

WEAPONS ACT

No. 71 of 1990

ANALYSIS OF CONTENTS

PART 1—PRELIMINARY

- 1.1 Short title
- 1.2 Commencement
- 1.3 Repeals
- 1.4 Savings and transitional
- 1.5 Application of Act
- 1.6 Interpretation

PART 2—LICENCES

- 2.1 Issue, endorsement, etc., of licences
- 2.2 Limitation on issue of licence
- 2.3 Classes of collector's licences
- 2.4 Minors licence
- 2.5 Application for licence
- 2.6 Inquiries into application
- 2.7 Authorized officer determines application
- 2.8 Issue of licence
- 2.9 Renewal of licences
- 2.10 Notice of refusal to issue or renew licence
- 2.11 Duration of licence
- 2.12 Only dealer's licence or armourer's licence transferable
- 2.13 Reporting loss, destruction or theft of licence
- 2.14 Replacement licence
- 2.15 Change in particulars in licence
- 2.16 Change of approved place
- 2.17 Surrender of licence
- 2.18 Revocation of licence
- 2.19 Representative of licensee
- 2.20 Visitors to Queensland
- 2.21 Conditions etc. of licence to be obeyed

PART 3—POSSESSION AND USE OF WEAPONS

Division 1—General

- 3.1 Possession of weapons
- 3.2 Training minors
- 3.3 Use of weapons by unlicensed persons
- 3.4 Weapons on private property
- 3.5 Weapons in a public place
- 3.6 Possession of weapons restricted
- 3.7 Possession of weapon whilst under the influence of liquor or drugs
- 3.8 Security precautions by weapons owners etc.
- 3.9 Alteration of identification marks
- 3.10 Obtaining weapons by deceit
- 3.11 Supply of weapons
- 3.12 Unlawful trafficking in weapons
- 3.13 Despatch of weapons
- 3.14 Notification and recording of particulars of acquisition before possession
- 3.15 Possession, etc., of non-Schedule weapons prohibited

Division 2—Dealers and Armourers

- 3.16 Dealers to be licensed
- 3.17 Armourers to be licensed
- 3.18 Age of employees
- 3.19 Dealer to keep register
- 3.20 Annual returns by licensed dealers
- 3.21 Dealer, etc., to require information
- 3.22 Security precautions
- 3.23 Licensed dealer taken to be in unlawful possession

Division 3—Collectors

- 3.24 Collector to be licensed
- 3.25 Weapons not to be discharged or operated
- 3.26 Approval of arms fair
- 3.27 Application for approval
- 3.28 Prior possession no offence in certain circumstances
- 3.29 Acquisition by collectors to be notified and recorded
- 3.30 De-activation of collector's weapons
- 3.31 Collector Class B to keep register
- 3.32 Removal of register and weapons
- 3.33 Inspection and presentation of weapons
- 3.34 Transfer of collection
- 3.35 Licensed collector leaving Queensland
- 3.36 Security precautions
- 3.37 Licensed collector taken to be in unlawful possession

Division 4—Approved Clubs

- 3.38 Approval of club
- 3.39 Approved clubs for sporting purposes only
- 3.40 Application for approval
- 3.41 Approval of range
- 3.42 Maintenance of range
- 3.43 Modification of range
- 3.44 Conditions relating to range
- 3.45 Range officers
- 3.46 Practice at ranges by non-members of approved clubs
- 3.47 Attendance register
- 3.48 Use of range by unauthorized person

Division 5—Shooting Galleries

- 3.49 Approval of shooting galleries
- 3.50 Conditions of approval
- 3.51 Representative of holder of approval
- 3.52 Conduct of persons resorting to shooting galleries

Division 6—Theatrical Ordnance Suppliers and Other Associated Matters

- 3.53 Theatrical ordnance suppliers to be licensed
- 3.54 Age of employees
- 3.55 Theatrical ordnance supplier to keep register
- 3.56 Use of theatrical ordnance supplies
- 3.57 Removal of register and weapons
- 3.58 Annual returns by licensed theatrical ordnance supplier
- 3.59 Sporting, athletic, theatrical or other organization

Division 7—Security Guards

- 3.60 Security guards to be licensed
- 3.61 Restrictions relating to carriage of weapons
- 3.62 Security organizations to be licensed
- 3.63 Security organization to keep register

PART 4—POLICE POWERS

- 4.1 Identification
- 4.2 Power to demand production of licence, etc.
- 4.3 Search for weapons, etc., subject to seizure
- 4.4 Register of searches
- 4.5 Powers in dangerous situations
- 4.6 Powers in respect to premises specified in licences or approvals under Act
- 4.7 Search
- 4.8 Search warrant
- 4.9 Seizure and detention of weapons, etc.
- 4.10 Power of arrest
- 4.11 Fingerprints etc.

PART 5—APPEALS

- 5.1 Appeals

PART 6—MISCELLANEOUS

- 6.1 Detention and disposal of weapons in police custody
- 6.2 Disqualification by a court
- 6.3 Offences generally
- 6.4 Fraud and unlawful possession of licence etc.
- 6.5 Criminal Code to be read with Act
- 6.6 Allegation and proof of circumstances of aggravation
- 6.7 Proceedings for offences
- 6.8 Person other than offender liable to penalties
- 6.9 Evidentiary provisions
- 6.10 Service of notice, orders etc.

1220

- 6.11 Liability for tort generally
- 6.12 Payment and recovery of damages
- 6.13 Provision of legal representation
- 6.14 Fees and penalties
- 6.15 Regulations
 - SCHEDULE 1
 - SCHEDULE 2
 - SCHEDULE 3
 - SCHEDULE 4
 - SCHEDULE 5

Queensland



ANNO TRICESIMO NONO

ELIZABETHAE SECUNDAE REGINAE

No. 71 of 1990

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

[ASSENTED TO 19TH SEPTEMBER, 1990]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART 1—PRELIMINARY

1.1 Short title. This Act may be cited as the *Weapons Act 1990*.

1.2 Commencement. (1) Section 1.1 and this section commence on the day this Act is assented to for and on behalf of Her Majesty.

(2) The remaining provisions of this Act, or such of them as are specified, commence on a day or on days appointed by Proclamation.

1.3 Repeals. The Acts specified in Schedule 5 are repealed.

1.4 Savings and transitional. Notwithstanding the provisions of section 1.3 and without limiting the operation of the *Acts Interpretation Act 1954-1989* or the operation of section 11 of the *Criminal Code*—

- (a) every licence issued under the *Firearms and Offensive Weapons Act 1979-1989* and in force immediately prior to the commencement of this section continues in force and effect as if that Act had not been repealed by this Act and the provisions of that Act, notwithstanding its repeal, shall apply but the licence is not to be renewed under that Act;
- (b) every licence, certificate, entry, copy, extract, document, order, warrant and generally every act of authority originated under the *Firearms and Offensive Weapons Act 1979-1989* and in force at or immediately prior to the commencement of this section continues in force and effect and, as far as is consistent with this Act, is to be taken to have been originated under and for the purposes of this Act until it expires by effluxion of time or is cancelled, suspended, surrendered or otherwise dealt with under this Act.

1.5 Application of Act. (1) This Act does not apply to a person—

- (a) (i) who is a member of the armed forces of the Commonwealth as prescribed by the *Defence Act 1903* of the Commonwealth in respect of that person's possession or use of a weapon as part of performance of duty as such member;
- (ii) who is a member of the armed forces of any government associated with the armed forces of the Commonwealth in respect of that person's possession or use of a weapon as part of performance of duty as such member;
- (b) who is a member of the Federal Police as prescribed by the *Australian Federal Police Act 1979* of the Commonwealth or member of the Police Service of any other State or

-
- Territory in respect of that person's possession or use of a weapon as part of performance of duty as such member;
- (c) who is a member of the Australian Customs Service as prescribed by the *Customs Act 1901* of the Commonwealth in respect of that person's possession or use of a weapon as part of performance of duty as such member;
 - (d) who is a police officer or trainee member of the Queensland Police Service, or any other member of the Queensland Police Service authorized by the Commissioner, in respect of that person's possession or use of a weapon as part of performance of duty as such;
 - (e) who is an officer or trainee officer of the Corrective Services Commission authorized by the Director of Corrective Services in respect of that person's possession or use of a weapon as part of performance of duty as such member;
 - (f) whilst actually engaged in the manufacture, assembly or handling of any weapon for or on behalf of the Government of the Commonwealth or any State or Territory of the Commonwealth;
 - (g) whilst engaged in scientific or experimental work with any weapon under an authority in that behalf granted by the Minister;
 - (h) being an employee of and at a museum under the control of the Government of the Commonwealth or of this State in respect of that person's possession or use of a weapon as part of performance of duty as such employee at the museum;
 - (i) being a person over the prescribed age who is the owner, lessee, hirer or licensee of any boat, ship, or aircraft in respect of possession on board or in connexion with, that boat, ship or aircraft of a recognized safety device, signalling apparatus or ammunition thereof as part of and solely for the use as part of the safety equipment of that boat, ship or aircraft;
 - (j) who is actually engaged in the warehousing or transport under consignment of merchandise for or on behalf of—
 - (i) a licensed dealer;
 - (ii) the armed forces of the Commonwealth;or
 - (iii) any authority of the Commonwealth or State;
in respect of possession of merchandise consigned thereto or therefrom;
 - (k) to whom the Commissioner of Police in the prescribed manner has granted an exemption from the application of those provisions of this Act specified therein in respect of the application of those provisions.

(2) A reference in subsection (1) to an Act of the Commonwealth includes a reference to that Act as subsequently amended and to any Act of the Commonwealth substituted for that Act.

1.6 Interpretation. In this Act, unless the contrary intention appears—

“ammunition” includes anything manufactured and any component which is or which may be made, designed or intended to discharge from a firearm and includes a grenade, bomb, other missile or part thereof which may be discharged or projected by or with a firearm: The term also includes any blank cartridge, primer or cap designed for firing in a blank fire firearm;

“antique firearm” includes—

- (a) a firearm designed for muzzle loading or for firing by flint;
and
- (b) a firearm in respect of which ammunition is not commercially available and has been approved by an authorized officer as being an antique firearm;
and
- (c) any other firearm of a type or class approved by an authorized officer as being an antique firearm;

“approved club” means a club or organization approved pursuant to this Act for the use of Schedule 2 arms;

“armourer” means a person who repairs and stores weapons in the course of the business of that person;

“authorized officer” means the Commissioner, an executive officer or a commissioned officer each within the meaning of the *Police Service Administration Act 1990*;

“Commissioner” means the Commissioner of the Police Service and the Commissioner of Police each within the meaning of the *Police Service Administration Act 1990*;

“collector” means a person who collects or holds out as being ready to collect, whether on behalf of the collector or another person, weapons—

- (a) as curiosities or ornaments;
or

- (b) for their historic or artistic value or mechanical uniqueness;

“dealer” means a person who, wholly or partly, carries on the business, whether or not for reward or benefit, of dealing in or with in any way weapons but does not include a theatrical ordnance supplier;

“explosive” means explosive within the meaning of the *Explosives Act 1952-1990*;

“firearm” includes any gun or other weapon—

- (a) that is capable of propelling a projectile by means of an explosion or by any other means and which, if used in a normal manner, is capable of causing bodily harm;
- (b) that is designed or adapted for the discharge of any noxious, corrosive, or irritant liquid, powder, gas, chemical or other substance capable of causing bodily harm;

“licence” means a licence issued or renewed under this Act and in force at the material time;

“licensed armourer” means the person in whose name an armourer’s licence, in force at the material time, has been issued;

“licensed collector” means the person in whose name a collector’s licence, in force at the material time, has been issued;

“licensed dealer” means the person in whose name a dealer’s licence, in force at the material time, has been issued;

“licensed theatrical ordnance supplier” means the person in whose name a theatrical ordnance supplier’s licence, in force at a material time, has been issued;

“licensee” means a person in whose name a licence, in force at the material time, has been issued;

“major component part” of a firearm includes a part such as the receiver, body, breechbolt, frame or top slide without which the firearm would be considered inoperative or incomplete;

“Minister” includes a Minister of the Crown for the time being acting for or on behalf of the Minister;

“officer in charge of police” includes a police officer of the Queensland Police Service of whatever rank or grade who is for the time being in charge of a police establishment;

“place” includes any vehicle;

“police establishment” means a police establishment for the purposes of the *Police Service Administration Act 1990*;

“police officer” means a police officer within the meaning of the *Police Service Administration Act 1990*;

“possession” includes in relation to any thing—

- (a) having the thing in one’s custody;
- (b) having the thing under one’s control in any place, whether or not another has custody of the thing;
- (c) having an ability to obtain custody of the thing at will;
- (d) having a claim to custody of the thing which the claimant has committed to the custody of another, notwithstanding that the thing is temporarily not in the control of the person having such claim;

“primary producer” means a person (not being a person engaged in primary production as an employee on wages or piecework rates) primarily engaged in the occupation of—

- (a) dairy farmer;
- (b) wheat, maize, or cereal grower;
- (c) cane grower;
- (d) fruit grower;
- (e) grazier;

or

- (f) farmer, whether engaged in general or mixed farming, cotton, potato, or vegetable growing, or poultry or pig raising;

The term also includes any person or class of persons declared by Order in Council to be primary producers for the purposes of this Act;

“range” means—

- (a) the place used by an approved club engaged in the shooting of Schedule 2 weapons;

or

- (b) a place which is approved under any Act or law of the Commonwealth or of this State for use in the sport of target shooting of Schedule 3 weapons and which may be suitable for the use of Schedule 2 weapons;

“replica” includes—

- (a) any reasonable facsimile of a weapon whether or not it is capable of discharging a projectile;
- (b) any thing declared by Order in Council to be a replica for the purposes of this Act;

“security guard” means a person who, by way of carrying on a business or in the course of employment, patrols, protects, watches or guards over other persons or property of other persons but not in the course of primary production;

“security organization” means an organization which provides security guards and the services of security guards;

“theatrical ordnance supplier” means a person who, wholly or partly, carries on the business, whether or not for reward or benefit, of supplying on a temporary basis weapons for use in theatrical, film or television productions where the supplying involves no change in the ownership of the weapons;

“vehicle” includes any aircraft or vessel;

“unlawfully” means without authorization, justification or excuse by law;

“unloaded” means—

- (a) in the case of a firearm, that the firearm cannot be readily discharged;
- (b) in the case of a firearm with a permanently fixed magazine, that the magazine is empty;
- (c) in the case of any other magazine fed firearm, that the magazine is removed from the firearm;

“weapon” means—

- (a) a firearm, or thing, specified in Schedule 1, Schedule 2 or Schedule 3;
- or
- (b) a thing declared by Order in Council to be a weapon for the purposes of this Act.

PART 2—LICENCES

2.1 Issue, endorsement, etc., of licences. A licence may only be issued, endorsed as prescribed or altered by an authorized officer, or where so prescribed, an officer in charge of police.

2.2 Limitation on issue of licence. (1) A licence may be issued to a natural person only if that person—

- (a) has attained the age of 17 years, or, where a provision of this Act specifies another age, that age;
- and
- (b) has an adequate knowledge of safety practices relating to the use and maintenance of the types of weapons to which the licence relates;
- and
- (c) is not disqualified under this Act from holding the licence;
- and
- (d) in the opinion of an authorized officer, is a fit and proper person to hold a licence.

(2) A licence may be issued in the name of a body corporate or a firm only if it is endorsed in accordance with this Act with the name of a natural person, who satisfies the requirements of subsection (1), as the representative of the body corporate or firm in the conduct of business at the premises or location specified in the licence.

(3) In determining whether a person is a fit and proper person to hold a licence an authorized officer is to consider amongst other things—

- (a) the mental state of the person;
- (b) whether the person has been convicted, in Queensland or elsewhere, of an offence—
 - (i) relating to the misuse of drugs;
 - or
 - (ii) involving violence or threatened violence;
- and
- (c) if the person is subject to an order made under the *Domestic Violence (Family Protection) Act 1989*.

(4) A collector's licence is to be issued only to a person who has attained the age of 18 years and if—

(a) storage facilities that reasonably secure from unlawful entry are provided for the containing and security of any weapons that may be held under the authority of the licence and approved by an authorized officer;

and

(b) that person satisfies an authorized officer that the person is or intends to become a collector.

(5) A dealer's licence or armourer's licence may only be issued if storage and display facilities that reasonably secure from unlawful entry are provided for the containing and security of any weapons that may be held under the authority of the licence and approved by an authorized officer.

(6) A licence which authorizes the use of Schedule 2 weapons only at an approved club may only be issued if—

(a) the applicant has attended the prescribed number of shooting matches conducted by an approved club;

and

(b) the applicant has a certificate in or to the effect of the prescribed form from the governing body of an approved club—

(i) that the applicant is a financial member of the club;

and

(ii) that the governing body has approved the use of the weapons authorized by the licence at the approved club.

(7) A licence authorizing the possession of firearms may be issued in the names of two members of the governing body of an approved club on behalf of that club in respect of firearms required to be purchased, kept, possessed or used by or on behalf of the members of the club.

(8) A licence issued pursuant to subsection (7) is to specify the names and addresses of the persons who are responsible for the safekeeping of the firearms the subject of the licence when not in use by members of that club.

(9) A theatrical ordnance licence may only be issued if storage facilities that reasonably secure from unlawful entry are provided for the containing and security of any weapons or replicas that may be held under the authority of the licence and approved by an authorized officer.

2.3 Classes of collector's licences. (1) Collector's licences may be Class A or Class B licences.

(2) A collector's licence Class A relates to—

(a) one antique Schedule 2 weapon;

or

(b) any other Schedule 2 weapon in an inactive state.

A matched set, brace or pair of weapons may be taken to be a weapon in paragraph (a) or (b).

(3) A collector's licence Class B relates to any Schedule 1, or Schedule 2, weapon in an inactive state but, where a Schedule 1 weapon is ammunition containing explosive (other than ammunition 20 millimetres in calibre or less), only if the explosive is in an inactive state and has been certified in the prescribed manner accordingly.

2.4 Minor's licence. Subject to this Act, an authorized officer may grant a licence to a person—

(a) who is over 11 years of age and under 17 years of age for use of a Schedule 2 weapon at an approved club or for use of a Schedule 3 weapon in the sport of target shooting;

(b) who is over 13 years of age and under 17 years of age for use of a Schedule 3 weapon—

(i) whilst actually engaged in employment in primary production;

or

(ii) who is a member of the immediate family of and resides with a person actually engaged in primary production whilst actually carrying out duties in respect of primary production.

2.5 Application for licence. An application for a licence is to be—

(a) in or to the effect of the prescribed form;

and

(b) made personally by—

(i) in the case of an application by a natural person, that person;

or

(ii) in the case of an application by a body whether corporate or unincorporate or a firm, a natural person who is nominated for endorsement on the licence as the representative of the body or firm;

to the officer in charge for the division of the Police District in which that applicant or representative resides or, where prescribed, to an authorized officer;

- and
- (c) accompanied by the prescribed fee;
and
- (d) proof of identity of the applicant;
and
- (e) such other relevant particulars as the officer in charge or authorized officer requires.

2.6 Inquiries into application. (1) An officer in charge of police or authorized officer with whom an application for a licence is duly lodged may—

- (a) make or cause to be made any inquiry or investigation in respect of the applicant, the application or any person nominated as representative of the applicant;
and
- (b) require, at any time prior to the determination of the application, the furnishing by the applicant or person nominated as representative of the applicant of any prescribed information, authority, certificate, form, photograph, and, if the officer suspects on reasonable grounds that the stated identity is false, for the purpose of verifying the identity of the applicant or representative, any fingerprint, palm print or footprint;
and
- (c) supply any information, authority, certificate, form, photograph, fingerprint, palm print or footprint so obtained to any member of the police force of the Commonwealth or of any State or Territory of the Commonwealth for the purposes of this section;
and
- (d) require the applicant or a person nominated as representative of the applicant to undergo such written examination as may be prescribed so as to indicate the knowledge of the applicant of the safety practices relating to the use of the weapons the possession or use of which is to be authorized under the licence;
and
- (e) furnish any report relevant to the applicant, the application or any person nominated as representative of the applicant;
and
- (f) make such recommendation in relation to the application as the officer thinks proper.

(2) Unless the authorized officer considers that it is required for the prevention of an offence, at the determination of the application, an authorized officer is to return to the applicant or representative any fingerprint, palm print or footprint of the applicant or of the representative

obtained in the course of inquiries into the application and it to destroy any record or copy thereof made therefrom.

(3) Information required to be supplied under this section may only be used for the purpose of the determination of the application or for the prosecution of an offence and is not to be disseminated for any other purpose.

2.7 Authorized officer determines application. (1) An authorized officer is to determine an application for a licence (not being for renewal of a licence) within a period of 28 days from the expiration of 28 days after it is duly lodged.

(2) Any matter at the disposal of an authorized officer may be considered.

(3) An authorized officer may—

- (a) approve the application subject to such conditions (if any) as the authorized officer determines and issue the licence;
or
- (b) reject the application.

2.8 Issue of licence. A licence must—

- (a) be in or to the effect of the prescribed form;
and
- (b) have endorsed thereon any conditions prescribed for the particular use and category of weapon the possession of which is authorized by the licence and any other conditions determined pursuant to section 2.7 (3) (a).

2.9 Renewal of licences. (1) A licensee may apply for the renewal of the licence within a period of 46 days commencing 60 days before the expiry date of the licence.

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

- (a) in or to the effect of the prescribed form;
and
- (b) made personally by—
 - (i) in the case where the licensee is a natural person, that person;
or
 - (ii) in the case where the licensee is a body whether corporate or unincorporate or a firm, a natural person who is nominated for endorsement on the licence as the representative of the body or firm;

to the officer in charge for the division of the Police District in which the licensee or representative resides or carries on business;

and

(c) accompanied by the prescribed fee.

(3) (a) An authorized officer or the officer in charge for the division of the Police District in which the application is lodged is to determine an application for renewal of a licence before expiration of the licence.

(b) Any matter at the disposal of the officer may be considered.

(c) A police officer who duly receives the application may—

(i) renew the licence subject to similar conditions (if any) to which the current licence is subject;

or

(ii) refer the application and a report and recommendation thereon to an authorized officer.

(d) An authorized officer may—

(i) approve an application subject to such conditions (if any) as the authorized officer determines and renew the licence;

or

(ii) reject the application.

(4) A licence may be renewed by endorsement of the existing licence or issue of a fresh licence. Any conditions are to be endorsed on the licence.

2.10 Notice of refusal to issue or renew licence. Where an application for or for renewal of a licence is rejected the authorized officer is to give a notice of rejection in or to the effect of the prescribed form stating the specific reasons for the rejection to the applicant by registered post at the address shown on the application.

2.11 Duration of licence. (1) Subject to this Act, a licence is to be issued or renewed—

(a) in the case of an armourer's licence, dealer's licence, collector's licence Class B, theatrical ordnance supplier's licence or a licence in respect of Schedule 2 weapons, for a period of not more than 5 years;

(b) in the case of a licence in respect of Schedule 3 weapons or a collector's licence Class A for an indefinite period.

(2) A licence ceases to be in force if—

(a) it is cancelled or revoked;

or

(b) the licensee dies or becomes disqualified from holding a licence.

2.12 Only dealer's licence or armourer's licence transferable. (1) Except as provided in subsection (2), a licence is not transferable.

(2) Upon the sale of a business to which a dealer's licence or armourer's licence applies, that licence may be transferred to the purchaser if, had the purchaser made application for such a licence, the licence would have been issued to the purchaser.

2.13 Reporting loss, destruction or theft of licence. Where a licence is lost, destroyed or stolen the licensee, forthwith on becoming aware of the loss, destruction or theft, is to report the matter to the officer in charge for the division of the Police District in which the licensee is then located.

2.14 Replacement licence. (1) Where—

- (a) a licence is lost, destroyed or stolen;
or
- (b) any writing or endorsement on a licence is illegible and the licence is surrendered to the officer in charge for the division of the Police District in which the licensee resides;

an authorized officer may, upon application by the licensee in or to the effect of the prescribed form and payment of any prescribed fee issue to the licensee a replacement licence in lieu thereof.

(2) A replacement licence is to be endorsed with the words "Replacement Licence issued in lieu of Licence No. _____" and with any current endorsement on the licence which it is replacing.

(3) Subject to this Act a replacement licence remains in force for the unexpired period of the licence which it replaces.

2.15 Change in particulars in licence. Within 14 days of the occurrence of any event whereby any material particular contained in or endorsed upon a licence has been varied, the licensee is to deliver the licence to the officer in charge for the division of the Police District in which—

- (a) in the case where the licensee is a natural person, the licensee resides;
or
- (b) in the case where the licensee is a body whether corporate or unincorporate or a firm, a natural person endorsed on the licence as representative of the body or firm resides or carries on business.

The officer in charge may, upon being satisfied of the correctness of the change, endorse the licence according to the variation and cause particulars of the variation to be forwarded to an authorized officer.

2.16 Change of approved place. If an authorized officer is satisfied that, in respect of a licence, a place fulfils the requirements of this Act to be approved, the authorized officer may, upon application by the licensee, approve that place in place of the current approved place and endorse the licence accordingly.

2.17 Surrender of licence. A licensee may at any time surrender the licence by—

- (a) giving notice of surrender in or to the effect of the prescribed form;
- and
- (b) surrendering the licence;

to an authorized officer or officer in charge for the division of the Police District in which the licensee resides or carries on business.

2.18 Revocation of licence. (1) An authorized officer may, by a revocation notice given to a licensee revoke a licence where the authorized officer is satisfied that—

- (a) the licence has been obtained through fraud or deception;
- or
- (b) the licensee has committed an offence against any law in force in the State or any other State or Territory or the Commonwealth relating to or involving the use, carriage, discharge or possession of weapons;
- or
- (c) the licensee is no longer a fit or proper person to carry out any activity authorized by the licence;
- or
- (d) in the case of a licence authorizing possession of a weapon specified in Schedule 1 or Schedule 2, the licensee no longer has good reason to possess or use a weapon of a type specified in the licence;
- or
- (e) in the case of a dealer's licence, armourer's licence or theatrical ordnance supplier's licence—
 - (i) the licensed dealer, licensed armourer or licensed theatrical ordnance supplier is not in charge of the premises specified in the licence;
 - or
 - (ii) the premises specified in the licence are no longer satisfactory for the purposes of carrying out that business;
- or
- (f) in the case of a collector's licence—
 - (i) the licensed collector is no longer a bona fide collector or will no longer be in charge of the premises where the collector's weapons are usually kept;
 - or
 - (ii) the premises where the collection is usually kept are no longer satisfactory for the safe keeping of weapons;

or

(g) for any other reason, except the surrender or expiration of the term of the licence, the licence is void.

(2) A revocation notice—

(a) is to be in or to the effect of the prescribed form;

(b) is to state—

(i) the specific reasons for the revocation of the licence;
and

(ii) that the licensee is to surrender the licence to a specified police officer at a specified time and date;
and

(iii) that the licensee is to surrender every weapon held by the licensee under the authority of the licence as provided by subsection (5) at a specified time and date.

(3) A revocation notice may only have effect forthwith if it is given personally to the licensee or a person endorsed upon the licence as representing the licensee.

(4) A person who is duly given a revocation notice is to comply in every respect with the notice.

(5) Weapons to be surrendered pursuant to a revocation notice may be surrendered by—

(a) delivery of the weapons to a police officer;

or

(b) delivery of the weapons to a member of the governing body of an approved club or a licensed dealer or other person authorized under this Act to have possession of such weapons, the issue by the member, dealer or other authorized person of a receipt in or to the effect of the prescribed form for the weapons and delivery of the receipt, within the time specified in the notice for the surrender of the weapons, to the officer in charge for the division of the Police District in which the person surrendering the weapons resides or carries on business.

(6) Upon application to an authorized officer before the expiration of the time specified for the surrender of the licence or weapons, the authorized officer may extend the time for compliance with the notice and the notice is to be construed accordingly.

2.19 Representative of licensee. (1) A licensee, or an applicant for a licence, which licence is required to enable the licensee or applicant to carry on business, may apply in or to the effect of the prescribed form (which may be incorporated as part of the form of application for the licence) for the licence to be endorsed in accordance with this Act with the name of a fit and proper natural person who satisfies the

requirements of section 2.2 as the representative of the licensee at the premises or location specified in the application.

(2) On application by a licensee in or to the effect of the prescribed form the licence may be endorsed with the name of a fit and proper natural person who satisfies the requirements of section 2.2 in place of the name of another person endorsed as representative of the licensee under this or any other section.

(3) An application under subsection (1) or (2) is to be made to the officer in charge for the division of the Police District in which the relevant premises or location endorsed or to be endorsed on the licence is situated.

2.20 Visitors to Queensland. (1) A person who by a valid authority pursuant to the law of—

(a) a State (other than Queensland) or Territory of the Commonwealth;

or

(b) another country;

is entitled to possess a weapon in that State, territory or country (the proof of which is upon that person) may be issued in the prescribed manner with any licence in respect of that class of weapon.

(2) A licence granted or issued under subsection (1)—

(a) is valid for the period, not exceeding 3 months, specified therein;

and

(b) is to be endorsed with the words "VISITOR'S LICENCE".

2.21 Conditions etc. of licence to be obeyed. A licensee is—

(a) not to contravene any;

and

(b) to comply with each;

term and condition imposed in respect of the licence.

PART 3—POSSESSION AND USE OF WEAPONS

Division 1—General

3.1 Possession of weapons. A person is not unlawfully to have possession of a weapon.

Penalty:

(a) if the weapon is a firearm or thing specified in Schedule 1, imprisonment for 2 years or 100 penalty units or both;

(b) if the weapon is a firearm or thing specified in Schedule 2, imprisonment for 1 year or 60 penalty units or both;

(c) if the weapon is a firearm or thing specified in Schedule 3, imprisonment for 6 months or 20 penalty units or both.

3.2 Training minors. A person over 11 years of age may have physical possession of and use a Schedule 3 weapon in any place where it is lawful so to do whilst—

- (a) under the direct and immediate supervision of a parent, guardian or person acting in “*loco parentis*” who in each case is licensed to possess that weapon;
- or
- (b) at an approved range or place used for the sport of target shooting whilst under the direct supervision of a range officer in the prescribed manner.

The regulations may prescribe the circumstances when supervision of more than one person is direct supervision of each of those persons.

3.3 Use of weapons by unlicensed persons. (1) An unlicensed person who is eligible to obtain a licence that authorizes the possession of a weapon of a prescribed class may have physical possession of and use a weapon of that prescribed class at an approved range or a place where the sport of target shooting of weapons of that class is carried out, whilst under the direction of a range officer or delegate of a range officer.

(2) Where a licensee is a primary producer or is employed in primary production and resides on the land where the primary production activities are carried out, in the following circumstances, the following individuals may use any Schedule 3 weapon the possession of which by the licensee is authorized by the licence—

- (a) a member of the immediate family of the licensee who resides with the licensee and who is eligible to obtain a similar licence—for purposes related to that residing but not for recreational or sporting activities;
- (b) an agent or employee of the licensee who actually aids the licensee in primary production activities and who is eligible to obtain a similar licence—with the express consent of the licensee to that use.

3.4 Weapons on private property. (1) A person is not to discharge a weapon, cross-bow or spear gun on or across land owned or occupied by another person without the express consent of that owner or occupier.

Penalty: Imprisonment for 3 months or 20 penalty units or both.

(2) A person is not to carry or transport a weapon, cross-bow or spear gun on land owned or occupied by another without the express consent of that owner or occupier unless the weapon, spear gun or cross-bow is unloaded, broken or cannot be readily discharged.

Penalty: 20 penalty units.

3.5 Weapons in a public place. (1) A person is not, without reasonable excuse, to carry exposed to view in a public place a weapon, replica, spear gun, cross-bow or reasonable facsimile of a spear gun or cross-bow, whether or not it is capable of discharging a projectile.

Penalty: Imprisonment for 3 months or 20 penalty units or both.

(2) A person is not without reasonable excuse, to carry a loaded weapon in a public place.

Penalty: Imprisonment for 12 months or 60 penalty units or both.

(3) A person is not, without reasonable excuse, to unlawfully discharge a weapon, spear gun or cross-bow in, into, towards, over or through a public place.

Penalty: Imprisonment for 2 years or 100 penalty units or both.

3.6 Possession of weapons restricted. A person is not, without reasonable excuse, to have possession of a weapon, cross-bow, spear gun or replica or an explosive in any place in a manner likely alone or by another or others to—

(a) injure any person;

or

(b) unlawfully destroy or damage any property;

or

(c) cause alarm to any other person.

Penalty: Imprisonment for 2 years or 100 penalty units or both.

3.7 Possession of weapon whilst under the influence of liquor or drugs. A person is not to have physical possession of a weapon or an explosive while under the influence of liquor or a drug.

Penalty: 20 penalty units.

3.8 Security precautions by weapons owners etc. A person who is the owner or has possession of a weapon is to comply in so far as it is reasonably practicable with prescribed precautions to ensure at all times that, when the weapon is not in that person's physical possession, it is kept in a place of safety such that any other person who is not authorized or licensed under this Act will not gain possession of the weapon.

Penalty: 20 penalty units.

3.9 Alteration of identification marks. (1) A person is not, without reasonable excuse, to deface or alter any identifying serial number or mark on a weapon.

(2) A person is not, without reasonable excuse, to have possession of a weapon the identifying serial number or mark of which has been defaced or altered.

3.10 Obtaining weapons by deceit. A person is not to obtain or gain possession of a weapon or an explosive by any deceitful or fraudulent means.

Penalty: Imprisonment for 12 months or 60 penalty units or both.

3.11 Supply of weapons. A person is not to sell or supply a weapon to a person unless that other person first produces a licence authorizing

possession of that weapon or that other person is otherwise authorized under this Act to have possession of that weapon.

Penalty: Imprisonment for 12 months or 60 penalty units or both.

3.12 Unlawful trafficking in weapons. A person who unlawfully carries on the business of trafficking in weapons or explosives to facilitate the commission of a crime commits a crime.

Penalty:

- (a) if the offence relates to weapons or things specified in Schedule 1 or Schedule 2, imprisonment for 20 years;
- (b) if the offence relates to weapons specified in Schedule 3 or to explosives, imprisonment for 15 years.

3.13 Despatch of weapons. A person is not to despatch any Schedule 1 or Schedule 2 weapon to another person except in the prescribed manner.

3.14 Notification and recording of particulars of acquisition before possession. A licensee, other than a licensed dealer or licensed armourer, who acquires a Schedule 1 or Schedule 2 weapon, is not to take possession of the weapon unless prescribed particulars of the licence and the weapon have been supplied to and recorded by the officer in charge for the division of the Police District in which the licensee resides or carries on business.

3.15 Possession, etc., of non-Schedule weapons prohibited. A person is not, without reasonable excuse, to have possession of or acquire—

- (a) handcuffs, thumbcuffs or other similar restraints;
or
- (b) nunchaku or kung-fu sticks or any similar device which consists of two hard non-flexible sticks, clubs, pipes or rods connected by a length of rope, cord, wire or chain constructed or designed to be used in connexion with the practice of a system of self-defence and which if used offensively against a person is or are capable of causing bodily harm;
or
- (c) any baton or billy club;
or
- (d) any studded glove which if used offensively against a person is capable of causing bodily harm.

Division 2—Dealers and Armourers

3.16 Dealers to be licensed. (1) Unless a person is a licensed dealer, that person is not to deal in weapons.

(2) Subsection (1) does not apply to a person, who is not disqualified from holding a dealer's licence, whilst acting as an agent or employee of a licensed dealer.

3.17 Armourers to be licensed. (1) Unless a person is a licensed dealer or licensed armourer or is otherwise authorized under this Act, that person is not to repair or store weapons in the course of business.

(2) Subsection (1) does not apply to a person, who is not disqualified from holding a dealer's licence or an armourer's licence, whilst acting as an agent or employee of a licensed armourer.

(3) A licensed armourer, or the agent or employee of the licensed armourer to whom subsection (2) refers, may carry, discharge, possess, repair and store weapons on the premises specified in the licence.

3.18 Age of employees. A licensed dealer is not to employ a person under the age of 17 years to sell, purchase or receive weapons.

3.19 Dealer to keep register. (1) Each licensed dealer is to keep in the manner prescribed at the premises specified in the licence a register in the prescribed form.

(2) A licensed dealer whom an authorized officer has so requested is to deliver, within 14 days from the request, the register to an authorized officer or a police officer.

3.20 Annual returns by licensed dealers. Before 31 July in each year each licensed dealer is to furnish in or to the effect of the prescribed form to an authorized officer, particulars of all Schedule 1 and Schedule 2 weapons held in stock as at midnight on 30 June of that year.

3.21 Dealer, etc., to require information. A person who is a licensed dealer, a licensed armourer or an agent, employee or representative of the dealer or of the armourer may only purchase from, trade with, sell to or deal in any weapon with a person who provides the dealer, armourer, agent, employee or representative with any prescribed particulars and if those particulars are recorded in the register maintained by the dealer or armourer.

3.22 Security precautions. (1) A person who is a licensed dealer or a licensed armourer is to comply in so far as it is reasonably practicable with prescribed precautions to ensure the safekeeping of all weapons in that person's possession.

(2) For the purpose of determining whether a licensed dealer or licensed armourer has complied with subsection (1) regard is to be had, amongst other things, to—

- (a) the construction of premises;
and
- (b) the security of premises against unauthorized entry;
and
- (c) the security and safekeeping of any Schedule 2 weapon;
and
- (d) the facilities for any efficient bullet recovery box or bullet stop in connexion with the firing or testing of any weapon.

3.23 Licensed dealer taken to be in unlawful possession. A licensed dealer who without reasonable excuse has possession of any weapon the prescribed particulars of which have not been entered in the register as prescribed in accordance with section 3.19 is for the purposes of section 3.12 to be taken to have unlawful possession of an unauthorized weapon.

Division 3—Collectors

3.24 Collector to be licensed. A person is not to collect weapons unless that person is a licensed collector in respect of the nature and type of those weapons.

3.25 Weapons not to be discharged or operated. A collector is not to discharge or operate or cause or permit to be discharged or operated any weapon held or proposed to be held as a collector unless authorized to do so under a licence.

A collector's licence does not authorize the discharge or operation of any weapon.

3.26 Approval of arms fair. (1) Subject to this Act, a person or body of persons is not to conduct an arms fair unless the conduct of the arms fair has been approved by an authorized officer.

(2) An authorized officer may approve the conduct of an arms fair, either unconditionally or subject to such conditions as the authorized officer may determine, in or to the effect of the prescribed form or may refuse an application for approval.

(3) An authorized officer may at any time revoke an approval given under subsection (2).

(4) Where approval is refused or revoked, the authorized officer is to issue a notice of refusal or revocation in or to the effect of the prescribed form stating the specific reasons for the refusal or revocation and forward the notice to the applicant or person to whom approval had been given by registered post to the address shown in the application.

3.27 Application for approval. (1) An application for approval to conduct an arms fair—

- (a) may be made by a licensed collector or an organization representing licensed collectors;
and
- (b) is to be made at least 28 days prior to the proposed date for the fair;
and
- (c) is to be in or to the effect of the prescribed form;
and
- (d) is to be accompanied—
 - (i) by the prescribed fee;
and
 - (ii) such other information as may be required by an authorized officer.

(2) The authorized officer may make or cause to be made such enquiries in respect of the application for approval as the officer considers necessary and may approve the application in the prescribed manner as the officer may determine or may refuse the application.

3.28 Prior possession no offence in certain circumstances. A person who, prior to proceedings (if any) against that person under section 3.1, 3.14 or 3.24 being commenced in respect of that person's possession of a weapon—

- (a) sells or disposes of that weapon to a person licensed, or otherwise authorized under this Act, to possess such a weapon;
- or
- (b) duly applies for a collector's licence in respect of that weapon and describes that weapon;

is not guilty of any offence under those sections by reason of having possessed that weapon prior to the sale, disposing or determination of the application but, where that person has applied for a licence, only if—

- (c) that person shows that that person has not used or attempted to use the weapon;
- and
- (d) the application is determined by the grant of the appropriate collector's licence authorizing the possession of that weapon.

3.29 Acquisition by collectors to be notified and recorded. (1) Before a licensed collector who lawfully acquires a weapon takes possession of the weapon, the collector is to give particulars of the weapon in or to the effect of the prescribed form to the officer in charge for the division of the Police District in which the licensed collector resides.

(2) Particulars given to a police officer pursuant to subsection (1) are to be recorded in the prescribed manner and form.

3.30 De-activation of collector's weapons. A licensed collector who has lawful possession of any weapon is to have the weapon rendered incapable of operation by a prescribed person.

3.31 Collector Class B to keep register. (1) Every licensed collector Class B is to keep in the manner prescribed at the premises specified in the licence a collection register in or to the effect of the prescribed form.

The register is to consist of a book in the prescribed form and bound to the satisfaction of an authorized officer.

No page or any part of the register may be removed.

(2) In respect of every transaction relating to the purchase, sale or transfer of any weapon, the licensed collector concerned is—

(a) to enter, as soon as possible, and in any case, within 24 hours of the transaction, in the collection register the prescribed particulars;

and

(b) if the transaction involves a complete or substantially complete Schedule 1 or Schedule 2 weapon or its major component parts, to within 14 days of the transaction notify an authorized officer in or to the effect of the prescribed form.

(3) (a) An entry in a collection register is not to be altered or in any manner erased or disguised.

(b) Where, in relation to any entry in a collection register, an error is detected, the licensed collector is to strike out the particular error by a single line, make any insertion in a legible manner and initial the alteration.

(4) Upon request by an authorized officer, a licensed collector is to deliver the collection register to the authorized officer or a police officer within 14 days of the request.

3.32 Removal of register and weapons. (1) Except as provided in subsections (2) and (3), a licensed collector is not, without reasonable excuse, to remove any weapon or the collection register from the premises specified in the licence.

(2) Where an arms fair has been approved by an authorized officer under section 3.27, a licensed collector may remove weapons from the premises specified in the licence for the purpose of display or sale for the duration of the fair.

At the conclusion of the fair, the licensed collector is to return the weapons that have not been sold or disposed of to another licensed collector together with any additional weapons acquired by the licensed collector, to the premises specified in the licence.

(3) A licensed collector who displays weapons at an arms fair approved by an authorized officer, is to have possession at the fair of the collection register.

3.33 Inspection and presentation of weapons. (1) A collector's licence Class A does not authorize the possession of a weapon to which it relates unless the licensee or applicant for the licence has presented for inspection the weapon to the officer in charge for the division of the Police District in which the licensee or applicant resides.

(2) The licensee of a collector's licence Class B is to permit the inspection by an authorized person or police officer of all weapons kept by the licensee at the premises specified in the licence.

(3) A licensee of a collector's licence Class B who has possession of any Schedule 1 weapons containing explosives is to produce to an authorized officer in respect of those weapons—

- (a) any certification required under the *Explosives Act 1952-1990*;
and
- (b) certification under this Act by a prescribed person, that the weapons are or are not—
 - (i) free from explosives;
and
 - (ii) in an inactive state.

3.34 Transfer of collection. (1) A licensed collector desiring to transfer the collection held under the authority of the licence from the premises specified in the licence to other premises is to lodge an application for approval in or to the effect of the prescribed form to the officer in charge of police for the division in the Police District in which the licensed collector is then residing together with the prescribed fee.

(2) An authorized officer, after taking into account any matter at the disposal of the authorized officer, may approve an application under subsection (1) unconditionally or subject to such conditions as the authorized officer may determine or may refuse the application.

(3) Where the application is approved, details of the replacement premises and any conditions imposed are to be endorsed on the collector's licence.

(4) In the case of sudden transfer caused by emergency, the licensed collector is within 24 hours to notify an authorized officer of the circumstances of the transfer, specifying the reasons therefor, and indicating the particulars of the licensed collector, licensed dealer or other authorized person to whom the collection has been temporarily transferred.

3.35 Licensed collector leaving Queensland. (1) A licensed collector who is about to leave Queensland to reside elsewhere is, prior to leaving, to advise an authorized officer in writing of—

- (a) the date of departure;
and
- (b) the proposed residence;
and
- (c) what is proposed to be done regarding the collection.

(2) A licensed collector is not to move weapons to which the licence relates from the premises specified in the licence to a place outside Queensland unless an authorized officer is satisfied that the manner of transporting the weapons ensures their safekeeping whilst in Queensland.

3.36 Security precautions. (1) A licensed collector Class A is to take all reasonable precautions to ensure that when weapons in the collection are not in the collector's physical possession they are kept in a place of safety such that it is unlikely that an unauthorized person will gain possession of them.

(2) (a) A licensed collector Class B is to comply in so far as it is reasonably practicable with prescribed precautions to ensure the safekeeping of the collection.

(b) For the purpose of determining whether a licensed collector has complied with paragraph (a) regard is to be had, amongst other things, to—

- (i) the construction of premises;
and
- (ii) the security of premises against unauthorized entry;
and
- (iii) the security and safekeeping of any weapons.

3.37 Licensed collector taken to be in unlawful possession. A licensed collector who without reasonable excuse has possession of any complete or partially complete arms or major component part thereof the prescribed particulars of which have not been entered in the collection register as prescribed in accordance with section 3.31 is for the purposes of section 3.12 to be taken to have unlawful possession of an unauthorized weapon.

Division 4—Approved Clubs

3.38 Approval of club. (1) Subject to this Act, a person or body of persons is not to conduct a club or organization for the sport of target shooting with Schedule 2 weapons unless the club or organization has been approved by an authorized officer as an approved club.

(2) An authorized officer may grant approval as an approved club either unconditionally or subject to such conditions as the authorized officer may determine in or to the effect of the prescribed form or may refuse an application for approval.

(3) Where an application for approval is refused the authorized officer is to issue a notice of refusal in or to the effect of the prescribed form stating the specific reasons for the refusal and forward the notice to the applicant by registered post to the address shown on the application.

3.39 Approved clubs for sporting purposes only. The general purpose of an approved club is the sport of target shooting only.

3.40 Application for approval. Without limiting the powers of the Governor in Council to make regulations in relation thereto, an

application for approval of a club for the purposes outlined in section 3.39 is to—

- (a) describe fully the location of the proposed range of the club or proposed club;
- (b) be accompanied by a copy of the constitution of the club or proposed club;
- (c) contain particulars of the appointed or proposed office bearers of the club;
- (d) state the names, addresses, and dates of birth of the members of the club or proposed club who are or will be entitled to use the range;
- (e) be accompanied by such other information as may be required by an authorized officer.

3.41 Approval of range. (1) The members of an approved club as outlined in section 3.38 are not to use a place as the range of the club unless an authorized officer has approved, in writing, the situation, construction, suitability and equipment of the range having regard to the safety both of the users thereof and of the public and their property.

(2) An authorized officer may at any time withdraw approval given pursuant to subsection (1) by giving the president or other presiding officer of the governing body of the approved club of a notice in or to the effect of the prescribed form stating the specific reasons for the revocation.

3.42 Maintenance of range. The governing body of an approved club is at all times to maintain its range in the manner and to a standard acceptable to an authorized officer.

3.43 Modification of range. The governing body of an approved club is not to alter, modify or permit alteration or modification of the actual firing range, butts, and firing line in any material manner without the written approval of an authorized officer in or to the effect of the prescribed form.

3.44 Conditions relating to range. An authorized officer may impose at any time such terms or conditions relating to the use, control, administration or management of an approved range or the preservation of the public safety or the peace as the authorized officer thinks fit and may vary or revoke any terms and conditions imposed by giving the president or other presiding officer of the governing body of the approved club a notice in or to the effect of the prescribed form which is to include the specific reasons for the variation or revocation.

3.45 Range officers. (1) Before any shooting occurs on a range on any day on which the approved club shooting is to take place, the governing body of the approved club is to appoint with the person's consent that person who holds an appropriate licence and is a member of or is employed by the club to be range officer for that day.

A governing body may appoint, in accordance with this subsection, a person to be a range officer for any period.

(2) A range officer—

- (a) is to be present on the range on which the shooting is to take place at all times when shooting is taking place;
- (b) who is the range officer on any day is, before the commencement of shooting on that day, to cause the range officer's name to be displayed on a board identifying the range officer for that day and attached to the exterior of the approved club's premises on the range concerned in a prominent position;
and
- (c) may exercise the authorities and powers and is to perform the function and duties of a range officer as prescribed from time to time and may delegate all or any of these duties to any number of persons who hold the appropriate licence as may be required for the safe conduct of the range.

(3) A range officer is responsible, when any shooting is taking place during the period of appointment as range officer, for securing compliance with the provisions of this Act by all persons on the range used by the approved club concerned during the shooting.

The responsibility referred to in this subsection extends to furnishing a police officer, who is investigating any contravention or failure to comply with any provision of this Act, with full particulars concerning the subject matter of the investigation including the identity of each person who, to the knowledge of the range officer or delegate of the range officer, is concerned with that subject matter.

(4) The range officer and any delegates of the range officer are to ensure that every course of fire that is conducted by the approved club is conducted in compliance with recognized safety practices.

3.46 Practice at ranges by non-members of approved clubs. The governing body of an approved club may permit a licensee to practice shooting with any weapon held under the authority of the licence at the club's range if that weapon could be so used by a member of the club.

3.47 Attendance register. (1) There is to be kept in each approved club a register of attendance in or to the effect of the prescribed form.

(2) A licensee who is authorized to use a weapon approved for use at an approved club for the purpose of shooting on the approved range, before engaging in shooting, on each day, is to enter the prescribed particulars in the appropriate place in the register of attendance of that club.

The range officer or the delegate of the range officer is, immediately thereafter, to sign against the entry made by that licensee.

(3) A person is not to—

(a) fail to make entry in a register or attendance as required by this section;

or

(b) make any false or fraudulent entry;

or

(c) forge any entry;

or

(d) make an entry other than on the day when it purports to have been made.

(4) A police officer who inspects a register of attendance may endorse therein or thereon such mark as the police officer considers appropriate to indicate any time, date, place, circumstance or finding of that inspection.

(5) The governing body, the range officers and delegates of the range officers are to ensure that subsections (1), (2) and (3) are complied with.

3.48 Use of range by unauthorized person. A person who is not authorized under this Act, is not to shoot or practice shooting of Schedule 2 weapons at any range or any other place.

Division 5—Shooting Galleries

3.49 Approval of shooting galleries. (1) A person is not to conduct a shooting gallery at any time without the approval of an authorized officer to conduct that gallery.

(2) An authorized officer is not to grant approval to conduct a shooting gallery unless—

(a) the applicant for approval has attained the age of 17 years; and

(b) the officer is satisfied that the applicant has an adequate knowledge of safety practices relating to the use of the firearms to be used at the gallery;

and

(c) in the opinion of the authorized officer—

(i) the applicant is a fit and proper person to conduct the gallery;

and

(ii) the prescribed conditions and any conditions imposed by the authorized officer will be complied with.

(3) An authorized officer may grant approval to conduct a shooting gallery subject to the prescribed conditions and to such other conditions as the officer thinks fit.

(4) An authorized officer may refuse to grant approval to conduct a shooting gallery by giving the applicant for approval a notice in or to the effect of the prescribed form stating the specific reasons for the refusal and forwarding the notice to the applicant by registered post to the address shown on the application.

3.50 Conditions of approval. Approval to conduct a shooting gallery is to be subject to the following conditions:—

- (a) the several parts of the shooting gallery are to be designed, constructed and maintained to the satisfaction of an authorized officer;
and
- (b) the calibre of any firearm to be used at the shooting gallery is not to exceed .22 calibre;
and
- (c) ammunition used at the shooting gallery is not to be more powerful nor larger than standard .22 calibre short rifle rimfire ammunition;
and
- (d) where live ammunition is to be used—
 - (i) the area between the place where the firearm is mounted and the target is to be so constructed as to prevent projectile penetration or ricochet;
and
 - (ii) the firearm is to be so mounted that its barrel must remain within the confines of the gallery at all times;
and
- (e) at least one natural person specified in the approval is to—
 - (i) be physically present at the gallery at all times when it is open to the public;
and
 - (ii) personally supervise the use of every firearm by each person resorting to the gallery;
and
 - (iii) exercise all reasonable care and precaution and give such directions as are necessary to any person to prevent danger during the use of any firearm at the gallery.

3.51 Representative of holder of approval. (1) The holder of or an applicant for an approval to conduct a shooting gallery may apply in or to the effect of the prescribed form (which may be incorporated as part of the form of application for the approval) for the approval to be endorsed in accordance with this Act with the name of a fit and proper natural person who satisfies the requirements of section 3.49 as the representative of the holder of the approval at the premises or location specified in the application.

(2) On application by the holder of an approval to conduct a shooting gallery in or to the effect of the prescribed form, the approval may be endorsed with the name of a fit and proper person who satisfies the requirements of section 3.49 in place of the name of another person endorsed as representative of the holder under this section.

(3) An application under subsection (1) or (2) is to be made to the officer in charge for the division of the Police District in which the relevant premises or location endorsed or to be endorsed on the approval is situated.

3.52 Conduct of persons resorting to shooting galleries. (1) A person resorting to or making use of a shooting gallery is not to—

(a) point a firearm otherwise than in the direction of the target area in the shooting gallery;

or

(b) take away a firearm from the shooting gallery;

or

(c) interfere with—

(i) any other person resorting to or using the shooting gallery;

or

(ii) a firearm at a shooting gallery otherwise than as directed by any person conducting that gallery or the servant of that person;

or

(iii) any part or equipment of the shooting gallery;

or

(d) disobey a direction given to that person pursuant to section 3.50 (e) (iii).

*Division 6—Theatrical Ordnance Suppliers
and Other Associated Matters*

3.53 Theatrical ordnance suppliers to be licensed. (1) Subject to this Act, a person is not to supply or have possession for the purpose of supply of any weapon or replica in the production of a theatrical, motion picture or television production without first obtaining a theatrical ordnance supplier's licence.

(2) Subsection (1) does not apply to a person not disqualified from holding a theatrical ordnance supplier's licence whilst acting as an agent or employee of a licensed theatrical ordnance supplier.

3.54 Age of employees. A licensed theatrical ordnance supplier is not to employ a person under the age of 17 years to sell, purchase, receive or deal with any weapons.

3.55 Theatrical ordnance supplier to keep register. (1) Each licensed theatrical ordnance supplier is to keep in the manner prescribed at the

premises specified in the licence a register of ordnance in the prescribed form.

The register is to consist of a book in the prescribed form and bound to the satisfaction of an authorized officer.

No page or any part of the register may be removed.

(2) In respect of every transaction relating to the supply, purchase, rental or transfer of any weapon, the licensed theatrical ordnance supplier concerned is to forthwith enter in the register of ordnance the prescribed particulars.

(3) (a) An entry in a register of ordnance is not to be altered or in any manner erased or disguised.

(b) Where, in relation to any entry in a register of ordnance, an error is detected, the licensed theatrical ordnance supplier is to strike out the error by a single line, make any insertion in a legible manner and initial the alteration.

(4) Upon request by an authorized officer, a licensed theatrical ordnance supplier is to deliver the register of ordnance to the authorized officer or a police officer within 14 days of the request.

3.56 Use of theatrical ordnance supplies. Subject to compliance with the terms and conditions of the theatrical ordnance supplier's licence, the licensee may supply weapons to an organization for the purpose of a theatrical, film or television production to be used by any member of that organization who is eligible to be licensed under this Act in respect of the possession or use of the weapon supplied and that person may with the authority and permission of the licensee and under his immediate supervision possess or use that weapon for that purpose.

3.57 Removal of register and weapons. (1) A licensed theatrical ordnance supplier is not to remove any weapon or the register of ordnance from the premises specified in the licence except in the course of business as a theatrical ordnance supplier.

(2) A licensed theatrical ordnance supplier who has possession of weapons at a place other than the premises specified in the licence is to keep a record of the disposition of ordnance in the prescribed form.

3.58 Annual returns by licensed theatrical ordnance supplier. Before 31 July in each year each licensed theatrical ordnance supplier is to furnish in or to the effect of the prescribed form to an authorized officer particulars of all Schedule 1 and Schedule 2 weapons held in stock as at midnight on 30 June of that year.

3.59 Sporting, athletic, theatrical or other organization. (1) An authorized officer may issue a licence in respect of a blank-fire firearm in the name of an eligible person who is a member of a sporting, athletic or theatrical organization on behalf of that organization.

(2) Any member of that organization who is eligible to hold a licence but is not a licensee in respect of a blank-fire firearm may, with

the authority and permission of and under the instruction of the licensee, possess or use the blank-fire firearm, the subject of the licence, in the course of the actual conduct of the organization's activities.

(3) A licensee who ceases to hold the position within an organization held at the time of issue of the licence in name of that person on behalf of the organization pursuant to subsection (1), is to lodge, within 14 days of that cessation, with an authorized officer a notice in or to the effect of the prescribed form and the licence will be transferred to the person who succeeds the licensee in that position within the organization if that person is eligible under this Act to hold the licence.

(4) For the purposes of this section, the term "sporting, athletic or theatrical organization" includes any educational institution.

Division 7—Security Guards

3.60 Security guards to be licensed. Subject to this Act, a person is not to have possession of any weapon whilst performing the duties of a security guard without first obtaining a security guard's weapons licence.

3.61 Restrictions relating to carriage of weapons. (1) A security guard is not to carry any weapon in the manner other than in the prescribed manner.

(2) Prior to the grant of a security guard's weapons licence to any person and from time to time during the currency of the licence as prescribed or as required by an authorized officer, that person is to undertake and successfully complete such course of training in the safe handling and use of weapons as may be prescribed.

3.62 Security organizations to be licensed. Unless otherwise authorized under this Act, a security organization is not to have possession of or permit or allow any security guard within or employed by the organization whilst performing the duties of a security guard to have possession of any weapon without first obtaining a security organization's weapons licence.

3.63 Security organization to keep register. (1) Each licensed security organization is to keep in the manner prescribed at the premises specified in the licence a register of weapons in the prescribed form.

The register is to consist of a book in the prescribed form and bound to the satisfaction of an authorized officer.

No page or any part of the register may be removed.

(2) A security guard, before commencing duty on each day when the guard has physical possession of a weapon whilst performing duties as a security guard for a security organization, is to enter prescribed particulars in the appropriate place in the register of weapons kept by the security organization.

A person appointed in writing by the security organization to supervise the keeping of the register of weapons is, immediately thereafter, to sign against the entry made by that security guard.

(3) A person is not to—

(a) fail to make entry in a register of weapons as required by this section;

or

(b) make a false or fraudulent entry;

or

(c) forge any entry;

or

(d) make an entry other than on the day when it purports to have been made.

(4) A police officer who inspects a register of weapons may endorse therein or thereon such mark as the police officer considers appropriate to indicate any time, date, place, circumstance or finding of that inspection.

(5) A security organization is to ensure that subsections (1), (2) and (3) are complied with.

PART 4—POLICE POWERS

4.1 Identification. (1) A police officer who finds any person committing or reasonably suspects any person of having committed or being about to commit any offence against this Act may demand from that person such particulars as the officer requires to identify that person (including the name and address of the person) and if the officer has reasonable grounds to suspect that the particulars given are false may require evidence of the correctness thereof.

If that person unreasonably fails upon demand to give any particular or evidence required, the police officer may caution that person, and if that person persists in that failure, or gives a name or address which in the reasonable belief of the police officer is false, may arrest that person without warrant, and take that person forthwith before a court to be dealt with according to law.

(2) A person required under this section to give any particular is not to—

(a) fail to give that particular;

or

(b) give any false particular;

or

(c) give false evidence in respect thereto.

4.2 Power to demand production of licence, etc. (1) Where under this Act any person is required to be the holder of a licence, to have

approval of any person or to keep any register or record, any police officer may at any time require that person to, within the prescribed period, produce to that police officer for inspection, the licence, evidence of approval, the register or record and any weapon referred to in any of them.

(2) A person is not, without reasonable excuse, to fail, within the prescribed period, to produce a licence, evidence of approval, register, record or weapon when requested by a police officer.

4.3 Search for weapons, etc., subject to seizure. A police officer may stop, detain and search—

- (a) any vehicle upon which the officer suspects on reasonable grounds that there is any weapon liable to seizure under this Act or any other Act;
- (b) any person whom the officer suspects on reasonable grounds of being in physical possession of any weapon liable to seizure under this Act or any other Act.

4.4 Register of searches. (1) Where a police officer—

- (a) stops a vehicle;
- or
- (b) detains a person;
- or
- (c) enters a place;

pursuant to the provisions of this Part (other than in pursuance of a warrant issued under section 4.7), the officer is at the first reasonable opportunity to record in a register kept in a form prescribed by regulation the matters following:—

- (d) in the case of the stoppage of a vehicle—
 - (i) the place at which the vehicle was stopped;
 - and
 - (ii) the reason for the stoppage;
 - and
 - (iii) if the vehicle or any thing in it is searched, the date, time and place of the search;
- (e) in the case of the detention of a person—
 - (i) the name of the person or, if it is unknown, a description of the person;

- and
- (ii) the place at which the person was detained;
and
- (iii) the date, time and length of detention;
and
- (iv) the reason for the detention;
and
- (v) if the person is searched, where the search took place;
- (f) in the case of the entry of a place—
 - (i) the identification of the place;
and
 - (ii) the date and time of entry;
and
 - (iii) the reason why a warrant was not obtained;
- (g) in the case of the search of a vehicle, person or, as the case may be, place—
 - (i) who or what was searched;
and
 - (ii) the reason for the search;
and
 - (iii) a description of any thing that was taken away;
and
- (h) in any such case, the name, rank and number (if any) in the Police Force of the police officer and the officer's signature.

(2) Any entries made in the register are to be available for inspection by—

- (a) the owner of the vehicle or thing;
or
- (b) the person;
or
- (c) the occupier of the place;

to which or, as the case may be, to whom they relate or that person's agent.

(3) Failure to make the entries referred to in subsection (1) in relation to the stoppage of a vehicle, the detention of a person or, as the case may be, the entry of a place or to make them available for inspection as required by subsection (2) is *prima facie* evidence that the stoppage, detention or, as the case may be, entry and any search made pursuant to the stoppage, detention or entry were unlawful.

4.5 Powers in dangerous situations. Where a police officer suspects on reasonable grounds that a person is in premises or any place and

has possession of and is using or threatening to use any weapon or any other thing in circumstances such that death or injury to any person is or is likely to be caused, whether or not any other person is actually present, the police officer and all persons acting in aid of the police officer may, using such force as is necessary for that purpose, without any warrant other than this section—

- (a) enter any premises or place;
and
- (b) detain any person found there for such time as is reasonably necessary for the police officer to establish whether an offence has been committed;
and
- (c) search the premises or place and every person found there;
and
- (d) seize and detain any weapon or other thing which may be found on the premises or place or on any such person.

4.6 Powers in respect to premises specified in licences or approvals under Act. Any police officer may—

- (a) at any time enter and remain upon the range or premises of any club that is required by this Act to be approved, shooting gallery, premises of a collector, dealer, armourer or theatrical ordnance supplier;
or
- (b) inspect, examine and test any weapon found there;
or
- (c) inspect, examine and test any place, premises, equipment or materials of construction thereof;
or
- (d) inspect any record, licence, approval, register or other writing and take such copies of extracts therefrom as the police officer desires;

and may make such other examination or inquiry as the police officer considers necessary to establish whether the provisions of this Act or of any licence, approval or exemption granted under this Act are being complied with.

4.7 Search. When any police officer lawfully in any premises or place finds any person in or on those premises or that place under such circumstances that the police officer has reasonable grounds to suspect that the person is in possession of any weapon, licence or register in contravention of this Act, the police officer and all persons acting in aid of the police officer, using such force as is necessary, may search and, for that purpose, detain the person and possessions of the person so found and search the premises or place in which that person is found.

4.8 Search warrant. Upon complaint on oath before any justice by any police officer, that the police officer believes that any thing is, or

is in the possession of any person, in or upon any place or premises, contrary to any provision of this Act, the justice may grant a warrant to any police officer to enter, re-enter and search the place or premises, and search any person found therein or thereon.

The complaint is to specify the facts and reasons for the police officer's belief and the justice may determine the matter after consideration only of those facts and reasons.

A warrant may be executed at any time and is sufficient authority for any police officer and for all persons acting in aid of the police officer—

- (a) to enter and re-enter the place or premises specified in the warrant;
and
- (b) to search that place or premises and any person found there;
and
- (c) to exercise therein the powers conferred upon a police officer by this Act;
and
- (d) to use such force as may be necessary to perform any of the things referred to herein;
and
- (e) to pass through, from, over and along any other place for the purpose of making that entry or re-entry.

For the purpose of gaining entry or re-entry to any place or premises or to search any place, premises or person a police officer may call to the police officer's aid such persons as the police officer thinks necessary and those persons, while acting in aid of that police officer in the lawful exercise of the powers of entry and search have a like power of entry, re-entry and search.

4.9 Seizure and detention of weapons, etc. (1) Any police officer may at any time seize and detain any weapon, ammunition, licence or register, in relation to which the police officer suspects on reasonable grounds that this Act has been, is being or is about to be contravened or which the police officer believes will afford evidence as to the commission of any such contravention.

(2) A police officer who removes, seizes or retains any thing pursuant to the provisions of this Part is, wherever practical, to deliver or cause to be delivered within a reasonable time to—

- (i) the owner of the thing;
or
- (ii) if the owner of the thing is unknown, the person from whose possession the thing was removed, seized or retained;

a written receipt containing details of—

- (iii) the name, rank, station and number (if any) in the Police Force of the police officer removing, seizing or retaining the thing;
and
- (iv) the address of the police establishment or other place in which the thing removed, seized or retained is or is to be held;
and
- (v) a brief description of the thing.

4.10 Power of arrest. A police officer who believes on reasonable grounds that—

- (a) a person has committed or has attempted to commit an offence against this Act;
and
- (b) proceedings by way of complaint and summons against that person would be ineffective;

may, without any warrant other than this Act, arrest that person.

4.11 Fingerprints, etc. (1) Where a person is arrested on a charge of having committed an offence defined in this Act a police officer may take or cause to be taken from that person all such particulars as the officer considers on reasonable grounds to be necessary for the identification of that person or the investigation of an offence including the voice print, photograph, finger prints, palm prints, foot prints and toe prints and handwriting of that person and, except in the case of voice prints and handwriting, may use such force as is necessary to obtain those particulars.

(2) In the event of a person being acquitted of an offence defined in this Act, the charge being withdrawn or dismissed or the defendant being absolutely discharged, any particulars obtained pursuant to subsection (1), are to be destroyed within 28 days of that event.

PART 5—APPEALS

5.1 Appeals. (1) Subject to this section, a person who feels aggrieved by—

- (a) the refusal of an application by that person for a licence or any approval required under this Act;
or
- (b) the imposition or variation at any time of any terms and conditions imposed in respect of any licence or approval issued to that person under this Act;
or
- (c) the revocation of any licence or approval issued or granted to that person under this Act;

may, within 28 days after the date of the giving of the notice of refusal, variation, revocation, imposition or order, appeal to the Magistrates Court exercising jurisdiction at or nearest the place where that person resides or carries on business or, as the case may be, proposes to carry on any operations affected by the refusal, imposition, variation, revocation or order.

An appeal is to be instituted by—

- (a) lodging with the Clerk of the Court having jurisdiction written notice of appeal;
- and
- (b) serving a copy of that notice on an authorized officer.

A notice of appeal—

- (c) is to specify fully the grounds of appeal and the facts relied upon;
- and
- (d) is to be in or to the effect of the prescribed form.

Within 28 days of the lodgment of a notice of appeal, the authorized officer is to file with the Clerk of the Court and give a copy thereof to the appellant, a summary of the facts and circumstances relied upon to make the determination appealed against.

An appeal is to be by way of re-hearing.

(2) Jurisdiction is hereby conferred on the Magistrates Courts to hear and determine appeals instituted in accordance with subsection (1).

(3) (a) Rules of Court may be made, under the *Magistrates Court Act 1921-1989* with respect to the institution, conduct and disposal of appeals to the Magistrates Court pursuant to the provisions of this section.

(b) Until those rules are made or in so far as those rules do not extend—

- (i) the procedure for obtaining subpoenas to witnesses requiring them to attend on an appeal are, subject however to all such modifications and adaptations thereof as are necessary to give operation and effect to this section, to be that provided by the Rules of Court made under the *Magistrates Court Act 1921-1989*, as if that appeal were a proceeding under those Rules of Court;
- (ii) a Stipendiary Magistrate may, in any particular case, give such directions as the Stipendiary Magistrate thinks fit, including directions in relation to obtaining subpoenas where the procedure under subparagraph (i) does not extend or is inappropriate, and those directions, according to their tenor, are to have force and effect as the Rules of Court made for purposes of the appeal.

(4) Nothing in this section prevents, upon reasonable grounds, the refusal of any subsequent application, the variation or imposition of any terms or condition or, the revocation of any licence subsequent to the Magistrates Court determination.

(5) Notwithstanding that an appeal has been lodged, any refusal, imposition, variation, or revocation under this Act is effective as such until the Magistrates Court makes its determination upon the appeal.

A person has duly appealed against—

- (a) the refusal to renew a dealer's licence, armourer's licence or theatrical ordnance supplier's licence;
or
- (b) the revocation of a dealer's licence, armourer's licence or theatrical ordnance supplier's licence;

is entitled to carry on the business in all respects as if the licence had been renewed or had not been revoked pending the determination of the appeal.

PART 6—MISCELLANEOUS

6.1 Detention and disposal of weapons in police custody. (1) Any weapon or other thing held by or in the custody of any police officer pursuant to this Act (whether or not the officer came into possession thereof before or after the commencement of this Act)—

- (a) may be detained by any police officer until it is disposed of pursuant to paragraph (b) or (c);
or
- (b) may be delivered at any time after the appointed day—
 - (i) if any authorized officer is satisfied that some person is the owner, or would be entitled to possession if that person complies with the provisions of this Act—
 - (A) to the owner or person entitled to possession;
or
 - (B) if the owner or person entitled to possession nominates some other person to have possession, to that other person;
or
 - (ii) if a court order is made for the delivery thereof to any person pursuant to section 39 of the *Justices Act 1886-1990*, to that person;
if that person shows to the satisfaction of the police officer who holds or has custody thereof that that person is authorized to have possession of a weapon of that class;
or
- (c) if it has not been delivered to any person pursuant to paragraph (b) within one year of the appointed day or such

longer period as the Minister may determine in a particular case, is to be forfeited to the Crown.

The provisions of paragraph (b) do not apply to any weapon or any other thing which has been forfeited or ordered to be forfeited to the Crown pursuant to this or any other Act or law.

(2) Where a person charged or indicted with an offence against this Act is not convicted of any offence on that charge or indictment, the court before which that person is charged or indicted may order that any weapon or thing found in the possession of that person at or about the time of the alleged commission of the offence or the time of that person being charged with the offence be forfeited to the Crown and any thing in respect of which the order is made thereby is forfeited accordingly.

(3) For the purposes of this section the appointed day is—

(a) in the case of any weapon or other thing held or in custody in relation to any contravention or suspected contravention of any provision of this Act—

(i) the time of the final determination of all proceedings in respect thereto;

or

(ii) the expiration of 6 months from the date when the weapon or other thing came into the possession or custody of the police officer;

whichever is the later to occur;

or

(b) in any other case, the date when the weapon or other thing comes into the possession or custody of a police officer.

(4) Any thing forfeited pursuant to this Act may be taken and disposed of as the Minister directs and for that purpose any police officer may, with such assistants and by such means as is necessary, enter upon any premises upon which the officer knows or suspects the thing so forfeited to be.

6.2 Disqualification by a court. (1) Where a person is convicted of an offence or is the subject of any order against the law of the State of Queensland, the Court may, in addition to any other penalty imposed by that law, do any one or more of the following:—

(a) declare any licence or approval held by the person convicted to be revoked;

(b) disqualify the person from holding or obtaining a licence or approval or from being a representative of a licensee or holder of approval under this Act for a period specified by the Court;

(c) order that any weapon owned or in the possession of that person is forfeited to the Crown.

(2) A declaration under subsection (1) (a) has effect to revoke the licence specified in the declaration.

6.3 Offences generally. A person who contravenes or fails to comply with a provision of this Act commits an offence against this Act and if a specific penalty is not otherwise provided is liable—

- (a) for a first offence, to a penalty of 10 penalty units;
- (b) for a second or subsequent offence, to a penalty of 60 penalty units or imprisonment for 12 months or both.

6.4 Fraud and unlawful possession of licence, etc. (1) A person is not—

- (a) by any false statement or misrepresentation to obtain or attempt to obtain a licence;
- (b) without reasonable excuse, to have possession of—
 - (i) a licence;
 - or
 - (ii) any thing resembling a licence;
 - or
 - (iii) any document which was formerly a licence but which is void, cancelled, suspended or surrendered;
- (c) without reasonable excuse, to lend, or permit or allow to be used any licence issued in that person's name by any other person;
- (d) unless authorized by or under this Act, to make or attempt to make or cause, permit or allow to be made any endorsement on or addition or alteration to or erasure from a licence or any approval under this Act.

(2) A licence or approval obtained by any false statement or misrepresentation is null and void.

6.5 Criminal Code to be read with Act. The Criminal Code, with all necessary adaptations, is to be read and construed with this Act.

6.6 Allegation and proof of circumstances of aggravation. (1) If any circumstance of aggravation is intended to be relied upon in respect of an offence defined in this Act it must be charged in the complaint that alleges that offence.

(2) Upon a complaint charging a person with an offence committed with any circumstance of aggravation the defendant may be convicted of any offence that is established by the evidence and that is constituted by an act or omission that is an element of the offence charged, with or without the circumstance of aggravation charged in the complaint.

6.7 Proceedings for offences. (1) Subject to this Act, all offences against this Act may be prosecuted in a summary way under the *Justices Act 1886-1990* upon the complaint of a member of the police force and shall be brought within 12 months after the offence is committed.

(2) Notwithstanding this Act or any other Act, in a proceeding on a complaint the court may make an order on any matter within its jurisdiction though no application is made in respect thereof.

6.8 Person other than offender liable to penalties. Where an offence against this Act is committed by a body or association of persons whether incorporated or unincorporated every person who is a member of the governing body of that body or association and, in the case of a body or an association that is incorporated, the managing director, director, manager or other governing officer by whatever name called is to be taken to have committed the offence and may be prosecuted in respect of the offence unless that person proves that—

- (a) the offence was committed without knowledge of that person; and
- (b) that person had used all due diligence to prevent the commission of such an offence.

6.9 Evidentiary provisions. (1) In a proceeding for the purposes of this Act—

- (a) it is not necessary to prove the appointment of the Minister, the Commissioner, an authorized officer, a commissioned officer or any other police officer to do any act or take any proceedings; and
- (b) a signature purporting to be that of the Minister, the Commissioner or any other police officer is to be taken to be the signature it purports to be until the contrary is proved; and
- (c) an allegation or averment in a complaint that any land, place or premises is an approved range is evidence and, in the absence of evidence to the contrary, conclusive evidence of the allegation or averment; and
- (d) a document purporting to be certified by an authorized officer and purporting to be a copy of a licence, approval or other document under this Act is, upon its production in that proceeding, evidence and, in the absence of evidence to the contrary, conclusive evidence of that licence, approval or other document or matters endorsed thereon; and
- (e) a document purporting to be signed by an authorized officer stating that at a specified time or during a specified period—
 - (i) there was or was not in force a licence or authority under this Act as described in the document granted or issued to a specified person or body or association of persons or in respect to a specified thing or for a specified purpose

and that the licence or other authority was or was not subject to the terms, conditions or restrictions set out in the document;

or

- (ii) anything was or was not designed, constructed or maintained in a manner to the satisfaction of the authorized officer;

is, upon its production in that proceeding, evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the document;

and

- (f) every entry in any book or register kept by or belonging to any person pursuant to this Act or found on premises of that person are to be taken, unless the contrary is shown, to have been made by or with the authority of that person;

and

- (g) proof of any exemption from any provision of this Act is upon the person who relies thereon;

and

- (h) where the age of any person is material, the court may decide, upon its own view and judgement, whether any person charged or present before it has or has not attained any prescribed age but the age of that person may be proved by other means.

(2) (a) Where, in respect of a proceeding for an offence against this Act, a copy of a document purporting to be signed by a police officer stating—

- (i) the qualifications and experience of that officer;

and

- (ii) that the officer has been appointed by the Commissioner as an approved officer;

and

- (iii) that at a specified time any article, weapon or other thing—

- (A) did or did not bear any identification mark or number;

- (B) has had altered, defaced or removed therefrom any identification mark or number;

- (C) was or was not a weapon of a particular type;

- (D) was a weapon or other thing that had or had not been rendered inoperable;

is served upon the person charged with the offence at least 14 clear days before the hearing of the complaint then the document, a copy of which has been so served, on its production in the proceeding is sufficient evidence of the facts stated therein unless the person charged gives notice in writing in or to the effect of the prescribed form to the

complainant at least 3 clear days before the hearing of the complaint requiring the calling of the police officer as a witness.

(b) Notwithstanding that a person charged with an offence has failed to give the notice as prescribed in paragraph (b), the court may, in the interest of justice, order the police officer to be called and may grant any necessary adjournment accordingly.

6.10 Service of notice, orders, etc. (1) Any order, notice or other document issued pursuant to this Act is properly given upon the person to whom it is directed if it is served in accordance with this section, that is to say—

- (a) by delivering a copy thereof to the person personally;
or
- (b) if the person cannot reasonably be found, by leaving a copy thereof with some person for the person at that person's usual place of business or residence or at the place of business or residence last known to the person who serves the order or document;
or
- (c) by posting by registered post a copy thereof addressed to the person at that person's place of business or residence last known to the person who issued the order at least 14 days before the date on which the notice or document is to take effect.

(2) When an order, notice or document is served, the person who serves it may attend before a justice and depose on oath and in writing endorse on a copy of the order, notice or document to the manner of service thereof showing therein the date of personal delivery, leaving or posting, as the case may be, of the order, notice or document.

(3) Every such deposition is, upon production in any court, evidence of the matters contained therein and sufficient proof of the service of the order, notice or document on the person to whom it was directed.

(4) Service of any order, notice or document issued pursuant to this Act upon any unincorporated body or association of persons is properly served if it is served in accordance with this section upon the person who is for the time being the secretary or president (by whatever name such office is called) of that club or association.

6.11 Liability for tort generally. (1) The Crown is liable for a tort committed by any police officer acting, or purporting to act, in the execution of duty as a police officer under this Act in like manner as an employer is liable for tort committed by the employer's servant in the course of employment.

The Crown is to be treated for all purposes as a joint tortfeasor with the police officer who committed the tort.

(2) In no case does the Crown's liability for a tort committed by any police officer extend to a liability to pay damages in the nature of punitive damages.

(3) In proceedings upon a claim by the Crown for damages in respect of a tort, actions done or omissions made by an officer acting, or purporting to act, in the execution of duty as a police officer under this Act may be relied on by the Crown as constituting contributory negligence, if the actions or omissions could have been so relied on if they had been done or made by a servant of the Crown in the course of employment.

(4) For the purposes of this section, an action done or omission made by a police officer acting, or purporting to act, in the capacity of a constable is taken to have been done or made by the officer acting, or purporting to act, in the execution of duty as an officer.

(5) If a police officer incurs liability in law for a tort committed by the police officer in the course of rendering assistance, directly or indirectly, to a person suffering, or apparently suffering, from illness or injury in circumstances that the officer reasonably considers to constitute an emergency, and if the officer acted therein in good faith and without gross negligence, the Crown is to indemnify and keep indemnified the officer in respect of that liability.

6.12 Payment and recovery of damages. (1) The Crown may pay—

(a) the whole or part of damages, other than damages in the nature of punitive damages, and costs awarded against any police officer in proceedings with respect to a tort committed by the police officer acting, or purporting to act, in the execution of duty under this Act;

and

(b) the whole or part of costs incurred, and not recovered, by the police officer in the proceedings.

(2) If any police officer is liable to pay a sum under a settlement of a claim that has, or might have, given rise to proceedings such as are referred to in subsection (1), the Crown may pay the whole or part of the sum.

(3) Except as provided by section 6.11 (5), if the Crown has paid moneys by way of damages or costs in respect of a tort committed by any police officer or has paid moneys under a settlement referred to in subsection (2), the Crown may recover, in a court of competent jurisdiction, contribution from the police officer in respect of that payment.

(4) In proceedings for contribution under subsection (3) the amount of contribution recoverable is such amount as is found by the court to be just and equitable in the circumstances.

6.13 Provision of legal representation. (1) The Commissioner may provide legal representation on behalf of any police officer against whom

any action, claim or demand or proceeding in respect of an offence is brought or made otherwise than by or on behalf of the Crown in any of its capacities on account of any action done or omission made by the police officer acting, or purporting to act, in the execution of duty under this Act.

(2) If it is found, or conceded, in relation to any such action, claim, demand or proceeding that the police officer was not acting in the execution of duty in doing the action or making the omission on which the action, claim, demand or proceeding is based, the Commissioner may recover from the police officer the amount of costs and expenses incurred by the Commissioner in providing legal representation under subsection (1) in any court of competent jurisdiction as a debt due and payable by the police officer to the Commissioner and unpaid.

6.14 Fees and penalties. All fees paid and all penalties recovered and costs incurred in relation to proceedings under this Act are to be paid and are hereby payable as prescribed by the regulations.

6.15 Regulations. (1) The Governor in Council may make regulations not inconsistent with this Act with respect to—

- (a) all matters required or permitted by this Act to be prescribed by regulation or to be prescribed and in respect of which no other means of prescription is specified;
- and
- (b) all matters necessary or expedient to be prescribed for the proper administration of this Act or to achieve the objects and purposes of this Act.

(2) Without limiting the power conferred by subsection (1), the Governor in Council may make regulations for or with respect to the matters set forth in Schedule 4.

(3) The power to regulate conferred by this section includes the power to prohibit.

(4) Regulations made under this Act—

- (a) may be made to apply generally throughout the State or within a part thereof and may be made to apply generally with respect to any class of person or matter or thing or to apply with such limited application as is indicated therein or with variations in respect of classes of persons, matters or things;
- (b) may adopt wholly or partly and specifically or by reference, any of the standard rules, codes, specifications or methods of Standards Australia, the British Standards Institute or any other body identified in the regulations.

(5) A regulation may provide for an offence punishable by a penalty not exceeding 10 penalty units.

SCHEDULE 1**RESTRICTED WEAPONS**

1. Machine guns and submachine guns being any firearm or any major component thereof which is fully automatic in its operation and actuated by energy developed when it is being fired. Any non-firing replica or non-firing facsimile of a machine gun or submachine gun.
2. Any clothing, apparel, accessory or article designed to disguise any weapon or other cutting or piercing instrument capable of causing bodily harm.
3. Anti-personnel gases and anti-personnel substances of a corrosive, noxious or irritant nature or that are capable of causing bodily harm, and any weapon capable of discharging such gases or substances by any means whatever.
4. Acoustical anti-personnel devices of such an intensity as to be capable of causing bodily harm.
5. Electrical anti-personnel devices of such an intensity as to be capable of causing bodily harm.
6. Handgrenades and anti-personnel mines.
7. Rocket launchers, recoilless rifles, anti-tank rifles, and bazooka or RPG type launchers.
8. Any knife so designed or constructed so as to be used as a weapon that whilst the knife is held in one hand, the blade may be released by that hand.
9. Any clothing, apparel, adornment, or accessory designed for use as a weapon or a cutting or piercing instrument capable of causing bodily harm.
10. Mortars and their ammunition, all artillery and their ammunition, any bomb or other explosive or incendiary or inflammable device containing any substance capable of causing bodily harm or damage or injury to property.
11. Any cross-bow designed to be discharged by the use of one hand (not being a toy pistol cross-bow) which when discharged is capable of causing damage or injury to property or capable of causing bodily harm.
12. Bullet proof vests or protective body vests or body armour designed to prevent the penetration of small arms projectiles.
13. Any device constructed or designed as a telescopic baton, not being a toy baton, which if used is capable of causing bodily harm.

-
14. (a) A chinese throwing iron being a hard non-flexible plate having three or more radiating points with one or more sharp edges in the shape of a polygon, trefoil, cross, star, diamond or geometric shape and constructed or designed to be thrown as a weapon.
 - (b) Flails or similar devices constructed and designed as a weapon consisting of in part a striking head which device if used offensively is capable of causing bodily harm.
 - (c) A device known as a “manrikiguisari” or “kusari”, consisting of a length of rope, cord, wire or chain fastened at each end to a gemometrically shaped weight or handgrip and constructed or designed for use as a weapon.
 - (d) A device known as a knuckleduster or any device made or adapted for use as such and which if used offensively against a person is capable of causing bodily harm.
 - (e) A sap glove.
 - (f) A mace or any similar article (other than a ceremonial mace made for and used solely as a symbol of authority on ceremonial occasions).
15. Any tracer, explosive, incendiary, lachrymatory, plastic coated shedding and armour piercing ammunition excluding—
 - (a) Remington Brand Accelerator cartridges and similar cartridges;
and
 - (b) bird-fright shot-gun ammunition.
 16. A silencer or other device or contrivance made or used, or capable of being used or intended to be used, for the purpose of reducing the sound caused by discharging a firearm.

SCHEDULE 2**REGISTERED WEAPONS**

1. All firearms or blank-fire firearms under 75 centimetres in length.
2. Conversion units being any unit or device or barrel which is capable of being used for converting any firearm described in this Schedule from one calibre to another calibre.
3. Any miniature cannon under 120 centimetres in barrel length which is a black powder and muzzle loading, depicting a scale model of an historical artillery piece or naval gun.

SCHEDULE 3**UNRESTRICTED ARMS**

All firearms not in Schedule 1 or Schedule 2.

SCHEDULE 4

[s. 6.15]

SUBJECT MATTER FOR REGULATIONS

1. **Functions, powers and duties.** The discharge of any function, the exercise of any power and the performance of any duty by any person appointed under this Act.
2. **Instruments.** The forms required or authorized in respect of any matter under this Act.
3. **Fees etc.** The fees or other amounts payable in respect of any matter under this Act.
4. **Qualifications and appointments.** The qualifications required before a person is appointed or approved under this Act.
5. **Funds.** The funds to which fees and other amounts are payable under this Act and the purposes in respect of which those funds may be expended.

SCHEDULE 5

[s. 1.3]

Year and Number of Act	Short title
No. 68 of 1979	<i>Firearms and Offensive Weapons Act 1979</i>
No. 39 of 1984	<i>Firearms and Offensive Weapons Act Amendment Act 1984</i>
No. 21 of 1986	<i>Firearms and Offensive Weapons Act Amendment Act 1986</i>
