

Queensland



Weapons Act 1990

WEAPONS REGULATION 1996

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(includes amendments up to SL No. 266 of 2002)**

Reprint No. 2C

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Also see endnotes for information about—

- **when provisions commenced**
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WEAPONS REGULATION 1996

[as amended by all amendments that commenced on or before 4 October 2002]

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Weapons Regulation 1996*.

2 Commencement

This regulation commences on 15 January 1997.

PART 2—LICENCES GENERALLY

3 Possession or use of weapon unlawful to extent another licence is needed to authorise that possession or use

(1) The possession or use of a weapon under a licence is unlawful to the extent that a licence of another class is needed to authorise that possession or use.

Example—

X holds a firearms licence that on its face authorises X to possess or use any category A or B firearm.

However, X must not possess or use a category A or B weapon—

- (a) as part of a collection of weapons (a collector's licence (heirloom) or (weapons) is needed); or
- (b) in performing duties as a security guard (a security licence (guard) is needed); or
- (c) as a security organisation (a security licence (organisation) is needed); or

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- (d) to store, manufacture, modify or repair the weapon in the course of the licensee's business of storing, manufacturing, modifying or repairing weapons (an armourers licence is needed); or
- (e) for the purpose of dealing in weapons (a dealer's licence is needed); or
- (f) for the purpose of supplying the weapon, without a change in its ownership, on a temporary basis for use in the production of a theatrical, film or television production (a theatrical ordnance supplier's licence is needed); or
- (g) to provide a training course in firearms safety, or under section 124 of the Act, approved by the commissioner (a firearms licence (instructor) is needed).

(2) A licence given after the commencement of this regulation must contain a copy of subsection (1).

(3) Failure to comply with subsection (2) does not invalidate any proceeding for an offence.

3A Possession of weapon for transport not authorised unless necessarily incidental to licence activities

(1) To remove any doubt, it is declared that a licence does not authorise possession of a weapon for or during its transportation unless the transportation is necessarily incidental to engaging in an activity for which the weapon may be used under the licence.

Examples of transportation for which possession of a weapon is authorised—

1. Transportation of a weapon to or from a range for use in target shooting.
2. Transportation of a weapon from a licensee's secure storage facilities to a licensed armourer or dealer, and its return transportation.

(2) Subsection (1) does not apply to a minor's licence.

4 Additional genuine reasons for possession of a weapon

For section 11(e) of the Act, the following are reasons for possession of a weapon—

- (a) a military re-enactment or historical demonstration;
- (b) for a sporting organisation to possess a firearm to start sporting events;
- (c) for a theatrical organisation to possess a firearm for a theatrical production.

5 Other particulars to accompany application for licence

For section 13(1)(c)(iii) of the Act, the following particulars about each firearm owned by the applicant must accompany an application for a licence—

- (a) the type, action, make, model, serial number and calibre of the weapon;
- (b) the magazine or chamber capacity of the firearm;
- (c) if the application relates to recreational shooting—enough information about the location, area and surrounding features of the rural land involved to enable its suitability for recreational shooting to be assessed.

6 Licence or licence renewal to be applied for at police station or establishment

A licence, or renewal of a licence, may only be applied for at a police station or establishment.

7 Waiting period before licence can be decided

For section 15(1) of the Act, the period before an authorised officer may decide an application for a licence is—

- (a) for a licence other than a visitor's licence—
 - (i) until the end of the 28th day after the application is lodged;
or
 - (ii) if satisfied there are exceptional circumstances—until the end of the day the application is lodged; or
- (b) for a visitor's licence—until the end of the day the application is lodged.

8 Licence must be signed immediately after receipt

(1) A licensee who is an individual must sign his or her licence immediately after it is received.

Maximum penalty—10 penalty units.

(2) The individual endorsed on a body's licence as the body's representative must sign the body's licence as soon as practicable after the body receives it.

Maximum penalty—10 penalty units.

(3) This section does not apply if the licence already has a copy of the individual's signature on it.

9 Temporary recognition of interstate licences

Each of the following is a purpose for visiting Queensland for section 32(1)(b) of the Act—

- (a) to undertake recreational shooting on rural land with permission, given before the visit, from the landowner to shoot on the land;
- (b) to perform an occupational requirement to shoot on rural land for a rural purpose.

10 Queensland licence corresponding to interstate licence

For section 33(6) of the Act, the corresponding licence to a licence held under the law of another State is the licence under this Act that—

- (a) authorises possession or use of the weapon only to the extent allowed under the interstate licence and available under a Queensland licence; and
- (b) is of the class that is the narrowest available in Queensland to authorise that possession or use; and
- (c) is subject to—
 - (i) the conditions, limitations, restrictions and prohibitions applying under the interstate licence, with all necessary changes to adapt them to Queensland; and
 - (ii) any limitations or restrictions applying to that class of Queensland licence.

11 Visitor's licence—Act, s 12(1)(k)

(1) A visitor's licence may be issued to an adult 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 of the Act; 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.

(2) The licence authorises the licensee to possess and use a firearm or type of firearm endorsed on the licence to the extent, and for the activity, stated on the licence.

(3) The licence may only be issued—

- (a) for an activity that is a reason for possession of a weapon under section 11 of the Act; and
- (b) for a weapon or type of weapon—
 - (i) the visitor is entitled to possess and use in the State or country where the person usually resides; and
 - (ii) for which the visitor could obtain a Queensland licence, other than a visitor's licence, authorising possession and use, to the extent and for the activity, stated on the licence.

(4) The maximum term for which a visitor's licence may be given is 3 months.

12 Limitation on weapons' physical possession and use under licence held by body

(1) Despite any other provision of this regulation, a licence held by a body does not authorise the body to physically possess a weapon, other than by its representative endorsed on the licence.

(2) A licence held by a body for a weapon authorises the body's representative endorsed on the licence to physically possess and use the weapon for the purposes of the body that are authorised by the licence, if this regulation does not already give that authorisation.

13 Automatic licence suspension if endorsed representative loses authority to represent

(1) A licence held by a body is automatically suspended if its representative endorsed on the licence dies or his or her authority to

represent the body in the conduct of its business or affairs is suspended or revoked or expires.

(2) The suspension lasts until the representative is reinstated or another representative is endorsed on the licence.

(3) The term of the licence continues to run during the licence suspension.

14 Additional changes in circumstances that must be advised by licensee

For section 24(2)(d) of the Act, the changes in circumstances are—

- (a) a court order is made, or an official act is done, in Queensland or elsewhere that adversely affects the licensee's or the licensee's representative's ability to own, possess, use, carry or deal in weapons in Queensland or elsewhere; or
- (b) the licensee or the licensee's representative—
 - (i) is refused, outside Queensland, an official authorisation to own, possess, use, carry or deal in weapons; or
 - (ii) becomes subject to an order under the *Peace and Good Behaviour Act 1982*, or a similar Act of another State; or
 - (iii) is discharged from a psychiatric hospital, training centre, security patient's hospital or another similar institution established under the *Mental Health Act 1974*, or a similar institution in another State.

Examples of court orders and official acts for paragraph (a)—

1. Disqualification or suspension from obtaining a weapons licence, approval or other authorisation or from being a licensee's representative.
2. Disqualification or suspension from owning, possessing, using, carrying or dealing in a weapon.
3. Revocation of a weapons licence, approval or other authorisation.
4. Forfeiture, or police seizure, of a weapon.

PART 3—PARTICULAR LICENCES

15 Blank-fire firearms licence

(1) A blank-fire firearms licence may be issued only to—

- (a) an individual; or
- (b) a theatrical organisation; or
- (c) an athletic or other sporting organisation.

(2) A blank-fire firearms licence held—

- (a) by an individual—authorises the licensee to physically possess and use, for an authorised purpose, any blank-fire firearm in the category stated on the licence and owned by the licensee; or
- (b) by an organisation—
 - (i) authorises the licensee to non-physically possess, for an authorised purpose, any blank-fire firearm in the category stated on the licence and owned by the licensee; and
 - (ii) authorises the organisation's representative endorsed on the licence to physically possess and use, for an authorised purpose, any blank-fire firearm in the category endorsed on the licence and owned by the licensee.

(3) The licence also authorises any eligible member of the organisation, with the permission, and under the instruction, of the endorsed representative, to possess and use, for an authorised purpose, any blank-fire firearm owned by the organisation and in the category endorsed on the licence.

(4) In this section—

“authorised purpose” means—

- (a) for an individual who applied for the licence for theatrical productions—for use in theatrical productions; or
- (b) for a theatrical organisation—for use in theatrical productions in the conduct of the organisation's activities; or
- (c) for an individual who applied for the licence to start sporting events—for starting sporting events; or
- (d) for a sporting organisation—for starting sporting events in the conduct of the organisation's activities.

“eligible person” means a member who is eligible to hold a licence.

“start”, a sporting event, includes end an event, and mark a stage or other happening of official significance to the event.

16 What concealable firearms licence authorises

(1) A concealable firearms licence authorises the licensee to possess or use any pistol not in category R for the purpose stated on the licence.

(2) However, a concealable firearms licence does not authorise the possession or use of a weapon for recreational shooting.

17 When and how category H firearm may be worn

(1) A person may wear a category H firearm only if the person has an occupational requirement to wear it.¹

Maximum penalty—10 penalty units.

(2) A person wearing a category H firearm must comply with subsections (3) to (7).

Maximum penalty—10 penalty units.

(3) The firearm must be carried in a holster that is consistent with the shape and size of the firearm.

(4) The holster must be designed with a safety strap to secure the firearm in the holster, and the safety strap must be fastened.

(5) The holster must be designed so that the trigger is not exposed.

(5A) However, subsections (4) and (5) do not apply if—

(a) the person is using the weapon for sports or target shooting at an approved range; and

(b) compliance with the subsections is impractical because of the type of sports or target shooting.

(6) If the holster is worn in conjunction with a belt, the holster must be securely attached to the belt.

(7) The wearer’s clothes must conceal the holster and firearm.

¹ This section applies to all concealable firearms, whether or not under a concealable firearms licence, for example those worn by security guards.

(8) However, subsection (7) does not apply—

- (a) if the person is performing duties under a security licence (guard) and is wearing clothing that readily identifies the person as a security guard; or
- (b) if the wearer is using the firearm on rural land while engaged in primary production; or
- (c) if the wearer is using the firearm for sports or target shooting at an approved range; or
- (d) if the wearer is actually performing in—
 - (i) a theatrical production; or
 - (ii) a military re-enactment; or
 - (iii) an historical demonstration.

18 Firearms licence—category A or B weapons

Other than as provided in sections 19 to 21, a firearms licence—

- (a) may only be given for a category A or B weapon; and
- (b) authorises the licensee to possess and use any weapon in the category endorsed on the licence.

19 Firearms licence—category C shotguns for clay target shooting

(1) A member of an approved shooting club that takes part in, or is affiliated with a body that takes part in, national and international clay target shooting competition (the “**member’s club**”) may apply for a firearms licence with an endorsement for category C shotguns.

(2) The applicant must, because of a lack of strength or dexterity, have a physical need for a category C shotgun to enable the applicant to take part in clay target shooting.

(3) A document supporting the existence of that physical need and signed by a club officer for the member’s club must be lodged with the application.

(4) Subsections (2) and (3) do not apply to an applicant who, on 14 November 1996—

- (a) owned a category C shotgun; and

- (b) was a member of an approved shooting club that takes part in, or is affiliated with a body that takes part in, national and international clay target shooting competition.

(5) The licence authorises the licensee to use any category C shotgun at an approved range, for a clay target shooting competition approved by the member's club or a training program associated with that competition, and to possess any category C shotgun for that purpose.

(6) The licensee must not load or allow anyone else to load more than 2 rounds of ammunition into a weapon to which the licence applies.

Maximum penalty—10 penalty units.

20 Firearms licence—category C rifle and category C shotgun for occupational rural purpose on rural land

(1) A person who, in the conduct of the person's business or employment on rural land, has a need for 1 category C rifle or 1 category C shotgun, or both, for a rural purpose, may apply for a firearms licence with an endorsement for 1 category C rifle or 1 category C shotgun or both.

(2) A person who, in the conduct of the person's business or employment on rural land, has a need for more than 1 category C rifle and 1 category C shotgun for a rural purpose, may apply for a firearms licence with an endorsement for more than 1 category C rifle and 1 category C shotgun.

(3) However, a person may apply under subsection (2) only if the need arises because of the area or location of the land involved.

(4) An authorised officer may issue a licence endorsed under subsection (1) or (2) only if the authorised officer is satisfied the applicant's need for the firearm can not be satisfied in another way.

(5) A licence endorsed under subsection (1) authorises the licensee to possess and use—

- (a) 1 category C rifle; or
- (b) 1 category C shotgun; or
- (c) 1 category C rifle and 1 category C shotgun;

stated on the licence, but only to satisfy the need stated on the licence.

(6) For subsection (2), an authorised officer may endorse the licence with the number of category C rifles or shotguns the authorised officer decides is reasonably necessary to satisfy the applicant's need.

(7) A licence endorsed under subsection (2) authorises the licensee to possess and use the number of category C rifles and category C shotguns endorsed on the licence, but only to satisfy the need stated on the licence.

20A Firearms licence—1 category C weapon for occupational fisher

(1) A person who, in the conduct of the person's business as, or employment by, a commercial fisher, has a need on a particular vessel, for 1 category C weapon may apply for a firearms licence with an endorsement for the weapon.

(2) An authorised officer may issue a licence endorsed under subsection (1) only if the authorised officer is satisfied the applicant's need for the firearm can not be satisfied in another way.

(3) A licence endorsed under subsection (1) authorises the licensee to possess and use the single category C weapon stated on the licence, but only to satisfy the need stated on the licence.

(4) In this section—

“**commercial fisher**” means the holder of a commercial fisher licence under the *Fisheries Act 1994*.

21 Firearms licence—1 category D firearm for occupational culling of animals

(1) A person who, in the conduct of the person's business or employment (whether or not in primary production), has a need for a category D weapon to cull animals may apply for a firearms licence with an endorsement for 1 category D weapon.

(2) The licence authorises the licensee to possess and use 1 category D weapon, but only to satisfy the need stated on the licence.

(3) The licence must state the area where the weapon may be used.

(4) The maximum term for which the licence may be given is 1 year.

22 Firearms licence (instructor)

(1) A firearms licence (instructor) authorises the licensee to possess and use any weapon, at an approved range or elsewhere, in the category endorsed on the licence to provide whichever of the following is stated on the licence—

- (a) a course in firearms safety training approved by the commissioner;
- (b) a training course approved by the commissioner under section 124 of the Act.

(2) However, the licence does not authorise the firing of a weapon unless the firing is done at an approved range for the category of weapon by a person entitled to use the weapon at the range.²

(3) A holder of a firearms licence (instructor) must not allow anyone undertaking a course under the licence to possess or use a weapon that is not supplied by the licensee.

Maximum penalty—10 penalty units.

23 Minor's licence

(1) A minor's licence may be issued only—

- (a) to authorise the licensee to physically possess any category A, B or H weapon to—
 - (i) transport it to and from an approved range for the category of weapon; and
 - (ii) use it under the supervision of a range officer at the approved range for the category of weapon; or
- (b) to authorise the licensee to physically possess any category A or B weapon to use it in primary production on rural land in the conduct of the licensee's business or employment; or
- (c) to authorise the same possession and use of a weapon that is available to an adult under any of sections 19, 20 or 20A.

² See the Act, sections 52(2) and 53 and part 4, division 5 for supervision and other requirements at approved ranges.

(2) A minor's licence authorises the possession and use of the weapon of the category or type stated on the licence for the purpose stated on the licence.

(3) A minor's licence may be issued for a category C weapon only if the applicant would be entitled to a licence endorsed under section 19, 20 or 20A for the weapon if the minor were an adult.

24 Theatrical ordnance supplier's licence

(1) A theatrical ordnance supplier's licence authorises the licensee to supply, and possess for the purpose of supply, any of the following in the production of a theatrical, film or television production—

- (a) a blank-fire firearm³ or permanently inoperable firearm;
- (b) a weapon that is not a firearm (other than a category E weapon, an antipersonnel gas, device, mine or substance, an incendiary or inflammable device or a hand grenade);⁴
- (c) any replica of a weapon.

(2) Also, the licence authorises the licensee to use the weapons or replicas to which the licence applies, but only for a purpose mentioned in subsection (1).

(3) The licence must state the effect of subsection (2).

25 Theatrical ordnance supplier's register

The particulars to be entered in the ordnance register under section 117(2) of the Act are as follows—

- (a) the name, residential address and licence number of the other party to the transaction;
- (b) the date and time of each occasion on which physical possession of the weapon was parted with by the licensee or was returned to the licensee;

3 A firearm that is temporarily incapable of firing a projectile while it is equipped with an adaptor is not a blank-fire firearm. See the Act, section 5, definition "blank-fire firearm".

4 The licence may limit the persons to whom weapons under the licence may be supplied. See the Act, section 118(2).

- (c) the type, action, make, model, serial number and calibre of the weapon.

(2) An entry in the ordnance register may be corrected by putting a line through the incorrect words, without making the words illegible, and writing the correct words in a suitable place in the register.

25A Miscellaneous weapons licence

(1) A miscellaneous weapons licence may only be issued for—

- (a) a category E weapon; or
- (b) a category R weapon mentioned in the *Weapons Categories Regulation 1997*, section 8(m) or (o) (a **“historical or military weapon”**); or
- (c) a category R weapon mentioned in section 8(n) or (r) of that regulation (a **“martial arts weapon”**).

(2) A miscellaneous weapons licence may only be issued for a category E weapon, if an authorised officer is satisfied the applicant for the licence has—

- (a) a special occupational need for the weapon; or
- (b) an exceptional need for the weapon for self-preservation that can not be satisfied in another way.

(3) If the applicant applied for a miscellaneous weapons licence for a category E weapon, the licence authorises the licensee to possess and use the type of category E weapon stated on the licence, but only to satisfy the need stated on the licence.

(4) A miscellaneous weapons licence may only be issued for a historical or military weapon if an authorised officer is satisfied the applicant is a current member of a club that—

- (a) is, or is affiliated with, a State, national or international historical, or military re-enactment, organisation; or
- (b) is a genuine historical, or military re-enactment, organisation that gives training in the use of the type of weapon.

(5) If the applicant applied for a miscellaneous weapons licence for a historical or military weapon, the licence authorises the licensee to possess and use the type of historical or military weapon stated on the licence, but only to engage in the activities of the club.

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(6) A miscellaneous weapons licence may only be issued for a martial arts weapon if an authorised officer is satisfied the applicant is a current member of a club that—

- (a) is, or is affiliated with, a State, national or international martial arts organisation; or
- (b) is a genuine martial arts training organisation that gives training in the use of the type of weapon.

(7) If the applicant applied for a miscellaneous weapons licence for a martial arts weapon, the licence authorises the licensee to possess and use the type of martial arts weapon stated on the licence, but only to engage in the activities of the club.

(8) A holder of a miscellaneous weapons licence must take reasonable precautions to ensure that weapons under the licence are not accessible to persons who are not lawfully entitled to physically possess the weapons.

Maximum penalty—10 penalty units.

25B Group licence—what licence authorises

(1) A group licence may be issued only—

- (a) to an individual or body to satisfy an occupational need of the individual or body to possess a weapon; or
- (b) to a body that is a sports or target shooting club to satisfy its needs in sports or target shooting to possess a weapon.

(2) A group licence may be issued only for a weapon that may be possessed under the following licences, and for the purpose for which those licences may be issued—

- (a) a firearms licence; or
- (b) a firearms licence (instructor); or
- (c) a concealable firearms licence; or
- (d) a miscellaneous weapons licence.

(3) For a licensee who is an individual, a group licence authorises—

- (a) the licensee to possess and use the weapons or type or category of weapons stated on the licence (the “**weapons**”) for the purpose stated on the licence; and

- (b) the licensee's employees to physically possess and use the weapons for the purpose stated on the licence.

(4) For a licensee that is a body mentioned in subsection (1)(a), a group licence authorises—

- (a) the non-physical possession of the weapons by the licensee for the purpose stated on the licence; and
- (b) the licensee's officers and employees to physically possess and use the weapons for the purpose stated on the licence.

(5) For a licensee that is a sports or target shooting club, a group licence authorises—

- (a) the non-physical possession of the weapons by the licensee for the purpose stated on the licence; and
- (b) the licensee's members, officers and employees to physically possess and use the weapons to engage in the club's lawful shooting activities.

(6) However, a group licence does not authorise a member, officer or employee of a body to possess or use a weapon unless he or she—

- (a) is an individual who holds a current licence that gives him or her rights to possess and use a weapon of the same type as that which is to be possessed or used under the group licence; or
- (b) is a range officer within the meaning of section 108(2) of the Act who holds any current licence.

(7) Also, a group licence only authorises a person who is a member, officer or employee of a body to possess or use a weapon for the specific purpose for which the weapon was issued to the person by the body.

25C Group licences—other provisions

(1) An application for a group licence is taken to be an application for each class of licence mentioned in section 25B that is appropriate to the weapons proposed to be stated on the licence, including for endorsements under sections 19 to 21.

(2) A group licence may not be issued to authorise anything that may only be authorised under a security licence (organisation) or security licence (guard).

(3) After a person who has physical possession of a weapon under a group licence has finished engaging in the specific activity for which the weapon was issued to the person, the person must return the weapon to the body's secure storage facilities as soon as practicable.

Maximum penalty—10 penalty units.

(4) The holder of a group licence must keep a register containing—

- (a) the name and licence number of each person to whom a weapon was issued under the licence; and
- (b) the weapon's serial number; and
- (c) if the holder is a sports or target shooting club—
 - (i) the date each person took physical possession of the weapon; and
 - (ii) the date the weapon was returned to the body's secure storage facilities; and
- (d) if the holder is not a sports or target shooting club—
 - (i) the date and time each person took physical possession of the weapon; and
 - (ii) the date and time the weapon was returned to the body's secure storage facilities.

(5) If the information is about—

- (a) the issue of the weapon to the person—it must be entered when the weapon is issued; or
- (b) anything else—it must be entered when the weapon is returned to the body's secure storage facilities.

PART 4—DEALERS AND ARMOURERS

26 What dealer's licence authorises

(1) A dealer's licence authorises the licensee to carry on the business of—

- (a) buying, selling, transferring or broking any weapons (other than in category R) stated on the licence; and
- (b) broking the acquisition of any permanently inoperable or blank-fire weapons in category R by the holder of a theatrical ordnance supplier's licence, or of any permanently inoperable weapons in category R by the holder of a collector's licence (weapons); and
- (c) receiving, dispatching, repairing or storing the weapons.

(2) However, a weapon stored under the licence may only be stored at the approved place endorsed on the licence for the secure storage of weapons.

(3) The licence does not authorise the supply on a temporary basis of weapons for use in theatrical, film or television productions if the supply involves no change in ownership.

27 What armourer's licence authorises

(1) An armourer's licence authorises the licensee to store, manufacture, modify or repair any weapon in the course of the licensee's business of storing, manufacturing, modifying or repairing weapons.

(2) However, the licence only authorises the manufacture or modification of a weapon at premises approved by an authorised officer and stated on the licence.

28 Particulars dealers and armourers must obtain and record in weapons register before transaction

The particulars a licensed dealer or licensed armourer must enter in the weapons register under section 73 of the Act are the name, residential address and licence number of the other party to the transaction.

29 Other particulars dealers and armourers must enter in weapons register

(1) The particulars a licensed dealer or licensed armourer must enter in the weapons register under section 71(2) of the Act are as follows—

- (a) the date of the receipt, acquisition, sale or transfer of the weapon;

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- (b) the type, action, make, model, serial number and calibre of the weapon;
- (c) the magazine or chamber capacity of the weapon.

(2) An entry in the weapons register may be corrected by putting a line through the incorrect words, without making the words illegible, and writing the correct words in a suitable place in the register.

(3) If the register is a computer register, the licensed dealer or licensed armourer must, no later than the seventh day of each month—

- (a) produce a print-out of the part of the register that records information about transactions that took place within the previous month; and
- (b) bind the print-out in book form with all other print-outs produced under this subsection for the licence.

(4) The print-out must also include a statement that identifies all weapons held under the licence as at the end of the previous month by their type, action, make, model, serial number, calibre or magazine capacity.

Maximum penalty for subsection (3)—10 penalty units.

PART 5—STORAGE MEASURES FOR ARMOURERS, DEALERS, AND THEATRICAL ORDNANCE SUPPLIERS

30 How weapons may be stored

(1) A weapon possessed under an armourer's, dealer's or theatrical ordnance supplier's licence that is not in the licensee's physical possession may only be stored unloaded in a locked gun rack, safe or vault in premises complying with this part ("**the premises**").

(2) However, a licensed dealer who has no more than a total of 20 weapons of category A or B on the premises need only store the weapons in a safe or vault complying with this part.

(3) To prevent any doubt, it is declared that subsection (1) does not apply while a weapon is in the physical possession of a body's

representative endorsed on the licence, or another individual, under the authority of a licence held by the body.

31 Floor

The floor of the premises must—

- (a) be made of concrete at least 100 mm thick; or
- (b) be made of another material and have steel security rails fitted around the base of the premises that prevent under-floor access to the premises.

32 Walls

The walls of the premises must be made of—

- (a) brick, concrete or solid timber; or
- (b) if the person starts business at the premises after 30 September 1997—brick or concrete.

33 Ceiling

(1) If the ceiling of the premises is not made of concrete, steel mesh must be securely fixed into position to prevent access through the ceiling from above.

(2) The steel rods that the mesh is made of must—

- (a) be at least 5 mm in diameter; and
- (b) be arranged in a square or rectangle, of which no side is over 200 mm long.

34 External doors

(1) This section applies to any door able to give access into the premises.

(2) The door must have 1 padbolt fitted within 300 mm of its top and 1 padbolt fitted within 300 mm of its bottom, and a built-in deadlock.

(3) If the padbolt is on the outside of the door, the padbolt must have a sturdy padlock.

(4) The deadlock and padlock must always be locked (other than for the time necessary to have the premises open for a proper purpose).

(5) A door (other than a glass shopfront door) must be made of steel or solid timber and have steel door jambs.

(6) A glass shopfront door must be made of laminated glass in a metal frame and have metal door jambs and a grill.

(7) The pins inside the door hinges must be incapable of ready removal.

35 Grills for windows and shopfront doors

(1) This section applies to a grill for a window or shopfront door required under this part.

(2) The grill—

(a) must have steel bars at least 15 mm square or in diameter that cover the whole door or window; and

(b) if the construction of the premises allows—must be fitted between the glass and the interior of the premises.⁵

(3) The grill must be bolted to the premises by hardened steel bolts at least 10 mm in diameter with the bolt or its nut welded to the grill.

(4) The centre-line of the bars must be no more than 150 mm apart.

(5) The grill must have pieces of steel fitted at right angles to the bars that prevent the bars from being spread.

(6) The pieces of steel must be at intervals of no more than 500 mm.

36 Burglar alarms

(1) The premises must have a burglar alarm system able to detect any entry into the premises by any means and the breakage of any glass door or window and instantly activate—

(a) a loud siren outside the premises; and

(b) a remote alarm at the place where the alarm is required to be monitored or connected.

⁵ This is so the glass must be broken first before attacking the grill.

(2) The siren must have a flashing blue strobe light and its own self-contained power source.

(3) The remote alarm must always be monitored by a security service.

(4) However, if that monitoring is not available, the remote alarm must always be connected to the ordinary place of residence of the armourer, dealer or theatrical ordnance supplier.

(5) Each of the system's sensors must have an anti-tamper circuit that is always operating (even if the alarm is not set).

(6) The system's controls must be out of view from, and protected against access by, unauthorised persons.

37 Vaults and safes

(1) A vault in the premises must be made of concrete or concrete blocks filled with concrete.

(2) The vault door must be made of steel and have—

- (a) steel door jambs; and
- (b) a built-in deadlock or combination lock; and
- (c) hinges that are welded to the door and door jamb.

(3) A safe in the premises must be made of steel and—

- (a) weigh at least 150 kg; or
- (b) be fixed to the premises by welding or hardened steel bolts at least 10 mm in diameter.

38 General requirements—gun racks

(1) A gun rack required under this part must have sturdy metal bars, grills or chains, to secure the weapons, locked in place by a sturdy keyed lock or keyed padlock.

(2) The gun rack must be fixed to the premises by welding or hardened steel bolts at least 10 mm in diameter.

(3) Not more than 10 guns may be kept in the gun rack.

PART 6—STORAGE MEASURES FOR COLLECTORS

39 Construction of premises where collection stored

(1) A weapon possessed under a collector's licence (weapons) that is not in the licensee's physical possession must be stored unloaded—

- (a) in a locked container, or locked gun rack, in a locked room (the “**storeroom**”) complying with this part; or
- (b) in a locked vault complying with this part.

(2) However, a person need not comply with subsection (1) if—

- (a) for a category H weapon made permanently inoperable, the way the weapon is stored complies with section 60(3) and (4); or
- (b) for a weapon other than a category H weapon—
 - (i) there are no more than 30 weapons at the premises where the weapon is; and
 - (ii) the way the weapon is stored complies with section 60(2) to (4).

(3) To prevent any doubt, it is declared that subsection (1) does not apply while a weapon is in the physical possession of a body's representative endorsed on the licence, or another individual, under the authority of a licence held by the body.

40 Vault

(1) A vault must be made of concrete or concrete blocks filled with concrete.

(2) The vault door must be made of steel and have—

- (a) steel door jambs; and
- (b) a built-in deadlock or combination lock; and
- (c) hinges that are welded to the door and door jamb.

41 Storeroom

(1) A storeroom must be, or be part of, a permanent building.

(2) Each external wall of the storeroom must be made of brick, concrete or solid timber.

(3) Each window able to give access to the storeroom must be completely covered by a securely fixed steel or aluminium security screen.

(4) Each door able to give access to the storeroom must—

(a) be made of solid metal or solid timber; and

(b) have a built-in deadlock; and

(c) have 1 padbolt fitted within 300 mm of its top and 1 padbolt fitted within 300 mm of its bottom.

(5) If the padbolt is on the outside of the door, the padbolt must have a sturdy padlock.

(6) If the door hinge is accessible from outside, each pin inside the hinge must be made incapable, by welding or otherwise, of removal.

42 Gun racks in which collection stored

(1) A gun rack required under this part must have sturdy metal bars, grills or chains, to secure the weapons, locked in place by a sturdy keyed lock or keyed padlock.

(2) The gun rack must be fixed to the premises by welding or hardened steel bolts at least 10 mm in diameter.

(3) Not more than 10 guns may be kept in the gun rack.

43 Container in which collection stored

(1) A container in which a collection is stored must—

(a) for a category D, H or R weapon—be made of solid steel and be bolted to the frame or floor of the building; or

(b) for another weapon—

(i) be made of solid steel or solid timber; and

(ii) if the container weighs less than 150 kg—be securely fixed to the frame or floor of the building.

(2) The container must—

(a) have a sturdy combination lock, keyed lock or keyed padlock; and

- (b) always be locked (other than for the time necessary to insert or remove a weapon, or something else, for a proper purpose).

44 Collection register

(1) The particulars a licensed collector must enter in the collection register under section 81(2) of the Act are as follows—

- (a) the name, residential address and licence number of each party to the transaction;
- (b) the type, action, make, model, serial number and calibre of the weapon;
- (c) the magazine or chamber capacity of the weapon;
- (d) the date of receipt, acquisition, sale or transfer of the weapon.

(2) An entry in the collection register may be corrected by putting a line through the incorrect words, without making the words illegible, and writing the correct words in a suitable place in the register.

PART 7—SECURITY ORGANISATIONS AND SECURITY GUARDS

45 Definition for part

In this part—

“**employee**” of a security organisation includes a person engaged in any way by the security organisation to perform duties for it.

46 Maximum term of security licence (guard)

The maximum term for which a security licence (guard) may be given is 1 year.

47 Security guard to complete training course annually—Act, s 124

An applicant for renewal of a security licence (guard) must satisfactorily complete a training course, approved by the commissioner, in the 60 day period immediately before the day of the application.

48 What security licence (guard) authorises

(1) A security licence (guard) may only be issued for a category C or H weapon that may be carried under section 54, or a category E weapon.

(1A) A security licence (guard) may only be issued to the following persons if the person holds a security officer's licence under the *Security Providers Act 1993*—

- (a) an employed security guard;
- (b) a security guard who is applying for the licence to guard another person's property.

(2) Subject to subsection (1), a security licence (guard) authorises the licensee—

- (a) if the licensee is an employee of the holder of a security licence (organisation)—to physically possess and use any weapon of the category endorsed on the licence in performing duties as a security guard for the employer; or
- (b) to possess and use any weapon of the type endorsed on the licence in performing duties as a security guard in a business in which the licensee is the only person who performs security guard duties, but only if the duties are not performed under a contract or another arrangement with a security organisation.

(3) However, the licence does not authorise a security guard to possess or use a weapon—

- (a) in a place if the reason or part of the reason the security guard is at the place is to maintain order at the place; or
- (b) for private inquiry work; or
- (c) for process serving or debt collection.

(3A) Also, the licence does not authorise a security guard to physically possess a weapon unless the security guard duties actually being performed reasonably necessitate the weapon's physical possession.

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Example of security guard duties which reasonably necessitate the physical possession of a weapon—

Escorting cash or valuables.

(4) If the duties as a security guard are performed as an employee, the licence only authorises the licensee to physically possess and use a weapon issued to the licensee by the employer during a shift worked for the employer.

(5) If the duties as a security guard are performed as an employee, the licensee must return the weapon to the employer at the premises where it was issued to the licensee at or before the end of the shift.

Maximum penalty—10 penalty units.

(6) However—

- (a) if the employer required the security guard to perform security guard duties at least 250 km from the premises where the weapon was issued (“**remote guard duties**”); and
- (b) the security guard is no longer required to perform remote guard duties;

the shift lasts until the earliest practicable time at which the security guard can return the weapon to the employer after stopping performing remote guard duties.

(7) An individual who carries on business on the individual’s own account as a security guard must place the weapon in the individual’s secure storage facilities at the earliest practicable time after the individual stops performing the guard duties that reasonably necessitated the weapon’s physical possession.

Maximum penalty—10 penalty units.

49 Security licence (organisation)

(1) A security licence (organisation) may only be issued—

- (a) to an organisation that holds a security firm’s licence under *Security Providers Act 1993*; and
- (b) for a category C or H weapon that may be carried by a security guard under section 54 or a category E weapon.

(2) Subject to subsection (1), a security licence (organisation) authorises—

- (a) the licensee to possess any weapon of the category endorsed on the licence in the course of the organisation's conduct as a security organisation; and
- (b) the organisation's representative endorsed on the licence to physically possess the weapon (other than to perform duties as a security guard) in the course of the organisation's conduct as a security organisation; and
- (c) the organisation to allow its employees to have physical possession of the weapon in the course of the organisation's conduct as a security organisation.

(3) However, a security organisation may only allow an employee (other than its endorsed representative) to physically possess a weapon if the employee holds a security licence (guard) or a firearms licence (instructor).

(4) A weapon may only be physically possessed or used to perform a security guard duty or for security guard training if it was issued by the licensee during a shift worked by the person to whom the weapon is issued.

(5) However, the licence does not authorise a person to physically possess or use a weapon, or authorise the organisation to allow an employee to physically possess a weapon—

- (a) in a place if the reason or part of the reason the security guard is at the place is to maintain order at the place; or
- (b) for private inquiry work; or
- (c) for process serving or debt collection.

(6) Also, the licence does not authorise a person to physically possess a weapon unless the security guard duties actually being performed reasonably necessitate the physical possession of the weapon.

Example of security guard duties which reasonably necessitate the physical possession of a weapon—

Escorting cash or valuables.

50 Security precautions for security organisation

(1) An organisation that holds a security organisation licence must take reasonable precautions to ensure that weapons under the licence are not accessible to a person other than—

- (a) the organisation's endorsed representative; or

- (b) an employee of the organisation who holds a security licence (guard) or a firearms licence (instructor).

Maximum penalty—10 penalty units.

(2) A weapon possessed under a security licence (organisation) that is not in the organisation's physical possession must be stored unloaded on the premises stated in the licence in a locked safe or vault.

(3) The vault must be made of concrete or concrete blocks filled with concrete.

(4) The vault door—

- (a) must be made of steel and have steel door jambs; and
- (b) must have a built-in deadlock or combination lock; and
- (c) must have hinges that are welded to the door and door jamb.

(5) The safe must be made of steel and—

- (a) weigh at least 150 kg; or
- (b) be fixed to the premises by welding or hardened steel bolts at least 10 mm in diameter.

(6) To prevent any doubt, it is declared that subsection (2) does not apply while a weapon is in the physical possession of a body's representative endorsed on the licence, or another individual, under the authority of a licence held by the body.

51 Employed security guard's entries in security organisation register

(1) The information a security guard must record in the security organisation register under section 126 of the Act is as follows—

- (a) the guard's name and licence number;
- (b) the weapon's serial number;
- (c) the date and time the guard took physical possession of the weapon;
- (d) the date and time the guard returned the weapon to the security organisation;

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- (e) if the weapon was fired while in the guard's physical possession—the identity of the person, if known, or the thing, at which the weapon was fired and the reason for firing;
 - (f) if the weapon left the guard's physical possession before being returned to the security organisation—how it came to leave the guard's possession and any information the guard has about the weapon's possession or use while out of the guard's possession.
- (2) If the information is about—
- (a) the issue of the weapon to the security guard—it must be entered when the weapon is issued; or
 - (b) anything else—it must be entered when the weapon is returned to the security organisation.

51A Security guard's entries in security guard's register

(1) The information a security guard must record in the security guard's register under section 126A of the Act is as follows—

- (a) the guard's name and licence number;
 - (b) the weapon's serial number;
 - (c) the date and time the guard took physical possession of the weapon;
 - (d) the date and time the guard placed the weapon in the licensee's secure storage facilities;
 - (e) if the weapon was fired while in the guard's physical possession—the identity of the person, if known, or the thing, at which the weapon was fired, and the reason for firing;
 - (f) if the weapon left the guard's physical possession during the time the weapon was away from the licensee's secure storage facilities—how it came to leave the guard's possession and any information the guard has about the weapon's possession or use while out of the guard's possession.
- (2) If the information is about—
- (a) taking physical possession of the weapon—it must be entered when physical possession is taken; or

- (b) anything else—it must be entered at the earliest practicable time after the individual stops performing the guard duties that reasonably necessitated the weapon's physical possession.

52 Security organisation register

(1) The information a security organisation must record in the security organisation register kept under section 128(1) is as follows—

- (a) for each occasion a security guard records information in the register—whether or not the person making the entry in the register on behalf of the organisation believes each entry made by the security guard is correct;
- (b) if the person making the entry on behalf the organisation believes an entry is incorrect—the reasons for the belief;
- (c) the name of the person making the entry in the register on behalf of the organisation.

(2) An entry required to be made by a security organisation must be made immediately after a security guard records information in the register under section 51.

(3) The entry must be made by a person other than the security guard to whom the entry relates unless the security guard is the representative of the organisation endorsed on the organisation's licence.

(4) A police officer may require a security organisation to immediately produce its register to the police officer for inspection.

53 Restriction on type of ammunition security guard may use

(1) A person performing duties as a security guard must not use ammunition other than—

- (a) for a category H weapon—factory loaded semi-wad cutter or hollow point projectiles or glasser safety cartridges; or
- (b) for a category C shotgun—factory loaded cartridges with a pellet size not less than that of bird shot and not more than that of SSG.

Maximum penalty—10 penalty units.

(2) A person performing duties as a security guard, other than as an employee, must not use ammunition unless—

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- (a) the person purchased the ammunition new no more than 1 year before the day the duties are performed; or
- (b) if paragraph (a) does not apply—the person is reasonably satisfied the ammunition was purchased new no more than 1 year before the day the duties are performed.

(3) An employer must not allow an employee performing duties as a security guard to use ammunition unless the employer issued the ammunition to the employee and—

- (a) the employer purchased the ammunition new no more than 1 year before the day the duties are performed; or
- (b) if paragraph (a) does not apply—the employer is reasonably satisfied the ammunition was purchased new no more than 1 year before the day the duties are performed.

54 Number of weapons a security guard may carry

(1) A person who is protecting another person's property as a security guard must not carry a weapon other than—

- (a) 1 category H weapon of at least .22 calibre but not more than .40 calibre; or
- (b) 1 category C shotgun of 12, 16 or 20 gauge; or
- (c) 1 weapon mentioned in paragraph (a) and 1 weapon mentioned in paragraph (b).

Maximum penalty—10 penalty units.

(2) A person who is protecting the person's own property as a security guard must not carry a weapon other than 1 category H weapon of at least .22 calibre but not more than .40 calibre.

Maximum penalty—10 penalty units.

PART 8—ACQUIRING OR SELLING WEAPON

55 Where to apply for permit to acquire

An application for a permit to acquire may only be made at a police station or establishment.

56 Waiting period for decision on application for permit to acquire

(1) This section prescribes the period for section 42 of the Act.

(2) The period is 28 days after the day the applicant lodges the application for the permit to acquire the weapon.

(3) However, if—

- (a) the applicant already holds a firearm under a licence; or
- (b) an authorised officer is satisfied there are exceptional circumstances;

the period is the remainder of the day on which the applicant lodges the application for the permit.

57 Sale or acquisition of weapon through police officer—Act, s 35(1)(b)(ii) and 36(1)(b)(ii)

A person may acquire or sell a weapon through a police officer if—

- (a) the nearest licensed dealer is more than 100 km from the person's usual place of residence; and
- (b) the police officer is acting in his or her official capacity.

57A Category H weapons—club letter certifying need for weapon

(1) This section applies to an applicant for a permit to acquire a category H weapon who relies, for the application, on a need to possess the weapon for sports or target shooting.

(2) The applicant must lodge a letter with the application containing the following information—

- (a) the applicant's name and address;

- (b) the type of weapon for which the applicant is seeking a permit to acquire;
 - (c) the number and expiry date of the licence relied on to acquire the weapon;
 - (d) the name, and approved shooting club number, of the approved shooting club of which the applicant is a member;
 - (e) a certificate that the applicant—
 - (i) is a current member of the club; and
 - (ii) needs to use the weapon to engage in shooting activities as a member of the club, or in shooting activities of an approved shooting club affiliated with the club.
- (3) The letter must be signed by the applicant, and the certificate must—
- (a) be signed for the club by a member of the governing body of the certifying club; and
 - (b) state that fact.

58 Information to be given to authorised officer on acquisition

- (1) For section 35(2)(b) of the Act, the information is as follows—
- (a) the dealer's name and licence number;
 - (b) the name, address and licence number of the person disposing of the weapon;
 - (c) the date of the acquisition or sale;
 - (d) the type, action, make, model, serial number and calibre of the weapon;
 - (e) the magazine or chamber capacity of the weapon.
- (2) The information must be written on the copy of the permit to acquire and signed by or for the dealer.
- (3) For section 36(2) of the Act, the information is as follows—
- (a) the name, address and licence number of the acquirer of the weapon;
 - (b) the name, address and licence number of the person disposing of the weapon;

- (c) the date of the acquisition or sale;
 - (d) the type, action, make, model, serial number and calibre of the weapon;
 - (e) the magazine or chamber capacity of the weapon;
 - (f) details of the lawful authority, justification or excuse.
- (4) The information must be signed by or for the acquirer, and—
- (a) if there is a permit to acquire—written on the copy of the permit to acquire;
 - (b) otherwise—given in writing.

(5) Information under this section must be sent by registered post to the commissioner to reach the commissioner within 14 days of the acquisition.⁶

PART 9—SAFETY PRECAUTIONS GENERALLY

59 Firearms to be kept unloaded other than when being used to shoot

(1) A person who has a firearm under his or her control (whether or not another has custody of it) must ensure the firearm is unloaded, other than when it is being used to shoot.

Example of what is, or is not, using a weapon to shoot—

To go hunting, X travels with 2 rifles in a car for a short distance. X does not hunt from the moving vehicle. Before and during the travel, X is not using the rifles to shoot.

At the hunt site, X loads the rifles at the start of the hunt. X hunts with 1 rifle in hand and the other in reserve. X takes an afternoon tea break from the hunt and then continues to hunt until dark. No prey is spotted, so no shots are fired.

Both rifles were being used to shoot when they were being loaded and afterwards until dark (other than during the afternoon tea break).

Maximum penalty—10 penalty units.

(2) This section does not apply—

⁶ The address is Weapon's Licensing Branch, Police Headquarters, GPO Box 892, Brisbane 4001.

- (a) if the person has control of the weapon under a security licence (guard); or
- (b) while a weapon is loaded for the purpose of repairing it; or
- (c) to a person doing an approved course of instruction under the supervision of a person holding a firearms licence (instructor).

60 Storage of weapon not in licensee's physical possession—secure storage facilities

(1) This section does not apply—

- (a) to the extent that this regulation otherwise provides; or
- (b) to a weapon possessed under an armourer's, collector's, dealer's or theatrical ordnance supplier's licence or a security licence (organisation); or
- (c) to a weapon to which section 60A applies; or
- (d) if section 60A does not apply to a weapon that is in or on a vehicle and section 61 is complied with.

(2) A person who possesses a weapon must, when the weapon is not in the person's physical possession, store it unloaded in a locked container with the bolt removed or the action broken.

(3) The container must—

- (a) for a category D, H or R weapon (other than a martial arts or historical or military weapon mentioned in section 25A(1))—be made of solid steel and be bolted to the frame or floor of a permanent building; or
- (b) for another weapon—
 - (i) be made of solid steel or solid timber; and
 - (ii) if the container weighs less than 150 kg—be securely fixed to the frame or floor of a permanent building.

(4) The container must also—

- (a) have a sturdy combination lock, keyed lock or keyed padlock; and
- (b) always be locked (other than for the time necessary to insert or remove a weapon, or something else, for a proper purpose).

(5) However, a person who possesses a weapon must, when the weapon is not in the person's physical possession, store it in the way provided in sections 39 to 43, if there are, at the premises where the weapon is, more than—

- (a) a total of 30 category A, B, C or D weapons; or
- (b) 30 category H weapons.

(6) To prevent any doubt, it is declared that subsection (2) does not apply while a weapon is in the physical possession of a body's representative endorsed on the licence, or another individual, under the authority of a licence held by the body.

60A Storage of weapon not in licensee's physical possession—when away from secure storage facilities

(1) This section applies to a weapon in the possession of a person who is—

- (a) the holder of a visitor's licence; or
- (b) a visitor to Queensland to whom section 32(1) of the Act applies; or
- (c) to another person if—
 - (i) the person is away from the person's secure storage facilities; and
 - (ii) it is unreasonable for the person to have to go to those facilities to store the weapon.

(2) A person who possesses a weapon to which this section applies must, when the weapon is not in the person's physical possession, store it unloaded in—

- (a) a securely closed container with the bolt removed or with a trigger lock fitted; or
- (b) a locked container.

(3) The container must be—

- (a) out of sight in a locked room of a permanent building; or
- (b) locked in the boot of a vehicle; or
- (c) out of sight, locked in a vehicle that does not have a boot.

61 Safety precautions for weapons in or on vehicles

(1) A person in control of a weapon (whether or not the person has custody of it) must ensure the weapon is not placed in or on a vehicle unless—

- (a) if the vehicle has a lockable boot—the weapon is locked in the boot; or
- (b) otherwise—
 - (i) the weapon is locked in a metal container fixed to the vehicle; or
 - (ii) the weapon is in a securely closed container that is out of sight in a vehicle.

Maximum penalty—10 penalty units.

(2) The metal container, and anything on or attached to it, must not suggest a weapon is inside.⁷

(3) A person in control of a weapon (whether or not the person has custody of it) must ensure the weapon is not left in an unlocked vehicle if the vehicle is not being attended by someone licensed to possess the weapon.

Maximum penalty—10 penalty units.

(4) This section does not apply to a weapon to which section 60A applies.

62 Restrictions on dispatching weapons—Act, s 66

(1) A weapon may only be dispatched unloaded.

(2) A person who is not a licensed dealer or armourer may only dispatch a weapon to a licensed dealer or armourer or a police officer acting in his or her official capacity.

(3) A weapon may only be dispatched—

- (a) if the dispatcher is not a licensed dealer—by registered post; or

⁷ See section 62 (Restriction on dispatching weapons—Act, s 66) for examples of things that suggest a weapon is inside.

- (b) if the dispatcher is a licensed dealer—by registered post or using a person to whom section 2(1)(1)(i) of the Act applies.⁸

(4) A weapon may only be dispatched inside a sturdy, securely closed container.

(5) The container, and anything on or attached to it (other than an address), must not suggest a weapon is inside.

Examples of how a container or something on or attached to it may indicate a weapon is inside—

1. The container's shape or other features is like a weapon.
2. A mark or label on the container mentions weapons, ammunition or X's Gun Shop, (other than as part of an address).

63 Authorised officer may approve safe storage measures equivalent to those required under this regulation

(1) An authorised officer may, on written application, give the applicant written approval to take a particular safety measure for the safe storage of weapons instead of a measure required under this regulation.

(2) The authorised officer must be satisfied—

- (a) the proposed safety measure gives at least the same level of safety and security as the replaced measure; or
- (b) for a licensed dealer who stocks a maximum of 20 firearms—the proposed measure is adequate to ensure the safety and security of the firearms.

(3) Compliance by the applicant with the approved measure is taken to be compliance with the replaced measure.

63A Storage of restricted items

(1) A person who possesses a restricted item must, when the item is not in the person's physical possession, store it in a locked container.

Maximum penalty—10 penalty units.

⁸ The Act, section 2(1)(1)(i) exempts from the Act persons actually engaged in the warehousing or transport under consignment of merchandise for or on behalf of a licensed dealer.

(2) A person who possesses a restricted item must take reasonable precautions to ensure the item is not accessible to persons who are not lawfully entitled to possess the item.

Maximum penalty—10 penalty units.

PART 10—CERTAIN APPROVALS AND EXEMPTIONS

64 How to apply for a shooting club permit or approval to conduct an arms fair or shooting gallery

(1) An application to conduct an arms fair must be made at, or sent to, a police station or establishment.⁹

(2) An application for a shooting club permit or an approval to conduct a shooting gallery must be in the approved form and made at, or sent to, a police station or establishment.

65 How arms fair to be approved

(1) For section 80(2) of the Act, the authorised officer in approving an application is to act, as far as possible and with all necessary changes, in the same way as for the approval of an application for a licence.

(2) However—

- (a) a time period relating to a licence application does not apply to an application for an arms fair; and
- (b) an approval may be in writing instead of in the approved form.

66 Exemption from provision of Act

(1) An application for an exemption under section 2(1)(m) of the Act must be in writing, accompanied by the prescribed fee, and made at, or sent to, a police station or establishment.

(2) The exemption must be in writing and may state conditions.

⁹ The application must be in or to the effect of the approved form. See the Act, section 80 (Application for approval).

(3) The exemption holder must comply with the conditions.

Maximum penalty—10 penalty units.

(4) If the commissioner is satisfied it is unreasonable to require visitors to Queensland to apply personally at a police station or police establishment for a visitors licence, the commissioner may, by gazette notice, exempt visitors to Queensland from the application of the part of section 13 of the Act that imposes the requirement.

67 Term of approvals and exemptions

An approval or exemption under the Act is for the term stated on the approval or exemption, or if no term is stated, for 5 years.

PART 12—MISCELLANEOUS

73 Modifying firearm to make it “permanently inoperable”—Act, s 7

(1) For section 7 of the Act, the way to modify a firearm to make it incapable of being discharged is—

- (a) to comply with subsections (2) to (5); or
- (b) the way approved under subsection (6).

(2) If the firing pin can be removed as a separate item, the pin must be removed and the end of the pin hole nearest the chamber must be closed with weld.

(3) If the firing pin can not be removed as a separate item, the pin must be ground or cut so it can not strike a round of ammunition in the chamber.

(4) The chamber must be made incapable of taking a round of ammunition by welding a steel insert into the end of the chamber or welding a steel rod vertically across the chamber.

(5) The firing mechanism must be immobilised by welding its internal components together and to the trigger.

(6) An authorised officer may, on written application, give the applicant written approval to make a particular firearm or type of firearm incapable of being discharged, in a stated way.

(7) However, the authorised officer must be satisfied that the way proposed to be approved gives at least the same level of inoperability as compliance with subsections (2) to (5) would give.

74 Fees

(1) The fees payable under the Act (other than a brokerage fee) are in schedule 1.

(2) If a person applies for a miscellaneous weapons licence to authorise in substance what the person may already do under an exemption granted under section 2(1)(m) of the Act, the person is exempt from the fee for the licence.

(2A) The fee for a group licence is the total of the application fees for each class of licence mentioned in section 25B that is appropriate to the weapons to which the application relates.

(3) If the holder of a licence applies for a licence of the same class with an endorsement for additional weapons and the licence will expire on the same day as the holder's existing licence the only fee payable is \$8.00.

(4) If an application for a licence, licence renewal, approval, permit or exemption is refused, the fee less \$20.00 for administration must be refunded.

(5) The brokerage fee under section 35(3) of the Act is \$10.00.

(6) The fees (other than a brokerage fee) and penalties payable under the Act are to be paid to the consolidated fund and costs incurred in relation to proceedings under the Act are payable from the consolidated fund.

(7) In this section—

“**former Act**” see section 173 of the Act.

“**new Act**” see section 173 of the Act.

75 Minimum age to possess safety equipment for boat or aircraft

For section 2(1)(k) of the Act, the age is exactly 17.

76 Search warrants and complaints to be in approved form

A search warrant or complaint for a search warrant under the Act must be in the approved form.

77 Supervision of experienced minor who is at least 11 years at approved range

(1) For section 52(2)(b), a minor who is at least 11 years may be supervised directly by a range officer or a range officer's appointee if—

- (a) the minor has fired a weapon at an approved range on at least 3 separate occasions; and
- (b) no more than 6 minors to whom paragraph (a) applies are supervised by the range officer at the same time.

(2) In this section—

“range officer’s appointee” means an adult appointed by the range officer for the purpose who holds a licence authorising possession of the weapon being used by the minor.

78 Conditions may be imposed about reporting of injuries and property damage at ranges—Act, ss 89(2)(c) and 103(2)(b)

(1) For section 89(2)(c) of the Act, an authorised officer may impose a condition on a shooting club permit requiring the permit holder to give to an authorised officer, within 14 days of the club's nominee first becoming aware, or suspecting, that a prescribed event has happened at a shooting range used by the club, written notice of the event.

(2) For section 103(2)(b) of the Act, an authorised officer may impose a condition on an approval for a range for weapons target shooting requiring the holder of the approval to give to an authorised officer, within 14 days of the holder first becoming aware, or suspecting, that a prescribed event has happened at the range, written notice of the event.

(3) The notice may only relate to injury or damage caused by a firearm used at the range, other than damage to a target or a thing designed as a bullet barrier.

(4) In this section—

“prescribed event” means an injury to a person or damage to property at or in the vicinity of a shooting range.

79 Entities prescribed as government service entities and functions prescribed for them and their employees for the Act's non-application

Schedule 2 sets out the following—

- (a) the entities that are government service entities for section 2(8) of the Act, definition “government service entity”, paragraph (d);
- (b) the functions of the entities for section 2(2)(b) of the Act;
- (c) the functions of the entities’ employees for section 2(2)(b) of the Act.

80 How handcuffs or batons must be worn

(1) A person must not wear handcuffs or a telescopic baton unless the handcuffs or baton are fully concealed in a closed pouch.

Maximum penalty—10 penalty units.

(2) A person must not wear a baton (other than a telescopic baton) unless it is secured in a suitable holder that is securely attached to a belt around the person’s waist.

Maximum penalty—10 penalty units.

(3) In this section—

“wear” does not include wear during a performance, demonstration or re-enactment.

81 Persons prescribed to be “primary producers”

For section 5 of the Act, definition “primary producer”, a “primary producer” includes a holder of a commercial fishers licence under the *Fisheries Act 1994*.

SCHEDULE 1**FEES**

section 74

	\$
1. Application for licence	30.00
2. Licence, or renewal of licence, for each year—	
(a) armourer's licence	62.50
(b) blank-fire firearms licence	10.00
(c) collector's licence (heirloom)	10.00
(d) collector's licence (weapons)	10.00
(e) concealable firearms licence—	
(i) for a pistol club member	15.00
(ii) for anyone else	37.50
(f) dealer's licence—	
(i) for a licence that includes only category A or B weapons	125.00
(ii) for a licence that includes only category C, D, E, H or R weapons	125.00
(iii) for any other licence	250.00
(g) firearms licence	10.00
(h) firearms licence (instructor)	37.50
(i) minor's licence	10.00
(j) security licence (guard)	20.00
(k) security licence (organisation)	250.00
(l) theatrical ordnance supplier's licence	250.00
3. Visitor's licence	31.25
4. Replacement licence	25.00
5. Permit to acquire	18.75
6. Shooting club permit, for each year	37.50
7. Approval—	
(a) to conduct a shooting gallery, for each year	187.50
(b) of a range for weapons target shooting	187.50

SCHEDULE 1 (continued)

	\$
(c) to conduct an arms fair	125.00
(d) to transfer a collection of weapons to other premises.	62.50
(e) to transfer a transferable licence	125.00
(f) for an approved shooting club, to alter, modify or permit alteration or modification of actual firing range, butts of firing line in a material way	187.50
8. Exemption under section 2(1)(m) of the Act	50.00
9. Amendment of conditions applying to an approval of a range for weapons target shooting	25.00
10. Amendment of conditions applying to a shooting club permit	25.00

SCHEDULE 2

GOVERNMENT SERVICE ENTITIES AND PRESCRIBED FUNCTIONS FOR THEM AND THEIR EMPLOYEES FOR THE ACT'S NON-APPLICATION

section 79

1 Queensland Corrections

(1) Queensland Corrections (“QC”) is a government service entity.

(2) QC’s prescribed functions are to conduct the part of the operations of the Queensland Corrective Services Commission QC is engaged to conduct under the *Corrective Services (Administration) Act 1988*, section 19(2)(f).¹⁰

(3) The prescribed functions for a QC employee are the functions of a custodial correctional officer the employee performs for QC when QC is performing the prescribed functions mentioned in subsection (2).

2 Australasian Correctional Management Pty Ltd

(1) Australasian Correctional Management Pty Ltd ACN 051 130 600 (“ACM”) is a government service entity.

(2) ACM’s prescribed functions are to conduct the part of the operations of the Queensland Corrective Services Commission ACM is engaged to conduct under the *Corrective Services (Administration) Act 1988*, section 19(2)(f).

(3) The prescribed functions for an ACM employee are the functions of a custodial correctional officer the employee performs for ACM when ACM is performing the prescribed functions mentioned in subsection (2).

3 Corrections Corporation of Australia

(1) Corrections Corporation of Australia ACN 010 921 641 (“CCA”) is a government service entity.

¹⁰ *Corrective Services (Administration) Act 1988* was repealed (as from 3 April 2001) by the *Corrective Services Act 2000* section 275.

SCHEDULE 2 (continued)

(2) CCA's prescribed functions are to conduct the part of the operations of the Queensland Corrective Services Commission CCA is engaged to conduct under the *Corrective Services (Administration) Act 1988*, section 19(2)(f).

(3) The prescribed functions for a CCA employee are the functions of a custodial correctional officer the employee performs for CCA when CCA is performing the prescribed functions mentioned in subsection (2).

4 Queensland Fire and Rescue Service

(1) Queensland Fire and Rescue Service ("QFRS"), is a government service entity only for the purposes of possessing and using incendiary devices in category R.

(2) QFRS's prescribed functions are its functions under an Act that necessitate the employment of an incendiary device in category R to prevent and control fires.

(3) The prescribed functions for an employee of QFRS are the functions the employee performs in the division of QFRS known as Rural Fire Services when QFRS is performing the prescribed functions mentioned in subsection (2).

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 4 October 2002. Future amendments of the Weapons Regulation 1996 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of earlier reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of earlier reprints, see the latest reprint.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF EARLIER REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	none	15 January 1997	15 January 1997
1A	to SL No. 15 of 1997	31 January 1997	19 February 1997
1B	to SL No. 274 of 1997	29 August 1997	12 September 1997
1C	to SL No. 382 of 1997	14 November 1997	21 November 1997
1D	to SL No. 43 of 1998	20 March 1998	23 March 1998
1E	to SL No. 103 of 1998	1 May 1998	7 May 1998
2	to SL No. 103 of 1998	1 May 1998	3 July 1998
2A	to SL No. 187 of 2001	29 June 2001	16 November 2001
2B	to SL No. 187 of 2001	1 January 2002	15 January 2002

5 List of legislation

Weapons Regulation 1996 SL No. 440

made by the Governor in Council on 19 December 1996
 notfd gaz 20 December 1996 pp 1588–98
 ss 1–2 commenced on date of notification
 remaining provisions commenced 15 January 1997 (see s 2)
exp 1 September 2007 (see SIA s 54)
 amending legislation—

Weapons Amendment Regulation (No. 1) 1997 SL No. 15

notfd gaz 31 January 1997 pp 376–8
 commenced on date of notification

Weapons Amendment Regulation (No. 2) 1997 SL No. 274

notfd gaz 29 August 1997 pp 1987–9
 commenced 29 August 1997 (see s 2 and 1997 No. 48 s 2(1))

Weapons Amendment Regulation (No. 3) 1997 SL No. 382

notfd gaz 14 November 1997 pp 1164–5
 commenced on date of notification

Weapons Amendment Regulation (No. 1) 1998 SL No. 43

notfd gaz 20 March 1998 pp 1219–20
 commenced on date of notification

Weapons Amendment Regulation (No. 2) 1998 SL No. 103

notfd gaz 24 April 1998 pp 1730–2

ss 23–24 commenced 1 May 1998 (see s 2)

remaining provisions commenced on date of notification

Weapons Legislation Amendment Regulation (No. 1) 2001 SL No. 87 pts 1, 3

notfd gaz 29 June 2001 pp 822–5

commenced on date of notification

Weapons Amendment Regulation (No. 1) 2001 SL No. 187

notfd gaz 12 October 2001 pp 492–3

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2002 (see s 2)

Note— A regulatory impact statement and explanatory note were prepared

Weapons Amendment Regulation (No. 1) 2002 SL No. 266

notfd gaz 4 October 2002 pp 423–4

commenced on date of notification

6 List of annotations

Possession or use of weapon unlawful to extent another licence is needed to authorise that possession or use

s 3 amd 1998 SL No. 103 s 4

Possession of weapon for transport not authorised unless necessarily incidental to licence activities

s 3A ins 1998 SL No. 103 s 5

Temporary recognition of interstate licences

s 9 sub 1998 SL No. 103 s 6

Limitation on weapons' physical possession and use under licence held by body

s 12 sub 1998 SL No. 103 s 7

Additional changes in circumstances that must be advised by licensee

s 14 amd 1998 SL No. 103 s 3 sch; 2001 SL No. 87 s 5

Blank-fire firearms licence

s 15 amd 1998 SL No. 103 s 8

What concealable firearms licence authorises

s 16 amd 1998 SL No. 103 s 9

When and how category H firearm may be worn

prov hdg amd 1998 SL No. 103 s 3 sch

s 17 amd 1997 SL No. 15 s 3; 1998 SL No. 103 s 10

Firearms licence—category C shotguns for clay target shooting

s 19 amd 1998 SL No. 103 s 3 sch

Firearms licence—1 category C weapon for occupational fisher

s 20A ins 1998 SL No. 103 s 11

Firearms licence—1 category D firearm for occupational culling of animals

prov hdg amd 1998 SL No. 103 s 3 sch
s 21 amd 1998 SL No. 103 ss 12, 3 sch

Firearms licence (instructor)

s 22 amd 1997 SL No. 382 s 2 sch; 1998 SL No. 103 s 3 sch

Minor's licence

s 23 sub 1998 SL No. 103 s 13

Miscellaneous weapons licence

s 25A ins 1998 SL No. 103 s 14

Group licence—what licence authorises

s 25B ins 1998 SL No. 103 s 14

Group licences—other provisions

s 25C ins 1998 SL No. 103 s 14

What dealer's licence authorises

s 26 amd 1998 SL No. 103 s 15

What armourer's licence authorises

s 27 sub 1998 SL No. 103 s 16

Other particulars dealers and armourers must enter in weapons register

s 29 amd 1998 SL No. 103 s 17

How weapons may be stored

s 30 (3)–(4) exp 14 April 1997 (see s 30(4))
 amd 1998 SL No. 103 s 18

Ceiling

s 33 amd 1998 SL No. 103 s 19

PART 6—STORAGE MEASURES FOR COLLECTORS

pt hdg sub 1998 SL No. 103 s 3 sch

Construction of premises where collection stored

s 39 amd 1998 SL No. 103 s 20; 2002 SL No. 266 s 3

Definition for part

s 45 amd 1998 SL No. 103 s 3 sch

What security licence (guard) authorises

s 48 amd 1998 SL No. 103 s 21

Security licence (organisation)

s 49 amd 1998 SL No. 103 s 22

Security precautions for security organisation

s 50 amd 1997 SL No. 15 s 4; amd 1998 SL No. 103 s 23

Employed security guard's entries in security organisation register

prov hdg amd 1998 SL No. 103 s 3 sch
s 51 amd 1997 SL No. 15 s 5; 1998 SL No. 103 s 3 sch

Security guard's entries in security guard's register

s 51A ins 1998 SL No. 103 s 24

Security organisation register

s 52 amd 1997 SL No. 15 s 6; 1998 SL No. 103 s 3 sch

Restriction on type of ammunition security guard may use

s 53 amd 1997 SL No. 15 s 7

Number of weapons a security guard may carry

s 54 amd 1998 SL No. 103 s 25

Waiting period for decision on application for permit to acquire

s 56 sub 1998 SL No. 103 s 26

Category H weapons—club letter certifying need for weapon

s 57A ins 1998 SL No. 103 s 27

Information to be given to authorised officer on acquisition

s 58 amd 1997 SL No. 15 s 8

Storage of weapon not in licensee's physical possession—secure storage facilities

prov hdg amd 1998 SL No. 103 s 28(1)

s 60 amd 1998 SL No. 103 s 28(2)–(4)

Storage of weapon not in licensee's physical possession—when away from secure storage facilities

s 60A ins 1998 SL No. 103 s 29

Safety precautions for weapons in or on vehicles

s 61 amd 1998 SL No. 103 s 30

Restrictions on dispatching weapons—Act, s 66

s 62 amd 1997 SL No. 382 s 2 sch

Storage of restricted items

s 63A ins 1998 SL No. 103 s 31

Exemption from provision of Act

s 66 amd 1997 SL No. 382 s 2 sch

PART 11—COMPENSATION

pt hdg exp 30 September 1998 (see s 72)

Surrender of weapons

s 68 exp 30 September 1998 (see s 72)

Claiming compensation

s 69 exp 30 September 1998 (see s 72)

Compensation for surrendered weapons

s 70 exp 30 September 1998 (see s 72)

Compensation for loss of business

s 71 amd 1998 SL No. 43 s 3

exp 30 September 1998 (see s 72)

Expiry of part

s 72 exp 30 September 1998 (see s 72)

Modifying firearm to make it “permanently inoperable”—Act, s 7

s 73 amd 1998 SL No. 103 s 32

Fees

s 74 amd 1997 SL No. 274 s 4; 1997 SL No. 382 s 2 sch; 1998 SL No. 103 s 33

Minimum age to possess safety equipment for boat or aircraft

s 75 amd 1997 SL No. 382 s 2 sch

Supervision of experienced minor who is at least 11 years at approved range

prov hdg amd 1997 SL No. 382 s 2 sch

s 77 amd 1997 SL No. 382 s 2 sch

Entities prescribed as government service entities and functions prescribed for them and their employees for the Act’s non-application

s 79 sub 1997 SL No. 274 s 5

How handcuffs or batons must be worn

s 80 ins 1998 SL No. 103 s 34

Persons prescribed to be “primary producers”

s 81 ins 1998 SL No. 103 s 34

SCHEDULE 1—FEES

sch hdg sub 1997 SL No. 274 s 6

amd 1997 SL No. 15 s 9; 1997 SL No. 382 s 2 sch

sub 2001 SL No. 187 s 4

SCHEDULE 2—GOVERNMENT SERVICE ENTITIES AND PRESCRIBED FUNCTIONS FOR THEM AND THEIR EMPLOYEES FOR THE ACT’S NON-APPLICATION**Queensland Corrections**

s 1 ins 1997 SL No. 274 s 7

amd 1997 SL No. 382 s 3

Australasian Correctional Management Pty Ltd

prov hdg amd 1997 SL No. 382 s 4(1)

s 2 ins 1997 SL No. 274 s 7

amd 1997 SL No. 382 s 4(2)–(3)

Corrections Corporation of Australia

s 3 ins 1997 SL No. 274 s 7

amd 1997 SL No. 382 s 5

Queensland Fire and Rescue Service

prov hdg amd 2002 SL No. 266 s 4(1)

s 4 ins 1998 SL No. 103 s 35

amd 2002 SL No. 266 s 4(2)–(5)

