

Queensland



**WEAPONS (HANDGUNS AND
TRAFFICKING) AMENDMENT
ACT 2003**

Act No. 37 of 2003

Queensland



**WEAPONS (HANDGUNS AND
TRAFFICKING) AMENDMENT ACT 2003**

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Queensland



**Weapons (Handguns and Trafficking)
Amendment Act 2003**

Act No. 37 of 2003

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

[Assented to 2 June 2003]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *Weapons (Handguns and Trafficking) Amendment Act 2003*.

2 Commencement

- (1) This Act commences on a day to be fixed by proclamation.
- (2) Part 4 commences, or is taken to have commenced, on 30 June 2003.

PART 2—AMENDMENT OF WEAPONS ACT 1990

3 Act amended in pt 2

This part amends the *Weapons Act 1990*.

4 Amendment of s 2 (Application of Act)

- (1) Section 2(9), definition “government service entity”, paragraph (d)—
renumber as paragraph (c).
- (2) Section 2(9), definition “prescribed service entity”—
omit, insert—

“**prescribed service entity**” means an entity prescribed for the definition “government service entity”, paragraph (c).’.

5 Insertion of new s 8A

Part 1, after section 8—

insert—

‘8A Notes in text

‘A note in the text of this Act is part of the Act.’.

6 Amendment of s 10B (Fit and proper person)

(1) Section 10B, heading, after ‘**person**’—

insert—

‘—**licensees**’.

(2) Section 10B(1)—

insert—

‘(ca) whether there is any criminal intelligence or other information to which the authorised officer has access that indicates—

- (i) the person is a risk to public safety; or
- (ii) that authorising the person to possess a weapon would be contrary to the public interest; and’.

(3) Section 10B(3)—

renumber as section 10B(5).

(4) Section 10B—

insert—

‘**(3)** Also, for the issue, renewal, suspension or revocation of a licence, a licensed dealer is not a fit and proper person to hold a licence unless each associate of the person is a fit and proper person to be an associate of a licensed dealer.

‘**(4)** A person is not a fit and proper person to hold a licence if the person is prevented by an order, other than a temporary protection order, of a Queensland court or another court outside Queensland from holding a licence or possessing a weapon.’.

(5) Section 10B(5), as renumbered, definition “relevant period”, paragraph (b)—

omit, insert—

‘(b) for the suspension or revocation of a licence—the 5 year period immediately before the date of the suspension notice under

section 28, or a revocation notice under section 29, is given for that suspension or revocation.’.

7 Insertion of new s 10C

After section 10B—

insert—

‘10C Fit and proper person—licensed dealer’s associate

‘(1) In deciding or considering, for the issue, renewal, suspension or revocation of a dealer’s licence, whether an associate of an applicant for a dealer’s licence or a licensed dealer is, or is no longer, a fit and proper person to be an associate of a licensed dealer, an authorised officer may consider any criminal intelligence or other information to which the authorised officer has access that indicates—

- (a) the associate is a risk to public safety; or
- (b) any relationship involving weapons between the associate and the applicant or licensed dealer would be contrary to the public interest.

‘(2) A person is not a fit and proper person to be an associate of a licensed dealer if the person is a prohibited person or the authorised officer is satisfied that any relationship involving weapons between the person and a licensed dealer would be contrary to the public interest because—

- (a) the person, in Queensland or elsewhere within the relevant period, 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.

‘(3) In this section—

“relevant period” means—

- (a) for the issue or renewal of a dealer's licence—the 5 year period immediately before the day the applicant for a dealer's licence or the licensed dealer applies for the issue or renewal of the licence; or
- (b) for the suspension or revocation of a dealer's licence—the 5 year period immediately before the date of the suspension notice under section 28, or a revocation notice under section 29, is given for that suspension or revocation.'.

8 Amendment of s 12 (Licences)

Section 12(2) and (3)—

omit.

9 Amendment of s 15 (Authorised officer decides application)

(1) Section 15(3), as a note—

Note—

Additional requirements are prescribed for particular applications under section 18A, 18B or 18C.

(2) Section 15(5)—

renumber as section 15(6).

(3) Section 15—

insert—

'(5) However, if the authorised officer is acting on the basis of criminal intelligence or other information of the kind mentioned in section 10B(1)(ca) or 10C(1), the authorised officer may reject the application because the person is not a fit and proper person only if the commissioner or deputy commissioner, acting personally, approves that the application be rejected on that basis.'.

10 Amendment of s 16 (Issue of licence)

(1) Section 16(1)(b)(ii), 'under section 15(4)(a)'—

omit, insert—

'by an authorised officer'.

(2) Section 16(3)—

renumber as section 16(4).

(3) Section 16(2)—

omit, insert—

‘(2) A condition or any other information to be endorsed on a licence may be endorsed on the licence or a certificate issued for the licence.

‘(3) The condition or information may be endorsed on the licence or certificate by a word that is given a meaning by a code prescribed under a regulation.’.

11 Omission of s 17 (Uses permitted under licence)

Section 17—

omit.

12 Amendment of s 18 (Renewal of licences)

(1) Section 18(7), (8) and (9)—

renumber as section 18(8), (9) and (10).

(2) Section 18—

insert—

‘(7) However, if the authorised officer is acting on the basis of criminal intelligence or other information of the kind mentioned in section 10B(1)(ca) or 10C(1), the authorised officer may reject the application because the person is not a fit and proper person only if the commissioner or deputy commissioner, acting personally, approves that the application be rejected on that basis.’.

(3) Section 18(8)(b), as renumbered, after ‘fresh licence’—

insert—

‘endorsed with any condition decided by an authorised officer or other information’.

13 Insertion of new ss 18A–18C

After section 18—

insert—

‘18A Additional application requirements for collector’s licence (weapons) for category H weapon

‘(1) If the application is for a collector’s licence (weapons) or the renewal of a collector’s licence (weapons) and the licensee intends to possess a temporarily inoperable category H weapon, the application must include a current declaration signed by an approved historical society’s representative stating—

- (a) the applicant holds current membership with the approved historical society; and
- (b) the representative is satisfied that the applicant is a genuine collector of weapons.

‘(2) Subsection (1) does not apply if the applicant is an approved historical society.

‘(3) A declaration mentioned in subsection (1) is current for 28 days after the day it is signed by the representative.

‘18B Additional application requirements for concealable firearms licence

‘(1) If the application is for a concealable firearms licence and the applicant’s reason for possession of a weapon under that licence is sports or target shooting, the application must include a current declaration by the representative of an approved pistol club stating that—

- (a) the applicant holds current membership with the pistol club; and
- (b) the applicant has been a member of the pistol club for the 6 month period immediately before the declaration is made; and
- (c) the applicant has participated in at least 3 handgun shooting competitions during that 6 month period.

‘(2) Subsection (3) applies if an applicant for a concealable firearms licence—

- (a) holds a licence or other authority under a law of another State that corresponds with this Act authorising the applicant to possess a category H weapon for sports or target shooting; or
- (b) was, within the period prescribed under a regulation for this section, a resident of another country and at the time of the application resides only in Queensland.

‘(3) The declaration included in the application need not address the matters mentioned in subsection (1)(b) or (c) if the application is accompanied by evidence—

- (a) for subsection (2)(a), that the applicant—
 - (i) has been a member of a shooting club in the other State for the 6 month period immediately before the declaration is made; and
 - (ii) holds a licence or other authority under a law of the other State that corresponds with this Act authorising the applicant to possess a category H weapon for sports or target shooting; and
 - (iii) has held the authority mentioned in subparagraph (ii) for at least 12 months; and
 - (iv) has, in the other State, participated in not less than the number of handgun shooting competitions necessary to comply with the law of the other State; or
- (b) for subsection (2)(b), that the applicant—
 - (i) was permitted or authorised under the law of the other country to possess a category H weapon for sports or target shooting; and
 - (ii) has, within the 2 year period immediately before the declaration is made, consistently participated at a national or international level in internationally recognised shooting competitions for a category H weapon.

Examples of internationally recognised shooting competitions—

1. Shooting competitions in the Olympic Games
2. Shooting competitions in the Commonwealth Games
3. Metallic silhouette world championship.

‘(4) If the application is for the renewal of a concealable firearms licence and the applicant’s reason for possession of a weapon is sports or target shooting, the application must include—

- (a) a current declaration by the representative of an approved shooting club stating that the applicant holds current membership with the shooting club; and
- (b) a copy of the applicant’s participation record for the period of the applicant’s current licence.

‘(5) A declaration under this section is current for 28 days after the day it is signed by the representative.

‘18C Additional application requirements for dealer’s licence

‘If the application is for a dealer’s licence or the renewal of a dealer’s licence, the approved form must require the applicant to disclose—

- (a) the full name, occupation and residential address of each person who is an associate of the applicant for the dealer’s licence or the licensed dealer; and
- (b) details of the relevant interest, relevant power or relevant position each associate holds or will hold or may be entitled to exercise.’.

14 Amendment of s 19 (Notice of rejection of application to issue or renew licence)

(1) Section 19(2)—

renumber as section 19(3).

(2) Section 19—

insert—

‘(2) If a reason an authorised officer rejects an application is criminal intelligence or other information that is not publicly available, it is enough that the notice under subsection (1) states the specific reason for rejection as ‘confidential information’.’.

15 Amendment of s 20 (Term of licence)

(1) Section 20(2) to (4)—

renumber as section 20(4) to (6).

(2) Section 20—

insert—

‘(2) Despite subsection (1) but subject to any direction by the commissioner, an authorised officer may, by written notice given to a licensee, extend the term the licensee’s licence remains in force to a day that coincides with the licensee’s next birthday.

‘(3) No fee is payable for the extension of a term under subsection (2).’.

16 Amendment of s 21 (Certain licences transferable)

Section 21(2), ‘to which the licence applies’—

omit.

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

(1) Section 24(1), after ‘of the change’—

insert—

‘and the particulars of the change the officer reasonably requires’.

(2) Section 24(2)(c) and (d)—

renumber as section 24(2)(f) and (g).

(3) Section 24(2)—

insert—

‘(c) a change in the licensee’s name or the licensee’s representative’s name; or

(d) a change in the place entered in the firearms register as the place where a firearm is generally kept if the licensee is the registered owner of the firearm; or

(e) if the licensee is a licensed dealer, a change in the licensee’s associates; or’.

(4) Section 24(3), (4) and (5)—

renumber as section 24(4), (5) and (6).

(5) Section 24—

insert—

‘(3) If advice of a change in the licensee’s associates is given under subsection (2)(e), the advice must be given in the approved form and include—

- (a) the full name, occupation and residential address of each of the licensee’s associates; and
- (b) details of the associate’s relevant financial interest, relevant power or relevant position in the licensee’s business.’.

18 Amendment of s 25 (Authorised officer may amend licence conditions)

Section 25—

insert—

‘(6) In this section—

“**conditions of a licence**” means conditions decided by an authorised officer under section 15(4)(a).’.

19 Insertion of new s 25A

After section 25—

insert—

‘25A Authorised officer may require information about licensed dealer’s associates

‘(1) An authorised officer may, by written notice, require a licensed dealer to give a declaration to the authorised officer in the approved form—

- (a) if the dealer did not previously have an associate and now has an associate or the dealer’s associates have changed, advising the name and address of each associate of the dealer and details of the associate’s relevant financial interest, relevant power or relevant position in the dealer’s business; or
- (b) if paragraph (a) does not apply, advising the associates of the dealer have not changed since the dealer—
 - (i) most recently applied for the dealer’s licence or renewal of the licence; or

- (ii) advised an officer, and delivered the licence to the officer, as required under section 24(1); or
- (iii) gave a declaration under this section to the authorised officer.

‘(2) The licensed dealer must give the declaration as required under subsection (1) within 7 days after the written notice is given to the dealer, unless the dealer has a reasonable excuse.

Maximum penalty—100 penalty units.

‘(3) A licensed dealer who is required to give a declaration to an authorised officer under subsection (1) and gives a declaration under the subsection with information about—

- (a) the dealer’s associates; or
- (b) details of the dealer’s associates; or
- (c) a change in the dealer’s associates;

can not be prosecuted for a failure to disclose that information before the authorised officer made that requirement.

‘(4) It is not a reasonable excuse for subsection (2) that giving the declaration as mentioned in the subsection may incriminate the person for an offence for which the person can not be prosecuted under subsection (3).’.

20 Insertion of new s 27B

After section 27A—

insert—

‘27B Notice of intention to revoke because dealer’s associate is not fit and proper

‘(1) This section applies if an authorised officer is satisfied that an associate of a licensed dealer is not a fit and proper person to be an associate of a licensed dealer.

‘(2) Before revoking the licensed dealer’s licence, the authorised officer must give the dealer a notice stating that the authorised officer—

- (a) is satisfied that a named associate of the dealer is not a fit and proper person to be an associate of a licensed dealer; and

- (b) intends to give the dealer a revocation notice under section 29 unless the dealer discontinues the dealer's association with the associate within a stated reasonable time.

‘(3) In deciding what is a reasonable time, regard is to be had to the following—

- (a) the extent of the associate's relevant financial interest in the dealer's business;
- (b) any relevant power the associate may exercise in the dealer's business;
- (c) any relevant position the associate holds in the dealer's business;
- (d) the public interest.’.

21 Amendment of s 28 (Suspension of licence by giving suspension notice)

Section 28—

insert—

‘(4) However, if the authorised officer is acting on the basis of criminal intelligence or other information of the kind mentioned in section 10B(1)(ca) or 10C(1), the authorised officer may suspend the licence because the licensee is not a fit and proper person only if the commissioner or deputy commissioner, acting personally, approves the licence be suspended on that basis.’.

22 Amendment of s 29 (Revocation of licence by giving revocation notice)

(1) Section 29(1), ‘revoke a licence’—

omit, insert—

‘revoke the licensee's licence’.

(2) Section 29(1)(c), after ‘condition’—

insert—

‘, participation condition or special condition’.

(3) Section 29(1)(f)(ii), ‘to which the licence applies’—

omit.

(4) Section 29(2) to (6)—

renumber as section 29(4) to (8).

(5) Section 29—

insert—

‘(2) Also, if a licensee reports or states to a police officer that a weapon or 1 or more weapons of which the licensee is the registered owner were lost or stolen, an authorised officer may, by a revocation notice given to the licensee, revoke the licensee’s licence if—

- (a) the licensee fails to satisfy the authorised officer that the licensee took reasonable precautions to prevent the loss or theft; or
- (b) the authorised officer reasonably believes that the licensee has unlawfully disposed of the weapon.

‘(3) If the authorised officer is acting on the basis of criminal intelligence or other information of the kind mentioned in section 10B(1)(ca) or 10C(1), the authorised officer may revoke the licence because the person is not a fit and proper person only if the commissioner or deputy commissioner, acting personally, approves the licence be revoked on that basis.’.

(6) Section 29(5) and (6), as renumbered, ‘subsection (3)’—

omit, insert—

‘subsection (5)’.

22A Amendment of s 29B (Arrangements for surrender of suspended or revoked licences and weapons)

Section 29B(8), definition “approved receipt”, ‘section 71(2)(b)’—

omit, insert—

‘section 71(3)’.

23 Amendment of s 30 (Suspension or revocation notice)

Section 30—

insert—

‘(1A) If a reason an authorised officer suspends or revokes a licence is criminal intelligence or other information that is not publicly available, it is enough that the notice states the specific reason as ‘confidential information’.’.

24 Amendment of s 36 (Sale or disposal of weapons)

Section 36(1), ‘to anyone else’—

omit.

25 Replacement of s 38 (Issue etc. of permits to acquire)

Section 38—

omit, insert—

‘38 Issue etc. of permits to acquire

‘(1) A person, other than an authorised officer, must not issue, endorse or alter a permit to acquire.

Maximum penalty—100 penalty units or 2 years imprisonment.

‘(2) In this section—

“**issue, endorse or alter a permit to acquire**” includes purporting to issue, endorse or alter a permit to acquire.’.

26 Amendment of s 39 (Limitations on issue of permits to acquire)

(1) Section 39(2)—

omit, insert—

‘(2) A permit to acquire a weapon may be issued to an individual only if—

- (a) the person is authorised to possess the weapon or category of weapon under a licence; and
- (b) the person is an adult; and

- (c) for a category B, C, D, H or M weapon—the person has a need to possess the weapon; and
- (d) if the weapon is an heirloom firearm—the person is the owner of the firearm because of a testamentary disposition or the laws of succession; and
- (e) if the person intends to possess the weapon under the authority of a collector’s licence (weapons) and the weapon is a temporarily inoperable modern handgun—
 - (i) the person satisfies an authorised officer that the person has a prolonged and genuine interest in the study, preservation or collection of firearms; and
 - (ii) the person is a member of an approved historical society.

Note—

See section 131 (Limitation on number of concealable firearms particular licensees may acquire) for limitations on the number of category H weapons an individual who is the holder of a concealable firearms licence can possess during the first year after the holder is first licensed.’.

(2) Section 39(4) and (5)—

omit.

(3) Section 39(6)—

renumber as section 39(4).

27 Amendment of s 40 (Application for permit to acquire)

Section 40—

insert—

‘(4) If the application is for a permit to acquire a temporarily inoperable modern handgun that the applicant intends to possess under the authority of a collector’s licence (weapons), the application must include a declaration signed by an approved historical society’s representative stating that the representative is satisfied that the weapon is of obvious and significant commemorative, historic, thematic or investment value.’.

28 Amendment of s 49 (Commissioner to maintain firearms register)

(1) Section 49(2), from ‘The firearms’ to ‘firearm—’—

omit, insert—

‘The following information for each firearm must be entered in the firearms register—’.

(2) Section 49(2)(b), ‘and serial’—

omit, insert—

‘and any serial’.

(3) Section 49(3) to (5)—

renumber as section 49(4) to (6).

(4) Section 49(5), as renumbered, ‘subsection (3)’—

omit, insert—

‘subsection (4)’.

(5) Section 49—

insert—

‘(3) Also, the following information for each antique handgun must be entered in the firearms register—

- (a) the name and address of the handgun’s owner and details of the documents relied on to establish the owner’s identity and address;
- (b) the type, make, calibre, action, magazine capacity and any serial number of the firearm;
- (c) the place where the firearm is generally kept;
- (d) other information prescribed under a regulation.’.

(6) Section 49(6), as renumbered—

insert—

“**owner**”, of a firearm, includes a person who has lawfully acquired the firearm under a permit to acquire.’.

29 Replacement of s 50 (Possession of weapons)

Section 50—

omit, insert—

‘49A Authority given by licence

‘(1) A licence authorises a licensee to possess and use a weapon or category of weapon endorsed on the licence for any lawful purpose.

‘(2) However, the authority to possess or use a weapon, or a category of weapon, under a licence is subject to a regulation, condition or participation condition.

‘(3) If use of a firearm is authorised under another Act, a licensee does not contravene this Act only because the licensee uses the firearm in the way authorised under the other Act.

‘50 Possession of weapons

‘A person must not unlawfully possess a weapon.

Maximum penalty—

- (a) if the person unlawfully possesses 10 or more weapons at least 5 of which are category D, E, H or R weapons—13 years imprisonment; or
- (b) if paragraph (a) does not apply and the person unlawfully possesses 10 or more weapons—500 penalty units or 10 years imprisonment; or
- (c) if paragraphs (a) and (b) do not apply—
 - (i) for a category D, H or R weapon—300 penalty units or 7 years imprisonment; or
 - (ii) for a category C or E weapon—200 penalty units or 4 years imprisonment; or
 - (iii) for a category A, B or M weapon—100 penalty units or 2 years imprisonment.

‘50A Possession of unregistered firearms

‘(1) A licensee must not possess an unregistered firearm.

Maximum penalty—60 penalty units.

‘(2) A licensed dealer or licensed armourer does not contravene subsection (1) if the unregistered firearm is entered in the dealer’s or armourer’s weapons register under section 71.¹

‘(3) In this section—

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

“**unregistered firearm**” means a firearm for which information is not entered in the firearms register.’.

30 Insertion of new s 50B

Before section 51—

insert—

‘50B Unlawful supply of weapons

‘(1) A person must not unlawfully supply a weapon to another person.

Maximum penalty—

- (a) if the person unlawfully supplies 5 or more weapons at least 1 of which is a category D, E, H or R weapon—13 years imprisonment; or
- (b) if paragraph (a) does not apply and the person unlawfully supplies 5 or more weapons—500 penalty units or 10 years imprisonment; or
- (c) if paragraphs (a) and (b) do not apply—
 - (i) for a category D, H or R weapon—500 penalty units or 10 years imprisonment; or
 - (ii) for a category C or E weapon—300 penalty units or 7 years imprisonment; or
 - (iii) for a category A, B, or M weapon—200 penalty units or 4 years imprisonment.

‘(2) A person does not contravene subsection (1) if the person to whom the weapon is supplied—

1 Section 71 (Licensed dealers and armourers to keep register)

- (a) is authorised under a licence to possess weapons of the same category as the weapon supplied; or
- (b) is authorised to possess the weapon under section 52, 53, 54(2), 55, 55A, 70 or 116.²

Note—

If subsection (1) does not apply because subsection (2)(a) applies, the person disposing of the weapon may contravene section 36 (Sale or disposal of weapons).²

31 Replacement of s 53 (An unlicensed person may use a weapon at an approved range)

Section 53—

omit, insert—

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

‘(1) This section applies to a person—

- (a) who is not a licensee; or
- (b) who is a licensee but is not authorised to possess the weapon the person proposes to physically possess and use under this section.

‘(2) The person may physically possess and use a weapon at an approved range for the category of weapon if, immediately before possessing and using the weapon, the person—

- (a) produces for the inspection of a range officer at the range photographic identification identifying the person; and
- (b) completes and signs an approved form stating the following and gives the form to the range officer—
 - (i) the person’s name, residential address and date of birth;
 - (ii) that the person is a licensee or is not an excluded person;

2 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 particular unlicensed persons at shooting gallery allowed), 55A (Possession of weapons supplied by theatrical ordnance supplier), 70 (Employees of dealers and armourers) or 116 (Employees of theatrical ordnance suppliers)

(iii) the date and time the declaration is completed.

Examples of photographic identification—

Weapons licence

Driver licence.

‘(3) Before allowing the person to physically possess and use a weapon at the approved range, the range officer must sign the approved form declaring that the range officer—

- (a) inspected the person’s photographic identification; and
- (b) if the person states in the approved form that the person is a licensee, inspected the person’s licence; and
- (c) was satisfied—
 - (i) the person signing the approved form appeared to be the person shown in the photographic identification; and
 - (ii) after inspecting the completed approved form—
 - (A) that information in the completed approved form agreed with information shown on the photographic identification; and
 - (B) that the person is a licensee or, on the information contained in the approved form, is not an excluded person.

Maximum penalty—20 penalty units.

‘(4) It is a condition of the approved shooting club’s shooting club permit that the club must keep the approved form for 3 years after the approved form is signed.

‘(5) The range officer must ensure the person is supervised by the range officer or another range officer at all times when the person is in physical possession of the weapon.

Maximum penalty—20 penalty units.

‘(6) For subsection (5), if the person is in physical possession of a category H weapon, the supervision of the person by a range officer must be direct, personal and exclusive supervision by the range officer at all times when that person is in physical possession of the weapon.

‘(7) In this section—

“excluded person” means a person—

- (a) who has been convicted in Queensland or elsewhere of—
 - (i) murder or manslaughter; or
 - (ii) armed robbery; or
 - (iii) unlawful wounding; or
 - (iv) grievous bodily harm; or
 - (v) an offence involving drugs, weapons or violence prescribed under a regulation that is punishable by at least 7 years imprisonment; or
- (b) who, in the 5 year period immediately before the day the person signs the approved form under this section, 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
- (c) who, in the 5 year period immediately before the day the person signs the approved form under this section, has been subject to a domestic violence order, other than a temporary protection order; or
- (d) who is subject to a temporary protection order; or
- (e) who is prevented by another order of a Queensland court or another court outside Queensland from holding a licence or possessing a weapon unless the order permits the person to possess or use a weapon under supervision; or
- (f) who, in the 5 year period immediately before the day the person signs the approved form under this section, has been subject to an involuntary assessment order under the *Mental Health Act 2000* or a similar order under the *Mental Health Act 1974*, or a similar order in another State; or
- (g) who has been refused a licence, or whose licence has been revoked, in the 5 year period immediately before the day the person signs the approved form under this section because the

person is not, or is no longer, a fit and proper person to hold a licence; or

(h) whose licence is suspended.’.

32 Amendment of s 54 (Possession or use of weapon by unlicensed person in primary production sometimes allowed)

Section 54(2), ‘physically’—

omit.

33 Replacement of s 60 (Secure storage of weapons)

Section 60—

omit, insert—

‘60 Secure storage of weapons

‘(1) A licensee who has control of a weapon at a place must keep the weapon in secure storage facilities at the place when a person is not in physical possession of the weapon.

Maximum penalty—100 penalty units or 2 years imprisonment.

‘(2) The registered owner of a firearm must ensure that secure storage facilities for the firearm are available at the place shown in the firearms register as the place where the firearm is generally kept.

Maximum penalty—100 penalty units.’.

34 Amendment of s 61 (Shortening firearms)

Section 61, penalty—

omit, insert—

‘Maximum penalty—100 penalty units or 2 years imprisonment.’.

35 Amendment of s 62 (Modifying construction or action of firearms)

(1) Section 62(1), penalty—

omit, insert—

‘Maximum penalty—100 penalty units or 2 years imprisonment.’.

(2) Section 62(2), penalty—

omit, insert—

‘Maximum penalty—100 penalty units or 2 years imprisonment.’.

36 Amendment of s 63 (Altering identification marks of weapons)

Section 63, penalty—

omit, insert—

‘Maximum penalty—100 penalty units or 2 years imprisonment.’.

37 Amendment of s 69 (Armourers to be licensed)

Section 69(1A), penalty—

omit, insert—

‘Maximum penalty—

- (a) for a category D, H or R weapon—500 penalty units or 10 years imprisonment; or
- (b) for a category C or E weapon—300 penalty units or 7 years imprisonment; or
- (c) for a category A, B or M weapon—200 penalty units or 4 years imprisonment.’.

38 Amendment of s 70 (Employees of dealers and armourers)

Section 70(1), penalty, ‘20’—

omit, insert—

‘100’.

39 Amendment of s 71 (Licensed dealers and armourers to keep register)

(1) Section 71(2) to (5)—

omit, insert—

‘(2) A licensed dealer or licensed armourer must, for each transaction involving a weapon, enter immediately in the weapons register the particulars prescribed under a regulation.

Maximum penalty—20 penalty units or 6 months imprisonment.

‘(3) A licensed dealer or licensed armourer must notify an authorised officer in the approved form of each transaction involving a weapon within 14 days after the transaction happens.

Maximum penalty—20 penalty units or 6 months imprisonment.

‘(4) A person must not remove a part of the weapons register, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units or 6 months imprisonment.

‘(5) Subsection (4) does not prevent the correction of the weapons register in a way specified under a regulation.’

(2) Section 71(6)—

insert—

“**“transaction”** means receipt, acquisition, sale or transfer.’.

40 Amendment of s 72 (Annual returns by licensed dealers)

(1) Section 72, ‘is to furnish’—

omit, insert—

‘must give’.

(2) Section 72, after ‘stock’—

insert—

‘by the licensed dealer’.

(3) Section 72—

insert—

‘Maximum penalty—60 penalty units.’.

41 Replacement of s 73 (Dealer etc. to require information)

Section 73—

omit, insert—

‘73 Dealer etc. to require information

‘A person who is a licensed dealer, a licensed armourer or an agent, employee or representative of the dealer or armourer (each of whom is a **“trader”**) must not purchase from, trade with, sell to or deal in any weapon with a person unless—

- (a) the person provides the trader with the particulars prescribed under a regulation; or
- (b) the trader records the particulars in the weapons register maintained by the dealer or armourer.

Maximum penalty—60 penalty units.’.

42 Amendment of s 75 (Collector to be licensed)

(1) Section 75, ‘is not to’—

omit, insert—

‘must not’.

(2) Section 75—

insert—

‘Maximum penalty—60 penalty units.’.

43 Replacement of ss 76 and 77

Sections 76 and 77—

omit, insert—

‘76 Collector’s licence (heirloom)

‘It is a condition of a collector’s licence (heirloom) that the licensee may possess an heirloom firearm only if it is made permanently inoperable.

‘77 Collector’s licence (weapons)

‘(1) It is a condition of a collector’s licence (weapons) that the licensee may possess—

- (a) category D, M or R weapons only if—

- (i) for weapons that are firearms—the weapons are made permanently inoperable; or
- (ii) for other weapons—the weapons are inert; or
- (b) category A, B or C weapons that are collectable firearms manufactured on or after 1 January 1901 only if the weapons are made temporarily inoperable; or
- (c) category H weapons only if—
 - (i) they are manufactured on or after 1 January 1901 and before 1 January 1947 and are temporarily inoperable, collectable firearms; or
 - (ii) they are manufactured on or after 1 January 1947 and are temporarily inoperable, collectible firearms and the licensee’s licence is endorsed to allow possession of collectable firearms manufactured on or after 1 January 1947; or
 - (iii) otherwise—they are permanently inoperable.

‘(2) In this section—

“**collectable firearm**” means a firearm that is of obvious and significant commemorative, historic, thematic or investment value.’.

44 Amendment of s 78 (Weapons not to be discharged or operated)

(1) Section 78, ‘is not to’—

omit, insert—

‘must not’.

(2) Section 78, ‘as a collector’—

omit, insert—

‘under a collector’s licence’.

(3) Section 78—

insert—

‘Maximum penalty—40 penalty units.’.

45 Amendment of s 79 (Approval of arms fair)

(1) Section 79(1), 'is not to'—

omit, insert—

'must not'.

(2) Section 79(1)—

insert—

'Maximum penalty—60 penalty units.'

46 Amendment of s 82 (Removal of register and weapons)

(1) Section 82(1), 'is not, without a reasonable excuse, to'—

omit, insert—

'must not, without a reasonable excuse,'.

(2) Section 82(1)—

insert—

'Maximum penalty—40 penalty units.'

(3) Section 82(3), 'is to'—

omit, insert—

'must'.

(4) Section 82(3)—

insert—

'Maximum penalty—40 penalty units.'

(5) Section 82(4), 'is to'—

omit, insert—

'must'.

(6) Section 82(4)—

insert—

'Maximum penalty—40 penalty units.'

47 Amendment of s 83 (Licensed collector leaving Queensland)

(1) Section 83(1), ‘is, prior to leaving, to’—

omit, insert—

‘must, before leaving,’.

(2) Section 83(1)—

insert—

‘Maximum penalty—20 penalty units.’.

(3) Section 83(2), ‘is not to’—

omit, insert—

‘must not’.

(4) Section 83(2)—

insert—

‘Maximum penalty—20 penalty units.’.

48 Amendment of s 90 (A nominee is required for some applications)

(1) Section 90, ‘nominee’—

omit, insert—

‘representative’.

(2) Section 90(4), “**nominee**”—

omit, insert—

“**representative**”.

(3) Section 90(5)—

insert—

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

49 Amendment of s 91 (Duty of nominee)

Section 91, ‘nominee’—

omit, insert—

‘representative’.

50 Amendment of s 92 (Change of nominee)

(1) Section 92, ‘nominee’—

omit, insert—

‘representative’.

(2) Section 92(3), “**nominee notice**”—

omit, insert—

“**representative notice**”.

(3) Section 92(3), after ‘28 days’—

insert—

‘after occupying the responsible position’.

(4) Section 92(3)—

insert—

‘Maximum penalty—20 penalty units.’.

51 Replacement of s 97 (Club must keep range use register books)

Section 97—

omit, insert—

‘97 Club must keep range use register books

‘(1) It is a condition of an approved shooting club’s shooting club permit that the club must keep a range use register and ensure the register is available at all times when the range is being conducted by the shooting club.

‘(2) Before a person uses a range conducted by an approved shooting club to discharge a weapon, the person must—

- (a) if the person is a licensee, produce the person's licence to a range officer at the range; and
- (b) enter in the range use register the details provided for under subsection (3).

Maximum penalty—20 penalty units.

Note—

If the person proposing to use the range is not a licensee, the person must produce the identification and complete the approved form required under section 53.

'(3) The register must include provision for the following details—

- (a) the person's identity;
- (b) the category of weapon the person will use on the range;
- (c) other details prescribed under a regulation.

'(4) It is a condition of an approved shooting club's shooting club permit that the club ensure that a range officer of the club must inspect the entry made by the person in the register and endorse the entry as correct before allowing the person to use the range.

'(5) An endorsement under this section must clearly identify the person making the endorsement.

'(6) Subsections (2)(a) and (4) do not apply in relation to a range officer of the approved range using the range to discharge a weapon.'

52 Amendment of s 98 (Service of notice on approved shooting club)

Section 98(1), 'nominee'—

omit, insert—

'representative'.

53 Insertion of new s 98B

Part 4, division 4, after section 98A—

insert—

‘98B Membership of approved pistol clubs

‘(1) It is a condition of an approved pistol club’s shooting club permit that the club must not accept a person for membership of the club unless the person submits with the person’s application for membership—

- (a) if the person is not a licensee, a current statement in the approved form signed by an authorised officer that the person is a fit and proper person to hold a licence; and
- (b) 2 character references from persons the person has known for at least 2 years; and
- (c) a declaration that the person is a current member of other named approved shooting clubs or that the person is not a current member of any other approved shooting club.

‘(2) A statement mentioned in subsection (1)(a) is current for 3 months after the day it is signed by the authorised officer.’.

54 Amendment of s 106 (Revoking or suspending approval)

(1) Section 106, heading, ‘**Revoking or suspending**’—

omit, insert—

‘**Suspending or revoking**’.

(2) Section 106(1), ‘revoke or suspend’—

omit, insert—

‘suspend or revoke’.

(3) Section 106(2) and (4), ‘revocation or suspension’—

omit, insert—

‘suspension or revocation’.

(4) Section 106(3)—

omit, insert—

‘(3) The notice must specify—

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

(5) Section 106(5), ‘shooting club permit’—
omit, insert—
‘range approval’.

55 Amendment of s 108 (Responsibilities of range operator)

(1) Section 108(2)—
insert—
‘Maximum penalty—20 penalty units.’.

(2) Section 108(3)—
insert—
‘Maximum penalty—20 penalty units.’.

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

(1) Section 110(1), ‘physically possess or use a weapon’—
omit, insert—
‘possess or use a weapon at the range’.

(2) Section 110(1)—
insert—
‘Maximum penalty—20 penalty units.’.

(3) Section 110(2), after ‘a weapon’—
insert—
‘at the range’.

57 Amendment of s 111 (Approval of shooting galleries)

(1) Section 111(1) and (2), ‘is not to’—
omit, insert—
‘must not’.

(2) Section 111(1)—

insert—

‘Maximum penalty—60 penalty units.’.

58 Amendment of s 114 (Conduct of persons resorting to shooting galleries)

(1) Section 114(1), ‘is not to’—

omit, insert—

‘must not’.

(2) Section 114(1)—

insert—

‘Maximum penalty—60 penalty units.’.

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

(1) Section 115(1), ‘is not to’—

omit, insert—

‘must not’.

(2) Section 115(1), ‘weapon or’—

omit.

(3) Section 115(1)—

insert—

‘Maximum penalty—60 penalty units.’.

60 Amendment of s 118 (Weapons may be supplied for theatre, film and television productions)

Section 118(2), penalty—

omit.

61 Amendment of s 120 (Removal of register and weapons)

(1) Section 120(1), ‘is not to’—

omit, insert—

‘must not’.

(2) Section 120(1)—

insert—

‘Maximum penalty—60 penalty units.’.

(3) Section 120(2), ‘is to’—

omit, insert—

‘must’.

(4) Section 120(2)—

insert—

‘Maximum penalty—60 penalty units.’.

62 Amendment of s 121 (Annual returns by licensed theatrical ordnance supplier)

(1) Section 121, ‘is to furnish’—

omit, insert—

‘must give’.

(2) Section 121, after ‘stock’—

insert—

‘by the licensed theatrical ordnance supplier’.

(3) Section 121—

insert—

‘Maximum penalty—60 penalty units.’.

63 Amendment of s 127 (Obligations of security organisation in relation to the possession or use of a weapon)

(1) Section 127(3), ‘physically’—

omit.

(2) Section 127(4), penalty, after ‘Maximum penalty’—
insert—
‘for subsection (4)’.

64 Insertion of new pt 5

After section 129—

insert—

‘PART 5—ADDITIONAL REQUIREMENTS IN RELATION TO CATEGORY H WEAPONS

‘Division 1—Requirements for holders of concealable firearms licence

‘130 Application of div 1

‘This division applies to a holder of a concealable firearms licence (“**licensee**”) whose genuine reason for possession of a weapon is sports or target shooting.

‘131 Limitation on number of concealable firearms particular licensees may acquire

‘(1) An individual licensee must not, during the first year after the individual is first issued with a concealable firearms licence, acquire for sports or target shooting under that licence more than—

- (a) 1 air pistol; and
- (b) 1 of the following—
 - (i) a rim-fire pistol;
 - (ii) a centre-fire pistol;
 - (iii) a black-powder pistol.

‘(2) Subsection (1) does not apply to—

- (a) a person who—
 - (i) holds a licence or other authority under a law of another State that corresponds with this Act authorising the

applicant to possess a category H weapon for sports or target shooting (“**relevant authority**”); and

- (ii) has held the relevant authority for at least 12 months; and
 - (iii) has, in the other State, participated in not less than the number of handgun shooting competitions for the weapon necessary to comply with the law of the other State; or
- (b) a person who—
- (i) was permitted or authorised under the law of another country to possess a category H weapon for sports or target shooting; and
 - (ii) has, within the 2 year period immediately before the application is made, consistently participated at a national or international level in internationally recognised shooting competitions for a category H weapon.

Example of internationally recognised shooting competitions—

1. Shooting competitions in the Olympic Games
2. Shooting competitions in the Commonwealth Games
3. Metallic silhouette world championship.

‘132 Conditions for concealable firearms licence

‘(1) It is a condition of a concealable firearms licence that the licensee must not possess any of the following category H weapons under the authority of a concealable firearms licence—

- (a) a weapon that has a calibre of more than .38 inch;
- (b) a weapon that is semi-automatic and has a barrel length of less than 120 mm unless it has an overall length of at least 250 mm measured parallel to the barrel;
- (c) a weapon that is not semi-automatic and has a barrel length of less than 100 mm unless it has an overall length of at least 250 mm measured parallel to the barrel;
- (d) a weapon with a magazine with a maximum capacity of more than 10 rounds;
- (e) a weapon designed to be used without a magazine that has a maximum capacity of more than 10 rounds.

‘(2) Despite subsection (1)(a), (d) or (e), an authorised officer may authorise the licensee, by condition endorsed on the licence, to possess a category H weapon that the licensee is not authorised to possess under subsection (1) if the authorised officer is satisfied that the licensee is to possess the weapon for use in an accredited event.

Note—

Subsection (1) does not interfere with a person’s ability to hold the weapons under another appropriate licence.

‘(3) It is a condition of a concealable firearms licence that the licensee must be a member of an approved pistol club.

‘(4) In this section—

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

‘133 Participation conditions for concealable firearms licence

‘(1) If a licensee is the registered owner of 1 or more category H weapons in a single class, the licensee’s licence is subject to the condition that the licensee use a weapon from that class in not less than 6 handgun shooting competitions conducted on different days in each financial year.

‘(2) For subsection (1), if a category H weapon to be used is a high calibre weapon, the handgun shooting competitions at which the weapon must be used must be accredited events.

‘(3) If the licensee is the registered owner of at least 1 category H weapon in each of 2 or more classes, the licensee’s licence is subject to the condition that the licensee use a weapon from each class in not less than 4 club organised shoots for the class in each financial year.

‘(4) For subsection (3)—

- (a) at least 6 of the club organised shoots must be handgun shooting competitions; and
- (b) if 1 of the classes is a class for high calibre weapons, at least 4 of the club organised shoots for a weapon from the class must be accredited events; and
- (c) each club organised shoot for the classes must be conducted on different days.

Example for paragraph (c)—

If a licensee uses category H weapons from 2 classes in club organised shoots conducted on a single day, only 1 of the shoots is to be taken into account for the licensee's participation record because the shoots are not conducted on different days.

Note—

Under section 134, the licensee must keep a participation record. The licensee's participation in club organised shoots must be entered in the record and endorsed by a range officer of the shooting club conducting the shoot.

'(5) If the licensee is the registered owner of a single category H weapon in a particular class for less than 12 months in a particular financial year, the relevant participation condition for use of a weapon from that class applies proportionately, based on whole calendar months, for that financial year, after rounding down to the nearest whole number of competitions.

Examples for subsection (5)—

1. If the licensee has 1 category H weapon for 6 months during a particular financial year, the licensee must participate in 3 club organised shoots to satisfy the participation condition for that weapon in that financial year.
2. If the licensee has 1 category H weapon for 5 months during a particular financial year, the licensee must participate in 2 club organised shoots to satisfy the participation condition for that weapon in that financial year.

'(6) However, if the licensee is the registered owner of a single category H weapon in a particular class for less than 3 months in a particular financial year, the relevant participation condition for use of a weapon from that class does not apply for that financial year.

'(7) Also, if in a particular financial year the licensee satisfies an authorised officer that the licensee is, or was, unable to comply with a relevant participation condition for the year for reasons outside the licensee's control, the authorised officer may decide the number of times, if any, that the licensee must use, or was required to use, a weapon in a club organised shoot for the particular year to satisfy the participation condition.

'(8) A decision under subsection (7) must be made on a proportionate basis, based on whole calendar months, having regard to the period that the authorised officer is satisfied the licensee is, or was, unable to comply with a relevant participation condition for reasons outside the licensee's control.

'(9) In this section—

“high calibre weapon” means a category H weapon, other than a black-powder pistol, having a calibre of more than .38 inch but not more than .45 inch.

‘134 Licensees to keep participation record

‘(1) If a licensee is the registered owner of a category H weapon, it is a special condition of the licensee’s licence that the licensee—

- (a) advise each approved pistol club of which the licensee is a member of the participation conditions, and any change to the participation conditions, to which the member’s licence is subject; and
- (b) keep a record of the licensee’s participation in handgun shooting competitions (**“participation record”**).

‘(2) The advice under subsection (1)(a) must be given in writing within 28 days after the happening of any of the following—

- (a) the start of a financial year;
- (b) the licensee becoming a member of an approved pistol club;
- (c) a change to the participation conditions to which the licensee’s licence is subject.

‘(3) The participation record must contain the information prescribed under a regulation.

‘(4) The licensee must enter the prescribed information immediately after the licensee’s participation in a club organised shoot has ended.

‘(5) The licensee must have the entry endorsed, in the way prescribed under a regulation, as correct by a range officer of the approved pistol club conducting the club organised shoot on the day of the shoot before the shoot ends.

‘(6) If the club organised shoot is a handgun shooting competition conducted outside Queensland, the licensee may have the entry endorsed, in the way prescribed under a regulation, as correct by an official supervising the competition.

‘(7) An endorsement under subsection (5) or (6) must clearly identify the person making the endorsement.

‘(8) An entry properly endorsed under this section is evidence of the licensee’s participation in the club organised shoot.

‘(9) In this section—

“**registered owner**”, of a category H weapon, means the person entered in the firearms register as the owner of the weapon.

‘135 Show cause notice

‘(1) If an authorised officer reasonably suspects that a licensee has failed to comply with a participation condition, the authorised officer may give the licensee a written notice (“**show cause notice**”).

‘(2) The show cause notice must state the following—

- (a) that the licensee may be required to dispose of a particular category H weapon or class of category H weapon (the “**proposed action**”);
- (b) the ground for the proposed action;
- (c) an outline of the facts and circumstances forming the basis for the grounds;
- (d) an invitation to the licensee to show, within a stated period (the “**show cause period**”), why the proposed action should not be taken.

‘(3) The show cause period must be a period ending at least 28 days after the day the show cause notice is given to the licensee.

‘136 Consideration of representations

‘(1) The licensee may make written representations about the show cause notice to the authorised officer in the show cause period.

‘(2) The authorised officer must consider all written representations (the “**accepted representations**”) made under subsection (1).

‘137 Notice to dispose

‘(1) If, after considering the accepted representations, the authorised officer is not satisfied that the licensee has complied with a participation condition, the authorised officer may, by written notice (“**notice to**

dispose”) given to the licensee, require the licensee to dispose of a particular category H weapon or class of category H weapon within 3 months after the date of the notice.

Note—

If the authorised officer is satisfied that the licensee’s failure to comply with a participation condition was for reasons outside the licensee’s control, the authorised officer may, under section 133(7), decide the number of times the licensee was required to use the weapon to satisfy the participation condition.

‘(2) The licensee must dispose of the weapon within 3 months after the date of the notice to dispose—

- (a) to a person lawfully acquiring the weapon under a permit to acquire; or
- (b) by delivering the weapon to a licensed dealer; or
- (c) by delivering the weapon to a licensed armourer; or
- (d) by surrendering the weapon to a police officer under arrangements made for the surrender.

‘(3) The licensee may acquire a weapon delivered to a licensed dealer or licensed armourer under this section only if the licensee has a current permit to acquire the weapon issued after the weapon was delivered to the dealer or armourer.

Maximum penalty—100 penalty units or 2 years imprisonment.

‘(4) The licensee must provide evidence of the disposal to an authorised officer within 4 months after the date of the notice to dispose.

Maximum penalty—60 penalty units.

‘(5) If a weapon is surrendered to a police officer under this section—

- (a) on the surrender, the weapon is State property; and
- (b) no compensation is payable for the weapon.

‘Division 2—Requirements for collectors

‘138 Condition for collector’s licence (weapons)

‘(1) It is a condition of a collector’s licence (weapons) that the licensee must not possess temporarily inoperable category H weapons unless the licensee is a member of an approved historical society.

‘(2) It is a condition of a collector’s licence (weapons) that the licensee must not possess temporarily inoperable modern handguns.

‘(3) Despite subsection (2), an authorised officer may authorise the licensee to possess temporarily inoperable modern handguns if the authorised officer is satisfied that the licensee has a prolonged and genuine interest in the study, preservation or collection of firearms.

‘(4) If the authorised officer authorises the licensee to possess temporarily inoperable modern handguns, the authorised officer must endorse the licensee’s licence accordingly.

‘Division 3—Requirements for approved pistol clubs

‘139 Endorsement of participation record

‘(1) This section applies if an approved pistol club is conducting a club organised shoot.

‘(2) If asked by a licensee participating in the club organised shoot after the licensee’s participation in the shoot has ended, but before the shoot ends, a range officer of the pistol club must—

- (a) inspect the licensee’s entry in the licensee’s participation record; and
- (b) if satisfied the entry is correct, endorse the entry in the way prescribed under a regulation.

‘140 Approved pistol club to give annual report

‘(1) The representative of an approved pistol club must give an authorised officer a report under this section before 31 August in each year.

‘(2) The report must advise the authorised officer—

- (a) about each member of the pistol club who, according to the pistol club's records, failed to satisfy a participation condition to which the member's licence was subject during the immediately preceding financial year; or
- (b) that, according to the pistol club's records, each member of the pistol club satisfied the participation conditions to which the member's licence was subject during the immediately preceding financial year.

'141 Show cause notice

'(1) If an authorised officer reasonably suspects that the representative of an approved pistol club failed to give a report as required under section 140, the authorised officer may give the approved pistol club a written notice ("**show cause notice**").

'(2) The show cause notice must state the following—

- (a) that the authorised officer may revoke the approved pistol club's shooting club permit (the "**proposed action**");
- (b) the ground for the proposed action;
- (c) an outline of the facts and circumstances forming the basis for the grounds;
- (d) an invitation to the approved pistol club to show, within a stated period (the "**show cause period**"), why the proposed action should not be taken.

'(3) The show cause period must be a period ending at least 28 days after the day the show cause notice is given to the approved pistol club.

'141A Consideration of representations

'(1) The approved pistol club may make written representations about the show cause notice to the authorised officer in the show cause period.

'(2) The authorised officer must consider all written representations (the "**accepted representations**") made under subsection (1).

Note—

An authorised officer is empowered to suspend or revoke a shooting club permit under section 96.

‘Division 4—Disclosure requirements for approved pistol clubs and approved historical societies

‘141B Disclosure requirements

‘(1) It is a condition of a relevant entity’s shooting club permit or approval that the representative of the entity must advise the commissioner in writing as required under subsection (2)—

- (a) when a member of the entity stops being a member of an entity; or
- (b) when a member of the entity is expelled from the entity and the reason for the expulsion.

‘(2) The representative must advise the commissioner within 14 days after the member stops being a member or is expelled.

‘(3) This section applies despite any duty of confidentiality owed by the representative or entity to the member.

‘(4) The giving of information by a representative under this section does not give rise to any criminal or civil action or remedy against the representative or the entity.

‘(5) In this section—

“**relevant entity**” means—

- (a) an approved pistol club; or
- (b) an approved historical society.’

65 Amendment of pt 6 (Appeals)

Part 6, heading—

omit, insert—

‘PART 6—APPEALS AND RIGHTS OF REVIEW’.

66 Amendment of s 142 (Right of appeal against decisions)

Section 142(1)(c), ‘nominee’—

omit, insert—

‘representative’.

67 Insertion of new s 142A

After section 142—

insert—

‘142A Particular provision for appeals against or reviews of decisions based on criminal intelligence

‘(1) This section applies to an appeal from, or a review of, a relevant decision.

‘(2) The court deciding the appeal or reviewing the decision—

- (a) must ensure that it does not, in the reasons for its decision or otherwise, disclose the content of any criminal intelligence on which the decision is based; and
- (b) in order to prevent the disclosure of the criminal intelligence must receive evidence and hear argument in the absence of the public, the appellant or applicant for review and the appellant’s or applicant’s lawyer or representative.

‘(3) In this section—

“**criminal intelligence**” means criminal intelligence or other information of the kind mentioned in section 10B(1)(ca) or 10C(1) that could, if disclosed, reasonably be expected—

- (a) to prejudice the investigation of a contravention or possible contravention of this Act; or
- (b) to enable the existence or identity of a confidential source of information, in relation to the enforcement or administration of this Act, to be ascertained; or
- (c) to endanger a person’s life or physical safety; or
- (d) to prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of this Act; or

- (e) to prejudice the maintenance or enforcement of a lawful method or procedure for protecting public safety.

“relevant decision” means any of the following decisions—

- (a) a decision refusing an application for a licence or to renew a licence;
- (b) a decision suspending or revoking a licence.

“review”, a decision, means review the decision under the *Judicial Review Act 1991*.

68 Replacement of s 151 (Disclosure by doctors and psychologists of certain information)

Section 151—

omit, insert—

‘151 Disclosure by professional carer of certain information

‘(1) If a professional carer is of the opinion that a person is an unsuitable person to possess a firearm for either of the following reasons, the professional carer may inform the commissioner of the opinion and give the commissioner any relevant information about the person including the person’s identity—

- (a) because of the person’s mental or physical condition; or
- (b) because the person may be a danger to himself, herself or someone else.

‘(2) The giving of an opinion or information by a professional carer under subsection (1) does not give rise to any criminal or civil action or remedy against the professional carer.

‘(3) This section applies despite any duty of confidentiality owed by the professional carer to the person.

‘(4) In this section—

“health services” means services prescribed under a regulation for maintaining, improving and restoring people’s health and wellbeing.

“professional carer” means—

- (a) a doctor; or

- (b) a registrant as defined under the *Psychologists Registration Act 2001*; or
- (c) a nurse as defined under the *Nursing Act 1992*; or
- (d) a person prescribed under a regulation who is engaged in providing health services.

‘151A Disclosure by approved shooting clubs and approved historical societies of particular information

‘(1) Subsection (2) applies if a majority of the governing body of a relevant entity reasonably believes that a member of the entity is an unsuitable person to possess a firearm—

- (a) because of the member’s mental or physical condition; or
- (b) because the member may be a danger to himself, herself or someone else.

‘(2) The entity must inform the commissioner in writing of the governing body’s belief and give the commissioner any relevant information about the member’s condition and identity.

‘(3) The giving of an opinion or information by an entity under this section does not give rise to any criminal or civil action or remedy against the entity.

‘(4) This section applies despite any duty of confidentiality owed by the entity to the member.

‘(5) In this section—

“relevant entity” means—

- (a) an approved shooting club; or
- (b) an approved historical society.

‘151B Protection of informers

‘(1) If an informer supplies information to a police officer in relation to the commission of an indictable offence against this Act, the informer’s identity must, at all times, be kept confidential.

‘(2) A person must not disclose the name of an informer or any other particular that may be likely to lead to the informer’s identification.

Maximum penalty—2 years imprisonment.

‘(3) However, a person does not contravene subsection (2) if—

- (a) the informer consents to the information being disclosed; or
- (b) the disclosure was made in good faith for the protection of the informer’s interests; or
- (c) a court orders the disclosure after being satisfied that—
 - (i) disclosing the information is not likely to jeopardise the informer’s safety; and
 - (ii) the disclosure is in the public interest.

‘151C Source of information not to be disclosed

‘(1) This section applies to a proceeding under this Act or another Act if an informer has supplied information to a police officer in relation to the commission of an indictable offence against this Act.

‘(2) If the prosecutor or a prescribed witness in the proceeding is asked to disclose any of the following, the prosecutor or prescribed witness can not be compelled to disclose—

- (a) the name of an informer, or any other particular that may be likely to lead to the informer’s identification; or
- (b) the fact that, in relation to the offence, the prosecutor or witness—
 - (i) received information from an informer; or
 - (ii) furnished information to an informer or the nature of the information.

‘(3) A police officer appearing as a prosecutor or witness in the proceeding must not be compelled—

- (a) to produce a report or document, made or received by the police officer in the police officer’s official capacity or containing information given by the informer in relation to the offence; or
- (b) to make a statement in relation to the report or document or information contained in the report or document.

‘(4) However the prosecutor, prescribed witness or police officer in the proceeding may be compelled to disclose information, or a report or document, to the extent—

- (a) the informer consents to the particular information, or all or a particular part of the report or document, being disclosed; or
- (b) a court orders that particular information, or all or a particular part of the report or document, be disclosed after being satisfied that the disclosure is not likely to jeopardise the informer’s safety and is in the public interest.

‘(5) In this section—

“**prescribed witness**” means—

- (a) a person appearing as a witness for the prosecution; or
- (b) a police officer appearing as a witness for the defence.

‘151D Power to prohibit publication of proceedings

‘(1) In a proceeding arising out of a charge of having committed an indictable offence against this Act, the presiding judicial officer may make an order prohibiting the publication of all or any part of the proceeding and the name and address of any witness.

‘(2) An application for an order under subsection (1) may be made in closed court in the presence of any person the presiding judicial officer permits and no other person.

‘(3) On the hearing of the application, the presiding judicial officer may receive and act on any information the presiding judicial officer considers appropriate.

‘(4) When considering an application to prohibit publication, the presiding judicial officer must have regard to—

- (a) the safety of any person; and
- (b) the extent to which the detection of offences of a like nature may be affected; and
- (c) the need to guarantee the confidentiality of information given by an informer.

‘(5) A person who contravenes an order made by a presiding judicial officer under subsection (1) commits an offence.

Maximum penalty—

- (a) if the order is made by a magistrate—2 years imprisonment; or
- (b) if the order is made by a judge—5 years imprisonment.

‘(6) This section is in addition to and not in substitution for the *Child Protection Act 1999*, sections 192 and 193³ and the *Juvenile Justice Act 1992*.

‘(7) In this section—

“**presiding judicial officer**”, for a proceeding, means—

- (a) the magistrate hearing and deciding the matter summarily or conducting the examination of witnesses; or
- (b) the judge presiding over the court to which a person has been committed for trial or sentence.’.

69 Insertion of new s 154

After section 153—

insert—

‘154 Authorised officers may approve particular weapons to be of particular types

‘(1) An authorised officer, specially authorised by the commissioner for this section, may—

- (a) decide that ammunition is not commercially available for a thing mentioned in paragraph (a), (b)(i), (c) or (d) of the definition “firearm” and manufactured before 1 January 1901; or
- (b) approve a firearm to be a pre-percussion handgun if the authorised officer reasonably believes the firearm—
 - (i) is an antique firearm less than 75 cm in length; and
 - (ii) does not use percussion as a means of igniting a charge; and
 - (iii) does not accept cartridge ammunition.

³ *Child Protection Act 1999*, sections 192 (Prohibition of publication of certain information for proceedings) and 193 (Restrictions on reporting certain court proceedings)

‘(2) The commissioner may specially authorise an authorised officer under this section if the commissioner is satisfied that the officer has the necessary qualifications or experience to be specially authorised for this section.’.

70 Omission of s 156 (Offences generally)

Section 156—

omit.

71 Amendment of s 157 (Fraud and unlawful possession of licence etc.)

(1) Section 157(1), ‘is not’—

omit, insert—

‘must not’.

(2) Section 157(1)(a), ‘to have’—

omit, insert—

‘have’.

(3) Section 157(1)(b), ‘to lend’—

omit, insert—

‘lend’.

(4) Section 157(1)(c), ‘to make or’—

omit, insert—

‘make or’.

(5) Section 157(1)—

insert—

‘Maximum penalty—100 penalty units or 2 years imprisonment.’.

(6) Section 157(2), ‘null and’—

omit.

72 Replacement of s 158 (False or misleading information)

Section 158—

omit, insert—

‘158 False or misleading statements

‘(1) A person must not state anything in a document required to be kept, given or made under this Act that the person knows is false or misleading in a material particular.

Maximum penalty—100 penalty units or 2 years imprisonment.

‘(2) It is enough for a complaint for an offence against subsection (1) to state the statement made was ‘false or misleading’ to the person’s knowledge, without specifying which.

‘(3) In this section—

“state” includes disclose, declare, advise and give.’.

73 Replacement of s 161 (Proceedings for offences)

Section 161—

omit, insert—

‘161 Proceedings for an offence

‘(1) Subject to subsections (2) and (3), a proceeding for an offence against this Act must be taken in a summary way under the *Justices Act 1886* within the later of the following—

- (a) 1 year after the offence is committed;
- (b) 1 year after the commission of the offence comes to the complainant’s knowledge, but within 2 years after the commission of the offence.

‘(2) A proceeding for an indictable offence punishable by more than 10 years imprisonment may only be taken on indictment.

‘(3) A proceeding for an indictable offence, other than an indictable offence punishable by more than 10 years imprisonment, may, at the election of the prosecution, be taken—

- (a) by way of summary proceedings under subsection (1); or
- (b) on indictment.

‘(4) A proceeding against a person for an indictable offence must be before a magistrate if it is a proceeding—

- (a) for the summary conviction of the person; or
- (b) for an examination of witnesses in relation to the charge.

‘(5) If a proceeding for an indictable offence is brought before a justice who is not a magistrate, jurisdiction is limited to taking or making a procedural action or order as defined under the *Justices of the Peace and Commissioners for Declarations Act 1991*.

‘(6) If the magistrate hearing a charge of an indictable offence considers the charge should be prosecuted on indictment, the magistrate—

- (a) must not decide the charge as a summary offence; and
- (b) must proceed by way of a committal proceeding.

‘(7) If a magistrate acts under subsection (6)—

- (a) any plea of the person charged, made at the start of the proceeding, must be disregarded; and
- (b) any evidence brought in the proceeding before the magistrate decided to act under subsection (6) is taken to be evidence in the proceeding for the committal of the person for trial or sentence; and
- (c) before committing the person for trial or sentence, the magistrate must make a statement to the person under the *Justices Act 1886*, section 104(2)(b).⁴

‘(8) The maximum penalty that may be imposed on a summary conviction of an indictable offence is 150 penalty units or 3 years imprisonment.

‘(9) In this section—

“**indictable offence**” means an offence against this Act for which the maximum penalty of imprisonment is more than 2 years.

⁴ *Justices Act 1886*, section 104 (Proceedings upon an examination of witnesses in relation to an indictable offence)

‘161A Indictable offences

‘(1) An offence against this Act punishable by at least 7 years imprisonment is a crime.

‘(2) An offence against this Act punishable by more than 2 years imprisonment but less than 7 years imprisonment is a misdemeanour.

‘161B Circumstances in which particular charges may be joined

‘(1) Charges that a person contravened section 50B(1)⁵ on specified occasions over a specified period may be joined in the same complaint or indictment.

‘(2) Charges that a person contravened section 69(1A)⁶ on specified occasions over a specified period may be joined in the same complaint or indictment.

‘(3) Charges that a licensed dealer or licensed armourer contravened section 71(2)⁷ on specified occasions over a specified period may be joined in the same complaint.

‘(4) Charges that a person contravened section 117(2) on specified occasions over a specified period may be joined in the same complaint.

‘(5) Charges that a person contravened section 126(1)⁸ on specified occasions over a specified period may be joined in the same complaint.

‘(6) Charges that an individual contravened section 126A(1)(b)⁹ on specified occasions over a specified period may be joined in the same complaint.

‘(7) Charges that a security organisation contravened section 128(1)(b)¹⁰ on specified occasions over a specified period may be joined in the same complaint.’.

5 Section 50B (Unlawful supply of weapons)

6 Section 69 (Armourers to be licensed)

7 Section 71 (Licensed dealers and armourers to keep register)

8 Section 126 (Employed security guard must record prescribed information)

9 Section 126A (Obligation of security guard carrying on business to keep register)

10 Section 128 (Obligations of security organisation in relation to register)

74 Amendment of s 163 (Evidentiary provisions)

(1) Section 163(1)—

insert—

- ‘(ca) a certificate purporting to be signed by the commissioner or deputy commissioner that the commissioner or deputy commissioner, acting personally under section 15(5) or 18(7), approved the rejection of an application for a licence or the renewal of a licence because a person was not a fit and proper person is evidence of the matter; and
- (cb) a certificate purporting to be signed by the commissioner or deputy commissioner that the commissioner or deputy commissioner, acting personally under section 28(4) or 29(3), approved the suspension or revocation of a licence because a person was not a fit and proper person is evidence of the matter; and’.

(2) Section 163—

insert—

‘**(3A)** In relation to a charge involving the unlawful possession of a firearm under section 50, the person charged is to be taken to have been in possession of the firearm if there is proof that the firearm was, at the material time, in or on a place of which the person was the occupier or concerned in the management or control unless the person shows—

- (a) that the firearm was brought to the place by someone who was authorised to have possession of the firearm; or
- (b) that the person neither knew nor had reason to suspect that the firearm was in or on the place; or
- (c) that someone other than the person had responsibility for the weapon.’.

75 Amendment of s 172 (Regulation-making power)

Section 172(3), ‘10’—

omit, insert—

‘20’.

76 Amendment of pt 8 (Transitional provisions)

(1) Part 8, before section 173—

insert—

‘Division 1—Transitional provision for Police Powers and Responsibilities and Another Act Amendment Act 2001’.

(2) After section 173—

insert—

‘Division 2—Transitional provisions for Weapons (Handguns and Trafficking) Amendment Act 2003

‘174 Definitions for div 2

‘In this division—

“amnesty period” means the period declared under section 168B¹¹ as the amnesty period for this division.

“part of a prohibited handgun” means a thing prescribed under a regulation that relates to a prohibited handgun.

“prohibited handgun” means a category H weapon that the holder of a concealable firearms licence must not possess under section 132.¹²

‘175 Compensation—prohibited handguns and parts of prohibited handguns

‘(1) Compensation for prohibited handguns, and parts of prohibited handguns, surrendered to the commissioner during the amnesty period is payable only to the following persons—

- (a) a licensed dealer or licensed armourer;
- (b) a holder of a concealable firearms licence whose reason for possessing a prohibited handgun is sports or target shooting.

‘(2) However, compensation is payable only for prohibited handguns and parts of prohibited handguns for which the State may receive

11 Section 168B (Amnesty declaration)

12 Section 132 (Conditions for concealable firearms licence)

reimbursement under an agreement with the Commonwealth providing for compensation for the purposes of this division.

‘(3) Compensation is payable for a prohibited handgun, or part of a prohibited handgun, only if it is—

- (a) manufactured on or before 20 December 2002; and
- (b) surrendered before or on the last day of the amnesty period.

‘(4) Compensation for a surrendered prohibited handgun or part of a prohibited handgun—

- (a) is payable in an amount and in the way provided for under a regulation; and
- (b) is not payable other than under this section.

‘(5) If a regulation does not provide for the amount of compensation payable for a particular prohibited handgun or part of a prohibited handgun, the regulation may provide for the way in which a dispute about its value is to be decided.

‘(6) The commissioner may refuse to compensate a person for part of a prohibited handgun that is surrendered if the commissioner reasonably believes that the person has manufactured or imported the part for the purpose, or predominantly for the purpose, of applying for compensation under this section and not for genuine commercial sale.

‘(7) For subsection (6), the following are relevant matters in forming the belief—

- (a) the commercial demand for the part;
- (b) the quality of the part;
- (c) the number of parts surrendered;
- (d) when the part was manufactured or imported.

‘(8) A regulation may provide that compensation under this section is payable only if conditions provided for under the regulation are complied with.

‘(9) A thing surrendered under this section is State property when compensation for the thing is paid under this section.

‘176 Compensation—other handguns and related matters

‘(1) A regulation may provide for compensation for the surrender during the amnesty period of category H weapons, other than prohibited handguns for which compensation is payable under section 175, and other things or matters related to category H weapons.

‘(2) A regulation may provide that compensation under subsection (1) is payable only if conditions provided for under the regulation are complied with.

‘(3) A thing surrendered under this section is State property when compensation for the thing is paid under this section.

‘177 Possession of prohibited handguns during amnesty period

‘(1) A person who, immediately before the commencement of this section, was in lawful possession of a prohibited handgun does not contravene the condition mentioned in section 132(1) if the person is in possession of the prohibited handgun during the amnesty period.

‘(2) A person in lawful possession of a prohibited handgun under an existing licence must not use the weapon after the commencement of this section unless—

- (a) the person is authorised to possess the weapon under section 132(2); or
- (b) the person’s genuine reason for possessing the weapon includes an occupational requirement for rural purposes.

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

‘178 Licensed collectors

‘(1) This section applies to a person who—

- (a) immediately before the commencement of this section, is the holder of a collector’s licence (weapons); and
- (b) lawfully possesses 1 or more temporarily inoperable modern handguns under that licence.

‘(2) The person does not contravene the condition mentioned in section 138(2) only because the person is in possession of a temporarily inoperable modern handgun during the amnesty period.

‘(3) However before the end of the amnesty period, the person must—

- (a) lawfully dispose of all temporarily inoperable modern handguns that the person possesses; or
- (b) apply for an endorsement on the licence of the type mentioned in section 138(4); or
- (c) otherwise apply for a licence, other than a collector’s licence (weapons) that, if granted, would authorise the person to possess the temporarily inoperable modern handguns; or
- (d) make the temporarily inoperable modern handguns permanently inoperable.

‘(4) At the end of the amnesty period, neither this section nor the person’s licence authorises the person to possess a temporarily inoperable modern handgun if—

- (a) the person has not complied with subsection (3) before the end of the amnesty period; or
- (b) the person applied for an endorsement on the licence of the type mentioned in section 138(4), or for another type of licence, but the application was refused.

‘(5) If the person applied for an endorsement on the licence of the type mentioned in section 138(4), or for another type of licence, and the application was not granted or refused before the end of the amnesty period, the person does not contravene the condition mentioned in section 138(2) if—

- (a) the person is in possession of a temporarily inoperable modern handgun until 7 days after the person is given notice that the application is refused; and
- (b) before the end of the 7 days mentioned in paragraph (a), the person lawfully disposes of the modern handgun.

‘179 Participation records for s 18B

‘The requirement to produce a participation record under section 18B(4)(b) does not apply to an application for renewal of a concealable firearms licence made before 1 January 2004.

‘180 Joinder of charges

‘Section 161B applies only in relation to contraventions occurring after the commencement of the section.

‘181 Transitional regulation-making power

‘(1) A regulation (a “**transitional regulation**”) may make provision of a saving or transitional nature for which—

- (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of this Act before the commencement of this section to the operation of this Act after the commencement; and
- (b) this Act does not make provision or sufficient provision.

‘(2) A transitional regulation may have retrospective operation to a day not earlier than the commencement.

‘(3) A transitional regulation must declare it is a transitional regulation.

‘(4) This section and any transitional regulation expire 1 year after the commencement.

‘182 Amendment of regulation by Weapons (Handguns and Trafficking) Amendment Act 2003 does not affect powers of Governor in Council

‘The amendment of the *Weapons Categories Regulation 1997* by the *Weapons (Handguns and Trafficking) Amendment Act 2003* does not affect the power of the Governor in Council to further amend the regulation or to repeal it.’.

77 Amendment of sch 1

(1) Schedule 1, items 4 and 5—

omit.

(2) Schedule 1—

insert—

‘4 Limiting or prohibiting acquisition, possession or use of weapons and magazines

‘Limiting or prohibiting acquisition, possession or use of particular weapons or magazines or particular categories of weapons or magazines.

‘5 Secure storage facilities for weapons

‘Requirements for secure storage facilities for weapons.

‘11 Terms of approvals, permits and exemptions

‘Providing for the terms of approvals, shooting club permits and exemptions.

‘12 Approved historical societies

‘Providing for the approval, conditions of approval, revocation of approval and obligations, of approved historical societies and their representatives.

‘13 Record-keeping

‘Providing for the keeping of records.

‘14 Production of weapons

‘Providing for the production of a category H weapon to establish its barrel length or calibre.

‘15 Disclosing licence information to approved shooting clubs and approved historical societies

‘Providing for the disclosure of information about licences, conditions attaching to licences, and eligibility for licences of members of approved pistol clubs to the approved pistol clubs or members of approved historical societies to the approved historical societies.

‘16 Registration of antique handguns

‘Providing for the registration of antique handguns.

‘17 Providing for approved shooting ranges

‘Providing for matters relating to persons using an approved range and the conduct of an approved range.’.

78 Amendment of sch 2

(1) Schedule 2, definitions “antique firearm” and “weapon”—
omit.

(2) Schedule 2—
insert—

“accredited event” means a handgun shooting competition prescribed under a regulation to be an accredited event.

“amnesty period”, for part 8, division 2, see section 174.

“antique firearm” means a thing, mentioned in paragraph (a), (b)(i), (c) or (d) of the definition “firearm” and manufactured before 1 January 1901, that is one of the following—

- (a) a muzzle loading firearm;
- (b) a cap and ball firearm;
- (c) a firearm in relation to which an authorised officer decides under section 154 that ammunition is not commercially available.

“antique handgun” means an antique firearm, other than a pre–percussion handgun, that is less than 75 cm in length.

“approved historical society” means a body, whether incorporated or unincorporated, of a kind prescribed under a regulation that is granted approval by an authorised officer under a regulation as an approved historical society.

“approved pistol club” means an approved shooting club that has, as a purpose endorsed on the shooting club’s shooting club permit, the conduct of sports or target shooting using category H weapons.

“associate”, of a licensed dealer or an applicant for a dealer’s licence, means a person, other than a financial institution, who—

- (a) holds or will hold a relevant financial interest in the business or proposed business of the licensed dealer or applicant; or
- (b) is or may be entitled to exercise a relevant power, whether in the person’s own right or for someone else, in the business or proposed business of the licensed dealer or applicant; or
- (c) holds or will hold a relevant position, whether in the person’s own right or for someone else, in the business or proposed business of the licensed dealer or applicant.

“black-powder pistol” has the meaning prescribed under a regulation.

“business” means the business carried on under the authority of a licence.

“category”, of weapon, means a category prescribed under the *Weapons Categories Regulation 1997*.

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

“class”, in relation to a category H weapon, means a class prescribed under a regulation for the weapon.

“club organised shoot” means—

- (a) a practice shoot organised by an approved pistol club; or
- (b) a handgun shooting competition.

“criminal history”, of a person, means the convictions, other than spent convictions, recorded against the person for offences, in Queensland or elsewhere, whether before or after the commencement of this Act.

“criminal intelligence”, in relation to a person, means any information about the person’s connection with or involvement in criminal activity.

“deputy commissioner” means deputy commissioner of the police service under the *Police Service Administration Act 1990*.

“handgun shooting competition” means a shooting competition that includes using a category H weapon at a place where the weapon may lawfully be used.

Note—

Particular handgun shooting competitions may be prescribed under a regulation to be accredited events. See the definition “accredited event”.

“magazine” means a detachable receptacle for ammunition for a weapon.

“modern handgun” means a category H weapon manufactured on or after 1 January 1947.

“participation condition” means a condition stated in section 133(1) or (3).¹³

“participation record” see section 134.

“part of a prohibited handgun”, for part 8, division 2, see section 174.

“physically possess”, a weapon, means physically hold or have an immediate ability to physically hold the weapon.

“pre-percussion handgun” means—

- (a) an antique firearm less than 75 cm in length that is a muzzle loading firearm activated by a fuse, matchlock, wheel lock, snaphaunce, flintlock or miquelet lock; or
- (b) an antique firearm less than 75 cm in length approved as an antique pre-percussion firearm by an authorised officer under section 154.

“prohibited handgun”, for part 8, division 2, see section 174.

“prohibited person” means a person convicted in Queensland or elsewhere of 1 or more of the following—

- (a) murder or manslaughter;
- (b) armed robbery;
- (c) unlawful wounding;
- (d) grievous bodily harm;
- (e) an offence involving drugs, weapons or violence prescribed under a regulation that is punishable by imprisonment for 7 years or more.

“reasonably believes” means believes on reasonable grounds.

“refuse”, an application, includes reject the application.

“registered owner”, of a firearm, means the owner of the firearm as entered in the firearms register.

13 Section 133 (Participation conditions for concealable firearms licence)

“reject”, an application, includes refuse an application.

“relevant financial interest”, in relation to a business, means—

- (a) any interest in the capital or assets of the business; or
- (b) any entitlement to receive any income derived from the business, whether the entitlement arises at law, in equity or otherwise.

“relevant position”, in relation to the business or proposed business of a licensed dealer or an applicant for a dealer’s licence, means a position that entitles the holder of the position to participate in the management of the business whether as director, manager, secretary or in any other capacity.

“relevant power”, in relation to the business or proposed business of a licensed dealer or an applicant for a dealer’s licence, means a power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others—

- (a) to participate in any managerial or executive decision of the business or proposed business; or
- (b) to elect or appoint a person to a relevant position in the business or proposed business.

“special condition” means a special condition under section 134(1).

“spent conviction” means a conviction—

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11 of that Act.

“supply” includes—

- (a) give, distribute, sell, administer or transport; and
- (b) offer to supply; and
- (c) do an act preparatory to, or to further, or for the purpose of, supply.

“weapon” means—

- (a) a firearm; or
- (b) another thing prescribed under a regulation to be a weapon or within a category of weapon; or

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

PART 3—AMENDMENT OF JUDICIAL REVIEW ACT 1991

79 Act amended in pt 3

This part amends the *Judicial Review Act 1991*.

80 Amendment of sch 2 (Decisions for which reasons need not be given)

Schedule 2—

insert—

‘5A Particular decisions under the Weapons Act 1990

‘Decisions relating to whether a person is or is not a fit and proper person for the purposes of the *Weapons Act 1990* if the decision is made on the basis of criminal intelligence or other information of the kind mentioned in section 10B(1)(ca) or 10C(1) of that Act.’.

PART 4—AMENDMENT OF JUVENILE JUSTICE AMENDMENT ACT 2002

81 Act amended in pt 4

This part amends the *Juvenile Justice Amendment Act 2002*.

82 Amendment of s 7 (Replacement of pts 1B–1C)

Section 7, proposed section 12¹⁴—

insert—

‘ (5) To remove any doubt, it is declared that this section does not affect a police officer’s power under the *Police Powers and Responsibilities Act 2000*, section 198(3), to arrest a child without warrant for a serious offence.’

83 Amendment of s 105 (Amendment of s 214 (Protection of legal practitioner representing child))

Section 105(1), ‘staff of the’—

omit, insert—

‘staff at a’.

84 Amendment of s 115 (Insertion of new pt 8, div 3)

(1) Section 115, proposed section 241,¹⁵ definition “relevant commencement”, paragraph (a), ‘definitions “youth justice conference”, “youth justice conference agreement” and “youth justice conference convenor”’—

omit, insert—

‘definitions “conference”, “conference agreement” and “convenor”’.

(2) Section 115, proposed section 243,¹⁶ heading, ‘References to immediate’—

omit, insert—

‘**Immediate**’.

(3) Section 115, proposed section 243(3)—

renumber as section 243(5).

14 Proposed section 12 (Police officer’s power of arrest preserved in particular general circumstances)

15 Proposed section 241 (Definitions for pt 8, div 3)

16 Proposed section 243 (References to immediate release orders and fixed release orders)

(4) Section 115, proposed section 243—

insert—

‘ (3) A fixed release order in force immediately before the relevant commencement is, from the relevant commencement, a supervised release order.

‘ (4) A contravention of a fixed release order before the relevant commencement may be dealt with under this Act as a contravention of a supervised release order.’.

(5) Section 115, proposed section 243(5) as renumbered, definition “relevant commencement”, paragraph (b), ‘subsection (2)—the’—

omit, insert—

‘subsections (2) to (4)—’.

PART 5—AMENDMENT OF POLICE POWERS AND RESPONSIBILITIES ACT 2000

85 Act amended in pt 5

This part amends the *Police Powers and Responsibilities Act 2000*.

86 Amendment of sch 4 (Dictionary)

Schedule 4, definition “serious indictable offence”—

insert—

‘(1) an offence against the *Weapons Act 1990* involving the trafficking of weapons or explosives or the unlawful supply or unlawful manufacture of weapons.’.

PART 6—AMENDMENT OF WEAPONS CATEGORIES REGULATION 1997

87 Regulation amended in pt 6

This part amends the *Weapons Categories Regulation 1997*.

88 Replacement of s 8 (Category R Weapons)

After section 7—

insert—

‘7A Category M weapons

‘Each of the following is a category M weapon—

- (a) any clothing, apparel, accessory or article designed to disguise any weapon or other cutting or piercing instrument capable of causing bodily harm;
- (b) any of the following that is primarily designed for the control of native or feral animals—
 - (i) an antipersonnel gas of a corrosive, noxious or irritant nature or that is capable of causing bodily harm and any weapon capable of discharging the gas by any means;
 - (ii) 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 substance by any means;
- (c) 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;
- (d) any clothing, apparel, adornment or accessory designed for use as a weapon or a cutting or piercing instrument capable of causing bodily harm;
- (e) any incendiary or inflammable device containing any substance capable of causing bodily harm or damage to property that is primarily designed for vegetation management;
- (f) 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;

- (g) 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;
- (h) a flail or similar device constructed and designed as a weapon consisting of in part a striking head and which, if used offensively against a person, is capable of causing bodily harm;
- (i) 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;
- (j) 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;
- (k) a weighted glove designed or constructed to be used as a weapon;
- (l) a mace or any similar article (other than a ceremonial mace made for and used solely as a symbol of authority on ceremonial occasions);
- (m) 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.

‘8 Category R weapons

‘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 unit or device that is capable of being used for converting any firearm to a weapon mentioned in paragraph (a);
- (c) a firearm capable of firing 50 calibre BMG cartridge ammunition;

- (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, other than a gas or substance and any weapon capable of discharging the gas or substance that is primarily designed for the control of native or feral animals;
- (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 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;
- (i) a rocket launcher, recoilless rifle, antitank rifle, a bazooka or a rocket propelled grenade type launcher;
- (j) a mortar, all artillery and any incendiary or inflammable device containing any substance capable of causing bodily harm or damage to property, other than an incendiary or inflammable device primarily designed for vegetation management.’.