



*Weapons Act 1990*

# **Weapons Regulation 1996**

**Reprinted as in force on 14 October 2005**

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**Also see endnotes for information about—**

- **when provisions commenced**
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## Queensland

# Weapons Regulation 1996

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# **Weapons Regulation 1996**

[as amended by all amendments that commenced on or before 14 October 2005]

## **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.

### **2A Definitions**

The dictionary in schedule 3 defines particular words used in this Act.

## **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

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- (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
  - (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**

(1) 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.

(2) For section 18B<sup>1</sup> of the Act, the period is 1 year immediately before the declaration is made.

#### **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—

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<sup>1</sup> Section 18B (Additional application requirements for concealable firearms licence) of the Act

- (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;
- (c) to participate in a shooting competition conducted by a club that is, or is affiliated with, an organisation that is recognised by the commissioner as being—
  - (i) a State or national archery organisation; or
  - (ii) a State, national or international historical or military re-enactment organisation; or

- (iii) a genuine historical or military re-enactment organisation that gives training in the use of category M crossbows.

## **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 firearm or type of firearm—
  - (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.
- (5) A person who—
  - (a) is a resident of another country; and
  - (b) is visiting Queensland to participate in an internationally recognised shooting competition;
 is exempt from paying the application fee for a visitor's licence.
- (6) In this section—
 

*firearm* includes a category M crossbow.

## **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)(g) 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*,<sup>2</sup> 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.

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<sup>2</sup> Now see the *Mental Health Act 2000*, section 546.

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- 3 Revocation of a weapons licence, approval or other authorisation.
- 4 Forfeiture, or police seizure, of a weapon.

**14A Licence conditions**

- (1) A condition may be stated on a licence by a code.
- (2) A code in schedule 1A that is stated on a licence is taken to be the corresponding condition in schedule 1A.

**14B Transfer of firearm between licensee's licences**

- (1) This section applies if a licensee who is an individual—
  - (a) has more than 1 licence; and
  - (b) has a firearm endorsed on 1 licence; and
  - (c) wants to transfer the endorsement to another licence (the *other licence*).
- (2) The licensee must apply to an authorised officer to transfer the endorsement to the other licence.
- (3) The application must—
  - (a) be made in the approved form; and
  - (b) for a category B, C, D or H weapon—state the licensee's reason for needing to transfer the endorsement to the other licence, and why this need can not be satisfied in another way; and
  - (c) be accompanied by—
    - (i) if the application is to transfer the endorsement of a temporarily inoperable modern handgun to a collector's licence (weapons)—a declaration signed by an approved historical society's representative stating that the representative is satisfied that the weapon is of obvious and significant commemorative, historic, thematic or investment value; and
    - (ii) any other relevant particulars that the authorised officer reasonably requires.



- (4) The authorised officer must decide the application as if it were an application for a licence of the same type as the other licence.
- (5) For that purpose, sections 14 to 16<sup>3</sup> of the Act apply to the application as if it were an application for a licence of the same type as the other licence.

**14C Recreational shooting club—Act, s13(3)(b)**

A recreational shooting club that is an approved weapons club is prescribed for section 13(3)(b) of the Act.

## **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

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3 Sections 14 (Inquiries into application), 15 (Authorised officer decides application) and 16 (Issue of licence) of the Act

- (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.<sup>4</sup>

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.
- (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—

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<sup>4</sup> This section applies to all concealable firearms, whether or not under a concealable firearms licence, for example those worn by security guards.

- (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 because of a medical condition, that is signed by a doctor, 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.

### **21A Concealable firearms licence for sports or target shooting**

- (1) This section applies to a person who has surrendered a concealable firearms licence for sports or target shooting under section 68K(5).<sup>5</sup>
- (2) An authorised officer must not issue a concealable firearms licence for sports or target shooting to the person if the person applies for the licence within 5 years after the person received compensation under section 176 of the Act.

### **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.<sup>6</sup>
- (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.

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<sup>5</sup> Section 68K (Compensation—other handguns and related matters)

<sup>6</sup> See the Act, sections 52(2) and 53 and part 4, division 5 for supervision and other requirements at approved ranges.

**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) 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.

**23A Conditions for minor's licence**

- (1) It is a condition of a minor's licence that the licensee must not possess any of these category H weapons under the authority of a minor's licence—
  - (a) a weapon that—
    - (i) is semi-automatic; and
    - (ii) has a barrel length of less than 120mm, unless it has an overall length of at least 250mm measured parallel to the barrel; or
  - (b) a weapon that—
    - (i) is not semi-automatic; and



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- (ii) has a barrel length of less than 100mm, unless it has an overall length of at least 250mm measured parallel to the barrel; or
- (c) a weapon with a magazine with a maximum capacity of more than 10 rounds; or
- (d) a weapon designed to be used without a magazine that has a maximum capacity of more than 10 rounds; or
- (e) a weapon that has a calibre of more than .38 inch.
- (2) Despite subsection (1)(e), an authorised officer may, by condition endorsed on the licence, authorise the licensee to possess a category H weapon if the authorised officer is satisfied that the licensee is to possess the weapon for use in an accredited event.
- (3) In this section—  
*category H weapon* does not include a black-powder pistol.

## 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 firearm<sup>7</sup> 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);<sup>8</sup>
  - (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

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<sup>7</sup> 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, schedule 2 (Dictionary), definition *blank-fire firearm*.

<sup>8</sup> The licence may limit the persons to whom weapons under the licence may be supplied. See the Act, section 118(2).

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;
  - (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 M crossbow; or
  - (c) a category M weapon mentioned in the *Weapons Categories Regulation 1997*, section 7A(h) or (j) (a *martial arts weapon*); or
  - (d) a category M weapon mentioned in section 7A(i) or (m) of that regulation (a *historical or military 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.

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- (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 category M crossbow, if an authorised officer is satisfied the applicant for the licence—
  - (a) has the written permission of a landholder to engage in recreational shooting on the landholder's land; or
  - (b) is, or is affiliated with, an organisation that is recognised by the commissioner as being—
    - (i) a State or national archery organisation; or
    - (ii) a State, national or international historical or military re-enactment organisation; or
    - (iii) a genuine historical or military re-enactment organisation that gives training in the use of category M crossbows.
- (4A) An organisation mentioned in subsection (4)(b)(i), (ii) or (iii) that is an approved weapons club under part 11A is taken to be a club that is recognised by the commissioner for subsection (4)(b).
- (5) If the applicant applied for a miscellaneous weapons licence for a category M crossbow, the licence authorises the licensee to possess and use the type of category M crossbow stated on the licence, but only for the purpose stated on the licence.
- (6) 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.
- (7) 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

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weapon stated on the licence, but only to engage in the activities of the club.

- (8) 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.
- (9) 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.
- (10) 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.

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- (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 category R weapons or restricted category M weapons) 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 any weapons.

*Example for paragraph (c)—*

Receiving a weapon delivered to the licensed dealer under section 30(5) or 137(2)(b) of the Act.

- (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.
- (4) In this section—

***restricted category M weapon*** means a weapon described in the *Weapons Categories Regulation 1997*, section 7A(a), (c), (d), (f), (j), (k) or (m).

### 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;
  - (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, B or M 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 100mm 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 5mm in diameter; and
  - (b) be arranged in a square or rectangle, of which no side is over 200mm 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 300mm of its top and 1 padbolt fitted within 300mm 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 15mm 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.<sup>9</sup>
- (3) The grill must be bolted to the premises by hardened steel bolts at least 10mm in diameter with the bolt or its nut welded to the grill.
  - (4) The centre-line of the bars must be no more than 150mm 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 500mm.

### **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.
- (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.

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<sup>9</sup> This is so the glass must be broken first before attacking the grill.

**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 150kg; or
  - (b) be fixed to the premises by welding or hardened steel bolts at least 10mm 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 10mm 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 300mm of its top and 1 padbolt fitted within 300mm 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 10mm 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 150kg—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—



**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.

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

Escorting cash or valuables.



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- (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 250km 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—

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

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- (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;
  - (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—
  - (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 100km 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.<sup>10</sup>

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<sup>10</sup> The address is Weapons Licensing Branch, Police Headquarters, GPO Box 892, Brisbane 4001.

## 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—
- (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

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- (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—be a rigid structure made of solid steel and be bolted to the frame or floor of a permanent building; or
  - (b) for another weapon—
    - (i) be a rigid structure made of solid steel or solid timber; and
    - (ii) if the container weighs less than 150kg—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) for category A, B, C or D weapons—a total of 30 of any of those 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

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- (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.<sup>11</sup>
- (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
  - (b) if the dispatcher is a licensed dealer—by registered post or using a person to whom section 2(1)(l)(i)<sup>12</sup> of the Act applies.
- (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.

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

12 The Act, section 2(1)(l)(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.

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*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.

- (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.<sup>13</sup>
- (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.
- (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

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

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 11 Concealable firearms licences**

## **Division 1 General provisions**

### **68 Production of category H weapons to establish barrel length**

- (1) This section applies to the holder of a concealable firearms licence for sports or target shooting.
- (2) To establish the barrel length of each category H weapon registered to the holder under the licence, an authorised officer may require the holder to produce each weapon to an authorised officer at a stated time and place.
- (3) The holder must comply with the requirement, unless the holder has a reasonable excuse.

Maximum penalty—10 penalty units.

### **68A Establishing barrel length of category H weapon**

- (1) The barrel length of a category H weapon is established by measuring the distance from the muzzle to—
  - (a) for a revolver—the breech end immediately in front of the cylinder; or
  - (b) for any other category H weapon—



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- (i) if the weapon has a breech bolt—the breech face, with the breech bolt in the closed position; or
  - (ii) if the weapon has a top slide—the breech face, with the top slide forward; or
  - (iii) if the weapon does not have a breech bolt or top slide—the breech face, with the break action closed.
- (2) However, if a device has been attached to the barrel of a category H weapon that is not readily detachable, the barrel length of the weapon includes the length that the device adds to the barrel.

*Example of a device that is not readily detachable—*

A device that can not be detached by removing a screw or by unscrewing the device by hand.

- (3) In establishing the barrel length of a category H weapon, the weapon's manufacturer's specification stated on the barrel may be considered.
- (4) In this section—  
***breech face*** of a category H weapon includes the weapon's chamber.

**68B Accredited events—Act, sch 2**

For schedule 2<sup>14</sup> of the Act, each of the following handgun shooting competitions is an accredited event for a weapon that has a calibre of .45 inch or less and with a magazine with a maximum capacity of 10 rounds or less—

- (a) a metallic silhouette competition;
- (b) a single-action competition.

**68C Limits on use of category H weapon**

- (1) The holder of a concealable firearms licence for sports or target shooting must not use a category H weapon that has a

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14 See the Act, schedule 2 (Dictionary) for the definition *accredited event* and section 132 (Conditions for concealable firearms licence).

calibre of more than .38 inch in a handgun shooting competition that is not an accredited event.

Maximum penalty—10 penalty units.

(2) In this section—

*category H weapon* does not include a black-powder pistol.

### **68D Prohibition on possession of magazine with more than 10 rounds**

(1) This section applies to the holder of a concealable firearms licence for sports or target shooting who is the registered owner of a category H weapon under the licence.

(2) The holder must not possess a magazine with a maximum capacity of more than 10 rounds for the weapon.

Maximum penalty—10 penalty units.

### **68E Prohibition on possession of certain magazines**

Subject to section 68D, a person must not possess—

(a) a magazine for a category C, D, R or H weapon unless the person holds a licence under the Act; or

(b) a magazine for a category A or B weapon unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

### **68F Notice of acquisition of antique handgun for registration**

(1) A person who acquires an antique handgun must, by written notice given within 14 days after acquiring the antique handgun, give the commissioner the following information—

(a) the person's name and address;

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

(c) the place where the antique handgun is generally kept.

Maximum penalty—10 penalty units.

- (2) This section does not apply to the acquisition of an antique handgun, if the acquisition consists only of a person taking possession of the handgun—
- (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 3 months without giving consideration for the acquisition or for the handgun.
- (3) In this section—
- acquire* an antique handgun means purchase, accept or receive or otherwise take possession of the handgun.

### **68G Participation record information**

- (1) For section 134(3)<sup>15</sup> of the Act, the following information is prescribed—
- (a) the date and place of each handgun shooting competition or club organised shoot in which the licensee participated;
  - (b) for each handgun shooting competition or club organised shoot—
    - (i) the types of events in which the licensee participated; and
    - (ii) the class of category H weapon used by the licensee;<sup>16</sup> and
    - (iii) the name and the firearms licence number of the range officer who supervised the licensee;
  - (c) for each handgun shooting competition or club organised shoot conducted outside Queensland—the name and the firearms licence number or driver licence

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15 Section 134 (Licensees to keep participation record) of the Act

16 See the *Weapons Categories Regulation 1997*, section 7AA for the classes of category H weapons.

number of the official supervising the competition or shoot.

- (2) For section 97(3)(c),<sup>17</sup> a range use register must include the details prescribed under subsection (1)(a) and (b).

### **68H Professional carers—Act, s 151(4)**

- (1) For section 151(4)<sup>18</sup> of the Act, the following persons are professional carers—

- (a) a social worker who is engaged in providing health services prescribed in subsection (2);
- (b) a professional counsellor who is engaged in providing health services prescribed in subsection (2).

- (2) For section 151(4) of the Act, the following services are health services—

- (a) hospital or nursing home services;
- (b) medical, pharmaceutical, paramedical or mental health services;
- (c) ambulance services;
- (d) community welfare services that are government funded.

- (3) In this section—

***government funded*** means funded or partly funded by a State or the Commonwealth.

***professional counsellor*** means a person who is employed, either under a contract of service or a contract for services, as a counsellor.

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17 Section 97 (Club must keep range use register books) of the Act

18 Section 151 (Disclosure by professional carer of certain information) of the Act

**social worker** means a person who is employed, either under a contract of service or a contract for services, as a social worker.

**68I Part of a prohibited handgun—Act, ss 174 and 175**

- (1) This section applies for sections 174 and 175<sup>19</sup> of the Act.
- (2) For the holder of a concealable firearms licence for sports or target shooting, each of the following things is part of a prohibited handgun—
  - (a) a barrel, breechbolt, cylinder, frame, magazine, operating mechanism, receiver, top slide or trigger mechanism of a prohibited handgun;
  - (b) an accessory for a prohibited handgun, including, for example, a speed loader or special holster.
- (3) For a licensed dealer or licensed armourer, each of the following things is part of a prohibited handgun—
  - (a) a barrel, breechbolt, cylinder, frame, magazine, operating mechanism, receiver, top slide or trigger mechanism of a prohibited handgun;
  - (b) an accessory for a prohibited handgun, including, for example, a speed loader or special holster;
  - (c) a pin, screw or spring for a prohibited handgun;
  - (d) cartridge ammunition that is commercially available for a prohibited handgun that has a calibre of more than 38 inch;
  - (e) any other minor component of a prohibited handgun.
- (4) However, subsection (3) does not apply to a part of a prohibited handgun that can be used for, or as part of, a weapon that is not a prohibited handgun.

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19 Sections 174 (Definitions for div 2) and 175 (Compensation—prohibited handguns and parts of prohibited handguns) of the Act

**68J Compensation—prohibited handguns and parts of prohibited handguns**

- (1) For section 175(4)(a)<sup>20</sup> of the Act, the amount of compensation payable for a prohibited handgun, or part of a prohibited handgun, is—
  - (a) for a prohibited handgun, or part of a prohibited handgun, stated in the agreement<sup>21</sup> with the Commonwealth mentioned in section 175(2) of the Act—the amount stated in the agreement; or
  - (b) for a prohibited handgun, or part of a prohibited handgun, that is not stated in the agreement—the amount decided by the commissioner.
- (2) For subsection (1)(b)—
  - (a) the claimant may make a written submission about the amount of compensation payable; and
  - (b) the commissioner must consider—
    - (i) all written submissions made by the claimant; and
    - (ii) any other relevant information given to the commissioner.
- (3) For section 175(8) of the Act, compensation under that section is payable to a licensed dealer or licensed armourer only if the dealer or armourer—
  - (a) complies with subsection (6); and
  - (b) gives the commissioner a written list detailing all the prohibited handguns, and parts of a prohibited handguns, for which compensation will be sought (the *compensation list*).
- (4) The compensation list must be given on or before a day specified by the commissioner in a written notice to the dealer or armourer.

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20 Section 175 (Compensation—prohibited handguns and parts of prohibited handguns) of the Act

21 The agreement is entitled “An agreement between the Commonwealth of Australia and the State of Queensland concerning the accountability and administrative procedures for the handgun buyback”.

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- (5) The day specified must be at least 21 days after the day on which the notice is given to the dealer or armourer.
- (6) For section 175(8) of the Act, compensation under that section is payable only if the following conditions are complied with—
  - (a) the claimant must produce the claimant's licence to the commissioner;
  - (b) the claimant must surrender the prohibited handgun, or part of a prohibited handgun, to the commissioner before receiving the compensation;
  - (c) the claimant must accept the compensation by signing the approved form.
- (7) In this section—

*claimant* means an entity mentioned in section 175(1) of the Act.

**68K Compensation—other handguns and related matters**

- (1) For section 176(1)<sup>22</sup> of the Act, compensation is payable to—
  - (a) the holder of a concealable firearms licence for sports or target shooting for—
    - (i) a compensable category H weapon registered to the holder under the licence; or
    - (ii) a part of a compensable category H weapon; and
  - (b) the holder of a collector's licence (weapons) for a modern handgun registered to the holder under the licence.
- (2) The amount of compensation payable for a compensable category H weapon, or part of a compensable category H weapon, is—
  - (a) for a compensable category H weapon, or part of a compensable category H weapon, stated in the Commonwealth agreement—the amount stated in the agreement; or

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22 Section 176 (Compensation—other handguns and related matters) of the Act

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- (b) for a compensable category H weapon, or part of a compensable category H weapon, that is not stated in the Commonwealth agreement—the amount decided by the commissioner.
- (3) For subsection (2)(b)—
  - (a) the holder may make a written submission about the amount of compensation payable; and
  - (b) the commissioner must consider—
    - (i) all written submissions made by the holder; and
    - (ii) any other relevant information given to the commissioner.
- (4) The commissioner must inform the holder of a concealable firearms licence for sports or target shooting that the holder can not apply for another concealable firearms licence for sports or target shooting within 5 years after receiving compensation.
- (5) For section 176(2) of the Act, compensation under that section is payable only if the following conditions are complied with—
  - (a) for the holder of a concealable firearms licence—
    - (i) the holder must surrender every category H weapon registered to the holder under the licence to the commissioner before receiving the compensation; and
    - (ii) the holder must surrender the concealable firearms licence to the commissioner; and
    - (iii) the holder must accept the compensation by signing the approved form;
  - (b) for the holder of a collector's licence (weapons)—
    - (i) the holder must produce to the commissioner the holder's collector's licence (weapons) and the licence must not authorise the possession of a modern handgun; and
    - (ii) the holder must surrender every modern handgun registered to the holder under the licence to the



commissioner before receiving the compensation;  
and

- (iii) the holder must accept the compensation by signing the approved form.

## **68L Disclosing licence information to approved clubs and societies**

(1) If an authorised officer—

- (a) revokes or suspends the concealable firearms licence of a member of an approved pistol club; or
- (b) becomes aware that the concealable firearms licence of a member of an approved pistol club has expired and not been renewed;

the authorised officer must disclose this information to the approved pistol club.

(2) If an authorised officer—

- (a) revokes or suspends the collector's licence (weapons) of a member of an approved historical society; or
- (b) becomes aware that the collector's licence (weapons) of a member of an approved historical society has expired and not been renewed;

the authorised officer must disclose this information to the approved historical society.

(3) If an authorised officer—

- (a) revokes or suspends a miscellaneous weapons licence for a category M crossbow held by a member of an approved weapons club; or
- (b) becomes aware that a miscellaneous weapons licence for a category M crossbow held by a member of an approved weapons club has expired and not been renewed;

the authorised officer must disclose this information to the approved weapons club.

**68M Definition of *black-powder pistol***

For schedule 2<sup>23</sup> of the Act, a black-powder pistol is a firearm that—

- (a) is less than 75cm in length; and
- (b) is either—
  - (i) a muzzle loading firearm; or
  - (ii) a cap and ball firearm; and
- (c) does not accept cartridge ammunition.

**Division 2 Approved historical societies****69A Application for approval**

- (1) Application may be made to an authorised officer to grant approval to a body, whether incorporated or unincorporated, as an approved historical society.
- (2) The application must—
  - (a) be in the approved form; and
  - (b) provide the further particulars reasonably required by the authorised officer.

**69B Authorised officer may approve historical society**

- (1) The authorised officer may approve a body only if satisfied—
  - (a) the primary purpose of the body is the study, preservation or collection of firearms; and
  - (b) the application complies with section 69A; and
  - (c) each individual member of the governing body of the body is an appropriate person; and
  - (d) if section 69E applies to the application—the section has been complied with and the person nominated under section 69E(2) is an appropriate person.

- (2) If the authorised officer grants approval of the body as an approved historical society, the authorised officer must give the body a permit (*historical society permit*).

### **69C Authorised officer to give reasons for refusing to approve**

- (1) If the authorised officer is not satisfied about the matters mentioned in section 69B, the authorised officer must refuse to grant approval of the body as an approved historical society.
- (2) The authorised officer must give the body a written notice stating the reasons for the refusal.

### **69D Conditions to apply to approval**

- (1) If the authorised officer grants approval under section 69B, the authorised officer may impose conditions on the approval.
- (2) 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.
- (3) The conditions must be specified in the historical society permit or by written notice given to the approved historical society.
- (4) Without limiting the conditions that may be imposed on an historical society permit, the permit may authorise the historical society to conduct up to 2 society events in each year.
- (5) In deciding whether to impose a condition authorising the conduct of a society event, the authorised officer must consider at least the following—
  - (a) the nature of the event, including, for example, the historical significance of the event;
  - (b) the types of weapons to be discharged in the event.
- (6) To remove any doubt, the provisions of this division relating to conditions on an historical society permit apply to a condition imposed under subsection (4).

**69E A representative is required for some applications**

- (1) This section applies only if an application under section 69A is made by an unincorporated body.
- (2) The application must nominate an adult individual to be the body's representative if the approval is granted.
- (3) The nominated person must hold the position in the body in which the person is charged with responsibility for the conduct of the activities of the body (the *responsible position*).
- (4) If a historical society permit is granted on the application, the nominated person is taken to be the historical society's representative for the purpose of the permit (the *representative*), until ceasing to be the representative under section 69G.
- (5) The approved historical society must ensure that, at all times while the permit is in effect, it maintains an appropriate person in the responsible position.

**69F Duty of representative**

The representative must exercise all reasonable diligence to ensure the approved historical society and its members comply with this division.

Maximum penalty—10 penalty units.

**69G Change of representative**

- (1) A person stops being the representative of an approved historical society if the person stops holding the society'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—10 penalty units.
- (3) The person who occupies an approved historical society's responsible position after another person stops being the representative must give written notice (the *representative notice*) to an authorised officer within 28 days.

- (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 must refuse to accept the representative notice unless the authorised officer is satisfied the person who gave the representative notice—
  - (a) occupies the responsible position in the approved historical society; 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.

**69H How to decide whether an individual is an appropriate person**

- (1) In deciding 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 historical society 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
  - (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.

**69I Authorised officer may amend permit conditions**

- (1) An authorised officer may amend the conditions applying to a historical society permit of an approved historical society—
  - (a) on the application of the historical society; 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 historical society 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 historical society; and
  - (b) have regard to submissions made to the authorised officer by the historical society before the specified day.
- (4) If the authorised officer amends the conditions, the authorised officer must give written notice of the amendment to the historical society.
- (5) The amendment takes effect—
  - (a) on the day the written notice of the amendment is given to the historical society; or
  - (b) if a later day is specified in the notice—the specified day.
- (6) An authorised officer may refuse to make an amendment under subsection (1)(a) by written notice given to the historical society stating the reasons for the refusal.

**69J Authorised officer may make temporary amendment of conditions**

- (1) An authorised officer may make a temporary amendment of the conditions applying to a historical society permit of an approved historical society if the authorised officer reasonably considers 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 historical society 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 historical society 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 historical society stating the reasons for the extension.

**69K Revoking or suspending permit**

- (1) An authorised officer may revoke or suspend the historical society permit of an approved historical society if—
  - (a) the historical society contravenes this Act; or
  - (b) the historical society contravenes a condition applying to the permit; or
  - (c) the authorised officer reasonably believes it is likely a member of the historical society 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 historical society.
- (3) The notice must specify—
  - (a) the reasons for the revocation or suspension; and

- (b) if the permit has been suspended—the day the suspension ends.
- (4) The revocation or suspension takes effect on the day the notice is given to the historical society or, if a later day is specified in the notice, the specified day.
- (5) A historical society permit that is suspended stops having effect until the suspension ends.
- (6) If a historical society permit is revoked or suspended, the approval of the relevant body as an approved historical society is revoked or suspended.

### **69L Service of notice on approved historical society**

- (1) A notice required or permitted by this division to be served on an approved historical society may be served on the society's representative.
- (2) Subsection (1) does not affect the operation of any other law that authorises the service of the document in another way.

## **Part 11A Approved weapons clubs**

### **70A Definitions for part**

In this part—

*crossbow club* means—

- (a) an archery organisation; or
- (b) a historical or military re-enactment organisation that demonstrates the use of category M crossbows; or
- (c) a genuine historical or military re-enactment organisation that gives training in the use of category M crossbows.

*weapons club* means—

- (a) a crossbow club; or
- (b) a recreational shooting club.



**70B Weapons club must be approved by authorised officer**

A person must not conduct a weapons club unless it is approved by an authorised officer.

Maximum penalty—20 penalty units.

**70C Application for club approval**

- (1) Application may be made to an authorised officer to approve a weapons club.
- (2) The application must—
  - (a) be in the approved form; and
  - (b) provide the further particulars reasonably required by the authorised officer.

**70D Authorised officer may approve weapons club**

- (1) The authorised officer may approve a weapons club only if satisfied—
  - (a) the primary purpose of the club is—
    - (i) for a crossbow club—
      - (A) to conduct the sport of target shooting with category M crossbows; or
      - (B) the study, preservation or collection of category M crossbows; or
      - (C) to give training in the use of category M crossbows; or
    - (ii) for a recreational shooting club—recreational shooting; and
  - (b) the application complies with section 70C(2); and
  - (c) each individual member of the governing body of the weapons club is an appropriate person; and
  - (d) if section 70G applies to the application—the section has been complied with and the person nominated under section 70G(2) is an appropriate person; and

- (e) for a club that conducts a shooting range—the location, construction and equipment of each shooting range, or proposed shooting range, of the club is appropriate having regard to the need to protect persons from death or injury and property from unlawful destruction or damage.
- (2) If the authorised officer grants the approval, the authorised officer must give the club an approval.

### **70E Authorised officer to give reasons for refusing to grant approval**

- (1) If the authorised officer is not satisfied about the matters mentioned in section 70D, the authorised officer must refuse to grant the approval.
- (2) The authorised officer must give the body a written notice stating the reasons for the refusal.

### **70F Conditions to apply to approval**

- (1) If the authorised officer grants the approval under section 70D, the authorised officer may impose conditions on the approval.
- (2) When 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.
- (3) The conditions must be specified in the approval or in a written notice given to the applicant.

### **70G A representative is required for some applications**

- (1) This section applies only if an application under section 70C is made by an unincorporated body or association of persons.
- (2) The application must nominate an adult individual to be the club's representative if the approval is granted.
- (3) The nominated person must hold the position in the club in which the person is charged with responsibility for the conduct of the activities of the club (the *responsible position*).

- (4) If the approval is granted, the nominated person is taken to be the club's representative for the purpose of the approval (the *representative*), until the nominated person stops being the representative under section 70I.
- (5) The club must ensure that, at all times while the approval is in effect, it maintains an appropriate person in the responsible position.

Maximum penalty for subsection (5)—20 penalty units.

### **70H Duty of representative**

The representative must exercise all reasonable diligence to ensure the weapons club and its members comply with this part.

Maximum penalty—20 penalty units.

### **70I Change of representative**

- (1) A person stops being the representative of an approved weapons club if the person stops holding the 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 weapons club's responsible position after another person stops being the representative must give written notice (the *representative notice*) to an authorised officer within 28 days.

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 if the authorised person is not satisfied that the person who gave the representative notice—

- (a) occupies the responsible position in the weapons club;  
or
  - (b) is an appropriate person.
- (6) The refusal must be by written notice to the person who gave the representative notice and must state the reasons for the refusal.

**70J How to decide whether an individual is an appropriate person**

- (1) When deciding whether an individual is an appropriate person for the purpose of this part, an authorised officer may have regard only to—
- (a) whether the individual demonstrates knowledge and understanding of the obligations of an approved weapons 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
  - (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.

**70K Authorised officer may amend approval conditions**

- (1) An authorised officer may amend the conditions applying to a weapons club approval—
- (a) on the application of the club; or
  - (b) on the initiative of the authorised officer.
- (2) When amending a condition, the authorised officer must have regard to the need to protect persons from death or injury and property from unlawful destruction or damage.

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- (3) Before amending a condition on his or her initiative, 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 club; and
  - (b) have regard to submissions made to the authorised officer by the club before the specified day.
- (4) If an authorised officer amends the conditions, the authorised officer must give written notice of the amendment to the weapons club.
- (5) The amendment takes effect on—
  - (a) the day that the written notice of the amendment is given to the club; or
  - (b) if a later day is specified in the notice—the specified day.
- (6) An authorised officer may refuse to amend a condition on the application of a weapons club by giving the club a written notice that states the reasons for the refusal.

**70L Authorised officer may make temporary amendment of conditions**

- (1) An authorised officer may make a temporary amendment of the conditions applying to a weapons club's approval if the authorised officer reasonably believes that it is necessary to make the amendment to protect persons from death or injury or property from unlawful destruction or damage.
- (2) An authorised officer may amend a condition by giving the weapons club a written notice that states the reasons for the amendment.
- (3) The amendment takes effect on—
  - (a) the day that the written notice is given to the weapons club; or

- (b) 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 of not longer than 28 days.
- (5) An authorised officer may extend an amendment under subsection (4)(b) by giving the weapons club a written notice that states the reasons for the extension.

### **70M Suspending or cancelling approval**

- (1) An authorised officer may suspend or cancel a weapons club's approval if—
  - (a) the club contravenes the Act; or
  - (b) the club contravenes a condition applying to the approval; or
  - (c) the authorised officer reasonably believes it is likely a member of the club or the public will suffer injury or loss if the approval is not suspended or cancelled.
- (2) The authorised officer must give written notice of the suspension or cancellation to the club.
- (3) The notice must state—
  - (a) the reasons for the suspension or cancellation; and
  - (b) if the approval has been suspended—the day on which the suspension ends.
- (4) The suspension or cancellation takes effect on—
  - (a) the day that the notice is given to the weapons club; or
  - (b) if a later day is specified in the notice—the specified day.
- (5) A weapons club's approval that is suspended stops having effect until the suspension ends.

**70N Club must keep range use register books**

- (1) If a crossbow club conducts a range, it is a condition of the club's approval that the club must—
  - (a) keep a range use register; and
  - (b) ensure the register is available at all times when the range is being conducted by the club.
- (2) Before a person discharges a weapon at the range, 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.

- (3) The register must include provision for—
  - (a) the person's identity; and
  - (b) the category of weapon the person will discharge at the range.
- (4) It is a condition of a crossbow club's approval that the club ensure that, before a person is allowed to use the range, a range officer of the club—
  - (a) inspects the entry made by the person in the register; and
  - (b) endorses the entry as correct.
- (5) The endorsement of the entry must clearly identify the person who makes the endorsement.
- (6) Subsections (2)(a) and (4) do not apply to a range officer of the club who discharges a weapon at the range.

**70O Service of notice on approved weapons club**

- (1) A notice under this part may be served on an approved weapons club by serving it on the 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.

**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.



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- (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.

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

- (1) For section 52(2)(b),<sup>24</sup> 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.

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<sup>24</sup> Section 52 (Physical possession and use of weapon sometimes allowed for the purpose of training a minor) of the Act

(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*.

## **Part 13 Transitional provisions for Police Powers and Responsibilities and Other Legislation Amendment Act 2003**

### **82 Transitional regulation for the Act, s 186**

- (1) This section applies to a person who, immediately before the commencement of this section, possessed a category M crossbow.
- (2) A person does not commit an offence against section 50 of the Act if—

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- (a) if the person does not have a licence—the person does not obtain a licence for the crossbow; or
  - (b) if the person has a licence—the person does not have the licence endorsed for the crossbow;
- before 1 May 2005.
- (3) A licensee does not commit an offence against section 50, 50A or 60 of the Act if the licensee does not register the crossbow before 1 May 2005.
  - (4) In this section—  
*licence* means a miscellaneous weapons licence.

**83 Expiry of part**

This part expires at the end of 31 October 2005.

## Schedule 1      Fees

section 74

	\$
1 Application for licence . . . . .	32.55
2 Licence, or renewal of licence, for each year—	
(a) armourer’s licence . . . . .	67.80
(b) blank-fire firearms licence . . . . .	10.75
(c) collector’s licence (heirloom) . . . . .	10.75
(d) collector’s licence (weapons) . . . . .	10.75
(e) concealable firearms licence—	
(i) for a pistol club member . . . . .	16.25
(ii) for anyone else . . . . .	40.70
(f) dealer’s licence—	
(i) for a licence that includes only category A, B or M weapons . . . . .	135.85
(ii) for a licence that includes only category C, D, E, H or R weapons . . . . .	135.85
(iii) for any other licence . . . . .	271.80
(g) firearms licence . . . . .	10.75
(h) firearms licence (instructor) . . . . .	40.70
(i) minor’s licence . . . . .	10.75
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**Schedule 1A    Licence conditions**

section 14A

The language used to describe the following conditions is subject to change to make it easier to understand

<b>Code</b>	<b>Condition</b>
AR1 . . . . .	<p>The licensee is authorised to possess and use registered weapons of the category endorsed on this licence for the business of storing, manufacturing, modifying or repairing weapons.</p> <p>The licensee is authorised to conduct the business at the premises specified in this licence.</p> <p>The weapons must be securely stored, unless otherwise authorised, justified or excused by law.</p> <p>The weapons register must remain at those premises, unless the licensee first obtains the written consent of an authorised officer.</p>
AR2 . . . . .	<p>The licensee may remove up to 5 weapons from the premises specified in this licence to test them at an approved shooting range.</p> <p>However, the licensee must not test the weapons at an approved shooting range when the range is being used by an approved shooting club.</p>

## Schedule 1A (continued)

CO4 . . . . . The licensee is authorised to possess—

- (a) registered category A, B or C weapons, of the category endorsed on this licence, that are collectable firearms made temporarily inoperable in the way required by section 8 of the Act; and
- (b) registered category D, H, M or R firearms that are made permanently inoperable; and
- (c) any other registered category M or R weapon that is inert.

The weapons must be securely stored, unless otherwise authorised, justified or excused by law.

DEA . . . . . The licensee is authorised to possess and use registered weapons of the category endorsed on this licence for the business of buying, selling, transferring, brokering, repairing or storing weapons.

The licensee is authorised to conduct the business at the premises specified in this licence.

The weapons register must remain at those premises, unless the licensee first obtains the written consent of an authorised officer.

DE2 . . . . . The weapons must be securely stored, unless otherwise authorised, justified or excused by law.

The licensee must give an authorised officer written notice of the change of the category of, or the rendering inoperable of, a weapon within 14 days of the change.

The licensee may remove up to 5 weapons from the premises specified in this licence to demonstrate or test them at an approved shooting range.

However, the licensee must not demonstrate or test the weapons at an approved shooting range when the range is being used by an approved shooting club.



## Schedule 1A (continued)

- MI1 . . . . . The licensee is authorised to possess and use registered weapons of the category endorsed on this licence at an approved shooting range.
- The licensee must be a financial member of an approved shooting club and regularly participate in the sport of target shooting as a member of the club.
- The weapons must be securely stored, unless otherwise authorised, justified or excused by law.
- NO1 . . . . . This licence does not authorise the licensee to purchase or acquire a weapon.
- PC1 . . . . . The licensee is authorised to possess and use registered category H weapons at an approved shooting range.
- The category H weapons must be of a type that are approved for use at an approved shooting range.
- The licensee must be a financial member of an approved shooting club and regularly participate in the sport of target shooting as a member of the club.
- The weapons must be securely stored, unless otherwise authorised, justified or excused by law.
- PP1 . . . . . The licensee is authorised to possess and use registered category H weapons for primary production activities on rural land that is owned, managed or used by the licensee or the licensee's employer.
- The category H weapons must be of a type that are approved for use on the rural land.
- The weapons must be securely stored, unless otherwise authorised, justified or excused by law.
- PSA . . . . . The licensee is authorised to possess 1 registered category H semi-automatic pistol.
- The pistol must be securely stored, unless otherwise authorised, justified or excused by law.

## Schedule 1A (continued)

- RE1           The licensee is authorised to possess and use registered  
Recreational . . .category A and B weapons for recreational shooting on rural  
land with the express consent of the owner.  
The weapons must be securely stored, unless otherwise  
authorised, justified or excused by law.
- REV . . . . .The licensee is authorised to possess 1 registered category H  
revolver.  
The revolver must be securely stored, unless otherwise  
authorised, justified or excused by law.
- SC1 Club . . . .The licensee is authorised to possess and use registered  
category A and B weapons for sports or target shooting at an  
approved shooting range.  
The weapons must be securely stored, unless otherwise  
authorised, justified or excused by law.
- SO1 . . . . .The licensee must not adopt, operate under, or use any name  
or title other than that which appears on the licence.  
The licensee must securely store the weapon at the stated  
premises, unless otherwise authorised, justified or excused  
by law.

## Schedule 1A (continued)

- SG3 . . . . . The licensee is authorised to possess a weapon if—
- (a) the weapon is provided by a licensed security organisation that is authorised to possess the weapon; and
  - (b) the licensee is employed by that organisation; and
  - (c) the licensee is performing duties of a security guard that necessitate possession of the weapon.

The licensee must not possess a firearm when performing private inquiry work, process serving, crowd control or door person duties.

If the licensee is performing duties in clothing that does not readily identify the licensee as a security guard, the licensee must not possess a category C shotgun that is exposed to view in a public place, unless the licensee has a reasonable excuse.

- TR2 . . . . . The licensee is authorised to possess and use registered weapons of the category endorsed on the licence to provide a course in firearms training.

The course must be approved by the commissioner of the police service.

The licensee must provide the course as, or for, a registered training organisation under the *Vocational Education, Training and Employment Act 2000*.

## **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).<sup>25</sup>
- (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).

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<sup>25</sup> *Corrective Services (Administration) Act 1988* was repealed (as from 3 April 2001) by the *Corrective Services Act 2000* section 275.

## Schedule 2 (continued)

**3 Corrections Corporation of Australia**

- (1) Corrections Corporation of Australia ACN 010 921 641 (*CCA*) is a government service entity.
- (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 M.
- (2) *QFRS*'s prescribed functions are its functions under an Act that necessitate the employment of an incendiary device in category M 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).

## Schedule 3      Dictionary

### section 2A

***amnesty period*** means the amnesty period declared under section 168B<sup>26</sup> of the Act for part 8, division 2<sup>27</sup> of the Act.

***Commonwealth agreement*** means the agreement with the Commonwealth mentioned in section 175(2) of the Act.

***compensable category H weapon*** means a category H weapon for which the State may receive reimbursement under the Commonwealth agreement.

***employee***, for part 7, see section 45.

***historical society permit***, for part 11, division 2, see section 69B(2).

***part of a compensable category H weapon*** means any of the following parts of a compensable category H weapon for which the State may receive reimbursement under the Commonwealth agreement—

- (a) a barrel, breechbolt, cylinder, frame, magazine, operating mechanism, receiver, top slide or trigger mechanism;
- (b) an accessory for the weapon, including, for example, a speed loader or special holster.

***recreational shooting club*** means a club that—

- (a) owns rural land on which the club's members shoot; or
- (b) has written permission from a landowner authorising members of the club to shoot on the landowner's rural land.

***representative***, for part 11, division 2, see section 69E(4).

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<sup>26</sup> Section 168B (Amnesty declaration) of the Act

<sup>27</sup> Part 8 (Transitional provisions), division 2 (Transitional provisions for Weapons (Handguns and Trafficking) Amendment Act 2003) of the Act

## Schedule 3 (continued)

*representative notice*, for part 11, division 2, see section 69G(3).

*responsible position*, for part 11, division 2, see section 69E(3).

*society event* means an event that involves the discharge of category H weapons by members of an approved historical society, including, for example, in a re-enactment of a historical event.

## 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 14 October 2005. 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	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered



## 4 Table of reprints

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

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

Reprint No.	Amendments to	Effective	Reprint date
1	none	15 January 1997	15 January 1997
1A	1997 SL No. 15	31 January 1997	19 February 1997
1B	1997 SL No. 274	29 August 1997	12 September 1997
1C	1997 SL No. 382	14 November 1997	21 November 1997
1D	1998 SL No. 43	20 March 1998	23 March 1998
1E	1998 SL No. 103	1 May 1998	7 May 1998
2	1998 SL No. 103	1 May 1998	3 July 1998
2A	2001 SL No. 87	29 June 2001	16 November 2001
2B	2001 SL No. 187	1 January 2002	15 January 2002

Reprint No.	Amendments included	Effective	Notes
2C	2002 SL No. 266	4 October 2002	
3	2003 SL No. 134	1 July 2003	
3A	2003 Act No. 92	3 December 2003	
3B	2003 SL No. 357	19 December 2003	
3C	—	1 July 2004	provs exp 30 June 2004
3D	2003 Act No. 92 2004 SL No. 228	1 November 2004	
3E	2005 SL No. 254	14 October 2005	

## 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)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

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

**Weapons Legislation Amendment Regulation (No. 1) 2003 SL No. 134 ss 1, 2(2), 3(2), 4–12**

notfd gaz 27 June 2003 pp 749–56  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2003 (see s 2(2))

**Police Powers and Responsibilities and Other Legislation Amendment Act 2003 No. 92 s 1, 2(3), pt 14**

date of assent 3 December 2003  
s 80 commenced 1 November 2004 (see s 2(3))  
remaining provisions commenced on date of assent

**Weapons Legislation Amendment Regulation (No. 2) 2003 SL No. 357 pts 1–2**

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

**Weapons Amendment Regulation (No. 1) 2004 SL No. 228**

notfd gaz 29 October 2004 pp 734–7  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 November 2004 immediately after the commencement of the Police Powers and Responsibilities and Other Legislation Amendment Act 2003 No. 92 s 80 (see s 2)

**Weapons Amendment Regulation (No. 1) 2005 SL No. 254**

notfd gaz 14 October 2005 pp 599–600  
commenced on date of notification

## **6 List of annotations**

### **Definitions**

**s 2A** ins 2003 SL No. 357 s 3

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**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

### **Other particulars to accompany application for licence**

**s 5** amd 2003 SL No. 134 s 4

### **Temporary recognition of interstate licences**

**s 9** sub 1998 SL No. 103 s 6  
amd 2004 SL No. 228 s 4

### **Visitor's licence—Act, s 12(1)(k)**

**s 11** amd 2003 SL No. 134 s 5; 2004 SL No. 228 s 5

### **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; 2003 SL No. 357 s 4

### **Licence conditions**

**s 14A** ins 2004 SL No. 228 s 6

### **Transfer of firearm between licensee's licences**

**s 14B** ins 2004 SL No. 228 s 6

### **Recreational shooting club—Act, s 13(3)(b)**

**s 14C** ins 2004 SL No. 228 s 6

### **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; 2004 SL No. 228 s 7

### **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

**Concealable firearms licence for sports or target shooting**

s 21A ins 2003 SL No. 134 s 6

**Firearms licence (instructor)**

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

**Minor's licence**

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**Miscellaneous weapons licence**s 25A ins 1998 SL No. 103 s 14  
amd 2003 SL No. 134 s 7; 2003 Act No. 92 s 80; 2004 SL No. 228 s 9**Group licence—what licence authorises**

s 25B ins 1998 SL No. 103 s 14

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amd 1998 SL No. 103 s 18; 2004 SL No. 228 s 10**Ceiling**

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pres s 68 ins 2003 SL No. 134 s 10

**Establishing barrel length of category H weapon**

s 68A ins 2003 SL No. 134 s 10

**Accredited events—Act, sch 2**

s 68B ins 2003 SL No. 134 s 10

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s 68C ins 2003 SL No. 134 s 10

**Prohibition on possession of magazine with more than 10 rounds**

s 68D ins 2003 SL No. 134 s 10

**Prohibition on possession of certain magazines**

s 68E ins 2003 SL No. 134 s 10

**Notice of acquisition of antique handgun for registration**

s 68F ins 2003 SL No. 134 s 10

**Participation record information**

s 68G ins 2003 SL No. 134 s 10

**Professional carers—Act, s 151(4)**

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**Part of a prohibited handgun—Act, ss 174 and 175**

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amd 2003 SL No. 357 s 6**Compensation—other handguns and related matters**s 68K ins 2003 SL No. 134 s 10  
amd 2003 SL No. 357 s 7**Disclosing licence information to approved clubs and societies**

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s 69H ins 2003 SL No. 134 s 10

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s 69I ins 2003 SL No. 134 s 10

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s 69J ins 2003 SL No. 134 s 10

**Revoking or suspending permit**

s 69K ins 2003 SL No. 134 s 10

**Service of notice on approved historical society**

s 69L ins 2003 SL No. 134 s 10

**PART 11A—APPROVED WEAPONS CLUBS**

pt 11A (ss 70A–70O) ins 2004 SL No. 228 s 13

**Compensation for surrendered weapons**

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**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

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s 76 om 2004 SL No. 228 s 14

**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**PART 13—TRANSITIONAL PROVISIONS FOR POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT ACT 2003****pt hdg** prev pt hdg ins 2003 SL No. 134 s 11  
exp 30 June 2004 (see s 88)  
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**SCHEDULE 1—FEES**

- sch hdg** sub 1997 SL No. 274 s 6  
**sch** amd 1997 SL No. 15 s 9; 1997 SL No. 382 s 2 sch  
 sub 2001 SL No. 187 s 4  
 amd 2003 Act No. 92 s 81  
 sub 2003 SL No. 357 s 11; 2004 SL No. 228 s 16; 2005 SL No. 254 s 3

**SCHEDULE 1A—LICENCE CONDITIONS**

- ins 2004 SL No. 228 s 16

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

- sch hdg** ins 1997 SL No. 274 s 7

**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); 2003 SL No. 134 s 12

**SCHEDULE 3—DICTIONARY**

- ins 2003 SL No. 357 s 12  
 def “**recreational shooting club**” ins 2004 SL No. 228 s 17