

Queensland



WEAPONS AMENDMENT ACT 1994

Act No. 13 of 1994

Queensland



WEAPONS AMENDMENT ACT 1994

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MINOR AMENDMENTS

Queensland



Weapons Amendment Act 1994

Act No. 13 of 1994

*An Act to amend the *Weapons Act 1990**

[Assented to 27 April 1994]

The Parliament of Queensland enacts—**Short title**

1. This Act may be cited as the *Weapons Amendment Act 1994*.

Commencement

2. This Act commences on a day to be fixed by proclamation.

Amended Act

3. The *Weapons Act 1990* is amended as set out in this Act.

Omission of ss.1.3 and 1.4

4. Sections 1.3 and 1.4—
omit.

Amendment of s.1.5 (Application of Act)

- 5.(1) Section 1.5(1)(e)—
omit, insert—

‘(e) who is—

- (i) an officer appointed, or a person employed, under the *Corrective Services (Administration) Act 1988*; or
- (ii) a person authorised, or undergoing training for the purpose of being authorised, to discharge functions or exercise powers of a general manager or custodial correctional officer under section 19(3) of the *Corrective Services (Administration) Act 1988*;

in respect of the officer’s or person’s possession or use of a weapon as part of the performance of the officer’s or person’s duties;

‘(ea) who is undergoing a training course approved by the Commissioner to become a security guard for a security organisation, in respect of the person’s possession or use of a weapon as part of the training course;’.

(2) Section 1.5(2)—

omit.

Amendment of s.1.6 (Interpretation)

6.(1) Section 1.6 (definitions “**approved club**”, “**Commissioner**”, “**firearm**”, “**police officer**”, “**range**”, “**replica**” and “**weapon**”)—

omit.

(2) Section 1.6—

insert—

“**approved form**” means the form approved by the Commissioner;

“**approved range**” means—

- (a) a place approved under Division 4A of Part 3; or
- (b) a place approved under a Commonwealth Act for use in the sport of target shooting;

“**approved shooting club**” means a shooting club that holds a shooting club permit;

“**Commissioner**” means the Commissioner of the Police Service under the *Police Service Administration Act 1990*;

“**Court**” means the Magistrates Court;

“**firearm**” means—

- (a) a gun or other thing ordinarily described as a firearm; or
- (b) a thing ordinarily described as a weapon that, if used in the way for which it was designed or adapted, is capable of being aimed at a target and causing death or injury by discharging—
 - (i) a projectile; or
 - (ii) noxious, corrosive or irritant liquid, powder, gas, chemical or other substance; or

- (c) a thing that would be a firearm mentioned in paragraph (a) or (b), if it were not temporarily inoperable or incomplete;

but does not include—

- (d) a powerhead, explosive tool, captive bolt humane killer, spear gun, longbow or crossbow; or
- (e) a replica of a spear gun, longbow or crossbow;

Example—

A replica of a gun capable of causing death or injury by discharging a projectile is a firearm. However, a replica of a gun not capable of causing death or injury by discharging a projectile is not a firearm.

“paint pellet gun” means a weapon that discharges paint pellet projectiles;

“paint pellet sports” means games in which persons use paint pellet guns to discharge paint pellet projectiles at other persons or things;

“range officer” of an approved range means a person who is a range officer of the range within the meaning of section 3.48N(2);

“range operator” of an approved range means the range operator of the range within the meaning of section 3.48N(1);

“replica”—

- (a) of a weapon—means a reasonable facsimile or copy of a weapon, even if it is not capable of discharging a projectile or substance; or
- (b) of a spear gun, longbow or crossbow—means a reasonable facsimile or copy of a spear gun, longbow or crossbow even if it is not capable of discharging a projectile; or
- (c) of a thing prescribed by regulation—anything prescribed by regulation to be a replica of the thing;

“security guard’s weapons licence” has the meaning given by section 3.60;

“shooting club” means a club or other organisation that conducts the sport of target shooting;

“shooting club permit” means a shooting club permit issued under section 3.41;

“shooting gallery” includes a place used for paint pellet sports;

“weapon” means—

- (a) a firearm; or
- (b) an item specified in Schedule 1, 2 or 3; or
- (c) a thing prescribed by regulation;’.

(3) Section 1.6 (definition **“officer in charge of police”**)—
omit ‘of the Queensland Police Service’.

(4) Section 1.6 (definition **“primary producer”**)—
omit all words after paragraph (f),
insert ‘and includes a person prescribed by regulation;’.

Amendment of s.2.2 (Limitation on issue of licence)

7.(1) Section 2.2(2)—
omit ‘the business’, *insert* ‘its business or affairs’.

(2) Section 2.2(3)(c)—
omit, insert—

- ‘(c) whether the person is or has been subject to a domestic violence order, or is or has been subject to an interstate order, within the meaning of the *Domestic Violence (Family Protection) Act 1989*.’.

Amendment of s.2.7 (Authorised officer determines application)

8. After section 2.7(1)—
insert—

‘(1A) If—

- (a) an applicant applies for a security guard’s weapons licence; and
- (b) the applicant is the holder of an existing licence of another type;

an authorised officer is to determine the application for the security guard’s weapons licence as soon as is practicable, but within 28 days after the application is lodged.’.

Replacement of s.2.20 (Visitors to Queensland)

9. Section 2.20—

omit, insert—

‘Special licensing arrangements for a visitor to Queensland

‘2.20(1) In this section—

“reciprocating State”, in relation to Queensland, is another State or a Territory in which a person who is a resident of Queensland—

- (a) may obtain a licence or other authority; or
- (b) is taken to be the holder of a licence or other authority;

entitling the person to possess a weapon under the law of the State or Territory merely because the person has a licence for the weapon under this Act;

“weapon” does not include a Schedule 1 weapon.

‘(2) If a person who—

- (a) is not a resident of Queensland; and
- (b) is visiting, or intending to visit, Queensland;

establishes that the person is entitled, under the law of the place where the person resides, to possess a weapon of a particular type, the person may be issued with a licence for the weapon as prescribed by regulation.

‘(3) The licence is—

- (a) valid for the period, not longer than 3 months, specified in the licence; and
- (b) must be endorsed as a visitor’s licence.

‘(4) If a person who is a resident of a reciprocating State is entitled to possess a weapon in the reciprocating State under a licence or other authority issued under its law, the person, while visiting Queensland, is taken to be the holder of a licence for the weapon of the type applicable to the weapon under this Act.

‘(5) This section does not apply to a visitor to Queensland who, if the visitor were a resident of Queensland, would not be eligible to be issued the licence because of the visitor’s age.’.

Replacement of ss.3.2–3.7

10. Sections 3.2 to 3.7—

omit, insert—

‘Physical possession and use of weapon sometimes allowed for the purpose of training a minor

‘3.2(1) A minor over 11 years may have physical possession of and use a Schedule 3 weapon in a place where it is lawful to physically possess and use a Schedule 3 weapon if—

- (a) the minor is under the direct and immediate supervision of a parent, guardian or another person who is acting in the place of a parent or guardian; and
- (b) the parent, guardian or other person is licensed to possess the weapon.

‘(2) A minor over 11 years may have physical possession of and use a Schedule 3 weapon at an approved range for Schedule 3 weapons if the minor is supervised—

- (a) directly and immediately by a range officer; or
- (b) as prescribed by regulation.

‘An unlicensed person may use a weapon at an approved range

‘3.3(1) This section applies to a person who is eligible to obtain a licence that authorises the possession of a weapon of a particular type, but who has not been issued with a licence in force at the material time.

‘(2) The person may have physical possession of and use the type of weapon at an approved range for the type of weapon if the physical possession and use of weapons at the range is supervised by a range officer.

‘Possession or use of weapon by unlicensed person in primary production sometimes allowed

‘3.4(1) In this section—

“primary producer” means a person who—

- (a) has a licence; and

- (b) usually carries out primary production on land (the **“primary producer’s land”**), even if only as an agent or employee of another person;

“weapon” means a Schedule 3 weapon that a primary producer possesses under the authority of a licence.

‘(2) A person who is an agent, employee or member of the immediate family of the primary producer may physically possess or use the weapon on the primary producer’s land, even if the person does not hold a licence for that type of weapon, if the person—

- (a) assists the primary producer with primary production on the land; and
- (b) is eligible to obtain a licence to possess a Schedule 3 weapon; and
- (c) only uses the weapon with the express consent of the primary producer; and
- (d) only uses the weapon in connection with carrying out primary production on the land.

‘Use of weapons by unlicensed person at shooting gallery allowed

‘3.5 A person using a shooting gallery may physically possess and use a weapon allowed under the conditions of approval of the shooting gallery, even if the person is not the holder of a licence for the type of weapon.

‘Discharge of weapon on private land without owner’s consent prohibited

‘3.6(1) In this section—

“owner” of private land includes the occupier of the land;

“private land” means land that is not a public place;

“weapon” includes a spear gun, longbow and crossbow.

‘(2) A person must not, without reasonable excuse, discharge a weapon on or across private land without the express consent of the owner.

Maximum penalty—20 penalty units or imprisonment for 3 months.

‘(3) A person must not carry a weapon on private land without the

express consent of the owner unless—

- (a) the person has a reasonable excuse; or
- (b) the weapon is unloaded, broken or for another reason cannot be readily discharged.

Maximum penalty—20 penalty units.

‘Particular conduct involving a weapon in a public place prohibited

‘3.7(1) In this section—

“weapon” includes—

- (a) a spear gun, longbow, crossbow; and
- (b) a replica of a weapon; and
- (c) a replica of a thing mentioned in paragraph (a).

‘(2) A person must not, without reasonable excuse, carry a weapon exposed to view in a public place.

Maximum penalty—20 penalty units or imprisonment for 3 months.

‘(3) A person must not, without reasonable excuse, carry in a public place a loaded firearm or a weapon capable of being discharged.

Maximum penalty—60 penalty units or imprisonment for 1 year.

‘(4) A person must not, without reasonable excuse, discharge a weapon in, into, towards, over or through a public place.

Maximum penalty—100 penalty units or imprisonment for 2 years.

‘Dangerous conduct with weapon prohibited generally

‘3.7A(1) In this section—

“weapon” includes—

- (a) a powerhead, explosive tool, captive bolt humane killer, spear gun, longbow, crossbow; and
- (b) a replica of a weapon; and
- (c) a replica of a thing mentioned in paragraph (a); and

(d) an explosive.

‘(2) A person must not—

(a) without reasonable excuse; and

(b) by the physical possession or use of a weapon;

engage in conduct, alone or with another, likely to cause—

(c) death or injury to a person; or

(d) unlawful destruction or damage to property; or

(e) alarm to another person.

Maximum penalty—100 penalty units or imprisonment for 2 years.

‘Possession or use of weapon under the influence of liquor or a drug prohibited

‘3.7B(1) In this section—

“**weapon**” includes—

(a) a spear gun, longbow, crossbow; and

(b) an explosive.

‘(2) A person must not have physical possession of or use a weapon if the person is under the influence of liquor or a drug.

Maximum penalty—20 penalty units.’.

Replacement of s.3.30 (Deactivation of collector’s weapons)

11. Section 3.30—

omit, insert—

‘Deactivation of collector’s weapons

‘3.30(1) In this section—

“**weapon**” does not include an antique firearm that is not a Schedule 1 weapon.

‘(2) A licensed collector may only possess a weapon under the licensed collector’s licence if the weapon is made inoperable by a prescribed

person.’.

Replacement of Part 3, Division 4 (Approved Clubs)

12. Part 3, Division 4—

omit, insert—

‘Division 4—Approved shooting clubs

‘Only an approved shooting club may conduct target shooting with Schedule 2 weapons

‘3.39 A person must not conduct a shooting club for the sport of target shooting with Schedule 2 weapons unless the shooting club is an approved shooting club.

Maximum penalty—20 penalty units.

‘Application for shooting club permit

‘3.40(1) Application may be made to an authorised officer to grant a shooting club permit to a shooting club.

‘(2) The shooting club permit may only be granted to a shooting club whose primary purpose is to conduct the sport of target shooting.

‘(3) The application must—

- (a) be in the approved form; and
- (b) provide the further particulars reasonably required by the authorised officer; and
- (c) be accompanied by the fee prescribed by regulation.

‘Authorised officer may grant or refuse shooting club permit

‘3.41 The authorised officer may grant the shooting club permit if the authorised officer is satisfied—

- (a) the primary purpose of the shooting club is to conduct the sport of target shooting; and

- (b) the location, construction and equipment of each shooting range, and proposed shooting range, of the shooting club is appropriate having regard to the need to protect persons from death or injury and property from unlawful destruction or damage; and
- (c) the application complies with section 3.40; and
- (d) each individual member of the governing body of the shooting club is an appropriate person; and
- (e) if section 3.44 applies to the application—the section has been complied with and the person nominated under section 3.44(2) is an appropriate person.

‘Authorised officer to give reasons for refusing to grant permit

‘3.42 The authorised officer may refuse to grant the shooting club permit by written notice given to the applicant stating the reasons for the refusal.

‘Conditions to apply to permit

‘3.43(1) If an authorised officer grants a shooting club permit to an approved club, the authorised officer may impose conditions that apply to the permit.

‘(2) The authorised officer may impose conditions about—

- (a) the location, construction, equipment and maintenance of shooting ranges; and
- (b) the use, control, administration and management of shooting ranges; and
- (c) matters prescribed by regulation.

‘(3) In imposing conditions, the authorised officer must have regard to the need to protect persons from death or injury and property from unlawful destruction or damage.

‘(4) The conditions must be specified in the permit or by written notice given to the applicant.

‘A nominee is required for some applications

‘3.44(1) This section only applies if an application for a shooting club permit is made by—

- (a) an unincorporated body or association of persons; or
- (b) a shooting club prescribed by regulation.

‘(2) The application must nominate an adult individual to be the shooting club’s nominee.

‘(3) The nominated person must hold the position in the shooting club in which the person is charged with responsibility for the conduct of the activities of the shooting club relating to the sport of target shooting (the **“responsible position”**).

‘(4) If a shooting club permit is granted on the application, the nominated person is taken to be the shooting club’s nominee for the purpose of the permit (the **“nominee”**), until ceasing to be the nominee under section 3.46.

‘(5) The shooting club must ensure that, at all times while the permit is in effect, it maintains an appropriate person in the responsible position.

‘Duty of nominee

‘3.45 The nominee must exercise all reasonable diligence to ensure the shooting club, its members and all persons using a range conducted by it comply with this Division and Division 4A.

Maximum penalty—20 penalty units.

‘Change of nominee

‘3.46(1) A person stops being the nominee of an approved shooting club if the person stops holding the shooting club’s responsible position.

‘(2) If a person stops being the nominee, the person must give written notice to an authorised officer within 28 days.

Maximum penalty—20 penalty units.

‘(3) The person who occupies an approved shooting club’s responsible position after another person stops being the nominee must give written notice (the **“nominee notice”**) to an authorised officer within 28 days.

‘(4) If the authorised officer accepts a nominee notice from a person—

- (a) the person becomes the nominee; and
- (b) the authorised officer must give written notice of the acceptance to the nominee.

‘(5) The authorised officer may refuse to accept the nominee notice on the ground that the authorised person is not satisfied the person who gave the nominee notice—

- (a) occupies the shooting club’s responsible position; or
- (b) is an appropriate person.

‘(6) The refusal must be by written notice to the person who gave the nominee notice stating reasons for the refusal.

‘How to decide whether an individual is an appropriate person

‘3.47(1) In determining whether an individual is an appropriate person for the purpose of this Division, an authorised officer may have regard only to—

- (a) whether the individual demonstrates knowledge and understanding of the obligations of an approved shooting club and the individual’s proposed position under this Act; and
- (b) whether the individual is a person of good repute.

‘(2) The authorised officer may obtain—

- (a) a report from the Commissioner about the criminal history of the person; or
- (b) if the person holds or previously held in another State or a Territory a relevant licence, permit, authority or position—a report from the appropriate authority in the State or Territory.

‘Authorised officer may amend permit conditions

‘3.48(1) An authorised officer may amend the conditions applying to a shooting club permit of an approved shooting club—

- (a) on the application of the shooting club; or

(b) on the initiative of the authorised officer.

‘(2) In making an amendment under subsection (1), the authorised officer must have regard to the need to protect persons from death or injury and property from unlawful destruction or damage.

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

(a) give written notice to the club informing it—

(i) of the proposed amendment; and

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

(b) have regard to submissions made to the authorised officer by the shooting club before the specified day.

‘(4) If an authorised officer amends the conditions applying to a shooting club permit, the authorised officer must give written notice of the amendment to the shooting club.

‘(5) The amendment takes effect—

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

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

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

‘Authorised officer may make temporary amendment of conditions

‘3.48A(1) An authorised officer may make a temporary amendment of the conditions applying to a shooting club permit if the authorised officer considers, on reasonable grounds, that it is necessary to make the amendment to protect a person from death or injury or property from unlawful destruction or damage.

‘(2) An authorised officer may make an amendment under subsection (1) by written notice given to the shooting club stating the reasons for the

amendment.

‘(3) The amendment takes effect on the day the written notice of the temporary amendment is given to the shooting club or, if a later day is specified in the notice, the specified day.

‘(4) The amendment has effect for 28 days unless—

- (a) the notice specifies a shorter period; or
- (b) the authorised officer extends the amendment for a single further specified period (not longer than 28 days).

‘(5) An authorised officer may extend an amendment under subsection (4)(b) by written notice given to the shooting club stating the reasons for the extension.

‘Revoking or suspending permit

‘3.48B(1) An authorised officer may revoke or suspend a shooting club permit if—

- (a) the shooting club contravenes this Act; or
- (b) the shooting club contravenes a condition applying to the permit; or
- (c) the authorised officer reasonably believes it is likely a member of the shooting club or the public will suffer injury or loss if the permit is not revoked or suspended.

‘(2) The authorised officer must give written notice of the revocation or suspension to the shooting club.

‘(3) The notice must specify—

- (a) if the permit has been suspended—the day the suspension is lifted; and
- (b) the reasons for the revocation or suspension.

‘(4) The revocation or suspension takes effect on the day the notice is given to the shooting club or, if a later day is specified in the notice, the specified day.

‘(5) A shooting club permit that is suspended stops having effect until the suspension is lifted.

‘Club must keep range use register books

‘3.48C(1) An approved shooting club must ensure a range use register, in the approved form, is available at each of its ranges at all times when the range is being used to discharge weapons.

‘(2) Before a person uses a range of an approved shooting club to discharge a weapon, the person must enter in the range use register the details provided for by the register regarding the person’s identity and the type of weapon the person will use on the range.

Maximum penalty—10 penalty units

‘(3) A person must not make an entry in a range use register book that is false or misleading

Maximum penalty—10 penalty units.

‘Service of notice on approved shooting club

‘3.48D(1) A notice required or permitted by this Division to be served on an approved shooting club may be served on the shooting club’s nominee.

‘(2) Subsection (1) does not affect the operation of any other law that authorises the service of the document in another way.

‘Division 4A—Approved ranges**‘Application for range approval**

‘3.48E(1) Application may be made to an authorised officer to approve a range for weapons target shooting.

‘(2) The application must—

- (a) be in the approved form; and
- (b) provide the further particulars reasonably required by the authorised officer; and
- (c) be accompanied by the fee prescribed by regulation.

‘Limits on approvals

‘3.48F(1) Approval may only be granted to a range for—

- (a) Schedule 2 weapons; or
- (b) Schedule 3 weapons.

‘(2) Approval may not be granted to a range for both Schedule 2 and Schedule 3 weapons.

‘(3) Approval may only be granted to a range for Schedule 2 weapons if the range is conducted by an approved shooting club.

‘Authorised officer may grant or refuse range approval

‘3.48G(1) The authorised officer may grant the approval if the authorised officer is satisfied—

- (a) the range will be used for the sport of target shooting; and
- (b) the location, construction and equipment of the range is appropriate having regard to the need to protect persons from death or injury and property from unlawful destruction or damage; and
- (c) the application complies with section 3.48E and 3.48F.

‘(2) An approval must be given in the approved form.

‘Authorised officer to give reasons for refusing to grant approval

‘3.48H The authorised officer may refuse to grant the approval by written notice given to the applicant stating the reasons for the refusal.

‘Conditions to apply to approval

‘3.48I(1) If an authorised officer grants the approval, the authorised officer may impose conditions applying to the approval.

‘(2) The authorised officer may impose conditions about—

- (a) the location, construction, equipment and maintenance of the range; and

(b) matters prescribed by regulation.

‘(3) In imposing conditions, the authorised officer must have regard to the need to protect persons from death or injury and property from unlawful destruction or damage.

‘(4) The conditions must be specified in the approval or by written notice given to the applicant.

‘Authorised officer may amend approval conditions

‘3.48J(1) An authorised officer may amend the conditions applying to an approval—

- (a) on the application of the range operator; or
- (b) on the initiative of the authorised officer.

‘(2) In making an amendment under subsection (1), the authorised officer must have regard to the need to protect persons from death or injury and property from unlawful destruction or damage.

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

- (a) give written notice to the range operator —
 - (i) of the details of the proposed amendment; and
 - (ii) that the range operator may make written submissions to the authorised officer about the proposed amendment before a specified day (not earlier than 21 days after the notice is given to the range operator); and
- (b) have regard to submissions made to the authorised officer by the range operator before the specified day.

‘(4) If an authorised officer amends the conditions applying to an approval, the authorised officer must give written notice of the amendment to the range operator.

‘(5) The amendment takes effect—

- (a) on the day the written notice of the amendment is given to the range operator; or
- (b) if a later day is specified in the notice—the specified day.

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

‘Authorised officer may make temporary amendment of conditions

‘3.48K(1) An authorised officer may make a temporary amendment of the conditions applying to an approval if the authorised officer considers, on reasonable grounds, that it is necessary to make the amendment to protect a person from death or injury or property from unlawful destruction or damage.

‘(2) An authorised officer may make an amendment under subsection (1) by written notice given to the range operator stating the reasons for the amendment.

‘(3) The amendment takes effect—

- (a) on the day the written notice of the amendment is given to the range operator; or
- (b) if a later day is specified in the notice—the specified day.

‘(4) The amendment has effect for 28 days unless—

- (a) the notice specifies a shorter period; or
- (b) the authorised officer extends the amendment for a single further specified period (not longer than 28 days).

‘(5) An authorised officer may extend an amendment under subsection (4)(b) by written notice given to the range operator stating the reasons for the extension.

‘Revoking or suspending approval

‘3.48L(1) An authorised officer may revoke or suspend an approval if—

- (a) a range operator or a range officer contravenes this Act; or
- (b) the authorised officer believes, on reasonable grounds, that it is necessary to revoke or suspend the approval to protect a person from loss of life or injury, or property from unlawful destruction or damage.

‘(2) The authorised officer must give written notice of the revocation or suspension to the range operator.

‘(3) The notice must specify—

- (a) if the permit has been suspended—the period of suspension; and
- (b) the reasons for the revocation or suspension.

‘(4) The revocation or suspension takes effect—

- (a) on the day the notice is given to the range operator; or
- (b) if a later day is specified in the notice—the specified day.

‘(5) A shooting club permit that is suspended stops having effect until the suspension is lifted.

‘Range can be dealt with in conjunction with shooting club permit

‘3.48M An application, grant of approval or notice under this Division may be included in an application, issue of permit or notice respectively under Division 4.

‘Responsibilities of range operator

‘3.48N(1) In this section—

“**range operator**” means the person conducting an approved range under the approval given under this Division and, if the approval is issued to an unincorporated body or association of persons, includes each member of the body’s or association’s governing body.

‘(2) A range operator must ensure every person who physically possesses or uses a weapon at the approved range is properly supervised by a person (a “**range officer**”) who holds a licence authorising the person to possess that type of weapon.

‘(3) A range operator must ensure the name of each range officer supervising persons using the approved range is prominently displayed at the range at any time when a weapon is discharged.

‘(4) A range operator must take all reasonable steps to ensure a person attending the approved range does not contravene this Act.

Maximum penalty—20 penalty units.

‘Responsibilities of range officer

‘3.48O A range officer supervising an approved shooting range must take all reasonable steps to ensure a person attending the range does not contravene this Act.

Maximum penalty—20 penalty units.

‘Responsibilities of person attending an approved range

‘3.48P(1) A person attending an approved range must not physically possess or use a weapon unless the possession or use—

- (a) is authorised under—
 - (i) a licence issued to the person; or
 - (ii) section 3.2 (Physical possession and use of weapons sometimes allowed for the purpose of training a minor); or
 - (iii) section 3.3 (An unlicensed person may use a weapon at an approved range); and
- (b) is permitted by the range officer; and
- (c) complies with the conditions on which the range was approved, including, for example, that it is a weapon of a type for which the range was approved.

‘(2) A person attending an approved range must not use a weapon in a way that is likely to cause death or injury to a person or unlawful destruction of, or damage to, property.

Maximum penalty—20 penalty units.

‘Possession of Schedule 1 weapon on approved range is unlawful

‘3.48Q A person must not physically possess or use a Schedule 1 weapon at an approved shooting range.

Maximum penalty—20 penalty units.’.

Amendment of s.3.50 (Conditions of approval)**13.** Section 3.50 (at the end)—

insert—

‘(2) Subsection (1)(b), (c) and (d) do not apply to the use of a paint pellet gun at a shooting gallery used solely for paint pellet sports.’.

Amendment of s.3.52 (Conduct of persons resorting to shooting galleries)**14.** Section 3.52 (at the end)—

insert—

‘(2) Subsection (1)(a), (b), (c)(i) and (ii) do not apply to the use of a paint pellet gun at a shooting gallery used solely for paint pellet sports.’.

Replacement of s.3.56 (Use of theatrical ordnance supplies)**15.** Section 3.56—

omit, insert—

‘Weapons may be supplied for theatre, film and television productions

‘3.56(1) The holder of a theatrical ordnance supplier’s licence may supply a weapon under the licence to a person only for the purpose of the person using the weapon in a theatrical, film or television production.

‘(2) If the licence held by a theatrical ordnance supplier only allows the licensee to supply a weapon to a specified person, or type of person, the licensee may supply a weapon only to the specified person or type of person.

Maximum penalty—10 penalty units.’.

Insertion of new s.3.56A**16.** After section 3.56—

insert—

‘Supervision of use of weapons in theatre, film and television productions

‘3.56A(1) In this section—

“licensee” means a person who holds a theatrical ordnance supplier’s licence;

“personal supervision” by a licensee means—

- (a) personal supervision by the licensee; or
- (b) personal supervision by an employee of the licensee who is eligible to obtain a theatrical ordnance supplier’s licence.

‘(2) A licensee must, by personal supervision, ensure that a weapon supplied by the licensee to another person under the licence is properly used.

Maximum penalty—10 penalty units.

‘(3) If a licensee considers that a weapon supplied by the licensee under the licence is being improperly used, the licensee must immediately take all appropriate steps—

- (a) to ensure the weapon is properly used; or
- (b) to recover the weapon.

Maximum penalty—10 penalty units.

‘(4) For the purpose of this section, a weapon is properly used if it—

- (a) is used only for the theatre, film and television production for which it was supplied; and
- (b) is not used in an unlawful way; and
- (c) is not used in a way that may cause death of, or injury to, any person or the unlawful destruction of, or damage to, property.’.

Replacement of Part 3, Division 7 (Security guards)

17. Part 3, Division 7—

omit, insert—

‘Division 7—Security guards and security organisations

‘An armed security guard must be licensed

‘3.60 A person must not, in performing duties as a security guard, physically possess a weapon unless the person holds a licence prescribed by regulation for a security guard (**“security guard’s weapons licence”**).

Maximum penalty—20 penalty units

‘Training courses for security guards

‘3.61(1) A person may be issued with a security guard’s weapons licence only if the person has satisfactorily completed a training course approved by the Commissioner.

‘(2) A person who holds a security guard’s weapons licence must satisfactorily complete a training course approved by the Commissioner as often as required by regulation.

‘(3) If a person who holds a security guard’s weapons licence does not comply with subsection (2), an authorised officer, by written notice given to the person—

- (a) may cancel the licence; or
- (b) suspend the licence until the person completes the course.

‘Control over way security guard carries weapon

‘3.62 A person who carries a weapon in performing duties as a security guard must carry the weapon only in the way prescribed by regulation.

Maximum penalty—10 penalty units.

‘Security guard must record prescribed information

‘3.63(1) A person who possesses or uses a weapon in performing duties as a security guard must, as prescribed by regulation, record information about the possession or use in the register book mentioned in section 3.65 kept by the security guard’s security organisation.

Maximum penalty—10 penalty units.

‘(2) A regulation may specify the type of information that must be recorded and the time it must be recorded.

‘Obligations of security organisation in relation to the possession or use of a weapon

‘3.64(1) In this section—

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

‘(2) A security organisation must not—

- (a) possess a weapon; or
- (b) allow an employee to have physical possession of a weapon while performing duties for the organisation;

unless the security organisation has been issued with the licence for a security organisation prescribed by regulation.

‘(3) A security organisation may only physically possess or use a weapon as prescribed by regulation.

‘(4) A security organisation must ensure an employee of the security organisation only physically possesses or uses a weapon as prescribed by regulation.

Maximum penalty—100 penalty units.

‘Obligations of security organisation in relation to register

‘3.65(1) A security organisation must—

- (a) keep a register book in the approved form; and
- (b) record in the register, as prescribed by regulation, information about its, and its employees’, possession or use of weapons; and
- (c) make the register available for inspection as prescribed by regulation.

‘(2) A person must not make an entry in the register book that is false or misleading.

‘(3) A regulation may prescribe—

- (a) the type of information that must be recorded in the register book; and
- (b) the time when the information must be recorded; and

- (c) who must record the information on behalf of the security organisation; and
- (d) procedures the security organisation must undertake to verify an entry in the register book.

Maximum penalty—20 penalty units.

‘Obligation of members of governing body of security organisation

‘3.66 Each member of the governing body of a security organisation must ensure the security organisation complies with this Division.

Maximum penalty—20 penalty units.

‘Inspection by police officer

‘3.67 If a police officer inspects a register book of a security organisation, the police officer may make endorsements in the book about the time the inspection was made and any comments about the inspection.’

Amendment of s.4.6 (Powers in respect to premises specified in licences or approvals under Act)

18. Section 4.6(a)—

omit, insert—

- ‘(a) at any reasonable time enter and remain on—
 - (i) the premises of an approved shooting club or a shooting club that is required to hold a shooting club permit; or
 - (ii) the premises of a shooting gallery; or
 - (iii) a range; or
 - (iv) the premises of a collector, dealer, armourer or theatrical ordnance supplier; or’.

Amendment of s.4.9 (Seizure and detention of weapons etc.)

19. Section 4.9(1)—

omit, insert—

‘4.9(1) A police officer may seize and retain a thing mentioned in subsection (1A) if the police officer—

- (a) suspects, on reasonable grounds, that—
 - (i) an offence against this Act has been, is being or is about to be committed; and
 - (ii) the thing may have been, or may be, used or otherwise involved in the commission of the offence; or
- (b) believes on reasonable grounds that the thing will provide evidence of the commission of an offence against this Act.

‘(1A) Subsection (1) applies to the following—

- (a) a weapon;
- (b) a replica of a weapon;
- (c) a powerhead, explosive tool, captive bolt humane killer, spear gun, longbow or crossbow;
- (d) a replica of a spear gun, longbow or crossbow;
- (e) ammunition;
- (f) a licence;
- (g) a book or register;
- (h) a thing mentioned in section 3.15.’.

Replacement of s.5.1 (Appeals)

20. Section 5.1—

omit, insert—

‘Right to appeal against decisions

‘5.1(1) This section applies to the following decisions—

- (a) a decision refusing an application for a licence, permit, approval or other authority under this Act;
- (b) a decision refusing to accept the nomination of a person by an applicant for a shooting club permit;

- (c) a decision refusing to accept a nominee notice under section 3.46;
- (d) a decision imposing or amending a condition applying to a licence, permit, approval or other authority under this Act;
- (e) a decision revoking or suspending a licence, permit, approval or other authority under this Act.

‘(2) A person aggrieved by a decision to which this section applies may appeal against the decision.

‘(3) The appeal may be made to the Magistrates Court nearest the place where the appellant resides or carries on, or proposes to carry on, the business or activity which the decision affects.

‘How to start appeal

‘5.1A(1) An appeal is started by—

- (a) filing a written notice of appeal with the clerk of the court of the Magistrates Court; and
- (b) serving a copy of the notice on an authorised officer.

‘(2) The notice of appeal must be filed within 28 days after the appellant receives notice of the decision appealed against.

‘(3) The Court may at any time extend the period for filing the notice of appeal.

‘(4) The notice of appeal must state the grounds of the appeal.

‘Effect of appeal on decision

‘5.1B An appeal against a decision does not affect the decision, subject to—

- (a) section 5.1C (Appellant may carry on certain business pending appeal); and
- (b) section 5.1D (Stay of operation of decision).

‘Appellant may carry on business pending appeal

‘5.1C A person who appeals 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, until the appeal is decided, to carry on business as if the licence had been renewed or had not been revoked.

'Stay of operation of decision

'5.1D(1) The Court has power to grant a stay of a decision appealed against for the purpose of securing the effectiveness of the appeal.

'(2) A stay—

- (a) may be granted on conditions that the Court considers appropriate; and
- (b) has effect for the period specified by the Court; and
- (c) may be revoked or amended by the Court.

'(3) The period of a stay specified by the Court must not extend past the time when the Court decides the appeal.

'Hearing procedures

'5.1E.(1) The power under the *Magistrates Courts Act 1921* to make rules for Magistrates Courts includes power to make rules for appeals to Magistrates Courts under this Act.

'(2) The procedure for an appeal to a Magistrates Court under this Act is to be in accordance with—

- (a) the rules made under the *Magistrates Courts Act 1921*; or
- (b) in the absence of relevant rules—directions of the Court.

'(3) An appeal is to be by way of rehearing, unaffected by the decision appealed against.

'(4) In deciding an appeal, the Court—

- (a) is not bound by the rules of evidence; and
- (b) must observe natural justice; and

- (c) may hear the appeal in court or chambers.

‘Powers of Court on appeal

‘5.1F.(1) In deciding an appeal, the Court may—

- (a) confirm the decision appealed against; or
- (b) set aside the decision and substitute another decision; or
- (c) set aside the decision and return the matter to an authorised officer with directions that the Court considers appropriate.

‘(2) In substituting another decision, the Court has the same powers as an authorised officer.

Example—

The Court may decide that an unsuccessful applicant for a licence be granted the licence either unconditionally or on particular conditions.

‘(3) If the Court substitutes another decision, the substituted decision is taken, for the purposes of this Act, to be an authorised officer’s decision.

‘Appeal to District Court on questions of law only

‘5.1G A party aggrieved by the decision of the Court may appeal to a District Court, but only on a question of law.’.

Amendment of s.6.1 (Detention and disposal of weapons in police custody)

21.(1) Section 6.1(1)(c)—

omit ‘one year’, insert ‘3 months’.

(2) Section 6.1(1)(c)—

omit ‘Minister’, insert ‘Commissioner’.

(3) Section 6.1(4)—

omit ‘Minister directs’, insert ‘Commissioner directs, subject to the Explosives Act 1952.’.

Amendment of s.6.2 (Disqualification by a court)

22. Section 6.2(1)(c)—

omit ‘weapon’,

insert ‘weapon, ammunition, powerhead, explosive tool, captive bolt humane killer, spear gun, longbow or crossbow’.

Insertion of new s.6.4A

23. After section 6.4—

insert—

‘False or misleading information

‘6.4A(1) In this section—

“application” means an application for a licence, permit, approval or other authority under this Act;

“notice” means a notice under section 3.48 or 3.48J.

‘(2) A person must not—

- (a) state anything in or in connection with an application, or in response to a notice, that the person knows is false or misleading in a material particular; or
- (b) omit from a statement made in or in connection with an application, or in response to a notice, anything without which the statement is, to the person’s knowledge, false or misleading in a material particular.

Maximum penalty—20 penalty units.

‘(3) A complaint against a person for an offence against subsection (2)(a) or (b) is sufficient if it states that the statement was false or misleading to the person’s knowledge.’.

Amendment of s.6.9 (Evidentiary provisions)

24.(1) Section 6.9(1)(c) to (e)—

omit, insert—

- ‘(c) a statement in a complaint under the *Justices Act 1886* of any of the following matters is evidence of the matter—
- (i) a place is or is not an approved range;
 - (ii) a club or an organisation is or is not an approved shooting club;
 - (iii) a person is or is not of a particular age;
 - (iv) a person was, or was not, the holder of a specified licence, permit, approval or other approval issued or granted under this Act at or during a specified time; and
- (d) a certificate purporting to be signed by an authorised officer stating any of the following matters is evidence of the matter—
- (i) a specified document is a licence, permit or approval or other document issued or granted under this Act or a copy of the document;
 - (ii) at or during a specified time, in relation to a place, person, club or organisation there was or was not a specified licence, permit, approval or other authority issued or granted under this Act;
 - (iii) a licence, permit, approval or other authority granted or issued under this Act was subject to the terms, conditions or restrictions stated in the document.’

(2) Section 6.9(1)(f) to (h)—

renumber as section 6.9(1)(e) to (g) respectively.

(3) After section 6.9(2)—

insert—

‘**(3)** Unless the tribunal of fact considers the interests of justice require that opinion evidence be given, the tribunal of fact may decide whether a thing produced to it, and examined by it, is 1 of the following without the assistance of opinion evidence—

- (a) a weapon;
- (b) a particular type of weapon;
- (c) a power head, explosive tool, captive bolt humane killer, spear

gun, longbow or crossbow;

- (d) a replica of a weapon;
- (e) a firearm;
- (f) a thing mentioned in section 3.15.’.

Amendment of s.6.10 (Service of notice, orders etc.)

25. Section 6.10 (at the end)—

insert—

‘(5) Subsection (4) applies to the service of a notice on a range operator that is an unincorporated body or association of persons.’.

Omission of Schedule 5

26. Schedule 5—

omit.

Insertion of new Part 7

27. After section 6.15—

insert—

‘PART 7—TRANSITIONAL AND SAVINGS PROVISIONS

‘Saving of licences issued under Firearms and Offensive Weapons Act 1979

‘7.1 A licence in force under the *Firearms and Offensive Weapons Act 1979* immediately before the commencement of this Act continues in force under this Act for the period for which it was issued.

‘Saving of certificates etc.

‘7.2 A certificate, entry, copy, extract, document, order, warrant or other

authority in force under the *Firearms and Offensive Weapons Act 1979* immediately before the commencement of this Act continues in force under this Act until it expires or is cancelled, suspended, surrendered or otherwise dealt with under this Act.

‘Saving of approvals

‘7.3(1) An approval granted to a club or organisation as an approved club under section 3.38(2) before, and in force immediately before, the commencement of this Part is taken, after the commencement, to be a shooting club permit granted to the club or organisation as an approved shooting club under section 3.41.

‘(2) An approval granted under section 3.41(1) for a range before, and in force immediately before, the commencement of this Part is taken to be an approval granted under section 3.48G after the commencement.

‘Numbering and renumbering of Act

‘7.4 In the first reprint of the Act produced under the *Reprints Act 1992*, section 43 (Numbering and renumbering of provisions) of the *Reprints Act 1992* must be used.’.

SCHEDULE**MINOR AMENDMENTS**

section 3

1. Section 2.2(6)—*omit* ‘approved club’, *insert* ‘approved shooting club’.**2. Section 2.2(6)(b)—***omit* ‘prescribed form’, *insert* ‘approved form’.**3. Section 2.2(7)—***omit* ‘an approved club’, *insert* ‘an approved shooting club’.**4. Section 2.4(a)—***omit* ‘an approved club’, *insert* ‘an approved shooting club’.**5. Section 2.5(a)—***omit* ‘prescribed’, *insert* ‘approved’.**6. Section 2.8(a)—***omit* ‘prescribed’, *insert* ‘approved’.**7. Section 2.9(2)(a)—***omit* ‘prescribed’, *insert* ‘approved’.

SCHEDULE (continued)

8. Section 2.10—

omit ‘prescribed’, *insert* ‘approved’.

9. Section 2.14(1)—

omit ‘prescribed form’, *insert* ‘approved form’.

10. Section 2.17(a)—

omit ‘prescribed’, *insert* ‘approved’.

11. Section 2.18(2)(a)—

omit ‘prescribed’, *insert* ‘approved’.

12. Section 2.18(5)(b)—

omit ‘an approved club’, *insert* ‘an approved shooting club’.

13. Section 2.18(5)(b)—

omit ‘prescribed form’, *insert* ‘approved form’.

14. Section 2.19(1) and (2)—

omit ‘prescribed’, *insert* ‘approved’.

15. Section 3.15 (heading)—

omit, insert—

‘Possessing and acquiring non-Schedule items prohibited’.

16. Section 3.19(1)—

omit ‘prescribed form’, *insert* ‘approved form’.

SCHEDULE (continued)

17. Section 3.20—

omit ‘prescribed’, *insert* ‘approved’.

18. Section 3.26(2)—

omit ‘prescribed’, *insert* ‘approved’.

19. Section 3.26(4)—

omit ‘prescribed’, *insert* ‘approved’.

20. Section 3.27(1)(c)—

omit ‘prescribed’, *insert* ‘approved’.

21. Section 3.29(1)—

omit ‘prescribed’, *insert* ‘approved’.

22. Section 3.29(2) (before ‘form’)—

insert ‘prescribed’.

23. Section 3.31(1)—

omit ‘prescribed form’, *insert* ‘approved form’.

24. Section 3.31(2)(b)—

omit ‘prescribed’, *insert* ‘approved’.

25. Section 3.34(1)—

omit ‘prescribed form’, *insert* ‘approved form’.

SCHEDULE (continued)

26. Section 3.49(4)—

omit ‘prescribed’, *insert* ‘approved’.

27. Section 3.51(1)—

omit ‘prescribed’, *insert* ‘approved’.

28. Section 3.51(2)—

omit ‘prescribed’, *insert* ‘approved’.

29. Section 3.55(1)—

omit ‘prescribed form’, *insert* ‘approved form’.

30. Section 3.57(2)—

omit ‘prescribed’, *insert* ‘approved’.

31. Section 3.58—

omit ‘prescribed’, *insert* ‘approved’.

32. Section 3.63(1)—

omit ‘prescribed form’, *insert* ‘approved form’.

33. Section 4.2(2)—

omit ‘requested’, *insert* ‘required’.

34. Section 4.4—

omit ‘section 4.7’, *insert* ‘section 4.8’.

SCHEDULE (continued)

35. Section 4.4(1)—

omit ‘a form prescribed by regulation’, *insert* ‘the approved form’.

36. Section 4.9 (heading)—

omit ‘detention’, *insert* ‘retention’.

37. Section 6.1 (heading)—

omit ‘Detention’, *insert* ‘Retention’.

38. Section 6.1(1)(a)—

omit ‘detained’, *insert* ‘retained’.

39. Section 6.4(1)(a)—

omit.

40. Section 6.15—

omit, insert—

‘Regulations

‘6.15.(1) The Governor in Council may make regulations for the purposes of this Act.

‘(2) The Governor in Council may make regulations with respect to the matters mentioned in Schedule 4.

‘(3) A regulation may provide for an offence punishable by a maximum penalty of 10 penalty units.’.

41. Schedule 2, item 3—

omit.

SCHEDULE (continued)

42. Schedule 3 (at the end)—*insert—*

‘2. A miniature cannon under 120 cm in barrel length that is a black powder and muzzle loading cannon, depicting a scale model of an historical artillery piece or naval gun.’