

Queensland



**WEAPONS AND OTHER
LEGISLATION
AMENDMENT ACT 1997**

Act No. 48 of 1997

Queensland



**WEAPONS AND OTHER LEGISLATION
AMENDMENT ACT 1997**

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MINOR AMENDMENTS

Queensland



**Weapons and Other Legislation Amendment
Act 1997**

Act No. 48 of 1997

An Act to amend the *Weapons Act 1990*, and for other purposes

[Assented to 29 August 1997]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Weapons and Other Legislation Amendment Act 1997*.

Commencement

2.(1) Sections 3, 4 and 47¹ commence on the date of assent.

(2) The remaining provisions commence on a day to be fixed by proclamation.

PART 2—AMENDMENT OF WEAPONS ACT 1990

Act amended

3. This part and schedule 2 amend the *Weapons Act 1990*.

Amendment of s 2 (Application of Act)

4.(1) Section 2(a)—

insert—

¹ Sections 4 (Amendment of s 2 (Application of Act)) and 47 (Amendment of s 174 (Existing licences continue during amnesty))

‘(iii) a member in a cadet force² under the *Cadet Forces Regulations* (Cwlth)³ in relation to the member’s possession and use of a weapon when participating in the activities of the cadet force in which the person is a member; or’.

(2) Section 2(f) and (j)—

omit.

(3) Section 2(g), ‘to become a security guard for a security organisation,’—

omit.

(4) Section 2(a)(i) and (ii), (b), (c), (e), (g) to (i), (k) and (l), at the end—

insert—

‘or’.

(5) Section 2—

insert—

‘(2) This Act does not apply to a government service entity or an employee of a government service entity in relation to the entity’s or employee’s acquisition, possession or use of a weapon as part of the performance of—

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

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

² The *Cadet Forces Regulations*, section 2 provides—

“**cadet force**” means the Naval Reserve Cadets, the Australian Cadet Corps or the Air Training Corps;

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

³ The *Cadet Forces Regulations* are in force under the *Defence Act 1903* (Cwlth), the *Naval Defence Act 1910* (Cwlth) and the *Air Force Act 1923* (Cwlth).

- (a) the application of section 60⁴ or provisions of a regulation dealing with the safe handling and storage of weapons; or
- (b) the application of the remaining provisions of this Act to the possession or use of a weapon unless the entity or employee complies with the conditions stated in subsection (4).

‘(4) The conditions are—

- (a) for a government service entity—
 - (i) the entity notifies the commissioner, in the approved form, of the acquisition or sale of a weapon within 14 days after acquiring or selling the weapon; and
 - (ii) the entity keeps, on a register in a form approved by the commissioner and kept for the purpose, the following details—
 - (A) where the weapon is stored;
 - (B) the name of each employee to whom a weapon is issued and the date and time when the weapon is issued to the employee and returned by the employee; and
 - (iii) at least 14 days before the entity issues the weapon to a particular employee for the first time, it gives the commissioner the information about the employee the commissioner reasonably needs to be satisfied the employee is a fit and proper person to possess the weapon; and
 - (iv) the entity issues the weapon to an employee only if it is satisfied—
 - (A) the performance of the employee’s functions necessarily requires the employee to have possession of the weapon; and
 - (B) the employee holds a firearms licence; and
 - (C) the employee is properly trained in the use of the weapon; and

⁴ Section 60 (Secure storage of weapons)

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

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

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

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

‘(8) In this section—

“**government service entity**” means—

- (a) a department of government of the State; or
- (b) a museum under the control of the Government of the State or the Commonwealth; or
- (c) the Queensland Corrective Services Commission; or
- (d) another entity prescribed under a regulation that—
 - (i) is established under an Act or under State authorisation for a public or State purpose; or
 - (ii) is engaged by the State or an entity mentioned in subparagraph (i) to provide a service for the State or entity;

but does not include the Queensland Police Service.

“**prescribed service entity**” means an entity mentioned in paragraph (c), or prescribed for paragraph (d), of the definition “government service entity”.’.

Amendment of s 5 (Definitions)

5.(1) Section 5, definitions “**ammunition**”, “**antique firearm**”, “**armourer**”, “**category A**”, “**category B**”, “**category C**”, “**category D**”, “**category E**”, “**category H**”, “**category R**”, “**replica**” and “**security guard**”—

omit.

(2) Section 5—

insert—

‘ **“ammunition”** means a thing prescribed as ammunition under the *Explosives Act 1952*.⁵

“antique firearm” means a firearm manufactured before 1900—

(a) that is—

(i) a muzzle loading firearm; or

(ii) a cap and ball firearm; or

(iii) a firearm of a type approved as an antique firearm by an authorised officer; or

(b) for which ammunition is not commercially available.

“armourer” means a person who stores, manufactures, modifies or repairs weapons in the course of the person’s business.

“category A” weapon see the *Weapons Categories Regulation 1997*, section 2.

“category B” weapon see the *Weapons Categories Regulation 1997*, section 3.

“category C” weapon see the *Weapons Categories Regulation 1997*, section 4.

“category D” weapon see the *Weapons Categories Regulation 1997*, section 5.

⁵ The *Explosives Regulation 1955*, section 2 provides—

“ammunition” means a class 1, 2, 3, 4 or 5 explosive (other than when in a firework) enclosed in a case or device, or adapted or prepared to form any of the following—

(a) a cartridge or charge for small arms, cannon, or another weapon, or for blasting;

(b) a safety or other fuse for blasting or for shells;

(c) a tube for firing explosives;

(d) a percussion cap, detonator, fog signal, shell, torpedo, war rocket or a similar device.

“**category E**” weapon see the *Weapons Categories Regulation 1997*, section 6.

“**category H**” weapon see the *Weapons Categories Regulation 1997*, section 7.

“**category R**” weapon see the *Weapons Categories Regulation 1997*, section 8.⁶

“**public place**” means any place that the public is entitled to use, is open to the public, or used by the public, whether on payment or otherwise.

“**purchase**” means obtain under a sale.

“**replica**” see section 6A.

“**security guard**” see section 6B.

“**security guard’s register**” see section 126A.

“**sell**” includes—

- (a) sell by wholesale, retail or auction; and
- (b) supply under a lease, exchange, hiring or other commercial arrangement; and
- (c) agree to sell; and
- (d) cause or permit to be sold.’.

(3) Section 5, definition “**major component part**”, ‘barrel’—

omit, insert—

‘barrel,’.

(4) Section 5, definition “**weapon**”, paragraph (a)—

omit, insert—

‘(a) a firearm; or’.

⁶ Schedule 1 to this Act creates the *Weapons Categories Regulation 1997*. Weapons for each of the categories are specified there.

Insertion of new ss 6A and 6B

6. After section 6—

insert—

‘What is a “replica”

‘6A.(1) A “replica of a weapon” is—

- (a) a reasonable facsimile or copy of a weapon, even if it is not capable of discharging a projectile or substance; or
- (b) a category A, B, C or H weapon that has been rendered permanently inoperable; or
- (c) a hand grenade that is inert.

‘(2) A “replica”—

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

‘Meaning of “security guard”

‘6B.(1) A “security guard” is a person who patrols, protects, watches over or guards (“protects”) the person’s property or other persons or other person’s property—

- (a) in the course of carrying on a business; or
- (b) in the course of employment.

Example—

A jeweller transporting jewellery in the course of carrying on a business who does not engage someone else to guard the jewellery while it is being transported is a ‘security guard’.⁷

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

- (a) a person who protects property if the protection is carried out in the course of primary production;
- (b) a person, other than a security organisation, who engages someone else to protect property for the person.’

Amendment of s 7 (How a firearm is made “permanently inoperable”)

7. Section 7—

insert—

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

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

Amendment of s 10 (Limitations on issue of licence)

8.(1) Section 10(4)—

omit, insert—

‘(4) For this section, a person has an adequate knowledge of safety practices for the use, storage and maintenance of a weapon or category of weapon if the person satisfies the commissioner the person has satisfactorily completed, within the 12 month period immediately before the day the person applies for the issue of a licence—

⁷ Section 123 provides that a person must not, in performing duties as a security guard, physically possess a weapon unless the person holds a security licence (guard).

- (a) if possession of the weapon is to be authorised under a security licence (guard)—
 - (i) the training course approved by the commissioner for section 124;⁸ or
 - (ii) another course in safety training for weapons at least equivalent to a course approved by the commissioner for section 124; or
- (b) if possession of the weapon is to be authorised under another licence—a course in safety training for weapons approved by the commissioner.

(4A) Also, if possession of the weapon is to be authorised under a licence other than a security licence (guard), it is enough for the commissioner to be satisfied that a person has an adequate knowledge of safety practices for the use, storage and maintenance of a weapon or category of weapon because—

- (a) the person is authorised to possess and use a weapon of that category in another jurisdiction; or
- (b) the person has, within the 12 month period immediately before the day the person applies for the issue of a licence, satisfactorily completed a course in safety training for weapons at least equivalent to a course approved by the commissioner under subsection (4)(b).’.

(2) Section 10(6), ‘within the preceding 5 years’—

omit, insert—

‘within the 5 year period immediately before the day the person applies for the issue of a licence’.

(3) Section 10(6)(a)(iii), ‘firearms’—

omit, insert—

‘a weapon’.

⁸ Section 124 (Training courses for security guards)

Amendment of s 13 (Application for licence)

9.(1) Section 13(4)—

renumber as section 13(5).

(2) Section 13(3)—

omit, insert—

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

- (a) written permission from a landowner authorising the applicant to shoot on the landowner’s rural land; or
- (b) proof of current membership of a body prescribed under a regulation for this subsection.

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

- (a) it is a landowner of rural land; or
- (b) it holds written permission from a landowner authorising members of the body to shoot on the landowner’s rural land.’.

Amendment of s 14 (Inquiries into application)

10.(1) Section 14(1)(b), ‘health; and’—

omit, insert—

‘health including—

- (i) in relation to the applicant’s physical health—a report from a doctor about the applicant’s physical health; and
- (ii) in relation to the applicant’s mental health—a report from a doctor or psychologist about the applicant’s mental health; and’.

(2) Section 14(4) to (6)—

renumber as section 14(8) to (10) respectively.

(3) Section 14—

insert—

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

- (a) make information in the officer’s possession available to the doctor or psychologist; and
- (b) ask the doctor or psychologist to provide a further report.

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

- (a) the doctor or psychologist was not aware of the information; and
- (b) the information may influence the doctor’s or psychologist’s opinion about the applicant’s mental health.

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

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

Amendment of s 15 (Authorised officer decides application)

11. Section 15—

insert—

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

- (a) if the person’s application was rejected because the person was not a fit and proper person under section 10(6)—until the day section 10(6) stops having the effect that the person is not a fit and proper person under that subsection; or
- (b) otherwise—until the day 3 years after the day the application was rejected.’

Amendment of s 20 (Term of licence)

12. Section 20(4)(b), after ‘dies’—

insert—

‘or is disqualified from holding the licence’.

Amendment of s 24 (Change in licensee’s circumstances)

13.(1) Section 24(2) and examples for subsection (2)(a)—

omit, insert—

‘(2) The events are—

(a) any of the following that happen to the licensee or the licensee’s representative—

(i) a change of address;

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

(iii) the conviction of the licensee or the licensee’s representative of an offence mentioned in section 10(6)(a)(i) to (iii);

(iv) the making of a domestic violence order against the licensee or the licensee’s representative; or

(b) a change in the licensee’s—

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

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

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

(d) another event prescribed under a regulation.’.

(2) Section 24—

insert—

‘(5) In this section—

“**representative**” of a licensee means a person who is endorsed—

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

Amendment of s 28 (Suspension of licence)

14.(1) Section 28(1) and (2)—

omit, insert—

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

- (a) is satisfied that the licensee—
 - (i) has been charged with an offence against any law in force in Queensland or elsewhere—
 - (A) relating to the misuse of drugs; or
 - (B) involving the use or threatened use of violence; or
 - (C) involving the use, carriage, discharge or possession of a weapon; or
 - (ii) is temporarily unable to comply with a condition of the licence; or
- (b) considers, on reasonable grounds, that the licensee may no longer be a fit and proper person to hold a licence.

'(2) The licence is suspended until—

- (a) if subsection (1)(a)(i) applies—
 - (i) the proceeding for the charge ends; or
 - (ii) the suspension is lifted by an authorised officer; or
- (b) if subsection (1)(a)(ii) applies—the authorised officer is satisfied the licensee is able to comply with the condition and lifts the suspension; or
- (c) if subsection (1)(b) applies—the earlier of the following days—

- (i) the day the authorised officer is satisfied the person is a fit and proper person to hold a licence and lifts the suspension;
- (ii) the day 30 days after the licence is suspended.’.

Amendment of s 29 (Revocation of licence)

, ‘~~licences~~ section 29(1)(b)

omit, insert—

‘a weapon’.

Amendment of s 32 (Temporary recognition of interstate licences for particular purposes)

16. Section 32(1), ‘a resident of another State who is the holder of a licence’

omit, insert—

‘a person who holds a licence, permit or authority issued under the law of another State’.

Amendment of pt 3 (Acquisition and sale of weapons)

17.(1) Part 3, heading—

omit, insert—

‘PART 3—ACQUISITION, SALE AND DISPOSAL OF WEAPONS

‘Division 1—Preliminary

‘Definitions for pt 3

‘34A. In this section—

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

“**weapon**” does not include a barrel, breechbolt or top slide of a firearm.’.

(2) Part 3, division 1, heading—

omit, insert—

‘Division 2—Acquisition, sale and disposal of weapons’.

Amendment of s 35 (Acquisition of weapons)

18.(1) Section 35(1)—

insert—

‘Example 4—

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

(2) Section 35(6)(a) to (c)—

omit, insert—

- (a) to repair it; or
- (b) to store it, if the person is an armourer storing it for someone else; or
- (c) on a temporary basis for not more than 3 months without giving consideration for the acquisition or for the weapon; or
- (d) in performing duties as a security guard under a security licence (guard); or
- (e) under section 52, 53, 54(2), 55 or 55A.⁹.

(3) Section 35(7), definition “**purchase**”—

omit.

⁹ Section 52 (Physical possession and use of weapon sometimes allowed for the purpose of training a minor), 53 (An unlicensed person may use a weapon at an approved range), 54 (Possession or use of weapon by unlicensed person in primary production sometimes allowed), 55 (Use of weapons by unlicensed person at shooting gallery allowed), 55A (Possession of weapons supplied by theatrical ordnance supplier)

Amendment of s 36 (Sale of weapons)

19.(1) Section 36, heading—

omit, insert—

‘Sale or disposal of weapons’.

(2) Section 36(1), ‘may sell a weapon only if’—

insert—

‘must not sell or otherwise dispose of a weapon to anyone else unless’.

(3) Section 36(1)(a), (b) and (c), after ‘sells’—

insert—

‘or otherwise disposes of’.

(4) Section 36(1)(b) and (2), after ‘sale’—

insert—

‘or disposal’.

(5) Section 36—

insert—

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

- (a) for repair; or
- (b) to an armourer for storage by the armourer; or
- (c) on a temporary basis for not more than 3 months without receiving consideration for the disposal or for the weapon; or
- (d) to a person performing duties as a security guard under a security licence (guard); or
- (e) authorised under section 52, 53, 54(2), 55 or 55A.¹⁰’.

¹⁰ Section 52 (Physical possession and use of weapon sometimes allowed for the purpose of training a minor), 53 (An unlicensed person may use a weapon at an approved range), 54 (Possession or use of weapon by unlicensed person in primary production sometimes allowed), 55 (Use of weapons by unlicensed person at shooting gallery allowed), 55A (Possession of weapons supplied by theatrical ordnance supplier)

Amendment of s 39 (Limitations on issue of permits to acquire)**20.** Section 39(5)—

omit, insert—

‘(5) However, a person is not a fit and proper person to possess a weapon if, in Queensland or elsewhere within the 5 year period immediately before the day the person applies for the issue of a permit to acquire—

- (a) the person has been convicted of, or discharged from custody on sentence after the person has been convicted of, any of the following offences—
 - (i) an offence relating to the misuse of drugs;
 - (ii) an offence involving the use or threatened use of violence;
 - (iii) an offence involving the use, carriage, discharge or possession of a weapon; or
- (b) a domestic violence order, other than a temporary protection order, has been made against the person.’.

Amendment of s 41 (Inquiries into application)**21.(1)** Section 41(1)(b), ‘health; and’—

omit, insert—

‘health including—

- (i) in relation to the applicant’s physical health—a report from a doctor about the applicant’s physical health; and
- (ii) in relation to the applicant’s mental health—a report from a doctor or psychologist about the applicant’s mental health; and’.

(2) Section 41(4) to (6)—

renumber as section 41(8) to (10) respectively.

(3) Section 41—

insert—

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

- (a) make information in the officer’s possession available to the doctor or psychologist; and
- (b) ask the doctor or psychologist to provide a further report.

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

- (a) the doctor or psychologist was not aware of the information; and
- (b) the information may influence the doctor’s or psychologist’s opinion about the applicant’s mental health.

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

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

Insertion of new s 51

22. After section 50—

insert—

‘Possession of a knife in night clubs

‘**51.(1)** A person must not physically possess a knife in a night club unless it—

- (a) is used for the preparation of food being provided on the premises; or
- (b) is supplied by the operator of the premises for the consumption of food on the premises.

Maximum penalty—20 penalty units or 6 months imprisonment.

‘(2) In this section—

“**knife**” means anything with a sharpened point, or with a blade 80 mm or longer, that is reasonably capable of being carried in one or both hands and used to wound or threaten to wound anyone while being carried in

that way.

“entertainment”, in a place, means entertainment by 1 or more persons present in the place whose function it is to present the entertainment.

“licensed premises” means licensed premises under the *Liquor Act 1992*, but only a day or days when, under that Act, the sale of liquor on the premises is authorised after 11 pm or before 5 am.

“night club” means a place that is licensed premises or a part of licensed premises where at the relevant time entertainment is being provided.

Example of a night club—

‘Dancers’ is a place that is authorised under the *Liquor Act 1992* to sell liquor after 11 pm on Friday and Saturday nights. It offers entertainment between the hours of 7 pm and 3 am on each of those nights. ‘Dancers’ is a night club during those hours on each of those nights. It is not a night club outside those hours.’.

Amendment of s 52 (Physical possession and use of weapon sometimes allowed for the purpose of training a minor)

23. Section 52, ‘over 11 years’—

omit, insert—

‘who is at least 11 years’.

Amendment of s 55 (Use of weapons by unlicensed person at shooting gallery allowed)

24.(1) Section 55, heading, ‘**unlicensed person**’—

omit, insert—

‘**particular unlicensed persons**’.

(2) Section 55, after ‘person’ (first mention)—

insert—

‘(“**customer**”)’.

(3) Section 55, ‘type’—

omit, insert—

‘category’.

(4) Section 55—

insert—

‘(2) However, a person conducting a shooting gallery must not allow the customer to physically possess and use the weapon unless the customer—

- (a) for a shooting gallery being used for paint-pellet sports—is at least 15 years; or
- (b) for a shooting gallery not being used for paint-pellet sports—is at least 11 years.

Maximum penalty for subsection (2)—20 penalty units.’.

Insertion of new s 55A

25. After section 55—

insert—

‘Possession of weapons supplied by theatrical ordnance supplier

‘55A. A person may have physical possession of and use a weapon supplied to the person by a theatrical ordnance supplier under section 118¹¹ for use in a theatrical, film or television production if the use is personally supervised by the supplier.’.

Insertion of new s 60A

26. After section 60—

insert—

‘Lost or stolen weapons

‘60A. A person who owns or possesses a weapon that, while in the person’s ownership or possession, is, or apparently is, lost or stolen must report the loss or stealing to a police officer immediately the person becomes aware of the loss or stealing.

Maximum penalty—10 penalty units.’.

¹¹ Section 118 (Weapons may be supplied for theatre, film and television productions)

Replacement of s 67 (Possessing and acquiring particular items prohibited)

27. Section 67—

omit, insert—

‘Possessing and acquiring restricted items

‘67.(1) A person must not, without reasonable excuse, possess or acquire a restricted item.

Maximum penalty—10 penalty units.

‘(2) For subsection (1), it is not a reasonable excuse to possess or acquire a restricted item for crowd or traffic control.

‘(3) In this section—

“**restricted item**” means an item prescribed as a restricted item under the *Weapons Categories Regulation 1997*.¹²’.

Amendment of div heading

28. Part 4, division 2, heading—

omit, insert—

‘Division 2—Dealers, armourers and employees’.

Replacement of s 70 (Age of employees)

29. Section 70—

omit, insert—

‘Employees of dealers and armourers

‘70.(1) A licensed dealer or armourer must not employ a person who, in the course of the person’s employment, will have access to weapons unless the person is a qualified weapons employee.

Maximum penalty—20 penalty units.

¹² Schedule 1 to this Act creates the *Weapons Categories Regulation 1997*. Restricted items are specified there.

‘(2) For subsection (1), a person is a **“qualified weapons employee”** only if the person—

- (a) is at least 18 years; and
- (b) holds a licence.

‘(3) In the course of employment as a qualified weapons employee, a person may possess any category of weapon his or her employer is authorised to possess.

‘(4) Subsection (3) has effect even if the employee is not licensed to possess the category of weapon.

‘(5) In this section—

“employ” a person includes engage the person as an agent.’.

Amendment of s 72 (Annual returns by licensed dealers)

30. Section 72, ‘schedule 1 and schedule 2’—
omit.

Amendment of s 73 (Dealer etc. to require information)

31. Section 73, ‘any prescribed particulars’—
omit, insert—
‘the particulars prescribed under a regulation’.

Amendment of s 75 (Collector to be licensed)

32. Section 75, from ‘in respect of’—
omit, insert—
‘for the category of weapons being collected.’.

Amendment of s 77 (Collector’s licence (weapons))

33. Section 77(2)(b), ‘or permanently’—
omit.

Amendment of s 100 (Limits on approvals)

34. Section 100, ‘conducted by an approved shooting club.’—

omit, insert—

‘conducted by—

- (a) an approved shooting club; or
- (b) an incorporated association; or
- (c) an entity conducting a training course approved by the commissioner for section 10(4) or 124.¹³.

Amendment of s 101 (Authorised officer may grant or refuse range approval)

35. Section 101(1)(a)—

omit, insert—

‘(a) the range will be used for—

- (i) conducting a training course approved by the commissioner for section 10(4) or 124; or
- (ii) the sport of target shooting; and’.

Amendment of s 108 (Responsibilities of range operator)

36. Section 108(2), ‘a licence authorising the person to possess that type of weapon’—

omit, insert—

‘a firearms licence under this Act’.

¹³ Section 10 (Limitations on issue of licence) or 124 (Training courses for security guards)

Amendment of s 110 (Responsibilities of person attending an approved range)

37.(1) Section 110(1)(c), ‘type’—

omit, insert—

‘category’.

(2) Section 110—

insert—

‘**(3)** A person attending an approved range must comply with a direction by a range officer for the range given for the purposes of this Act or safety reasons, unless the person has a reasonable excuse.

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

Amendment of s 115 (Theatrical ordnance suppliers to be licensed)

38. Section 115(1), ‘or replica’—

omit, insert—

‘or replica of a weapon’.

Replacement of s 116 (Age of employees)

39. Section 116—

omit, insert—

‘Employees of theatrical ordnance suppliers

‘**116.(1)** A theatrical ordnance supplier must not employ a person who, in the course of the person’s employment, will have access to weapons unless the person is a qualified weapons employee.

Maximum penalty—20 penalty units.

‘**(2)** For subsection (1), a person is a “**qualified weapons employee**” only if the person—

- (a) is at least 18 years; and
- (b) holds a licence.

‘(3) In the course of employment as a qualified weapons employee, a person may possess any category of weapon his or her employer is authorised to possess.

‘(4) Subsection (3) has effect even if the employee is not licensed to possess the category of weapon.

‘(5) In this section—

“**employ**” a person includes engage the person as an agent.’.

Replacement of s 125 (Control over way security guard carries weapon)

40. Section 125—

omit, insert—

‘Control of possession and use of weapons by security guards

‘125. A regulation may impose conditions on the possession and use of weapons by persons performing the duties of a security guard.’.

Amendment of s 126 (Security guard must record prescribed information)

41.(1) Section 126, heading—

omit, insert—

‘Employed security guard must record prescribed information’.

(2) Section 126(1), ‘as a security guard’—

omit, insert—

‘as an employed security guard’.

(3) Section 126—

insert—

‘(3) In this section—

“**employed**” security guard means a person who is employed as a security guard by a security organisation.’.

Insertion of new s 126A

42. After section 126—

insert—

‘Obligation of security guard carrying on business to keep register

‘126A.(1) An individual who carries on business on the individual’s own account as a security guard must—

- (a) keep a register in the approved form (“**security guard’s register**”); and
- (b) record in the security guard’s register, as prescribed under a regulation, information about the individual’s possession or use of weapons.

Maximum penalty—10 penalty units.

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

Maximum penalty—10 penalty units.

‘(3) A regulation may prescribe—

- (a) the type of information that must be recorded in the security guard’s register; and
- (b) the time when the information must be recorded.’.

Amendment of s 155 (Disqualification by a court)

43.(1) Section 155(1)(a), after ‘licence’—

insert—

‘, permit to acquire’.

(2) Section 155(2), after ‘licence’—

insert—

‘or permit to acquire’.

(3) Section 155—

insert—

‘(3) A disqualification under subsection (1)(b) has effect to revoke any licence, approval or permit to acquire held by the person.’.

Omission of s 160 (Allegation and proof of circumstances of aggravation)

44. Section 160—

omit.

Insertion of new s 168A

45. After section 168—

insert—

‘Particular landowners to keep permit register

‘168A.(1) This section applies to a landowner who, after the commencement of this section, provides written permission to shoot on the landowner’s rural land—

- (a) to a person or body for a fee or reward; or
- (b) to more than 50 persons or bodies.

‘(2) The landowner must keep a register (“**permit register**”) stating—

- (a) the name and address of the person or body to whom permission was given; and
- (b) the date permission was given; and
- (c) if the permission was limited by time—the day the permission ends.

Maximum penalty—10 penalty units.

‘(3) The landowner must keep the permit register while—

- (a) a permission under subsection (1)(a) remains current; or
- (b) more than 50 permissions under subsection (1)(b) remain current.

Maximum penalty—10 penalty units.

‘(4) For subsection (1), permission given to a body allowing its members or members of another body affiliated with the body to shoot on the landowner’s rural land is taken to be a single permission.’.

Amendment of s 173 (Definitions for pt 8)

46. Section 173, definition “**new Act**”, after ‘on’—

insert—

‘or after’.

Amendment of s 174 (Existing licences continue during amnesty)

47.(1) Section 174(1)—

omit, insert—

‘**174.(1)** An existing licence continues in force, subject to any limitations and conditions placed on it under the former Act, until—

- (a) if the holder of an existing licence applies under the new Act for a licence before the day the amnesty ends and the application is not decided before that day—the day the holder is advised in writing the application is approved or rejected; or
- (b) if the holder of an existing licence does not apply under the new Act for a licence before the day the amnesty ends—the day the amnesty ends; or
- (c) if the licence is suspended, cancelled, revoked or expires on a day earlier than the day applicable under paragraph (a) or (b)—the day the licence is suspended, cancelled, revoked or expires.’.

(2) Section 174—

insert—

‘**(5)** This section expires on 31 March 1998.’.

Amendment of s 179 (Compensation)

48.(1) Section 179(2)—

omit, insert—

‘(2) Compensation is payable only for weapons for which the State may receive compensation under the *National Firearms Program Implementation Act 1996* (Cwlth).’.

(2) Section 179(3), ‘category C or D’—

omit, insert—

‘the’.

(3) Section 179(4), ‘category C or D’—

omit.

Amendment of s 180 (Expiry of pt 8)

49. Section 180, after ‘This part’—

insert—

‘, other than section 174,¹⁴’.

Omission of sch 1 (Categories of weapons)

50. Schedule 1—

omit.

Amendment of sch 2 (Subject matter for regulations)

51.(1) Schedule 2, heading, ‘2’—

omit.

(2) Schedule 2—

insert—

‘Categorising weapons

‘2A. Declaring weapons as category A, B, C, D, E, H or R weapons.’.

¹⁴ Section 174 (Existing licences continue during amnesty)

PART 3—AMENDMENT OF DRUGS MISUSE ACT 1986

Act amended in pt 3

52. This part amends the *Drugs Misuse Act 1986*.

Omission of s 60 (Non-application of Statutory Instruments Act, pt 7)

53. Section 60—
omit.

PART 4—AMENDMENT OF STATUTORY INSTRUMENTS ACT 1992

Act amended in pt 4

54. This part amends the *Statutory Instruments Act 1992*.

Amendment of s 57 (Part does not apply to some subordinate legislation)

55. Section 57—
insert—

‘(2) Also, this part does not apply to subordinate legislation mentioned in schedule 2A.’

Insertion of new sch 2A

56. After schedule 2—

insert—

‘SCHEDULE 2A**‘SUBORDINATE LEGISLATION TO WHICH PART 7
DOES NOT APPLY**

section 57

Drugs Misuse Regulation 1987

Weapons Categories Regulation 1997’.

PART 5—GENERAL**Making of Weapons Categories Regulation 1997**

57.(1) Schedule 1 has effect to make the *Weapons Categories Regulation 1997* that is set out in the schedule as a regulation under the *Weapons Act 1990*.

(2) To prevent any doubt, it is declared that the *Weapons Categories Regulation 1997*, on the commencement of schedule 1, stops being a provision of this Act and becomes a regulation made under the *Weapons Act 1990*.

Repeal

58. This Act is repealed on 31 December 1998.

SCHEDULE 1

WEAPONS CATEGORIES REGULATION 1997

section 57

Short title

1. This regulation may be cited as the *Weapons Categories Regulation 1997*.

Category A weapons

2.(1) Each of the following is a category A weapon if it has not been rendered permanently inoperable—

- (a) 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;
- (b) an air rifle;
- (c) a blank-fire firearm at least 75 cm in length;
- (d) a rimfire rifle (other than a self-loading rimfire rifle);
- (e) a single or double barrel shotgun;
- (f) a powerhead.

(2) A conversion unit is also a category A weapon.

(3) In this section—

“conversion unit” means a unit or device or barrel that is capable of being used for converting a category A weapon that is a firearm from one calibre to another calibre.

Category B weapons

3.(1) Each of the following is a category B weapon if it has not been rendered permanently inoperable—

- (a) a muzzle-loading firearm;
- (b) a single shot centre fire rifle;
- (c) a double barrel centre fire rifle;
- (d) a repeating centre fire rifle;
- (e) a break action shotgun and rifle combination.

(2) A conversion unit is also a category B weapon.

(3) In this section—

“conversion unit” means a unit or device or barrel that is capable of being used for converting a category B weapon that is a firearm from one calibre to another calibre.

Category C weapons

4. Each of the following is a category C weapon if it has not been rendered permanently inoperable—

- (a) a semiautomatic rimfire rifle with a magazine capacity no greater than 10 rounds;
- (b) a semiautomatic shotgun with a magazine capacity no greater than 5 rounds;
- (c) a pump action shotgun with a magazine capacity no greater than 5 rounds.

Category D weapons

5. Each of the following is a category D weapon—

- (a) a self-loading centre fire rifle designed or adapted for military purposes or a firearm that substantially duplicates a rifle of that type in design, function or appearance;
- (b) a non-military style self-loading centre fire rifle with either an integral or detachable magazine;
- (c) a self-loading shotgun with either an integral or detachable magazine with a capacity of more than 5 rounds and a pump action shotgun with a capacity of more than 5 rounds;

- (d) a self-loading rimfire rifle with a magazine capacity of more than 10 rounds.

Category E weapons

6. A bulletproof vest or protective body vest or body armour designed to prevent the penetration of small arms projectiles is a category E weapon.

Category H weapons

7.(1) A firearm, including an air pistol and a blank-fire firearm, under 75 cm in length, other than a powerhead, is a category H weapon if it has not been rendered permanently inoperable.

(2) A conversion unit is also a category H weapon.

(3) In this section—

“**conversion unit**” means a unit or device or barrel that is capable of being used for converting a category H weapon that is a firearm from one calibre to another calibre.

Category R weapons

8. Each of the following is a category R weapon—

- (a) a machine gun or submachine gun that is fully automatic in its operation and actuated by energy developed when it is being fired or has multiple revolving barrels, and any replica or facsimile of a machine gun or submachine gun that is not a toy;
- (b) a firearm capable of firing 50 calibre BMG cartridge ammunition;
- (c) any clothing, apparel, accessory or article designed to disguise any weapon or other cutting or piercing instrument capable of causing bodily harm;
- (d) an antipersonnel gas and an antipersonnel substance of a corrosive, noxious or irritant nature or that is capable of causing bodily harm, and any weapon capable of discharging the gas or substance by any means;

- (e) an acoustical antipersonnel device of an intensity that is capable of causing bodily harm;
- (f) an electrical antipersonnel device of an intensity that is capable of causing bodily harm;
- (g) a hand grenade, other than an inert hand grenade, and an antipersonnel mine;
- (h) a rocket launcher, recoilless rifle, antitank rifle, a bazooka or a rocket propelled grenade type launcher;
- (i) any knife so designed or constructed so as to be used as a weapon that while the knife is held in 1 hand, the blade may be released by that hand;
- (j) any clothing, apparel, adornment or accessory designed for use as a weapon or a cutting or piercing instrument capable of causing bodily harm;
- (k) a mortar, all artillery and any incendiary or inflammable device containing any substance capable of causing bodily harm or damage to property;
- (l) any crossbow designed to be discharged by the use of 1 hand (that is not a toy pistol crossbow) that when discharged is capable of causing damage or injury to property or capable of causing bodily harm;
- (m) a chinese throwing iron that is a hard non-flexible plate having 3 or more radiating points with 1 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;
- (n) a flail or similar device constructed and designed as a weapon consisting of in part a striking head and which, if used offensively, is capable of causing bodily harm;
- (o) a device known as a 'manrikiguisari' or 'kusari', consisting of a length of rope, cord, wire or chain fastened at each end to a geometrically shaped weight or handgrip and constructed or designed for use as a weapon;

- (p) a device known as a knuckleduster or any device made or adapted for use as a knuckleduster and which, if used offensively against a person, is capable of causing bodily harm;
- (q) a weighted glove designed or constructed to be used as a weapon;
- (r) a mace or any similar article (other than a ceremonial mace made for and used solely as a symbol of authority on ceremonial occasions);
- (s) a silencer or other device or contrivance made or used, or capable of being used or intended to be used, for reducing the sound caused by discharging a firearm;
- (t) any device, not a toy, constructed or designed as a telescopic baton, the extension of which is actuated by the operation of a mechanical trigger.

Restricted items (Act, s 67)

9. The following items are restricted items for section 67¹⁵ of the Act—

- (a) handcuffs, thumbcuffs or other similar restraints;
- (b) nunchaku or kung-fu sticks or any similar device which consists of 2 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 connection 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;
- (c) a billy club, a baton or any device constructed or designed as a telescopic baton, not being a toy or a category R weapon, that if used is capable of causing bodily harm;
- (d) any studded glove which if used offensively against a person is capable of causing bodily harm.

¹⁵ Section 67 (Possessing and acquiring restricted item prohibited)

SCHEDULE 2**MINOR AMENDMENTS**

section 3

1. Part 3, divisions 2 and 3—*renumber* as divisions 3 and 4.**2. Section 51—***relocate* to part 4, division 5 and *renumber* as section 98A.**3. Section 53, ‘type’—***omit, insert—*

‘category’.

4. Section 54(2), ‘type’—*omit, insert—*

‘category’.

5. Section 97(2), ‘type’—*omit, insert—*

‘category’.

6. Section 97(2), penalty, ‘units’—*omit, insert—*

‘units.’.

7. Section 172(2), ‘schedule 2’—*omit, insert—*

‘the schedule’.