearm related item means—

(a) ammunition; or

(b) a magazine for a firearm; or

(c) a silencer or another device or thing that is made or used, is capable of being used or is intended to be used for reducing the sound caused by discharging a firearm; or

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(d) another thing prescribed by regulation to be a firearm related item.

Division 2 Making firearm prohibition orders

Subdivision 1 Considerations for making firearm prohibition orders

141E Matters to consider for making firearm prohibition orders—adults

(1) This section applies if the commissioner is considering whether it is in the public interest to make a firearm prohibition order in relation to an adult.

(2) The commissioner may have regard to the following—

(a) the individual's criminal history;

(b) the individual's domestic violence history, including whether the individual—

(i) is or has been subject to a domestic violence order; or

(ii) is or has been named as a respondent in an application for a domestic violence order;

(c) whether the individual is or has been a participant in—

(i) a criminal organisation; or

(ii) a terrorist organisation;

(d) whether the individual is an associate of a recognised offender;

(e) whether the individual has communicated in a public forum, or to another person, that the individual intends or wishes to commit a serious offence;

Examples of public forums—

social media sites, online forums

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(f) whether the individual is or has been subject to a relevant order made by a court and the circumstances surrounding the making of the order;

Examples of relevant court orders—

- a control order under the Criminal Code (Cwlth)
- an order made by a court under the *Dangerous Prisoners (Sexual Offenders) Act 2003*

(g) the individual's behaviour, particularly violent or aggressive behaviour or behaviour involving the use of a weapon;

(h) the risk the individual poses to public safety or security, and the extent to which making the firearm prohibition order will reduce the risk;

(i) any other matter or information that indicates possession of a firearm or firearm related item by the individual would be likely to pose a risk to public safety or security.

(3) In considering a matter under subsection (2), the commissioner may have regard to criminal intelligence.

(4) For this section, an individual is an associate of a recognised offender if the individual—

(a) has a romantic or familial relationship with the offender; or

(b) associates with the offender in a way that involves seeking out or accepting the offender's company, whether the association happens in person or in another way, including, for example, electronically.

(5) In this section—

recognised offender see the Criminal Code, section 77.

terrorist organisation see the Criminal Code (Cwlth), section 102.1(1).

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141F Matters to consider for making firearm prohibition orders—children

(1) This section applies if the commissioner is considering whether it is in the public interest to make a firearm prohibition order in relation to a child.

(2) The commissioner must have regard to the following matters—

(a) the desirability of strengthening and preserving the relationship between the child and their parents and family;

(b) the desirability of not interrupting or disturbing the child's living arrangements, education, training or employment;

(c) the desirability of minimising adverse effects on the child's reputation that may arise from making the firearm prohibition order;

(d) the age and maturity of the child.

(3) Also, the commissioner may have regard to the following—

(a) the child's criminal history;

(b) the child's behaviour, particularly violent or aggressive behaviour, behaviour that constitutes domestic and family violence or behaviour involving the use of a weapon;

(c) the risk the child poses to public safety or security, and the extent to which making the firearm prohibition order will reduce the risk;

(d) any other matter or information that indicates possession of a firearm or firearm related item by the child would be likely to pose a risk to public safety or security.

(4) In considering a matter under subsection (3), the commissioner may have regard to criminal intelligence.

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Subdivision 2 Making of firearm prohibition orders

141G Commissioner may make firearm prohibition orders

(1) The commissioner may make a firearm prohibition order prohibiting an individual from acquiring, possessing or using, or attempting to acquire, possess or use, a firearm or firearm related item.

(2) However, the commissioner may make the firearm prohibition order only if satisfied it is in the public interest to do so.

(3) Also, the commissioner may make the firearm prohibition order only if the individual is 14 years or older.

(4) The firearm prohibition order has effect for a period of—

(a) if the individual is an adult—10 years; or

(b) if the individual is a child—5 years.

Note—

For when a firearm prohibition order takes effect, see section 141J.

(5) The commissioner may revoke a firearm prohibition order made by the commissioner at any time.

141I Form and content of firearm prohibition orders

A firearm prohibition order must be in the approved form and state the following—

(a) information identifying the individual the subject of the order;

(b) the day the order is made;

(c) the period the order has effect;

(d) the effect of division 3, including that a person may commit an offence and be subject to a penalty under that division;

(e) that police may conduct searches under division 4;

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(f) that the individual has a right to have the decision to make the order reviewed by QCAT;

(g) how, and the period within which, the individual may apply for the review;

(h) any other matter prescribed by regulation.

141J When firearm prohibition orders take effect

A firearm prohibition order in relation to an individual takes effect when a police officer serves the order or a copy of the order on the individual under section 141P.

141K Parent and particular chief executives to be notified of orders in relation to children

(1) This section applies if a firearm prohibition order takes effect in relation to a child.

(2) A police officer must, as soon as reasonably practicable, notify the following persons of the order—

(a) a parent of the child, unless no parent of the child can be contacted after making all reasonable inquiries;

(b) the chief executive (communities) or a person, nominated by that chief executive for the purpose, who holds an office within the department for which the chief executive has responsibility;

(c) if the chief executive (child safety) has custody or guardianship of the child under the *Child Protection Act 1999*, that chief executive or a person, nominated by that chief executive for the purpose, who holds an office in the department for which the chief executive has responsibility.

(3) If no parent of the child can be contacted after making all reasonable inquiries, a police officer must make a record of the inquiries made.

(4) In this section—

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chief executive (child safety) means the chief executive of the department in which the *Child Protection Act 1999* is administered.

chief executive (communities) means the chief executive of the department in which the *Youth Justice Act 1992* is administered.

parent—

(a) means a parent within the meaning of the *Youth Justice Act 1992*, schedule 4; and

(b) includes a person who is apparently a parent of a child.

141L Further firearm prohibition orders may be made

The expiry of a firearm prohibition order in relation to an individual does not prevent the commissioner from making a further firearm prohibition order in relation to the individual.

Subdivision 4 Service of firearm prohibition orders and directions relating to service

141P Personal service of firearm prohibition orders

(1) This section applies if a firearm prohibition order is made in relation to an individual.

(2) A police officer must—

(a) serve the firearm prohibition order, or a copy of the order, personally on the individual the subject of the order; and

(b) tell the individual on whom the order or copy is served that the order is a firearm prohibition order.

(3) However, if the individual does not accept the firearm prohibition order, the police officer may serve the order on the individual by—

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(a) putting the order, or a copy of the order, down in the individual's presence; and

(b) telling the individual that the order is a firearm prohibition order.

(4) If practicable, service under this section must be electronically recorded by a police officer.

(5) In this section—

electronically recorded see the *Police Powers and Responsibilities Act 2000*, schedule 6.

141Q Power to give directions to facilitate personal service of firearm prohibition orders

(1) This section applies if—

(a) a firearm prohibition order is made in relation to an individual; and

(b) a police officer reasonably suspects an individual is the individual the subject of the order.

(2) A police officer may, for the purpose of enabling a police officer to serve the firearm prohibition order under section 141P, do any of the following—

(a) if it is necessary to confirm the identity of the individual—direct the individual—

(i) to state the individual's name and address; and

(ii) to give evidence of the stated name and address if, in the circumstances, it would be reasonable to expect the individual to be in possession of the evidence;

(b) direct the individual to remain at a stated appropriate place at or near the individual's current location for a stated reasonable period;

(c) direct the individual to attend a stated police station immediately or within a stated reasonable period;

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(d) direct the individual to accompany a police officer to the nearest police station or another stated place.

(3) A direction under subsection (2) may be given only if the police officer considers it is reasonably necessary to enable service of the firearm prohibition order.

(4) In deciding the reasonable period mentioned in subsection (2)(b) or (c), the police officer—

(a) must have regard to the individual's location, circumstances and ability to comply with the direction; and

(b) may have regard to—

(i) the extent to which it is necessary, in the circumstances, to serve the firearm prohibition order on the individual as a matter of urgency; and

(ii) any other matter the police officer considers relevant.

(5) For subsection (2)(c) and (d), the stated police station or place must be within a reasonable distance of the individual's current location, having regard to the particular circumstances.

(6) In giving the direction, the police officer must tell the individual the following matters—

(a) why the individual is being given the direction;

(b) if the direction is to accompany a police officer to a place—

(i) where the place is; and

(ii) how the individual is to move to the place, including whether a police officer will remain in the presence of the individual; and

(iii) that the individual may be searched before being transported to the place by a police officer; and

(iv) that the individual may be directed to leave, at the individual's current location, anything found in the

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search that may be used to cause harm to the individual or another person; and

(v) that anything found in the search may be seized if a police officer reasonably suspects the thing is evidence of the commission of an offence;

(c) that the individual is not under arrest or in custody while complying with the direction.

141S Powers relating to particular directions

(1) This section applies if—

(a) a police officer directs an individual under section 141Q(2)(d) to accompany a police officer to a place; and

(b) the individual is to be transported by a police officer to the place.

(2) Before the individual is transported to the place, a police officer may—

(a) search the individual for anything in the individual's possession that may be used to cause harm to the individual or another person; and

Note—

See the *Police Powers and Responsibilities Act 2000*, chapter 20, part 3 for safeguards that apply to a search under this paragraph.

(b) direct the individual to leave at the individual's current location a thing found in the search that may be used to cause harm to the individual or another person; and

(c) seize a thing found in the search that the police officer reasonably suspects is evidence of the commission of an offence.

(3) A thing seized under subsection (2)(c) is, for the *Police Powers and Responsibilities Act 2000*, section 622, taken to have been seized under that Act.

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141T Offence warning

(1) This section applies if—

(a) a police officer gives an individual a direction under section 141Q(2) or 141S(2)(b); and

(b) the individual fails to comply with the direction.

(2) A police officer must, if practicable, warn the person—

(a) it is an offence not to comply with the direction unless the individual has a reasonable excuse; and

(b) the individual may be arrested for the offence.

(3) A police officer must give the person a further reasonable opportunity to comply with the direction.

141U Offence to contravene direction

(1) An individual must comply with a direction given to the individual under section 141Q(2) or 141S(2)(b) unless the individual has a reasonable excuse.

Maximum penalty—40 penalty units.

(2) However, an individual does not commit an offence against subsection (1) if—

(a) the subject of the firearm prohibition order to which the direction relates is someone other than the individual; or

(b) when the direction was given, the firearm prohibition order to which the direction relates had already been served on the individual under section 141P.

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Division 3 Effect of firearm prohibition orders and offences

141V Licenses, permits and approvals automatically revoked if firearm prohibition order made

(1) This section applies if a firearm prohibition order is made in relation to an individual.

(2) A licence, permit or approval held by the individual is automatically revoked.

(3) A licence, permit or approval held by a body, whether incorporated or unincorporated, is automatically revoked if the individual is the body's representative.

(4) The revocation takes effect when a police officer serves the firearm prohibition order or a copy of the order on the individual under section 141P.

(5) In this section—

approval means an approval granted by an authorised officer under this Act and in force at the material time.

permit means a permit issued under this Act and in force at the material time.

141W Surrender of authorities, firearms and firearm related items

(1) This section applies to an individual the subject of a firearm prohibition order.

(2) When the firearm prohibition order takes effect, the individual must immediately give to a police officer a relevant authority held by the individual that is in the individual's physical possession.

Maximum penalty—50 penalty units or 12 months imprisonment.

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(3) When the firearm prohibition order takes effect, the individual must also immediately give to a police officer any firearm or firearm related item the individual physically possesses.

Notes—

1 See section 141Y(1) and (2) for offences relating to the possession of a firearm or firearm related item by an individual subject to a firearm prohibition order.

2 See also section 141Y(3) and (4).

(4) If the individual can not immediately give a police officer a relevant authority held by the individual or a firearm or firearm related item in the individual's possession, a police officer may direct the individual—

(a) to give the authority, firearm or firearm related item to a police officer in a stated way and within a stated reasonable period of not more than 24 hours after the direction is given; or

(b) to give information about the location of the authority, firearm or firearm related item and any other information necessary to enable a police officer to locate and seize it; or

(c) to accompany a police officer to the location of the authority, firearm or firearm related item so it can be given to or seized by the police officer.

Example of when a firearm can not be immediately given—

A police officer serves a firearm prohibition order on an individual at a place that is not the individual's home and a firearm the individual possesses is stored at the individual's home.

(5) The individual must comply with a direction given to the individual under subsection (4).

Maximum penalty—50 penalty units or 12 months imprisonment.

(6) In this section, a reference to a relevant authority held by the individual includes—

(a) a reference to a relevant authority held by a body, whether incorporated or unincorporated, if the individual is the body's representative; and

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(b) a reference to a relevant authority, including a relevant authority to which paragraph (a) applies, that has been automatically revoked under section 141V.

(7) In this section—

approval means an approval granted by an authorised officer under this Act and in force at the material time.

permit means a permit issued under this Act and in force at the material time.

relevant authority means—

(a) a licence, permit or approval; or

(b) an authority under the *Explosives Act 1999* which authorises a person to purchase small arms ammunition under that Act.

141X Collection of firearms in particular circumstances

(1) This section applies if an individual—

(a) gives a firearm to a police officer under section 141W(3) or (4)(a); or

(b) complies with a direction under section 141W(4)(b) or (c) in relation to a firearm.

(2) The individual may, within 3 months after the day the firearm is given to or seized by a police officer, make arrangements with a police officer for a licensed dealer or licensed armourer to collect the firearm if the individual—

(a) has consigned the firearm to the licensed dealer or licensed armourer for sale; and

(b) has given the police officer a copy of the transaction notification for the consignment.

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141Y Acquiring, possessing and using firearms and firearm related items

(1) An individual who is subject to a firearm prohibition order or a corresponding order must not—

(a) acquire, possess or use a firearm; or

(b) attempt to acquire, possess or use a firearm.

Maximum penalty—1,000 penalty units or 20 years imprisonment.

(2) An individual who is subject to a firearm prohibition order or a corresponding order must not—

(a) acquire, possess or use a firearm related item; or

(b) attempt to acquire, possess or use a firearm related item.

Maximum penalty—300 penalty units or 7 years imprisonment.

(3) However, an individual does not contravene subsection (1)(a) or (2)(a) in relation to the possession of a firearm or firearm related item if—

(a) the firearm or firearm related item is in the individual's possession when the firearm prohibition order or corresponding order takes effect; and

(b) for an individual subject to a firearm prohibition order—

(i) the individual gives the firearm or firearm related item to a police officer under section 141W(3) or (4)(a); or

(ii) the individual complies with a direction under section 141W(4)(b) or (c), enabling a police officer to seize or otherwise take the firearm or firearm related item; and

(c) for an individual subject to a corresponding order made under a corresponding law—the individual complies with—

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(i) a requirement under a provision of the corresponding law that corresponds to section 141W(3); or

(ii) a direction given under a provision of the corresponding law that corresponds to section 141W(4).

(4) For this section, an individual is taken to possess a firearm or firearm related item if there is proof that, at the material time, the firearm or firearm related item was in or on a place at which the individual resided or of which the individual was the owner or the occupier or concerned in the management or control.

(5) However, it is a defence to an offence against subsection (1) or (2) for the individual to prove the individual did not know and did not have reason to suspect that the firearm or firearm related item was in or on a place mentioned in subsection (4).

(6) In this section—

resided, in relation to a place, includes slept at the place on a regular or frequent basis.

141Z Supply of firearms and firearm related items

A person must not supply a firearm or firearm related item to an individual subject to a firearm prohibition order or a corresponding order if the person knows the individual is subject to the order.

Maximum penalty—

(a) for a firearm—750 penalty units or 15 years imprisonment; or

(b) for a firearm related item—300 penalty units or 7 years imprisonment.

141ZA Attending particular premises and events

(1) An individual who is subject to a firearm prohibition order or a corresponding order must not attend—

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(a) a place endorsed on a dealer's licence or an armourer's licence under section 16(1)(b)(iii); or

(b) an arms fair approved under section 79(2); or

(c) an event or meeting held by an approved historical society; or

(d) an approved range; or

(e) a shooting gallery approved under section 111; or

(f) a shooting range; or

(g) an event or meeting held by a shooting club; or

(h) premises or an event prescribed by regulation.

Maximum penalty—50 penalty units or 12 months imprisonment.

(2) For subsection (1)(h), a regulation may prescribe premises or an event only if the commissioner is satisfied a firearm or firearm related item is likely to be stored or present on the premises, or on the premises at which the event is held.

141ZB Notifying commissioner of change of address

(1) This section applies if an individual subject to a firearm prohibition order changes their residential address.

(2) The individual must, within 7 days of the day the residential address changes, give the commissioner written notice of the change in the way prescribed by regulation.

Maximum penalty—300 penalty units or 7 years imprisonment.

Division 4 Powers relating to firearm prohibition orders

141ZC Definitions for division

In this division—

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firearm prohibition order includes a corresponding order.

vehicle means—

(a) a vehicle under the *Transport Operations (Road Use Management) Act 1995*; or

(b) an aircraft; or

(c) a train; or

(d) a tram; or

(e) a vessel.

141ZD When powers may be exercised

(1) A police officer may, without a warrant or consent, exercise a power under this division if the exercise of the power is reasonably required to determine whether an individual subject to a firearm prohibition order is committing an offence under section 141Y(1) or (2).

(2) The police officer may exercise the power with the assistance of another police officer.

141ZE Power to search individuals subject to firearm prohibition orders

A police officer may do the following in relation to an individual subject to a firearm prohibition order—

(a) stop and detain the individual;

(b) search the individual and anything in the individual's possession for a firearm or firearm related item.

Note—

See the *Police Powers and Responsibilities Act 2000*, chapter 20, part 3 for safeguards that apply to a search under this section.

141ZF Power to search vehicles

(1) This section applies in relation to a vehicle if an individual who is subject to a firearm prohibition order—

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(a) is the registered operator of the vehicle; or

(b) is driving or riding the vehicle, or is in charge or control of the vehicle; or

(c) is a passenger in or on the vehicle; or

(d) ordinarily has access to, or use of, the vehicle.

(2) A police officer may do the following in relation to the vehicle—

(a) stop the vehicle;

(b) detain the vehicle;

(c) search the vehicle and anything in or on the vehicle for a firearm or firearm related item.

(3) In this section—

registered operator, of a vehicle, see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

141ZG Power to search premises

(1) A police officer may enter and search relevant premises for a firearm or firearm related item.

(2) In this section—

relevant premises means—

(a) premises owned or occupied by, or in the care or under the control or management of, an individual subject to a firearm prohibition order; or

(b) premises at which an individual subject to a firearm prohibition order resides; or

(c) a vehicle on premises mentioned in paragraph (a) or (b).

resides, in relation to premises, includes sleeps at the premises on a regular or frequent basis.

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141ZGA Power to search particular persons

(1) This section applies in relation to a person, other than an individual who is subject to a firearm prohibition order, if the person is—

(a) in the company of an individual who is subject to a firearm prohibition order; or

(b) in or on a vehicle in relation to which section 141ZF applies; or

(c) at premises in relation to which section 141ZG applies.

(2) A police officer may—

(a) stop and detain the person; or

(b) search the person, and anything in the person's possession, for a firearm or firearm related item.

Note—

See the *Police Powers and Responsibilities Act 2000*, chapter 20, part 3 for safeguards that apply to a search under this section.

(3) However, subsection (2)(b) applies only if a police officer reasonably suspects that the person—

(a) is committing or is about to commit an offence against this Act; and

(b) possesses a firearm or firearm related item.

141ZH Power to seize items

(1) A police officer may seize a firearm or firearm related item found during a search under this division.

(2) A thing seized under this section is, for the *Police Powers and Responsibilities Act 2000*, section 622, taken to have been seized under that Act.

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Division 7 Miscellaneous

141ZU Records to be kept

(1) The commissioner must keep a register about firearm prohibition orders made under this part.

(2) The register must state the following matters for each calendar year—

(a) the number of firearm prohibition orders made by the commissioner in the year;

(b) the number of firearm prohibition orders made in relation to children in the year;

(c) the number of firearm prohibition orders revoked in the year.

(3) The register must also include the following particulars for each firearm prohibition order made in a calendar year—

(a) the day the order was made;

(b) details of the individual subject to the order;

(c) the period the order is in effect;

(d) whether the decision to make the order was reviewed under part 6, division 2 or the *Judicial Review Act 1991* and, if so, the outcome of the review;

(e) details of any items given to or seized by a police officer under section 141W.

(4) Further, the register must include the following particulars—

(a) details of any actions taken by a police officer under division 4 in relation to a firearm prohibition order or a corresponding order, including any non-compliance with the division by a police officer in taking the action;

(b) details of any firearms or firearm related items seized by a police officer in exercising powers under division 4 in relation to a firearm prohibition order or a corresponding order;

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(c) details of any charges made under this Act against an individual subject to a firearm prohibition order or a corresponding order;

(d) details of any charges made under another Act against an individual subject to a firearm prohibition order or a corresponding order, if the charges arise from a search under division 4.

(5) The commissioner must ensure the public interest monitor has access to the register for the purpose of performing the monitor's functions under the *Police Powers and Responsibilities Act 2000*, chapter 21, part 5.

(6) In this section—

public interest monitor means the public interest monitor appointed under the *Police Powers and Responsibilities Act 2000*, section 740.

141ZV Limitations on particular delegations

(1) Despite the *Police Service Administration Act 1990*, section 4.10(1), the commissioner may delegate the commissioner's powers under section 141G to a police officer of at least the rank of superintendent only.

Note—

Under the *Police Service Administration Act 1990*, section 4.10, the commissioner has the power to delegate the commissioner's powers.

(2) Despite the *Police Service Administration Act 1990*, section 4.10(3), a delegation of the commissioner's powers under section 141G may not permit the subdelegation of the power to another person.

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Part 6 Provisions relating to reviews and appeals

Division 1 Provisions relating to particular decisions

142 Right to apply for review of particular decisions

(1) This section applies to the following decisions—

(a) a decision refusing an application for a licence, permit, approval or other authority under this Act;

(aa) a decision refusing to renew a licence under this Act;

(b) a decision refusing to accept the nomination of a person by an applicant for a shooting club permit;

(c) a decision refusing to accept a representative notice under section 92;

(d) a decision imposing or amending a condition applying to a licence, permit, approval or other authority under this Act;

(e) a decision revoking or suspending a licence, permit, approval or other authority under this Act;

(f) a decision, under section 18D(2), revoking a delegation.

(2) A person aggrieved by the decision may apply, as provided under the QCAT Act, to QCAT for a review of the decision.

Note—

For review rights in relation to firearm prohibition orders, see division 2.

142AA Notices must be QCAT information notices

(1) This section applies to a notice required to be given to a person in relation to a decision mentioned in section 142(1).

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(2) The notice must be a QCAT information notice for the decision.

142A Confidentiality of criminal intelligence

(1) This section applies to—

(a) a review, under the QCAT Act, of a relevant decision; or

(b) a review, under the *Judicial Review Act 1991*, of a relevant decision; or

(c) an appeal, under the QCAT Act, in relation to a relevant decision.

(2) The court or tribunal deciding the appeal or reviewing the decision—

(a) must ensure that it does not, in the reasons for its decision or otherwise, disclose the content of any criminal intelligence on which the decision is based; and

(b) in order to prevent the disclosure of the criminal intelligence must receive evidence and hear argument in the absence of the public, the appellant or applicant for review and the appellant's or applicant's lawyer or representative; and

(c) may, as it considers appropriate to protect the confidentiality of criminal intelligence, take evidence consisting of criminal intelligence by way of affidavit of a police officer of at least the rank of superintendent.

(2A) If the court or tribunal considers information categorised as criminal intelligence by the commissioner has been incorrectly categorised as criminal intelligence, the commissioner may withdraw the information from consideration by the court or tribunal.

(2B) Information that is withdrawn by the commissioner under subsection (2A) must not be—

(a) disclosed to any person; or

(b) taken into consideration by the court or tribunal.

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(2C) The *Public Records Act 2023* does not apply to activities of, or records made or kept by, the court or tribunal to the extent that Act would otherwise enable criminal intelligence to be disclosed.

(3) In this section—

criminal intelligence means criminal intelligence or other information of the kind mentioned in section 10B(1)(f) or 10C(1)(c) that could, if disclosed, reasonably be expected—

(a) to prejudice the investigation of a contravention or possible contravention of this Act; or

(b) to enable the existence or identity of a confidential source of information, in relation to the enforcement or administration of this Act, to be ascertained; or

(c) to endanger a person's life or physical safety; or

(d) to prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of this Act; or

(e) to prejudice the maintenance or enforcement of a lawful method or procedure for protecting public safety.

relevant decision means any of the following decisions—

(a) a decision refusing an application for a licence or to renew a licence;

(b) a decision suspending or revoking a licence.

145 Applicant may carry on business pending review

A person who applies for the review of—

(a) the refusal to renew a dealer's licence, armourer's licence or theatrical ordnance supplier's licence; or

(b) the revocation of a dealer's licence, armourer's licence or theatrical ordnance supplier's licence;

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is entitled, until the review is decided, to carry on business as if the licence had been renewed or had not been revoked.

Division 2 Provisions relating to firearm prohibition orders

146 Right to apply for review of decisions to make firearm prohibition orders

An individual subject to a firearm prohibition order may apply, as provided under the QCAT Act, to QCAT for a review of the decision to make the order.

147 Effect of firearm prohibition orders not stayed by particular proceedings

(1) This section applies to—

(a) an application under section 146 to review a decision to make a firearm prohibition order; or

(b) an application under the QCAT Act to reopen a proceeding to review a decision to make a firearm prohibition order; or

(c) an appeal under the QCAT Act against a decision of QCAT to make a firearm prohibition order or to confirm or amend a decision to make a firearm prohibition order.

(2) To the extent the firearm prohibition order is in effect immediately before the application is made or the appeal is started, the making of the application or the start of the appeal does not—

(a) affect the operation of the firearm prohibition order; or

(b) prevent the taking of action in relation to the firearm prohibition order.

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148 When particular review decisions take effect

(1) A decision made by QCAT—

(a) under the QCAT Act, section 24(1)(a) to confirm a decision made by the commissioner to make a firearm prohibition order; or

(b) under the QCAT Act, section 24(1)(b) to set aside a decision made by the commissioner to make a firearm prohibition order and to substitute the commissioner's decision with its own decision to make a firearm prohibition order;

has effect from when the commissioner's decision took effect.

(2) A decision made by QCAT—

(a) under the QCAT Act, section 24(1)(a) to amend a decision made by the commissioner to make a firearm prohibition order; or

(b) under the QCAT Act, section 24(1)(b) to set aside a decision made by the commissioner to make a firearm prohibition order and to substitute the commissioner's decision with its own decision not to make a firearm prohibition order; or

(c) under the QCAT Act, section 24(1)(c) to set aside a decision made by the commissioner to make a firearm prohibition order and to return the matter for reconsideration to the commissioner;

has effect from when QCAT's decision is made.

(3) To remove any doubt, it is declared that QCAT can not make an order varying the effect of subsection (1) or (2).

(4) This section applies despite the QCAT Act, section 24(2)(b).

149 Application of QCAT Act

(1) Despite the QCAT Act, sections 22, 58, 138A, 145 and 152, neither QCAT nor a court may make an order staying the operation of all or part of a decision to make a firearm prohibition order, including a decision made by QCAT or a

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court to make, or to confirm a decision to make, a firearm prohibition order.

(2) Despite the QCAT Act, section 43, a party to a proceeding under section 146 to review a decision to make a firearm prohibition order may be represented in the proceeding by someone else.

(3) Despite the QCAT Act, section 90, a hearing of a proceeding under section 146 to review a decision to make a firearm prohibition order must be held in private if the order applies to a child.

(4) The QCAT Act, section 157 does not apply in relation to a decision to make a firearm prohibition order.

(5) The QCAT Act, sections 158 to 160 does not apply in relation to a decision to make a firearm prohibition order to the extent the decision is made on the basis of criminal intelligence.

(6) The QCAT Act, sections 229(2) and (4) and 230(3) does not apply in relation to a part of the register relating to, or a record kept for, a proceeding in relation to a decision to make a firearm prohibition order for an individual if, when the decision was made, the individual was a child.

(7) In this section—

record means a record of a proceeding kept under the QCAT Act, section 230(1).

register means the register of proceedings kept under the QCAT Act, section 229(1).

149A Confidentiality of criminal intelligence

(1) This section applies in relation to the following proceedings before a court or tribunal—

(a) a review under section 146;

(b) a review under the *Judicial Review Act 1991* of a decision made in relation to the making of a firearm prohibition order under section 141G;

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(c) an appeal against a decision made in a proceeding mentioned in paragraph (a) or (b).

(2) The court or tribunal must, on the application of the commissioner, take steps to maintain the confidentiality of information classified by the commissioner as criminal intelligence, including steps to receive evidence and hear argument about the information in the absence of—

(a) the parties to the proceedings and their representatives; and

(b) the public.

(3) Also, the court or tribunal may, as it considers appropriate to protect the confidentiality of criminal intelligence, receive evidence consisting of or relating to information classified by the commissioner as criminal intelligence by way of affidavit of a police officer of or above the rank of superintendent.

(4) If the court or tribunal considers information has been incorrectly classified by the commissioner as criminal intelligence, the commissioner may withdraw the information from consideration by the court or tribunal.

(5) Information that is withdrawn by the commissioner under subsection (4) must not be—

(a) disclosed to any person; or

(b) taken into consideration by the court or tribunal.

(6) If a decision is made by the court or tribunal on the basis of information that is classified by the commissioner as criminal intelligence, the only reason required to be given is that the decision was made in the public interest.

(7) The *Public Records Act 2023* does not apply to activities of, or records made or kept by, the court or tribunal to the extent that Act would otherwise enable criminal intelligence to be disclosed.

(8) In this section—

criminal intelligence means criminal intelligence that could, if disclosed, reasonably be expected—

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(a) to prejudice a criminal investigation; or

(b) to enable the existence or identity of a confidential source of information to be ascertained; or

(c) to endanger a person's life or physical safety; or

(d) to prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of an Act; or

(e) to prejudice the maintenance or enforcement of a lawful method or procedure for protecting public safety or security.

Part 7 Miscellaneous

150 Advisory council

(1) The Minister may constitute an advisory council to advise the Minister in the administration of this Act.

(2) The advisory council is to consist of the members appointed to the council by the Minister.

151 Disclosure by professional carer of certain information

(1) If a professional carer is of the opinion that a person is an unsuitable person to possess a firearm for either of the following reasons, the professional carer may inform the commissioner of the opinion and give the commissioner any relevant information about the person including the person's identity—

(a) because of the person's mental or physical condition;

(b) because the person may be a danger to himself, herself or someone else.

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(2) The giving of an opinion or information by a professional carer under subsection (1) does not give rise to any criminal or civil action or remedy against the professional carer.

(3) This section applies despite any duty of confidentiality owed by the professional carer to the person.

(4) In this section—

health services means services prescribed under a regulation for maintaining, improving and restoring people's health and wellbeing.

professional carer means—

(a) a doctor; or

(b) a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession, other than as a student; or

(c) a person registered under the Health Practitioner Regulation National Law to practise in the nursing profession, other than as a student; or

(d) a person prescribed under a regulation who is engaged in providing health services.

151A Disclosure by approved shooting clubs and approved historical societies of particular information

(1) Subsection (2) applies if a majority of the governing body of a relevant entity reasonably believes that a member of the entity is an unsuitable person to possess a firearm—

(a) because of the member's mental or physical condition; or

(b) because the member may be a danger to himself, herself or someone else.

(2) The entity must inform the commissioner in writing of the governing body's belief and give the commissioner any relevant information about the member's condition and identity.

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(3) The giving of an opinion or information by an entity under this section does not give rise to any criminal or civil action or remedy against the entity.

(4) This section applies despite any duty of confidentiality owed by the entity to the member.

(5) In this section—

relevant entity means—

(a) an approved shooting club; or

(b) an approved historical society.

151B Protection of informers

(1) If an informer supplies information to a police officer in relation to the commission of an indictable offence against this Act, the informer's identity must, at all times, be kept confidential.

(2) A person must not disclose the name of an informer or any other particular that may be likely to lead to the informer's identification.

Maximum penalty—2 years imprisonment.

(3) However, a person does not contravene subsection (2) if—

(a) the informer consents to the information being disclosed; or

(b) the disclosure was made in good faith for the protection of the informer's interests; or

(c) a court orders the disclosure after being satisfied that—

(i) disclosing the information is not likely to jeopardise the informer's safety; and

(ii) the disclosure is in the public interest.

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151C Source of information not to be disclosed

(1) This section applies to a proceeding under this Act or another Act if an informer has supplied information to a police officer in relation to the commission of an indictable offence against this Act.

(2) If the prosecutor or a prescribed witness in the proceeding is asked to disclose any of the following, the prosecutor or prescribed witness can not be compelled to disclose—

(a) the name of an informer, or any other particular that may be likely to lead to the informer's identification; or

(b) the fact that, in relation to the offence, the prosecutor or witness—

(i) received information from an informer; or

(ii) furnished information to an informer or the nature of the information.

(3) A police officer appearing as a prosecutor or witness in the proceeding must not be compelled—

(a) to produce a report or document, made or received by the police officer in the police officer's official capacity or containing information given by the informer in relation to the offence; or

(b) to make a statement in relation to the report or document or information contained in the report or document.

(4) However the prosecutor, prescribed witness or police officer in the proceeding may be compelled to disclose information, or a report or document, to the extent—

(a) the informer consents to the particular information, or all or a particular part of the report or document, being disclosed; or

(b) a court orders that particular information, or all or a particular part of the report or document, be disclosed after being satisfied that the disclosure is not likely to jeopardise the informer's safety and is in the public interest.

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(5) In this section—

prescribed witness means—

(a) a person appearing as a witness for the prosecution; or

(b) a police officer appearing as a witness for the defence.

151D Power to prohibit publication of proceedings

(1) In a proceeding arising out of a charge of having committed an indictable offence against this Act, the presiding judicial officer may make an order prohibiting the publication of all or any part of the proceeding and the name and address of any witness.

(2) An application for an order under subsection (1) may be made in closed court in the presence of any person the presiding judicial officer permits and no other person.

(3) On the hearing of the application, the presiding judicial officer may receive and act on any information the presiding judicial officer considers appropriate.

(4) When considering an application to prohibit publication, the presiding judicial officer must have regard to—

(a) the safety of any person; and

(b) the extent to which the detection of offences of a like nature may be affected; and

(c) the need to guarantee the confidentiality of information given by an informer.

(5) A person who contravenes an order made by a presiding judicial officer under subsection (1) commits an offence.

Maximum penalty—

(a) if the order is made by a magistrate—2 years imprisonment; or

(b) if the order is made by a judge—5 years imprisonment.

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(6) This section is in addition to and not in substitution for the *Child Protection Act 1999*, sections 192 and 193 and the *Youth Justice Act 1992*.

(7) In this section—

presiding judicial officer, for a proceeding, means—

(a) the magistrate hearing and deciding the matter summarily or conducting the examination of witnesses; or

(b) the judge presiding over the court to which a person has been committed for trial or sentence.

152 Approved officers

(1) The commissioner may appoint a police officer or a public service officer as an approved officer for this Act.

(2) However, a police officer or a public service officer may be appointed as an approved officer only if, in the commissioner's opinion, the person has the necessary expertise or experience to be an approved officer.

153 Authorised officers

(1) For this Act, the following officers are authorised officers—

(a) the commissioner, an executive officer or commissioned officer;

(b) a police officer appointed as an authorised officer by the commissioner.

(2) However, a police officer may be appointed as an authorised officer only if, in the commissioner's opinion, the officer has the necessary expertise or experience to be an authorised officer.

(3) An authorised officer mentioned in subsection (1)(a) may delegate the authorised officer's powers under part 2 or part 3, division 3 to the following—

(a) a police officer;

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(b) a staff member of the police service under the *Police Service Administration Act 1990*.

(4) However, a power may be delegated under subsection (3) only if, in the authorised officer's opinion, the police officer or staff member has the necessary expertise or experience to exercise the power.

154 Authorised officers may approve particular weapons to be of particular types

(1) An authorised officer, specially authorised by the commissioner for this section, may—

(a) decide that ammunition is not commercially available for a thing mentioned in paragraph (a), (b)(i), (c) or (d) of the definition *firearm* and manufactured before 1 January 1901; or

(b) approve a firearm to be a pre-percussion handgun if the authorised officer reasonably believes the firearm—

(i) is an antique firearm less than 75cm in length; and

(ii) does not use percussion as a means of igniting a charge; and

(iii) does not accept cartridge ammunition.

(2) The commissioner may specially authorise an authorised officer under this section if the commissioner is satisfied that the officer has the necessary qualifications or experience to be specially authorised for this section.

155 Disqualification by a court

(1) Where a person is convicted of an offence or is the subject of any order against the law of the State, the court may, in addition to any other penalty imposed by that law, do any 1 or more of the following—

(a) declare any licence, permit to acquire or approval held by the person convicted to be revoked;

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(b) disqualify the person from holding or obtaining a licence or approval or from being a representative of a licensee or holder of approval under this Act for a period specified by the court;

(c) order that any weapon, ammunition, antique firearm, explosive tool, captive bolt humane killer, spear gun, longbow or crossbow owned or in the possession of that person is forfeited to the Crown.

(2) A declaration under subsection (1)(a) has effect to revoke the licence or permit to acquire specified in the declaration.

(3) A disqualification under subsection (1)(b) has effect to revoke any licence, approval or permit to acquire held by the person.

157 Fraud and unlawful possession of licence etc.

(1) A person must not—

(a) without reasonable excuse, have possession of—

(i) a licence; or

(ii) anything resembling a licence; or

(iii) any document which was formerly a licence but which is suspended, cancelled, revoked or surrendered; or

(b) without reasonable excuse, lend, or permit or allow to be used any licence issued in that person's name by any other person; or

(c) unless authorised by or under this Act, make or attempt to make or cause, permit or allow to be made any endorsement on or addition or alteration to or erasure from a licence or any approval under this Act.

Maximum penalty—100 penalty units or 2 years imprisonment.

(2) A licence or approval obtained by any false statement or misrepresentation is void.

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158 False or misleading statements

(1) A person must not state anything in a document required to be kept, given or made under this Act that the person knows is false or misleading in a material particular.

Maximum penalty—100 penalty units or 2 years imprisonment.

(2) It is enough for a complaint for an offence against subsection (1) to state the statement made was 'false or misleading' to the person's knowledge, without specifying which.

(3) In this section—

state includes disclose, declare, advise and give.

159 Criminal Code to be read with Act

The Criminal Code, with all necessary adaptations, is to be read and construed with this Act.

161 Proceedings for an offence

(1) Subject to subsections (2) and (3), a proceeding for an offence against this Act must be taken in a summary way under the *Justices Act 1886* within the later of the following—

(a) 1 year after the offence is committed;

(b) 1 year after the commission of the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence.

(2) A proceeding for an indictable offence punishable by more than 10 years imprisonment may only be taken on indictment.

(3) A proceeding for an indictable offence, other than an indictable offence punishable by more than 10 years imprisonment, may, at the election of the prosecution, be taken—

(a) by way of summary proceedings under subsection (1); or

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(b) on indictment.

(3A) However, an offence against section 50B, 56A or 65 may not be by way of summary proceedings under subsection (1) if the person is alleged to have committed the offence with the circumstance of aggravation stated in the *Penalties and Sentences Act 1992*, section 161Q.

(4) A proceeding against a person for an indictable offence must be before a magistrate if it is a proceeding—

(a) for the summary conviction of the person; or

(b) for an examination of witnesses in relation to the charge.

(5) If a proceeding for an indictable offence is brought before a justice who is not a magistrate, jurisdiction is limited to taking or making a procedural action or order as defined under the *Justices of the Peace and Commissioners for Declarations Act 1991*.

(6) If the magistrate hearing a charge of an indictable offence considers the charge should be prosecuted on indictment, the magistrate—

(a) must not decide the charge as a summary offence; and

(b) must proceed by way of a committal proceeding.

(7) If a magistrate acts under subsection (6)—

(a) any plea of the person charged, made at the start of the proceeding, must be disregarded; and

(b) any evidence brought in the proceeding before the magistrate decided to act under subsection (6) is taken to be evidence in the proceeding for the committal of the person for trial or sentence; and

(c) before committing the person for trial or sentence, the magistrate must make a statement to the person under the *Justices Act 1886*, section 104(2)(b).

(8) The maximum penalty that may be imposed on a summary conviction of an indictable offence is 150 penalty units or 3 years imprisonment.

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(9) In this section—

indictable offence means an offence against this Act for which the maximum penalty of imprisonment is more than 2 years.

161A Indictable offences

(1) An offence against this Act punishable by at least 7 years imprisonment is a crime.

(2) An offence against this Act punishable by more than 2 years imprisonment but less than 7 years imprisonment is a misdemeanour.

161B Circumstances in which particular charges may be joined

(1) Charges that a person contravened section 50B(1) on specified occasions over a specified period may be joined in the same complaint or indictment.

(2) Charges that a person contravened section 69(1A) on specified occasions over a specified period may be joined in the same complaint or indictment.

(3) Charges that a licensed dealer or licensed armourer contravened section 71(2) on specified occasions over a specified period may be joined in the same complaint.

(4) Charges that a person contravened section 117(2) on specified occasions over a specified period may be joined in the same complaint.

(5) Charges that a person contravened section 126(1) on specified occasions over a specified period may be joined in the same complaint.

(6) Charges that an individual contravened section 126A(1)(b) on specified occasions over a specified period may be joined in the same complaint.

(7) Charges that a security organisation contravened section 128(1)(b) on specified occasions over a specified period may be joined in the same complaint.

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163 Evidentiary provisions

(1) In a proceeding for the purposes of this Act—

(a) it is not necessary to prove the appointment of the Minister, the commissioner, an authorised officer, a commissioned officer or any other police officer to do any act or take any proceedings; and

(b) a signature purporting to be that of the Minister, the commissioner, authorised officer or any other police officer is to be taken to be the signature it purports to be until the contrary is proved; and

(c) a statement in a complaint under the *Justices Act 1886* of any of the following matters is evidence of the matter—

(i) a place is or is not an approved range;

(ii) a club or an organisation is or is not an approved shooting club;

(iii) a person is or is not of a particular age;

(iv) a person was, or was not, the holder of a specified licence, permit, approval or other authority issued or granted under this Act at or during a specified time; and

(ca) a certificate purporting to be signed by the commissioner or deputy commissioner that the commissioner or deputy commissioner, acting personally under section 15(5) or 18(7), approved the rejection of an application for a licence or the renewal of a licence because a person was not a fit and proper person is evidence of the matter; and

(cb) a certificate purporting to be signed by the commissioner or deputy commissioner that the commissioner or deputy commissioner, acting personally under section 28(4) or 29(3), approved the suspension or revocation of a licence because a person was not a fit and proper person is evidence of the matter; and

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(d) a certificate purporting to be signed by an authorised officer stating any of the following matters is evidence of the matter—

(i) a specified document is a licence, permit or approval or other document issued or granted under this Act or a copy of the document;

(ii) at or during a specified time, in relation to a place, person, club or organisation there was or was not a specified licence, permit, approval or other authority issued or granted under this Act;

(iii) a licence, permit, approval or other authority granted or issued under this Act was subject to the terms, conditions or restrictions stated in the document; and

(da) a certificate purporting to be signed by a police officer of at least the rank of inspector stating that, on a stated day or for a stated period, a firearm prohibition order was or was not in effect is evidence of the matter; and

(db) a certificate purporting to be signed by a police officer, of at least the rank of inspector, of another State stating that, on a stated day or for a stated period, a corresponding order made under a law of the State was or was not in effect is evidence of the matter; and

(e) a document purporting to contain information extracted from the firearms register and signed by an authorised officer is evidence that the information is recorded in the firearms register; and

(f) every entry in any book or register kept by or belonging to any person pursuant to this Act or found on premises of that person are to be taken, unless the contrary is shown, to have been made by or with the authority of that person; and

(g) proof of any exemption from any provision of this Act is upon the person who relies thereon; and

(h) where the age of any person is material, the court may decide, upon its own view and judgment, whether any

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person charged or present before it has or has not attained any prescribed age but the age of that person may be proved by other means.

(2) Where, in respect of a proceeding for an offence against this Act, a copy of a document purporting to be signed by a police officer or a public service officer stating—

(a) the qualifications and experience of that officer; and

(b) that the officer has been appointed by the commissioner as an approved officer; and

(c) that at a specified time any article, weapon or other thing—

(i) did or did not bear any identification mark or number; or

(ii) has had altered, defaced or removed therefrom any identification mark or number; or

(iii) was or was not a weapon of a particular type; or

(iv) was a weapon or other thing that had or had not been rendered inoperable;

is served upon the person charged with the offence at least 14 clear days before the hearing of the complaint then the document, a copy of which has been so served, on its production in the proceeding is sufficient evidence of the facts stated therein unless the person charged gives notice in writing in or to the effect of the approved form to the complainant at least 3 clear days before the hearing of the complaint requiring the calling of the police officer or the public service officer as a witness.

(3) Notwithstanding that a person charged with an offence has failed to give the notice as prescribed in subsection (2), the court may, in the interest of justice, order the police officer or the public service officer to be called and may grant any necessary adjournment accordingly.

(3A) In relation to a charge involving the unlawful possession of a firearm under section 50, the person charged is to be taken to have been in possession of the firearm if there is proof that the

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firearm was, at the material time, in or on a place of which the person was the occupier or concerned in the management or control unless the person shows—

(a) that the firearm was brought to the place by someone who was authorised to have possession of the firearm; or

(b) that the person neither knew nor had reason to suspect that the firearm was in or on the place; or

(c) that someone other than the person had responsibility for the weapon.

(4) Unless the tribunal of fact considers the interests of justice require that opinion evidence be given, the tribunal of fact may decide whether a thing produced to it, and examined by it, is 1 of the following without the assistance of opinion evidence—

(a) a weapon;

(b) a particular type of weapon;

(c) a power head, explosive tool, captive bolt humane killer, spear gun, longbow or crossbow;

(d) a replica of a weapon;

(e) a firearm;

(f) a thing mentioned in section 67.

(5) In this section—

approved officer means a police officer or a public service officer appointed as an approved officer under section 152.

164 Service of notice, orders etc.

(1) Any order, notice or other document issued pursuant to this Act, other than a firearm prohibition order, is properly given upon the person to whom it is directed if it is served in accordance with this section, that is to say—

(a) by delivering a copy thereof to the person personally; or

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(b) if the person can not reasonably be found—by leaving a copy thereof with some person for the person at that person's usual place of business or residence or at the place of business or residence last known to the person who serves the order or document; or

(c) by posting by registered post a copy thereof addressed to the person at that person's place of business or residence last known to the person who issued the order at least 14 days before the date on which the notice or document is to take effect.

(2) When an order, notice or document is served, the person who serves it may attend before a justice and depose on oath and in writing endorse on a copy of the order, notice or document to the manner of service thereof showing therein the date of personal delivery, leaving or posting, as the case may be, of the order, notice or document.

(3) Every such deposition is, upon production in any court, evidence of the matters contained therein and sufficient proof of the service of the order, notice or document on the person to whom it was directed.

(4) Service of any order, notice or document issued pursuant to this Act upon any unincorporated body or association of persons is properly served if it is served in accordance with this section upon the person who is for the time being the secretary or president (by whatever name such office is called) of that club or association.

(5) Subsection (4) applies to the service of a notice on a range operator that is an unincorporated body or association of persons.

165 Liability for tort generally

(1) The Crown is liable for a tort committed by any police officer acting, or purporting to act, in the execution of duty as a police officer under this Act in like manner as an employer is liable for tort committed by the employer's servant in the course of employment.

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(2) The Crown is to be treated for all purposes as a joint tortfeasor with the police officer who committed the tort.

(3) In no case does the Crown's liability for a tort committed by any police officer extend to a liability to pay damages in the nature of punitive damages.

(4) In proceedings upon a claim by the Crown for damages in respect of a tort, actions done or omissions made by an officer acting, or purporting to act, in the execution of duty as a police officer under this Act may be relied on by the Crown as constituting contributory negligence, if the actions or omissions could have been so relied on if they had been done or made by a servant of the Crown in the course of employment.

(5) For the purposes of this section, an action done or omission made by a police officer acting, or purporting to act, in the capacity of a constable is taken to have been done or made by the officer acting, or purporting to act, in the execution of duty as an officer.

(6) If a police officer incurs liability in law for a tort committed by the police officer in the course of rendering assistance, directly or indirectly, to a person suffering, or apparently suffering, from illness or injury in circumstances that the officer reasonably considers to constitute an emergency, and if the officer acted therein in good faith and without gross negligence, the Crown is to indemnify and keep indemnified the officer in respect of that liability.

166 Payment and recovery of damages

(1) The Crown may pay—

(a) the whole or part of damages, other than damages in the nature of punitive damages, and costs awarded against any police officer in proceedings with respect to a tort committed by the police officer acting, or purporting to act, in the execution of duty under this Act; and

(b) the whole or part of costs incurred, and not recovered, by the police officer in the proceedings.

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(2) If any police officer is liable to pay a sum under a settlement of a claim that has, or might have, given rise to proceedings such as are referred to in subsection (1), the Crown may pay the whole or part of the sum.

(3) Except as provided by section 165(6), if the Crown has paid moneys by way of damages or costs in respect of a tort committed by any police officer or has paid moneys under a settlement referred to in subsection (2), the Crown may recover, in a court of competent jurisdiction, contribution from the police officer in respect of that payment.

(4) In proceedings for contribution under subsection (3) the amount of contribution recoverable is such amount as is found by the court to be just and equitable in the circumstances.

167 Provision of legal representation

(1) The commissioner may provide legal representation on behalf of any police officer against whom any action, claim or demand or proceeding in respect of an offence is brought or made otherwise than by or on behalf of the Crown in any of its capacities on account of any action done or omission made by the police officer acting, or purporting to act, in the execution of duty under this Act.

(2) If it is found, or conceded, in relation to any such action, claim, demand or proceeding that the police officer was not acting in the execution of duty in doing the action or making the omission on which the action, claim, demand or proceeding is based, the commissioner may recover from the police officer the amount of costs and expenses incurred by the commissioner in providing legal representation under subsection (1) in any court of competent jurisdiction as a debt due and payable by the police officer to the commissioner and unpaid.

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168 Landowner incurs no liability merely because permission given

A landowner does not incur any liability merely because the landowner provides a person with written permission to shoot on the landowner's land.

168A Particular landowners to keep permit register

(1) This section applies to a landowner who, after the commencement of this section, provides written permission to shoot on the landowner's rural land—

(a) to a person or body for a fee or reward; or

(b) to more than 50 persons or bodies.

(2) The landowner must keep a register (***permit register***) stating—

(a) the name and address of the person or body to whom permission was given; and

(b) the date permission was given; and

(c) if the permission was limited by time—the day the permission ends.

Maximum penalty—10 penalty units.

(3) The landowner must keep the permit register while—

(a) a permission under subsection (1)(a) remains current; or

(b) more than 50 permissions under subsection (1)(b) remain current.

Maximum penalty—10 penalty units.

(4) For subsection (1), permission given to a body allowing its members or members of another body affiliated with the body to shoot on the landowner's rural land is taken to be a single permission.

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168B Amnesty for firearms and prescribed things in particular circumstances

(1) A person who unlawfully possesses a firearm or a prescribed thing can not be prosecuted for an offence against this Act for possession of the firearm or prescribed thing if—

(a) the person is taking the firearm or prescribed thing directly to, or has the firearm or prescribed thing at—

(i) an approved licensed dealer for the purpose of the dealer disposing of or otherwise dealing with it; or

(ii) a police station for the purpose of surrendering it to a police officer; and

(b) the person complies with any conditions prescribed by regulation for the taking of the firearm or prescribed thing to the approved licensed dealer or police station.

(2) Subsections (3) to (5) apply if the person—

(a) takes the firearm or prescribed thing to an approved licensed dealer under subsection (1)(a)(i); and

(b) does not provide the approved licensed dealer with the particulars as required under section 73(a).

(3) Section 73 does not apply to the approved licensed dealer.

(4) Unless the approved licensed dealer has a reasonable excuse, the dealer must surrender the firearm or prescribed thing to a police officer if the dealer does not have an authorisation, mentioned in section 168D(2), for the firearm or prescribed thing.

Maximum penalty—10 penalty units.

(5) Without limiting subsection (4), it is a reasonable excuse for the approved licensed dealer not to surrender the firearm or prescribed thing if the dealer is seeking an authorisation, mentioned in section 168D(2), for the firearm or prescribed thing.

(6) The commissioner may approve a licensed dealer for this section.

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(7) The commissioner must publish the names of the approved licensed dealers on the QPS website.

(8) In this section—

approved licensed dealer means a licensed dealer approved by the commissioner under subsection (6).

prescribed thing means—

(a) a magazine for a weapon; or

(b) a category R weapon that is not a firearm; or

(c) another thing prescribed by regulation.

168C Dealing with surrendered firearm or prescribed thing

(1) This section applies if a person surrenders a firearm or prescribed thing under section 168B(1)(a)(ii) or (4).

(2) On the surrender of the firearm or prescribed thing, the firearm or prescribed thing—

(a) becomes the property of the State; and

(b) is taken, for the *Police Powers and Responsibilities Act 2000*, chapter 21, part 3, division 7 to have been forfeited to the State.

(3) In this section—

prescribed thing see section 168B(8).

168D Authorisation to deal with surrendered firearm or prescribed thing

(1) This section applies if an approved licensed dealer acquires a firearm, or a prescribed thing, under section 168B(1)(a)(i).

(2) An authorised officer may, in writing, authorise the approved licensed dealer to dispose of, or otherwise deal with, the firearm or prescribed thing.

(3) On the giving of the authorisation, the firearm or prescribed thing—

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(a) becomes the property of the approved licensed dealer; and

(b) may be dealt with by the approved licensed dealer in a way that is—

(i) stated in the authorisation; and

(ii) required or permitted under this Act or another Act.

(4) In this section—

approved licensed dealer see section 168B(8).

prescribed thing see section 168B(8).

168E Review of pt 5A

(1) The Minister must arrange an independent interim review of the operation and effectiveness of part 5A as soon as practicable after the day that is 2 years after the day the part commences.

(2) Also, the Minister must arrange a further independent review of the operation and effectiveness of part 5A as soon as practicable after the day that is 5 years after the day the part commences.

(3) The terms of reference for each review must include reviewing—

(a) the effectiveness of part 5A in achieving the purpose of the part and in preventing the acquisition, possession and use of firearms and firearm related items by persons subject to firearm prohibition orders; and

(b) the effectiveness and appropriateness of part 5A compared to firearm prohibition order schemes in other jurisdictions; and

(c) the effectiveness and appropriateness of the exercise of powers under part 5A, division 4.

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(4) As soon as practicable after each review is finished, the Minister must table in the Legislative Assembly a copy of the review.

169 Fees and penalties

All fees paid and all penalties recovered and costs incurred in relation to proceedings under this Act are to be paid and are hereby payable as prescribed by the regulations.

170 Delegations

(1) The Minister may delegate the Minister's powers under this Act to an appropriately qualified authorised officer.

(2) In this section—

an appropriately qualified authorised officer, to whom a power under this section may be delegated, means an authorised officer who has the necessary expertise or experience to exercise the power.

171 Approval of forms

The commissioner may approve forms for use under this Act.

172 Regulation-making power

(1) The Governor in Council may make regulations for the purposes of this Act.

(2) The Governor in Council may make regulations with respect to the matters mentioned in schedule 1.

(3) A regulation may provide for an offence punishable by a maximum penalty of 20 penalty units.

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Part 8 Transitional and validation provisions

Division 1 Transitional provision for Police Powers and Responsibilities and Another Act Amendment Act 2001

173 Transitional provision for Police Powers and Responsibilities and Another Act Amendment Act 2001

(1) This section applies to a person who, immediately before the commencement of this section, possesses a category H weapon that is permanently inoperable.

(2) The person may continue to possess the category H weapon without a licence until whichever of the following happens first—

(a) the person obtains a collector's licence for the weapon;

(b) the end of 3 months after the commencement of this section.

Division 2 Transitional provisions for Weapons (Handguns and Trafficking) Amendment Act 2003

174 Definitions for div 2

In this division—

amnesty period means the period declared under section 168B as the amnesty period for this division.

part of a prohibited handgun means a thing prescribed under a regulation that relates to a prohibited handgun.

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prohibited handgun means a category H weapon that the holder of a concealable firearms licence must not possess under section 132.

175 Compensation—prohibited handguns and parts of prohibited handguns

(1) Compensation for prohibited handguns, and parts of prohibited handguns, surrendered to the commissioner during the amnesty period is payable only to the following persons—

(a) a licensed dealer or licensed armourer;

(b) a holder of a concealable firearms licence whose reason for possessing a prohibited handgun is sports or target shooting.

(2) However, compensation is payable only for prohibited handguns and parts of prohibited handguns for which the State may receive reimbursement under an agreement with the Commonwealth providing for compensation for the purposes of this division.

(3) Compensation is payable for a prohibited handgun, or part of a prohibited handgun, only if it is—

(a) manufactured on or before 20 December 2002; and

(b) surrendered before or on the last day of the amnesty period.

(4) Compensation for a surrendered prohibited handgun or part of a prohibited handgun—

(a) is payable in an amount and in the way provided for under a regulation; and

(b) is not payable other than under this section.

(5) If a regulation does not provide for the amount of compensation payable for a particular prohibited handgun or part of a prohibited handgun, the regulation may provide for the way in which a dispute about its value is to be decided.

(6) The commissioner may refuse to compensate a person for part of a prohibited handgun that is surrendered if the

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commissioner reasonably believes that the person has manufactured or imported the part for the purpose, or predominantly for the purpose, of applying for compensation under this section and not for genuine commercial sale.

(7) For subsection (6), the following are relevant matters in forming the belief—

(a) the commercial demand for the part;

(b) the quality of the part;

(c) the number of parts surrendered;

(d) when the part was manufactured or imported.

(8) A regulation may provide that compensation under this section is payable only if conditions provided for under the regulation are complied with.

(9) A thing surrendered under this section is State property when compensation for the thing is paid under this section.

176 Compensation—other handguns and related matters

(1) A regulation may provide for compensation for the surrender during the amnesty period of category H weapons, other than prohibited handguns for which compensation is payable under section 175, and other things or matters related to category H weapons.

(2) A regulation may provide that compensation under subsection (1) is payable only if conditions provided for under the regulation are complied with.

(3) A thing surrendered under this section is State property when compensation for the thing is paid under this section.

177 Possession of prohibited handguns during amnesty period

(1) A person who, immediately before the commencement of this section, was in lawful possession of a prohibited handgun does not contravene the condition mentioned in

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section 132(1) if the person is in possession of the prohibited handgun during the amnesty period.

(2) A person in lawful possession of a prohibited handgun under an existing licence must not use the weapon after the commencement of this section unless—

(a) the person is authorised to possess the weapon under section 132(2); or

(b) the person's genuine reason for possessing the weapon includes an occupational requirement for rural purposes.

Maximum penalty for subsection (2)—20 penalty units.

178 Licensed collectors

(1) This section applies to a person who—

(a) immediately before the commencement of this section, is the holder of a collector's licence (weapons); and

(b) lawfully possesses 1 or more temporarily inoperable modern handguns under that licence.

(2) The person does not contravene the condition mentioned in section 138(2) only because the person is in possession of a temporarily inoperable modern handgun during the amnesty period.

(3) However before the end of the amnesty period, the person must—

(a) lawfully dispose of all temporarily inoperable modern handguns that the person possesses; or

(b) apply for an endorsement on the licence of the type mentioned in section 138(4); or

(c) otherwise apply for a licence, other than a collector's licence (weapons) that, if granted, would authorise the person to possess the temporarily inoperable modern handguns; or

(d) make the temporarily inoperable modern handguns permanently inoperable.

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(4) At the end of the amnesty period, neither this section nor the person's licence authorises the person to possess a temporarily inoperable modern handgun if—

(a) the person has not complied with subsection (3) before the end of the amnesty period; or

(b) the person applied for an endorsement on the licence of the type mentioned in section 138(4), or for another type of licence, but the application was refused.

(5) If the person applied for an endorsement on the licence of the type mentioned in section 138(4), or for another type of licence, and the application was not granted or refused before the end of the amnesty period, the person does not contravene the condition mentioned in section 138(2) if—

(a) the person is in possession of a temporarily inoperable modern handgun until 7 days after the person is given notice that the application is refused; and

(b) before the end of the 7 days mentioned in paragraph (a), the person lawfully disposes of the modern handgun.

179 Participation records for s 18B

The requirement to produce a participation record under section 18B(4)(b) does not apply to an application for renewal of a concealable firearms licence made before 1 January 2004.

180 Joinder of charges

Section 161B applies only in relation to contraventions occurring after the commencement of the section.

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Division 3 Transitional provisions for Police Powers and Responsibilities and Other Legislation Amendment Act 2003

183 Transitional provision about authorised officers powers

It is declared that an authorised officer has, and always has had, power to impose a condition on a licence issued under this Act that restricts, or has the effect of restricting, the possession or use of a weapon to a registered weapon of a particular category.

185 Declaration relating to s 33(3)(a)

It is declared that, on the commencement of the *Police Powers and Responsibilities and Other Legislation Amendment Act 2003*, section 67, section 33(3)(a) of this Act, as in force from that commencement to the commencement of this section, is taken to be, and during that period to have always been, in the same terms as it is after the commencement of this section.

186 Transitional provision about category M crossbows

(1) A person who applies for a licence for a category M crossbow in the person's lawful possession immediately before the crossbow commencement day is taken to have adequate knowledge of safety practices for the use, storage and maintenance of the weapon.

(2) In subsection (1)—

crossbow commencement day means the day the *Police Powers and Responsibilities and Other Legislation Amendment Act 2003*, part 13, division 3 commences.

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Division 4 Transitional provisions for Weapons Amendment Act 2011

187 Definition for div 4

In this division—

commencement means the commencement of this section.

188 Declaration concerning Serco during interim period

(1) During the interim period—

(a) Serco is taken to have been a government service entity and a prescribed service entity under section 2(9); and

(b) for section 2(2), the functions of Serco are taken to have been the functions that Serco is authorised, by the chief executive (corrective services), to perform under the *Corrective Services Act 2006*, section 272; and

(c) for section 2(2), the functions of a Serco employee are taken to have been the functions of a corrective services officer that the employee performs for Serco when Serco is performing the functions mentioned in paragraph (b).

(2) In this section—

interim period means the period starting on 1 January 2008 and ending on the commencement.

Serco means Serco Australia Pty Ltd ABN 44 003 677 352.

189 Declaration concerning GEO during interim period

(1) During the interim period—

(a) GEO is taken to have been a government service entity and a prescribed service entity under section 2(9); and

(b) for section 2(2), the functions of GEO are taken to have been—

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(i) to conduct the part of the operations of the Queensland Corrective Services Commission that GEO is engaged to conduct under the *Corrective Services (Administration) Act 1988*, section 19(2)(f); or

(ii) the functions that GEO is authorised, by the chief executive (corrective services), to perform under the *Corrective Services Act 2006*, section 272; and

(c) for section 2(2), the functions of a GEO employee are taken to have been—

(i) the functions of a custodial correctional officer the employee performs for GEO when GEO is performing the prescribed functions mentioned in paragraph (b)(i); or

(ii) the functions of a corrective services officer that the employee performs for GEO when GEO is performing the prescribed functions mentioned in paragraph (b)(ii).

(2) In this section—

GEO means GEO Group Australia Pty Ltd ABN 24 051 130 600.

interim period means the period starting on 15 January 2004 and ending on the commencement.

190 Training courses

(1) If, immediately before the commencement, an approval of a training course was in force under former section 10A(2)(b), the approval continues in force as if it had been made under section 10AA(1).

(2) If, immediately before the commencement, an approval of a training course was in force under former section 124, the approval continues in force as if it had been made under section 10AA(2).

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(3) As soon as practicable after the commencement, the commissioner must notify each course approved under this section on the QPS website.

(4) An approval under this section may be ended by the commissioner under section 10AA.

(5) In this section—

former means as in force before the commencement.

Division 6 Transitional provision for Counter-Terrorism and Other Legislation Amendment Act 2015

192 Declaration about officers of Customs during interim period

(1) This section applies to a person who was an officer of Customs in the Australian Border Force during the interim period or a part of the interim period.

(2) This Act is taken not to have applied to the person in relation to the person's possession or use of a weapon when performing the duties of an officer during the interim period or the part of the interim period.

(3) In this section—

Australian Border Force see the *Australian Border Force Act 2015* (Cwlth), section 4(1).

interim period means the period starting on 1 July 2015 and ending on the commencement.

officer of Customs see the *Customs Act 1901* (Cwlth), section 4(1).

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Division 7 Transitional provisions for Serious and Organised Crime Legislation Amendment Act 2016

193 Applications not finally decided

(1) This section applies if, immediately before the commencement, an authorised officer had not finally decided an application for the grant or renewal of an authority.

(2) The authorised officer must decide the application under this Act as in force after the commencement.

(3) In this section—

authority means—

(a) a licence; or

(b) a permit to acquire; or

(c) a shooting club permit; or

(d) an approval to conduct an arms fair under section 79(2); or

(e) an approval of a range under section 101(1); or

(f) an approval of a shooting gallery under section 111; or

(g) any other type of approval, licence or permit granted or renewed by an authorised officer under this Act.

194 Proceedings not finally decided

(1) This section applies if immediately before the commencement the following proceedings had been started but not finally dealt with—

(a) a proceeding before QCAT for a review of a decision mentioned in repealed section 143(1);

(b) a proceeding before the Supreme Court about a decision mentioned in repealed section 143(1).

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(2) The proceeding is discontinued and the matter is remitted to an authorised officer for the authorised officer to decide again under this Act as in force after the commencement.

(3) QCAT or the Supreme Court must return to the commissioner any criminal intelligence relating to the proceeding in QCAT's or the Supreme Court's possession or control.

(4) For subsection (1), a proceeding had not been finally dealt with if—

(a) QCAT or the Supreme Court had not made a decision; or

(b) QCAT or the Supreme Court had made a decision but the appeal period for the decision had not ended; or

(c) QCAT or the Supreme Court had made a decision and an appeal against the decision had started but not ended.

(5) In this section—

criminal intelligence means criminal intelligence within the meaning of repealed 143(6).

repealed, in relation to a provision of this Act, means the provision as in force immediately before the commencement.

Division 8 Validation provision for Police Service Administration and Other Legislation Amendment Act 2023

195 Validation of particular decisions under pt 2 or pt 3, div 3

(1) This section applies in relation to a relevant approval purported to have been given by a person before the commencement if, when the approval was given, the person—

(a) was a police officer or staff member of the police service under the *Police Service Administration Act 1990*; and

(b) was not an authorised officer.

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(2) The licence or permit to acquire to which the relevant approval relates is not invalid merely because the person was not an authorised officer when the approval was given.

(3) In this section—

relevant approval means an approval of an application for a licence, renewal of a licence or permit to acquire given under section 15, 18 or 42.

Division 9 Transitional provisions for Queensland Community Safety Act 2024

196 Definition for division

In this division—

new, for a provision of this Act, means the provision as in force from the commencement.

197 Existing applications relating to licences

(1) This section applies to an application made, but not decided, under former part 2 before the commencement.

(2) The application is taken to be an application under new part 2.

(3) Anything done in relation to the application under the Act before the commencement is taken to have been done in relation to the application under the Act as in force from the commencement.

(4) In this section—

former part 2 means part 2 as in force from time to time before the commencement.

198 Existing reviews of decisions

(1) This section applies if—

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(a) before the commencement, a person applied for a review of a decision in relation to a licence under section 142(1)(a), (aa) or (e); and

(b) immediately before the commencement, the review had not been decided.

(2) In hearing or deciding the review, or any proceeding relating to the review, this Act as in force from the commencement applies.

199 Advising of particular events happening before commencement

(1) This section applies in relation to a licence in effect immediately before the commencement if—

(a) on the commencement, the licensee or the licensee's representative is a disqualified person; or

(b) within 10 years before the day this section commences, the licensee or the licensee's representative—

(i) has been convicted of a class A serious offence or a class B serious offence; or

(ii) has been released from lawful custody in relation to a conviction for a class A serious offence or a class B serious offence; or

(iii) has been subject to a supervision order in relation to a conviction for a class A serious offence or a class B serious offence; or

(c) before the commencement, the licensee or the licensee's representative was charged with a serious offence and the charge has not been dealt with.

(2) New section 24 applies in relation to the licensee as if—

(a) the licensee or the licensee's representative being a disqualified person, or the happening of an event mentioned in subsection (1)(b) or (c), were a change under new section 24; and

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(b) a reference in new section 24(1) to within 14 days of the happening of an event mentioned in section 24(2) were a reference to within 90 days after the day this section commences.

Note—

See section 34 for the offence of contravening of a licence condition.

(3) For subsection (1), it is irrelevant whether or not the conviction is a spent conviction, provided the conviction is recorded.

Division 10 Transitional and validation provisions for Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Act 2026

200 Definitions for division

In this division—

former, in relation to a provision of this Act, means the provision as in force from time to time before the commencement of the transitional provision in which the term is used.

new, in relation to a provision of this Act, means the provision as in force on the commencement of the transitional provision in which the term is used.

transitional provision means a provision of this division.

201 Particular existing applications—fit and proper person requirement

(1) This section applies in relation to the following applications made, but not decided, before the commencement of this section—

(a) an application for a licence;

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(b) an application to renew a licence.

(2) The following provisions apply in relation to the application—

(a) new section 10B;

(b) new section 10C;

(c) new section 13;

(d) new section 14.

203 Validation of particular decisions relating to licences

(1) This section applies if—

(a) before the commencement of this section, an authorised officer made a decision—

(i) to reject an application for a licence; or

(ii) to reject an application to renew a licence; or

(iii) to suspend a licence; or

(iv) to revoke a licence; and

(b) in deciding or considering whether the applicant, or the licensee, for the licence is or is no longer a fit and proper person to hold a licence, the authorised officer considered a matter mentioned in new section 10B(1)(b) or (c) or 10C(1)(a) or (b).

(2) It is declared that the decision is taken to be, and to have always been, as valid and lawful as it would be or would have been had each of the following provisions been in force when the decision was made—

(a) new section 10B;

(b) new section 10C;

(c) new section 13;

(d) new section 14.

(3) Anything done, or omitted to be done, in relation to the decision is taken to be, and to have always been, as valid and

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lawful as it would be or would have been had each of the provisions mentioned in subsection (2) been in force when the decision was made.

(4) However, if, before the commencement of this section, the decision had been found by a court or tribunal to be invalid or had been set aside by a court or tribunal, the decision of the court or tribunal, and any orders, declarations or directions made by the court or tribunal in relation to the decision, stand.

204 Firearm prohibition orders made under former section 141H

(1) This section applies in relation to a firearm prohibition order made under former section 141H before the commencement of this section.

(2) If the firearm prohibition order is in effect immediately before the commencement of this section, the order stops having effect on the commencement of this section.

(3) A person who has been subject to a firearm prohibition order in relation to which this section applies continues to be a disqualified person for the purposes of this Act unless—

(a) when the order was made, the person was a child; or

(b) the decision to make the order was revoked or set aside on review or appeal.

205 Existing firearm prohibition orders made under former section 141G

(1) This section applies in relation to a firearm prohibition order, made under former section 141G, that is in effect immediately before the commencement of this section.

(2) Despite new section 141G(4), the firearm prohibition order has effect for the period, of not more than 60 days, stated in the order.

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206 Records

A record required to be kept under former section 141ZU must be kept under new section 141ZU.

207 Transitional regulation-making power

(1) A regulation (a ***transitional regulation***) may make provision about a matter for which—

(a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of this Act, as in force before the commencement of a relevant amendment, to the operation of this Act as in force after the commencement of the relevant amendment; and

(b) this Act does not provide or sufficiently provide.

(2) A transitional regulation may have retrospective operation to a day not earlier than the day the relevant amendment commences.

(3) A transitional regulation must declare it is a transitional regulation.

(4) This section and any transitional regulation expire on the day that is 1 year after the day this section commences.

(5) In this section—

relevant amendment means an amendment of this Act by the *Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Act 2026*.

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Schedule 1AA Class B serious offences

section 5B

This Act

Section	Section heading	Circumstance
50(1)	Possession of weapons	if paragraph (a), (b) or (c)(i) or (ii) of the penalty applies to the offence
50B(1)	Unlawful supply of weapons	
56A	Reckless discharge of weapon towards building or vehicle	
61	Shortening firearms	
63	Altering identification marks of weapons	
65(1)	Unlawful trafficking in weapons	

Corrective Services Act 2006

Section	Section heading	Circumstance
122(2)	Unlawful assembly, riot and mutiny	

Criminal Code

Section	Section heading	Circumstance
61	Riot	
69	Going armed so as to cause fear	
75	Threatening violence	

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Section	Section heading	Circumstance
76	Recruiting person to become participant in criminal organisation	
77B	Habitually consorting with recognised offenders	
80	Crime of piracy	
119B	Retaliation against or intimidation of judicial officer, juror, witness etc.	
142	Escape by persons in lawful custody	
210	Indecent treatment of children under 16	
213	Owner etc. permitting abuse of children on premises	
215	Engaging in penile intercourse with child under 16	if the person who committed the offence was an adult when the offence was committed
216	Abuse of persons with an impairment of the mind	
217	Procuring young person etc. for penile intercourse	
218	Procuring sexual acts by coercion etc.	
218A	Using internet etc. to procure children under 16	
218B	Grooming child under 16 years or parent or carer of child under 16 years	
219	Taking child for immoral purposes	
221	Conspiracy to defile	

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Section	Section heading	Circumstance
222	Incest	
228A	Involving child in making child exploitation material	
228B	Making child exploitation material	
228C	Distributing child exploitation material	
228D	Possessing child exploitation material	
228DA	Administering child exploitation material website	
228DB	Encouraging use of child exploitation material website	
228DC	Distributing information about avoiding detection	
228I	Producing or supplying child abuse object	
228J	Possessing child abuse object	
229B	Repeated sexual conduct with a child	
306	Attempt to murder	
307	Accessory after the fact to murder	
308	Threats to murder in document	
309	Conspiring to murder	
313	Killing unborn child	
314A	Unlawful striking causing death	
315	Disabling in order to commit indictable offence	
315A	Choking, suffocation or strangulation in a domestic setting	

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Section	Section heading	Circumstance
316	Stupefying in order to commit indictable offence	
317	Acts intended to cause grievous bodily harm and other malicious acts	
317A(1)	Carrying or sending dangerous goods in a vehicle	
318	Obstructing rescue or escape from unsafe premises	
319	Endangering the safety of a person in a vehicle with intent	
320A	Torture	
321	Attempting to injure by explosive or noxious substances	
321A	Bomb hoaxes	
322	Administering poison with intent to harm	
324	Failure to supply necessaries	
326	Endangering life of children by exposure	
328A	Dangerous operation of a vehicle	if the Criminal Code, section 328A(2), (3) or (4) applies to the offence
339	Assaults occasioning bodily harm	if the Criminal Code, section 339(3) applies to the offence or the offence is a domestic violence offence under the Criminal Code, section 1
340	Serious assaults	

Section	Section heading	Circumstance
349	Rape	
350	Attempt to commit rape	
351	Assault with intent to commit rape	
352	Sexual assaults	
354	Kidnapping	
354A	Kidnapping for ransom	
359E	Punishment of unlawful stalking, intimidation, harassment or abuse	
363	Child-stealing	
363A	Abduction of child under 16	
364	Cruelty to children under 16	
398	Punishment of stealing	if the Criminal Code, section 398, punishment in special cases, clause 15 applies to the offence
411	Punishment of robbery	if the offence is not a class A serious offence
412	Attempted robbery	
413	Assault with intent to steal	
414	Demanding property with menaces with intent to steal	
415	Extortion	
417A	Taking control of aircraft	
419	Burglary	if the Criminal Code, section 419(3) or (5) applies to the offence

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Section	Section heading	Circumstance
433	Receiving tainted property	if the Criminal Code, section 433(1), penalty, paragraph (b) applies to the offence
461	Arson	
469A	Sabotage and threatening sabotage	
470	Attempts to destroy property by explosives	
470A	Unlawful dealing with explosive or noxious substances	

Domestic and Family Violence Protection Act 2012

Section	Section heading	Circumstance
177(2)	Contravention of domestic violence order	if paragraph (a) of the penalty applies to the offence

Drugs Misuse Act 1986

Section	Section heading	Circumstance
5(1)	Trafficking in dangerous drugs	
6(1)	Supplying dangerous drugs	
7(1) or (2)	Receiving or possessing property obtained from trafficking or supplying	
8(1)	Producing dangerous drugs	
8A	Publishing or possessing instructions for producing dangerous drugs	

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Section	Section heading	Circumstance
9(1)	Possessing dangerous drugs	if paragraph (a), (b) or (c) of the penalty applies to the offence
10B(1)	Possession of a prohibited combination of items	
11(1)	Permitting use of place	

Summary Offences Act 2005

Section	Section heading	Circumstance
10C(1) or (2)	Wearing or carrying prohibited item in a public place	

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Schedule 1 Subject matter for regulations

section 172

1 Eligibility requirements for licences

Eligibility requirements for a licence.

2 Authorising things under a licence

Providing for things a licensee may or may not do under the authority of a licence.

2A Categorising weapons

Declaring weapons as category A, B, C, D, E, H, M or R weapons.

3 Limiting or prohibiting licensing of particular weapons

Limiting or prohibiting licensing of particular weapons or particular categories of weapons.

4 Limiting or prohibiting acquisition, possession or use of weapons and magazines

Limiting or prohibiting acquisition, possession or use of particular weapons or magazines or particular categories of weapons or magazines.

5 Secure storage facilities for weapons

Requirements for secure storage facilities for weapons.

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6 Functions, powers and duties

The discharge of any function, the exercise of any power and the performance of any duty by any person appointed under this Act.

7 Instruments

The forms required or authorised in respect of any matter under this Act.

8 Fees etc.

The fees or other amounts payable in respect of any matter under this Act.

9 Qualifications and appointments

The qualifications required before a person is appointed or approved under this Act.

10 Funds

The funds to which fees and other amounts are payable under this Act and the purposes in respect of which those funds may be expended.

11 Terms of approvals, permits and exemptions

Providing for the terms of approvals, shooting club permits and exemptions.

12 Approved historical societies

Providing for the approval, conditions of approval, revocation of approval and obligations, of approved historical societies and their representatives.

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13 Record-keeping

Providing for the keeping of records.

14 Production of weapons

Providing for the production of a category H weapon to establish its barrel length or calibre.

15 Disclosing licence information to approved shooting clubs and approved historical societies

Providing for the disclosure of information about licences, conditions attaching to licences, and eligibility for licences of members of approved shooting clubs to the approved shooting clubs or members of approved historical societies to the approved historical societies.

16 Registration of antique handguns

Providing for the registration of antique handguns.

17 Providing for approved shooting ranges

Providing for matters relating to persons using an approved range and the conduct of an approved range.

18 Amnesty for firearms and prescribed things

Providing for things for which, and the conditions under which, an amnesty under section 168B may be given.

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Schedule 2 Dictionary

section 5

accredited event means a handgun shooting competition prescribed under a regulation to be an accredited event.

acquire, a weapon, see section 35.

ammunition see the *Explosives Act 1999*, schedule 2.

amnesty period, for part 8, division 2, see section 174.

anniversary day, for a licence, means the date in each year that is the anniversary of the issue of the licence.

antique firearm means a thing, mentioned in paragraph (a), (b)(i), (c) or (d) of the definition *firearm* and manufactured before 1 January 1901, that is one of the following—

(a) a muzzle loading firearm;

(b) a cap and ball firearm;

(c) a firearm in relation to which an authorised officer decides under section 154 that ammunition is not commercially available.

antique handgun means an antique firearm, other than a pre–percussion handgun, that is less than 75cm in length.

approved form see section 171.

approved historical society means a body, whether incorporated or unincorporated, of a kind prescribed under a regulation that is granted approval by an authorised officer under a regulation as an approved historical society.

approved pistol club means an approved shooting club that has, as a purpose endorsed on the shooting club's shooting club permit, the conduct of sports or target shooting using category H weapons.

approved range means—

(a) a place approved under part 4, division 5; or

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(b) a place approved under a Commonwealth Act for use in the sport of target shooting.

approved safety training course (general) means a course approved under section 10AA(1).

approved safety training course (security guard) means a course approved under section 10AA(2).

approved shooting club means a shooting club that holds a shooting club permit.

approved training course means—

(a) an approved safety training course (general); or

(b) an approved safety training course (security guard).

armourer means a person who stores, manufactures, modifies or repairs weapons in the course of the person's business.

associate, of a licensed dealer or an applicant for a dealer's licence, means a person, other than a financial institution, who—

(a) holds or will hold a relevant financial interest in the business or proposed business of the licensed dealer or applicant; or

(b) is or may be entitled to exercise a relevant power, whether in the person's own right or for someone else, in the business or proposed business of the licensed dealer or applicant; or

(c) holds or will hold a relevant position, whether in the person's own right or for someone else, in the business or proposed business of the licensed dealer or applicant.

authorised officer see section 153.

black-powder pistol has the meaning prescribed under a regulation.

blank-fire firearm means a firearm, or a replica of a firearm, that is incapable of discharging a projectile.

blueprint material—

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(a) means any of the following things, whether in electronic, digital or hard copy form—

(i) a technical drawing of the design of an object;

(ii) a plan, drawing, instruction or template for the manufacture of an object;

(iii) a program, software or code for an electronic device for the manufacture of an object; and

(b) without limiting paragraph (a), includes a reproduction, copy or photograph of a thing mentioned in paragraph (a), whether in electronic, digital or hard copy form.

business means the business carried on under the authority of a licence.

category, of weapon, means a category prescribed under the *Weapons Categories Regulation 1997*.

category A weapon see the *Weapons Categories Regulation 1997*, section 2.

category B weapon see the *Weapons Categories Regulation 1997*, section 3.

category C weapon see the *Weapons Categories Regulation 1997*, section 4.

category D weapon see the *Weapons Categories Regulation 1997*, section 5.

category E weapon see the *Weapons Categories Regulation 1997*, section 6.

category H weapon see the *Weapons Categories Regulation 1997*, section 7.

category M weapon see the *Weapons Categories Regulation 1997*, section 7A.

category M crossbow means a crossbow that is a category M weapon under the *Weapons Categories Regulation 1997*, section 7A(n).

category R weapon see the *Weapons Categories Regulation 1997*, section 8.

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class, in relation to a category H weapon, means a class prescribed under a regulation for the weapon.

class A serious offence see section 5A.

class B serious offence see section 5B.

class C serious offence see section 5C.

club organised shoot means—

(a) a practice shoot organised by an approved pistol club; or

(b) a handgun shooting competition.

collection register see section 81.

collector means a person who collects or holds out as being ready to collect, whether on behalf of the collector or another person, a weapon or weapons.

commissioned officer see the *Police Service Administration Act 1990*, schedule 2.

Editor's note—

Police Service Administration Act 1990, schedule 2—

commissioned officer means a person who holds a position in the police service as a commissioned officer.

commissioner means the commissioner of the police service under the *Police Service Administration Act 1990*.

convicted means found guilty, or having a plea of guilty accepted, by a court.

corrective services facility see the *Corrective Services Act 2006*, schedule 4.

corresponding law means a law of another State that contains provisions that substantially correspond with part 5A.

corresponding order means an order that—

(a) closely corresponds to a firearm prohibition order; and

(b) is made under a corresponding law prescribed by regulation.

criminal history, of a person, for part 5A, see section 141D.

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criminal intelligence, in relation to a person, means any information about the person's connection with or involvement in criminal activity.

criminal organisation see the *Penalties and Sentences Act 1992*, section 161O.

dealer means a person, other than an armourer or theatrical ordnance supplier, who—

(a) carries on the business, whether or not for reward or benefit, of acquiring, selling or otherwise disposing of weapons in any way; or

(b) for trade or business, displays a weapon for sale or possesses a weapon for sale.

deputy commissioner means deputy commissioner of the police service under the *Police Service Administration Act 1990*.

detachable magazine, in relation to a weapon, means a receptacle for holding ammunition, that can be detached from the weapon, from which ammunition is loaded into the chamber of the weapon.

disqualified person see section 5D.

distribute, in relation to blueprint material, includes—

(a) communicate, exhibit, send, supply or transmit the material to someone, whether to a particular person or not; and

(b) make the material available for access by someone, whether by a particular person or not; and

(c) enter into an agreement or arrangement to do something mentioned in paragraph (a) or (b); and

(d) attempt to distribute the material.

domestic violence order means a domestic violence order under the *Domestic and Family Violence Protection Act 2012*, and includes an interstate domestic violence order.

executive officer see the *Police Service Administration Act 1990*, schedule 2.

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Editor's note—

Police Service Administration Act 1990, schedule 2—

executive officer means a person who holds a position in the police service as an executive officer.

explosive see the *Explosives Act 1999*, schedule 2.

firearm—

1 Generally, *firearm* means—

(a) a gun or other thing ordinarily described as a firearm; or

(b) a thing ordinarily described as a weapon that, if used in the way for which it was designed or adapted, is capable of being aimed at a target and causing death or injury by discharging—

(i) a projectile; or

(ii) noxious, corrosive or irritant liquid, powder, gas, chemical or other substance; or

(c) a thing that would be a firearm mentioned in paragraph (a) or (b) if it were not temporarily inoperable or incomplete; or

(d) a major component part of a firearm.

2 However, the term does not include—

(a) an antique firearm, explosive tool, captive bolt humane killer, spear gun, longbow or crossbow; or

(b) a replica of a spear gun, longbow or crossbow; or

(c) a slingshot, shanghai or sword; or

(d) a public monument.

3 For part 5A, see also section 141D.

firearm prohibition order—

(a) generally, see section 141D; and

(b) for part 5A, division 4, see section 141ZC.

firearm related item see section 141D.

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firearms register see section 49.

genuine reason, for possession of a weapon, see section 11.

handgun shooting competition means a shooting competition that includes using a category H weapon at a place where the weapon may lawfully be used.

Note—

Particular handgun shooting competitions may be prescribed under a regulation to be accredited events. See the definition *accredited event*.

heirloom firearm see section 6.

identifying particular, of a person, means a fingerprint, palm print or footprint of the person.

integral magazine, in relation to a weapon, means a receptacle for holding ammunition, that can not be easily removed from the weapon, from which ammunition is loaded into the chamber of the weapon.

interstate domestic violence order means an interstate order or registered foreign order under the *Domestic and Family Violence Protection Act 2012*, part 6, whether or not the order is a recognised interstate order under that Act.

landowner means—

(a) the owner or occupier of rural land; or

(b) a person authorised by the owner or occupier to act on the owner's or occupier's behalf in the general management or control of the land.

laser pointer means a hand-held battery-operated device, with a power output of more than 1 milliwatt, that is designed to emit a laser beam and may be used for aiming, pointing or targeting.

licence means a licence continued, issued or renewed under this Act and in force at the material time, and includes a certificate under section 16(2).

licensed armourer means the person in whose name an armourer's licence, in force at the material time, has been issued.

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licensed collector means the person in whose name a collector's licence, in force at the material time, has been issued.

licensed dealer means the person in whose name a dealer's licence, in force at the material time, has been issued.

licensed theatrical ordnance supplier means the person in whose name a theatrical ordnance supplier's licence, in force at a material time, has been issued.

licensee means a person in whose name a licence, in force at the material time, has been issued.

magazine, in relation to a weapon, means—

(a) a detachable magazine; or

(b) an integral magazine.

magazine capacity, of a weapon, means the maximum number of rounds of ammunition of a particular calibre that are designed to be held in—

(a) if the weapon has an integral magazine—the integral magazine; and

(b) if the weapon has a detachable magazine—the detachable magazine.

major component part of a firearm includes a part such as the receiver, body, barrel, breechbolt, frame or top slide without which the firearm would be considered inoperative or incomplete.

manufacture, in relation to a thing, includes—

(a) take an action preparatory to producing the thing; and

(b) take an action for the purpose of producing the thing or that advances the production of the thing; and

(c) offer to take an action mentioned in paragraph (a) or (b); and

(d) attempt to manufacture.

modern handgun means a category H weapon manufactured on or after 1 January 1947.

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occupier, of rural land, means the person entitled to possession of the land.

officer in charge of police includes a police officer of whatever rank or grade who is for the time being in charge of a police establishment.

ordnance register see section 117.

paint-pellet gun means a weapon that discharges paint-pellet projectiles.

paint-pellet sports means games in which persons use paint-pellet guns to discharge paint-pellet projectiles at other persons or things.

participant, in a criminal organisation, see the *Penalties and Sentences Act 1992*, section 161P.

participation condition means a condition stated in section 133(1) or (3).

participation record see section 134.

part of a prohibited handgun, for part 8, division 2, see section 174.

permanently inoperable see section 7.

permit to acquire means a permit to acquire a weapon under this Act and in force at the material time.

physically possess, a weapon, means physically hold or have an immediate ability to physically hold the weapon.

place includes any vehicle.

police establishment means a police establishment for the purposes of the *Police Service Administration Act 1990*.

police protection direction means a police protection direction under the *Domestic and Family Violence Protection Act 2012*.

police protection notice means a police protection notice under the *Domestic and Family Violence Protection Act 2012*, and includes an interstate domestic violence order issued by a police officer.

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possession—

(a) generally, in relation to a thing, includes—

(i) having the thing in one's custody; and

(ii) having the thing under one's control in any place, whether or not another person has custody of the thing; and

(iii) having an ability to obtain custody of the thing at will; and

(iv) having a claim to custody of the thing that the claimant has committed to the custody of another person, notwithstanding that the thing is temporarily not in the control of the claimant; and

(b) in relation to blueprint material, includes—

(i) possession of an electronic device, or a data storage device, that holds or contains the material; and

(ii) possession of a document that records the material; and

(iii) if the material is held or contained in an electronic device or data storage device that is in the possession of another person, whether or not the electronic device or data storage device is in Queensland—having control of the material.

pre–percussion handgun means—

(a) an antique firearm less than 75cm in length that is a muzzle loading firearm activated by a fuse, matchlock, wheel lock, snaphaunce, flintlock or miquelet lock; or

(b) an antique firearm less than 75cm in length approved as an antique pre-percussion firearm by an authorised officer under section 154.

primary producer means a person (not being a person engaged in primary production as an employee on wages or piecework rates) primarily engaged in the occupation of—

(a) dairy farmer; or

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(b) wheat, maize, or cereal grower; or

(c) cane grower; or

(d) fruit grower; or

(e) grazier; or

(f) farmer, whether engaged in general or mixed farming, cotton, potato, or vegetable growing, or poultry or pig raising;

and includes a person prescribed by regulation.

prohibited handgun, for part 8, division 2, see section 174.

protection order means a protection order under the *Domestic and Family Violence Protection Act 2012*, and includes an interstate domestic violence order corresponding to a protection order.

psychologist means a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession, other than as a student.

public monument see section 6C.

public place means any place that the public is entitled to use, is open to the public, or used by the public, whether on payment or otherwise.

purchase means obtain under a sale.

QCAT information notice means a notice complying with the QCAT Act, section 157(2).

QPS website means the website used by the commissioner to provide public access to information about matters relating to this Act.

Editor's note—

The QPS website is at www.police.qld.gov.au.

range officer of an approved range means a person who is a range officer of the range within the meaning of section 108(2).

range operator of an approved range means the range operator of the range within the meaning of section 108(1).

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range use register see section 97.

reasonably believes means believes on reasonable grounds.

reasonably suspects means suspects on grounds that are reasonable in the circumstances.

refuse, an application, includes reject the application.

registered owner, of a firearm, means the owner of the firearm as entered in the firearms register.

reject, an application, includes refuse an application.

release conditions see the *Domestic and Family Violence Protection Act 2012*.

relevant financial interest, in relation to a business, means—

(a) any interest in the capital or assets of the business; or

(b) any entitlement to receive any income derived from the business, whether the entitlement arises at law, in equity or otherwise.

relevant offence means an offence, under a law of Queensland or another jurisdiction, that—

(a) involves the carriage, discharge, possession, storage or use of a weapon; or

(b) involves the use or threatened use of violence; or

(c) involves the possession or distribution of blueprint material for the manufacture of a firearm on a 3D printer or an electronic milling machine.

relevant position, in relation to the business or proposed business of a licensed dealer or an applicant for a dealer's licence, means a position that entitles the holder of the position to participate in the management of the business whether as director, manager, secretary or in any other capacity.

relevant power, in relation to the business or proposed business of a licensed dealer or an applicant for a dealer's licence, means a power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others—

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(a) to participate in any managerial or executive decision of the business or proposed business; or

(b) to elect or appoint a person to a relevant position in the business or proposed business.

replacement licence means a licence issued in replacement of an existing licence under section 23.

replica see section 6A.

representative, of a body, for sections 27A, 28A and 140 and part 5A, means the representative of a licensee that is a body, whether incorporated or unincorporated, who is endorsed—

(a) on the licensee's licence as the licensee's representative; or

(b) on a permit to acquire issued to the licensee as the licensee's representative.

respondent means a person named in a domestic violence order as the respondent.

restricted item see section 67(9).

rural land includes land other than land situated in any city or town or, in the case of a shire, in any township in the shire.

security guard see section 6B.

security guard's register see section 126A.

security organisation means an entity that provides security guards and the services of security guards.

security organisation register see section 128(1)(a).

sell includes—

(a) sell by wholesale, retail or auction; and

(b) supply under a lease, exchange, hiring or other commercial arrangement; and

(c) agree to sell; and

(d) cause or permit to be sold.

serious offence means a class A serious offence, class B serious offence or class C serious offence.

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shanghai means a Y-shaped device that—

(a) has something with elastic properties fixed to it; and

(b) is capable of being used to propel a projectile.

shooting club means a club or other organisation that conducts the sport of target shooting, whether or not involving the use of a category M crossbow.

shooting club permit means a shooting club permit issued under section 87.

shooting gallery includes a place used for paint-pellet sports.

short firearm means—

(a) a category H weapon that is a firearm; or

(b) a category C, D or R weapon that is a firearm under 75cm in length.

slingshot means a device designed for use with, or a component of which is, a brace that fits or rests on a person's forearm or another part of the person's body to support the person's wrist against the tension of elastic material used to propel a projectile.

Example—

a Saunders 'Falcon' Hunting Sling

special condition means a special condition under section 134(1).

State includes Territory.

supervision order—

(a) means an order made under an Act or a law of another jurisdiction, or made by an Australian court, that subjects a person to supervision, including, for example—

(i) a community based order under the *Penalties and Sentences Act 1992*; or

(ii) a community based order or supervised release order under the *Youth Justice Act 1992*; or

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(iii) a parole order under the *Corrective Services Act 2006*; but

(b) does not include a division 3 order under the *Dangerous Prisoners (Sexual Offenders) Act 2003*.

supply includes—

(a) give, distribute, sell, administer or transport; and

(b) offer to supply; and

(c) do an act preparatory to, or to further, or for the purpose of, supply.

sword means a thing consisting of a long, straight or curved blade, fixed in a hilt or handle, the blade of which is either—

(a) pointed; or

(b) sharp-edged on one or both sides.

Examples—

- a rapier
- a broadsword

temporarily inoperable see section 8.

temporary protection order means a temporary protection order under the *Domestic and Family Violence Protection Act 2012*, and includes an interstate domestic violence order corresponding to a temporary protection order.

theatrical ordnance supplier means a person who, wholly or partly, carries on the business, whether or not for reward or benefit, of supplying on a temporary basis weapons for use in theatrical, film or television productions where the supplying involves no change in the ownership of the weapons.

transaction notification means a notification given under section 71(3).

unlawful means without lawful justification or excuse.

unloaded firearm, means the firearm contains no ammunition in its breech, chamber, magazine or muzzle.

vehicle—

(a) for part 5A, division 4—see section 141ZC; or

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(b) otherwise—includes any aircraft or vessel.

weapon—

(a) means—

(i) a firearm; or

(ii) another thing prescribed under a regulation to be a weapon or within a category of weapon; or

(iii) a thing that would be a weapon mentioned in subparagraph (i) or (ii), if it were not temporarily inoperable or incomplete; and

(b) does not include a public monument.

weapons register see section 71(1).