



Queensland

Weapons Amendment Act 2011

Act No. 37 of 2011



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Weapons Amendment Act 2011

Act No. 37 of 2011

An Act to amend the Weapons Act 1990, the Weapons Categories Regulation 1997 and the Weapons Regulation 1996 for particular purposes and to make minor or consequential amendments of the Domestic and Family Violence Protection Act 1989, the Explosives Regulation 2003, the Security Providers Act 1993 and the Transport Operations (Passenger Transport) Act 1994

[Assented to 24 November 2011]

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Weapons Amendment Act 2011*.

2 Commencement

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

Part 2 Amendment of Weapons Act 1990

3 Act amended

This part amends the *Weapons Act 1990*.

4 Amendment of s 2 (Application of Act)

(1) Section 2(1)(e)—

omit, insert—

‘(e) who is a police officer, special constable or trainee member of the Queensland police service, or any other member of the Queensland police service authorised by the commissioner—

(i) in respect of the person’s possession or use of a weapon as part of the performance of the person’s functions as a member of the Queensland police service; or

- (ii) while the person is not on duty as a member of the Queensland police service in relation to the person's possession or use of a weapon, if the person is acting in accordance with the directions of the commissioner in relation to the off-duty possession and use of weapons; or'.
- (2) Section 2(1)(g), 'a training course approved by the commissioner'—
omit, insert—
'an approved training course'.

5 Insertion of new s 6C

After section 6B—

insert—

'6C Meaning of *public monument*

- '(1) A *public monument* is a thing that is—
- (a) mentioned in the *Weapons Categories Regulation 1997*, section 8(1)(a), (c), (i) or (j); and
 - (b) permanently incapable of being discharged; and
 - (c) permanently and lawfully displayed in a public place for memorial or commemorative purposes.

Examples—

- permanently deactivated WWI artillery permanently displayed in the foyer or grounds, open to the public, of an RSL club
- a permanently deactivated Bofors anti-aircraft gun mounted on a concrete platform in a public park

- '(2) For subsection (1)(c), a thing is permanently displayed only if the thing is displayed in a way that prevents its removal by an unauthorised person.

- '(3) In this section—

public place includes a place that can be seen from a public place.'

[s 6]

6 Amendment of s 10A (Adequate knowledge of weapon)

(1) Section 10A(1), from ‘subsection (2)’—

omit, insert—

‘subsection (2) or (3).’.

(2) Section 10A(2) and (3)—

omit, insert—

‘(2) The person complies with this subsection if the person satisfies the commissioner that the person has completed, within 1 year before the day the person applies for the issue of the new licence—

(a) if the new licence is a security licence (guard)—

(i) an approved safety training course (security guard); or

(ii) a course in safety training for weapons conducted in another State that the commissioner is satisfied is at least equivalent to an approved safety training course (security guard); or

(b) if the new licence is not a security licence (guard)—

(i) an approved safety training course (general); or

(ii) a course in safety training for weapons conducted in another State that the commissioner is satisfied is at least equivalent to an approved safety training course (general).’.

(3) Subsection 10A(4)—

renumber as subsection 10A(3).

7 Insertion of new s 10AA

After section 10A—

insert—

‘10AA Approval of training courses

- ‘(1) The commissioner may approve a course as a safety training course (general) if the commissioner is satisfied the course—
- (a) is about the safe use, storage and maintenance of a weapon that is authorised to be possessed under a licence other than a security licence (guard); and
 - (b) complies with the requirements prescribed under a regulation.
- ‘(2) The commissioner may approve a course as a safety training course (security guard) if the commissioner is satisfied the course—
- (a) is about the safe use, storage and maintenance of either or both of the following—
 - (i) a weapon that is authorised to be possessed under a security licence (guard);
 - (ii) a restricted item; and
 - (b) complies with the requirements prescribed under a regulation.
- ‘(3) The commissioner must notify the approval of a course under subsection (1) or (2) on the QPS website.
- ‘(4) Failure to comply with subsection (3) does not affect the validity of the approval.’.

8 Amendment of s 11 (Genuine reasons for possession of a weapon)

Section 11(d)—

omit, insert—

‘(d) the collection, preservation or study of weapons;’.

9 Amendment of s 50A (Possession of unregistered firearms)

Section 50A(1), ‘60 penalty units’—

[s 10]

omit, insert—

‘120 penalty units’.

10 Amendment of s 51 (Possession of a knife in a public place or a school)

(1) Section 51(1), ‘20 penalty units or 6 months imprisonment’—

omit, insert—

‘40 penalty units or 1 year’s imprisonment’.

(2) Section 51(2)(c), before ‘exhibiting’—

insert—

‘lawfully’.

(3) Section 51—

insert—

‘(3A) Also, it is a reasonable excuse for subsection (1), to the extent the subsection relates to a public place, to physically possess a knife for genuine religious purposes.

Example—

A Sikh may possess, in a public place, a knife known as a kirpan to comply with the person’s religious faith.

‘(3B) However, it is not a reasonable excuse to physically possess a knife in a school for genuine religious purposes.’.

(4) Section 51(3A) to (5)—

renumber as section 51(4) to (7).

11 Amendment of s 56 (Discharge of weapon on private land without owner’s consent prohibited)

(1) Section 56(2), ‘20 penalty units or 3 months imprisonment’—

omit, insert—

‘40 penalty units or 6 months imprisonment’.

(2) Section 56(3), ‘20 penalty units’—

omit, insert—
'40 penalty units'.

12 Amendment of s 57 (Particular conduct involving a weapon in a public place prohibited)

- (1) Section 57(2), '20 penalty units or 3 months imprisonment'—
omit, insert—
'40 penalty units or 6 months imprisonment'.
- (2) Section 57(3), '60 penalty units or 1 year's imprisonment'—
omit, insert—
'120 penalty units or 2 years imprisonment'.
- (3) Section 57(4), '100 penalty units or 2 years imprisonment'—
omit, insert—
'200 penalty units or 4 years imprisonment'.

13 Amendment of s 58 (Dangerous conduct with weapon prohibited generally)

- (1) Section 58(1), definition *weapon*—
insert—
'(f) a laser pointer.'
- (2) Section 58(2), '100 penalty units or 2 years imprisonment'—
omit, insert—
'200 penalty units or 4 years imprisonment'.

14 Amendment of s 59 (Possession or use of weapon under the influence of liquor or a drug prohibited)

Section 59(2), '20 penalty units'—
omit, insert—
'40 penalty units'.

[s 15]

15 Amendment of s 61 (Shortening firearms)

Section 61, ‘100 penalty units or 2 years imprisonment’—
omit, insert—
‘200 penalty units or 4 years imprisonment’.

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

Section 62, ‘100 penalty units or 2 years imprisonment’—
omit, insert—
‘200 penalty units or 4 years imprisonment’.

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

Section 63, ‘100 penalty units or 2 years imprisonment’—
omit, insert—
‘200 penalty units or 4 years imprisonment’.

18 Amendment of s 67 (Possessing and acquiring restricted items)

- (1) Section 67(3)—
renumber as section 67(5).
- (2) Section 67—
insert—
- ‘(3) For subsection (1), a person has a reasonable excuse to possess or acquire a laser pointer if—
 - (a) each of the following apply—
 - (i) the person is a member of a recognised astronomical organisation or a person being personally supervised by a member of a recognised astronomical organisation;

-
- (ii) the person's reason for possession or acquisition of the laser pointer is to take part in activities associated with astronomy;
 - (iii) the laser pointer has a power output of less than 20 milliwatts; or
 - (b) both of the following apply—
 - (i) the person's reason for possession or acquisition of the laser pointer is to take part in activities associated with a recognised occupation;
 - (ii) the laser pointer has a power output of less than 20 milliwatts; or
 - (c) both of the following apply—
 - (i) the person holds a licence that authorises possession of a firearm in relation to which the laser pointer may be used;
 - (ii) the laser pointer has a power output of less than 10 milliwatts.
- (4) For subsection (5), definitions *recognised astronomical organisation* and *recognised occupation*—
- (a) an astronomical organisation or an occupation may only be published on the QPS website once and for not more than 6 months; and
 - (b) any publication of an organisation or occupation on the QPS website has no effect to the extent it does not comply with paragraph (a).'
- (3) Section 67(5), as renumbered—
- insert—*
- 'recognised astronomical organisation** means an astronomical organisation—
- (a) prescribed under a regulation; or
 - (b) published on the QPS website for this paragraph.
- recognised occupation** means an occupation—

[s 19]

- (a) prescribed under a regulation; or
- (b) published on the QPS website for this paragraph.’.

19 Amendment of s 87 (Authorised officer may grant or refuse shooting club permit)

Section 87(e)—

omit, insert—

- ‘(e) section 90 has been complied with and the person nominated under section 90(1) is an appropriate person.’.

20 Amendment of s 90 (A representative is required for some applications)

- (1) Section 90, heading—

omit, insert—

‘Representative required for application’.

- (2) Section 90(1)—

omit.

- (3) Section 90(2), ‘The application’—

omit, insert—

‘An application for a shooting club permit’.

- (4) Section 90(2) to (5)—

renumber as section 90(1) to (4).

- (5) Section 90(4), as renumbered, ‘subsection (5)’—

omit, insert—

‘subsection (4)’.

21 Amendment of s 100 (Limits on approvals)

Section 100(c), from ‘a training’—

omit, insert—

‘an approved training course.’.

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

Section 101(1)(a)(i), from ‘a training’—

omit, insert—

‘an approved training course; or’.

23 Amendment of s 108 (Responsibilities of range operator)

Section 108(2), from ‘a person’ to ‘this Act’—

omit, insert—

‘an adult (a *range officer*) who—

- (a) holds a firearms licence under this Act; or
- (b) is a range officer, however called, under a law of another State that corresponds with this Act’.

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

- (1) Section 110(1) and (2), ‘20 penalty units’—

omit, insert—

‘40 penalty units’.

- (2) Section 110(3), ‘10 penalty units’—

omit, insert—

‘20 penalty units’.

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

Section 115(1), ‘60 penalty units’—

[s 26]

omit, insert—
'120 penalty units'.

26 Amendment of s 124 (Training courses for security guards)

- (1) Section 124(1), from 'satisfactorily'—
omit, insert—
'completed an approved safety training course (security guard)'.
- (2) Section 124(2), from 'satisfactorily' to 'commissioner'—
omit, insert—
'complete an approved safety training course (security guard)'.

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

- (1) Section 127(2) and (3), at the end—
insert—
'Maximum penalty—200 penalty units'.
- (2) Section 127(4), '100 penalty units'—
omit, insert—
'200 penalty units'.

28 Insertion of new pt 8, div 4

Part 8—
insert—

**‘Division 4 Transitional provisions for Weapons
Amendment Act 2011**

‘187 Definition for div 4

‘In this division—

commencement means the commencement of this section.

‘188 Declaration concerning Serco during interim period

‘(1) During the interim period—

- (a) Serco is taken to have been a government service entity and a prescribed service entity under section 2(9); and
- (b) for section 2(2), the functions of Serco are taken to have been the functions that Serco is authorised, by the chief executive (corrective services), to perform under the *Corrective Services Act 2006*, section 272; and
- (c) for section 2(2), the functions of a Serco employee are taken to have been the functions of a corrective services officer that the employee performs for Serco when Serco is performing the functions mentioned in paragraph (b).

‘(2) In this section—

Serco means Serco Australia Pty Ltd ABN 44 003 677 352.

interim period means the period starting on 1 January 2008 and ending on the commencement.

‘189 Declaration concerning GEO during interim period

‘(1) During the interim period—

- (a) GEO is taken to have been a government service entity and a prescribed service entity under section 2(9); and
- (b) for section 2(2), the functions of GEO are taken to have been—

[s 28]

- (i) to conduct the part of the operations of the Queensland Corrective Services Commission that GEO is engaged to conduct under the *Corrective Services (Administration) Act 1988*, section 19(2)(f); or
 - (ii) the functions that GEO is authorised, by the chief executive (corrective services), to perform under the *Corrective Services Act 2006*, section 272; and
- (c) for section 2(2), the functions of a GEO employee are taken to have been—
- (i) the functions of a custodial correctional officer the employee performs for GEO when GEO is performing the prescribed functions mentioned in paragraph (b)(i); or
 - (ii) the functions of a corrective services officer that the employee performs for GEO when GEO is performing the prescribed functions mentioned in paragraph (b)(ii).

‘(2) In this section—

GEO means GEO Group Australia Pty Ltd ABN 24 051 130 600.

interim period means the period starting on 15 January 2004 and ending on the commencement.’

‘190 Training courses

- ‘(1) If, immediately before the commencement, an approval of a training course was in force under former section 10A(2)(b), the approval continues in force as if it had been made under section 10AA(1).
- ‘(2) If, immediately before the commencement, an approval of a training course was in force under former section 124, the approval continues in force as if it had been made under section 10AA(2).

-
- ‘(3) As soon as practicable after the commencement, the commissioner must notify each course approved under this section on the QPS website.
- ‘(4) An approval under this section may be ended by the commissioner under section 10AA.
- ‘(5) In this section—
former means as in force before the commencement.

‘191 Amendment of regulations

‘The amendment of the *Explosives Regulation 2003*, *Weapons Categories Regulation 1997* or the *Weapons Regulation 1996* by the *Weapons Amendment Act 2011* does not affect the power of the Governor in Council to further amend the regulation or to repeal it.’

29 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definition *weapon*—
omit.

(2) Schedule 2—
insert—

‘approved safety training course (general) means a course approved under section 10AA(1).

approved safety training course (security guard) means a course approved under section 10AA(2).

approved training course means—

- (a) an approved safety training course (general); or
- (b) an approved safety training course (security guard).

laser pointer means a hand-held battery-operated device, with a power output of more than 1 milliwatt, that is designed to emit a laser beam and may be used for aiming, pointing or targeting.

public monument see section 6C.

QPS website means the website used by the commissioner to provide public access to information about matters relating to this Act.

Editor's note—

The QPS website is at <www.police.qld.gov.au>.

restricted item see section 67(5).

weapon—

- (a) means—
- (i) a firearm; or
 - (ii) another thing prescribed under a regulation to be a weapon or within a category of weapon; or
 - (iii) a thing that would be a weapon mentioned in subparagraph (i) or (ii), if it were not temporarily inoperable or incomplete; and
- (b) does not include a public monument.’.
- (3) Schedule 2, definition *category M crossbow*, ‘section 7A(g)’—
- omit, insert—*
- ‘section 7A(n)’.
- (4) Schedule 2, definition *firearm—*
- insert—*
- ‘(h) a public monument.’.

Part 3 **Amendment of Weapons Categories Regulation 1997**

30 **Regulation amended**

This part amends the *Weapons Categories Regulation 1997*.

31 **Amendment of s 6 (Category E weapons)**

Section 6—

insert—

‘(2) In this section—

body armour—

- (a) means an article designed for anti-ballistic purposes that is designed to be worn on a part of the body; and
- (b) does not include a helmet, or other article, designed for sight or hearing protection.’.

32 **Amendment of s 7A (Category M weapons)**

(1) Section 7A(e) to (n)—

renumber as section 7A(l) to (u).

(2) Section 7A(a) to (d)—

omit, insert—

‘(a) any clothing, apparel, adornment, accessory or other thing—

- (i) designed to disguise any weapon or other cutting or piercing instrument capable of causing bodily harm; or

Examples—

a bowen knife belt, a credit card knife

[s 32]

- (ii) designed for use as a weapon or a cutting or piercing instrument capable of causing bodily harm;
- (b) 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;
- (c) a ballistic knife that propels or releases a knife-like blade of any material by any means other than an explosive;
- (d) a butterfly knife, a knife known as a 'balisong', a pantographic knife, or a similar device that consists of a single-edged or multi-edged blade or spike that fits within 2 handles attached to the blade or spike by transverse pivot pins or pantographic linkage and is capable of being opened by gravity or centrifugal force;
- (e) a flick knife, or a similar device of any material that has a blade folded or recessed into the handle that opens automatically by gravity or centrifugal force or if pressure is applied to a button, spring or device in or attached to the handle of the device;
- (f) a push knife, or a similar device designed as a weapon that consists of a single-edged or multi-edged blade or spike and allows the blade or spike to be supported by the palm of the hand so that stabbing blows or slashes can be inflicted by a punching or pushing action;
- (g) a sheath knife, or a similar device of any material that has a sheath which withdraws into its handle by gravity or centrifugal force or if pressure is applied to a button, spring or device attached to or forming part of the sheath, handle or blade of the device;
- (h) a star knife, or a similar device that consists of at least 2 angular points, blades or spikes, of any material, disposed outwardly about a central axis point and that are designed to spin around the central axis point in flight when thrown at a target;

- (i) a trench knife, or a similar device that consists of a single-edged or multi-edged blade or spike of any material that is fitted with a handle made of any hard substance that is designed to be fitted over the knuckles of the hand of the user to protect the knuckles and increase the effect of a punch or blow;
- (j) a riding crop that contains, conceals or disguises a knife, stiletto or any other single-edged or multi-edged blade or spike of any length or of any material;
- (k) a walking stick or cane that contains, conceals or disguises a sword or any other single-edged or multi-edged blade, knife or spike of any length or of any material;’.

33 Amendment of s 8 (Category R weapons)

Section 8—

insert—

- ‘(2) A thing mentioned in subsection (1)(a), (c), (i) or (j) is not a category R weapon if it is a public monument.’.

34 Amendment of s 9 (Restricted items (Act, s 67))

Section 9—

insert—

- ‘(e) a laser pointer.’.

Part 4 Amendment of Weapons Regulation 1996

35 Regulation amended

This part amends the *Weapons Regulation 1996*.

[s 36]

36 Amendment of s 3 (Possession or use of weapon unlawful to extent another licence is needed to authorise that possession or use)

Section 3(1), example, paragraph (g)—

omit, insert—

‘(g) to provide an approved training course (a firearms licence (instructor) is needed).’.

37 Insertion of new s 3B

After section 3A—

insert—

‘3B Requirements for training courses—Act, s 10AA

‘(1) For section 10AA(1)(b) of the Act, the requirements of the training course are—

- (a) the content of the course will give a person who completes the course the knowledge required to ensure the safe use, storage and maintenance of a weapon to which the course relates; and
- (b) the method of assessment for the course is able to determine whether a person has the knowledge mentioned in paragraph (a).

‘(2) For section 10AA(2)(b) of the Act, the requirements of the training course are—

- (a) the content of the course will give a person who completes the course the knowledge required to ensure the safe use, storage and maintenance of a weapon or restricted item to which the course relates; and
- (b) the method of assessment for the course is able to determine whether a person has the knowledge mentioned in paragraph (a).’.

38 Amendment of s 4 (Additional genuine reasons for possession of a weapon)

(1) Section 4(a), after ‘military’—

insert—

‘or medieval’.

(2) Section 4—

insert—

‘(d) paint pellet sports.’.

39 Amendment of s 22 (Firearms licence (instructor))

Section 22(1)—

omit, insert—

‘(1) A firearms licence (instructor) authorises the licensee to possess and use any weapon, at an approved range or elsewhere, in the category endorsed on the licence to provide an approved training course.’.

40 Amendment of s 25A (Miscellaneous weapons licence)

(1) Section 25A(1)(c), ‘section 7A(h) or (j)’—

omit, insert—

‘section 7A(o) or (q)’.

(2) Section 25A(1)(d), ‘section 7A(i) or (m)’—

omit, insert—

‘section 7A(p) or (t)’.

(3) Section 25A(1)—

insert—

‘(e) a category M weapon mentioned in section 7A(a), (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k) of that regulation (a *category M knife*).’.

(4) Section 25A—

[s 41]

insert—

- ‘(9A) A miscellaneous weapons licence may only be issued for a category M knife if an authorised officer is satisfied the applicant for the licence has a special occupational need for the weapon.
- ‘(9B) If the applicant applied for a miscellaneous weapons licence for a category M knife, the licence authorises the licensee to possess and use the type of category M knife stated on the licence, but only to satisfy the need stated on the licence.’.

41 Amendment of s 26 (What dealer’s licence authorises)

Section 26(4), ‘section 7A(a), (c), (d), (f), (j), (k) or (m)’—

omit, insert—

‘section 7A(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (m), (q), (r) or (t)’.

42 Amendment of s 47 (Security guard to complete training course annually—Act, s 124)

Section 47, from ‘a training’ to ‘commissioner,’—

omit, insert—

‘an approved safety training course (security guard)’.

43 Amendment of s 66 (Exemption from provision of Act)

- (1) Section 66(3), ‘10 penalty units’—

omit, insert—

‘20 penalty units’.

- (2) Section 66(4)—

renumber as section 66(6).

- (3) Section 66—

insert—

-
- ‘(4) The commissioner may amend or cancel the exemption at any time by notice given to the exemption holder.
 - ‘(5) An amendment or cancellation under subsection (4) takes effect—
 - (a) on the day when the notice mentioned in subsection (4) is given to the exemption holder; or
 - (b) if a later day is stated in the notice—on the stated day.’.

44 Insertion of new s 68CA

After section 68C—

insert—

‘68CA Prohibition on possession of particular magazines—category B weapons

- ‘(1) This section applies to the holder of a firearms licence who is the registered owner of a category B weapon under the licence.
- ‘(2) The holder must not possess a magazine—
 - (a) if the category B weapon has a lever or pump action—with a maximum capacity of more than 10 rounds for the weapon; or
 - (b) if the category B weapon is a repeating centre fire rifle—with a maximum capacity of more than 15 rounds for the weapon.

Maximum penalty—10 penalty units.

- ‘(3) However, subsection (2) does not apply if—
 - (a) the holder is the registered owner of a category D or R weapon, held under another licence, in which the magazine is able to be lawfully used; or
 - (b) a condition of the holder’s firearms licence authorises possession of a magazine with a maximum capacity of more than 10 or 15 rounds.’.

[s 45]

45 Amendment of s 68D (Prohibition on possession of magazine with more than 10 rounds)

Section 68D, heading—

omit, insert—

‘68D Prohibition on possession of particular magazines—category H weapons’.

46 Amendment of s 68E (Prohibition on possession of certain magazines)

Section 68E, ‘section 68D’—

omit, insert—

‘sections 68CA and 68D’.

47 Amendment of s 73 (Modifying firearm to make it permanently inoperable—Act, s 7)

(1) Section 73(1) to (5)—

omit, insert—

‘(1) For section 7(1) of the Act, the way to modify a firearm to make it permanently incapable of being discharged is—

(a) the way mentioned, for the firearm, in schedule 2A; or

(b) the way approved under subsection (2).’.

(2) Section 73(7), ‘subsections (2) to (5)’—

omit, insert—

‘schedule 2A’.

(3) Section 73(6) and (7)—

renumber as section 73(2) and (3).

48 Amendment of s 79 (Entities prescribed as government service entities and functions prescribed for them and their employees for the Act’s non-application)

Section 79(a), from ‘section 2(8)’—

omit, insert—

‘section 2(9) of the Act, definition *government service entity*, paragraph (c);’.

49 Amendment of sch 1A (Licence conditions)

Schedule 1A, column 2, entry for TR2, from ‘a course’ to ‘police service’—

omit, insert—

‘an approved training course’.

50 Replacement of sch 2 (Government service entities and prescribed functions for them and their employees for the Act’s non-application)

Schedule 2—

omit, insert—

‘Schedule 2 Government service entities and prescribed functions for them and their employees for the Act’s non-application

section 79

‘1 Queensland Corrective Services

- ‘(1) Queensland Corrective Services (*QCS*) is a government service entity.
- ‘(2) QCS’s prescribed functions are the functions that QCS is authorised to perform under the *Corrective Services Act 2006*.
- ‘(3) The prescribed functions of a QCS employee are the functions of a corrective services officer that the employee performs for QCS when QCS is performing the prescribed functions mentioned in subsection (2).

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‘2 GEO Group Australia Pty Ltd

- ‘(1) The GEO Group Australia Pty Ltd ABN 24 051 130 600 (*GEO*) is a government service entity.
- ‘(2) GEO’s prescribed functions are the functions that GEO is authorised, by the chief executive (corrective services), to perform under the *Corrective Services Act 2006*, section 272.
- ‘(3) The prescribed functions of a GEO employee are the functions of a corrective services officer that the employee performs for GEO when GEO is performing the prescribed functions mentioned in subsection (2).

‘3 Serco Australia Pty Ltd

- ‘(1) Serco Australia Pty Ltd ABN 44 003 677 352 (*SA*) is a government service entity.
- ‘(2) SA’s prescribed functions are the functions that SA is authorised, by the chief executive (corrective services), to perform under the *Corrective Services Act 2006*, section 272.
- ‘(3) The prescribed functions of a SA employee are the functions of a corrective services officer that the employee performs for SA when SA is performing the prescribed functions mentioned in subsection (2).

‘4 Queensland Fire and Rescue Service

- ‘(1) Queensland Fire and Rescue Service (*QFRS*), is a government service entity only for the purposes of acquiring, possessing and using incendiary devices that are category M weapons.
- ‘(2) QFRS’s prescribed functions are its functions under an Act that necessitate the acquisition, possession or use of an incendiary device that is a category M weapon to prevent and control fires.
- ‘(3) The prescribed functions of a QFRS employee are the functions the employee performs when QFRS is performing the prescribed functions mentioned in subsection (2).’

51 Insertion of new sch 2A

After schedule 2—

insert—

**‘Schedule 2A Ways of modifying firearms
to make them
permanently incapable
of being discharged**

section 73(1)(a)

‘Part 1 General

‘1 Methods

- ‘(1) A firearm may be modified to make it permanently incapable of being discharged by—
- (a) fusion welding under part 2; or
 - (b) sectioning under part 3.
- ‘(2) However, a firearm made of light alloy or plastic may only be modified to make it permanently incapable of being discharged by sectioning under part 3.

‘2 Purpose

- ‘(1) The purpose of fusion welding is to weld material into the barrel of a firearm, and to weld all major parts of the firearm in a way that can not be reversed.
- ‘(2) The purpose of sectioning is to machine or mill all major parts of a firearm in a way that can not be reversed and to expose the internal mechanism of the firearm to enable it to be used for display or instructional purposes.

‘Part 2 Fusion welding

‘3 Bolt action rifle

‘A bolt action rifle may be modified to make it permanently incapable of being discharged by doing all of the following—

- (a) boring a calibre size hole in the chamber;
- (b) inserting a close fitting steel rod in the barrel and welding at the muzzle and breech;
- (c) completely breaking off, grinding off or removing the firing pin;
- (d) welding the trigger to the receiver;
- (e) welding the bolt to the receiver either—
 - (i) through the magazine well or the ejection port; or
 - (ii) along the exposed surface of the bolt for at least 80 per cent of the bolt’s length;
- (f) cutting off the magazine lips and removing the spring and follower;
- (g) if the rifle has a quick detachable barrel—welding the barrel to the receiver;
- (h) if the rifle has a tube type magazine—cutting off the crimped end of the guide, if any, and removing the spring and follower.

‘4 Self-loading rifle

‘A self-loading rifle may be modified to make it permanently incapable of being discharged by doing all of the following—

- (a) boring a calibre size hole in the chamber;
- (b) inserting a close fitting steel rod in the barrel and welding at the muzzle and breech;
- (c) completely breaking off, grinding off or removing the firing pin;

-
- (d) welding the trigger to the receiver;
 - (e) welding the bolt to the receiver either—
 - (i) through the magazine well or the ejection port; or
 - (ii) along the exposed surface of the bolt for at least 80 per cent of the bolt's length;
 - (f) cutting off the magazine lips and removing the spring and follower;
 - (g) if the rifle has a quick detachable barrel—welding the barrel to the receiver;
 - (h) if the rifle has a tube type magazine—cutting off the crimped end of the guide, if any, and removing the spring and follower;
 - (i) if the rifle has a gas piston—removing the gas piston and spring, if any, and filling the gas block with weld.

'5 Pump action rifle

'A pump action rifle may be modified to make it permanently incapable of being discharged by doing all of the following—

- (a) boring a calibre size hole in the chamber;
- (b) inserting a close fitting steel rod in the barrel and welding at the muzzle and breech;
- (c) completely breaking off, grinding off or removing the firing pin;
- (d) welding the trigger to the receiver;
- (e) welding the bolt to the receiver either—
 - (i) through the magazine well or the ejection port; or
 - (ii) along the exposed surface of the bolt for at least 80 per cent of the bolt's length;
- (f) welding the action arm to the receiver or barrel;
- (g) if the rifle has a quick detachable barrel—welding the barrel to the receiver;

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- (h) if the rifle has a tube type magazine—cutting off the crimped end of the guide, if any, and removing the spring and follower.

‘6 Lever action rifle

‘A lever action rifle may be modified to make it permanently incapable of being discharged by doing all of the following—

- (a) boring a calibre size hole in the chamber;
- (b) inserting a close fitting steel rod in the barrel and welding at the muzzle and breech;
- (c) completely breaking off, grinding off or removing the firing pin;
- (d) welding the trigger to the receiver;
- (e) welding the bolt to the receiver either—
 - (i) through the magazine well or the ejection port; or
 - (ii) along the exposed surface of the bolt for at least 80 per cent of the bolt’s length;
- (f) welding the lever or link to the receiver;
- (g) if the rifle has a quick detachable barrel—welding the barrel to the receiver;
- (h) if the rifle has a tube type magazine—cutting off the crimped end of the guide, if any, and removing the spring and follower.

‘7 Muzzle loading rifle

‘A muzzle loading rifle may be modified to make it permanently incapable of being discharged by doing all of the following—

- (a) boring a calibre size hole in the chamber;
- (b) inserting a close fitting steel rod in the barrel and welding at the muzzle;

- (c) welding the flash hole closed;
- (d) welding the trigger to the receiver;
- (e) welding the hammer to the receiver.

‘8 Single or double barrel shotgun

‘A single or double barrel shotgun may be modified to make it permanently incapable of being discharged by doing all of the following—

- (a) boring a hole, approximately 60 per cent of the bore size, just forward of the chamber (or chambers);
- (b) inserting a close fitting steel plug of the length of the chamber in the chamber (or chambers) and welding at the breech;
- (c) completely breaking off, grinding off or removing the firing pins, or welding them to the receiver;
- (d) welding the trigger to the receiver;
- (e) welding the breech lever to the receiver;
- (f) welding the barrel or the barrel lug, with a substantial weld, to the receiver to prevent the barrel opening;
- (g) if the shotgun has exposed hammers—welding the hammers to the side plates or the receiver.

‘9 Pump action shotgun

‘A pump action shotgun may be modified to make it permanently incapable of being discharged by doing all of the following—

- (a) boring a hole, approximately 60 per cent of the bore size, just forward of the chamber;
- (b) inserting a close fitting steel plug of the length of the chamber in the chamber and welding at the breech;
- (c) completely breaking off, grinding off or removing the firing pin;

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- (d) welding the trigger and hammer to the receiver;
- (e) welding the bolt to the receiver either—
 - (i) through the magazine well or the ejection port; or
 - (ii) along the exposed surface of the bolt for at least 80 per cent of the bolt's length;
- (f) welding the action arm to the receiver or barrel;
- (g) cutting off the magazine lips and removing the spring and follower;
- (h) if the shotgun has a quick detachable barrel—welding the barrel to the receiver;
- (i) if the shotgun has a tube type magazine—cutting off the crimped end of the guide, if any, and removing the spring and follower.

'10 Self-loading shotgun

'A self-loading shotgun may be modified to make it permanently incapable of being discharged by doing all of the following—

- (a) boring a hole, approximately 60 per cent of the bore size, just forward of the chamber;
- (b) inserting a close fitting steel plug of the length of the chamber in the chamber and welding at the breech;
- (c) completely breaking off, grinding off or removing the firing pin;
- (d) welding the trigger and hammer to the receiver;
- (e) welding the bolt to the receiver either—
 - (i) through the magazine well or the ejection port; or
 - (ii) along the exposed surface of the bolt for at least 80 per cent of the bolt's length;
- (f) cutting off the magazine lips and removing the spring and follower;

- (g) if the shotgun has a quick detachable barrel—welding the barrel to the receiver;
- (h) if the shotgun has a tube type magazine—cutting off the crimped end of the guide, if any, and removing the spring and follower;
- (i) if the shotgun has a gas piston—removing the gas piston and spring, if any, and filling the gas block with weld.

‘11 Revolver

‘A revolver may be modified to make it permanently incapable of being discharged by doing all of the following—

- (a) boring a calibre size hole in barrel as close to the forcing cone as possible;
- (b) inserting a close fitting steel rod in the barrel and cylinder and welding at the muzzle;
- (c) welding the trigger and hammer to the frame;
- (d) welding the cylinder to the frame;
- (e) if the revolver is a break type—welding the top strap closed.

‘12 Self-loading pistol

‘A self-loading pistol may be modified to make it permanently incapable of being discharged by doing all of the following—

- (a) boring a calibre size hole in the chamber;
- (b) inserting a close fitting steel rod in the barrel and welding at the muzzle;
- (c) welding the trigger to the receiver;
- (d) cutting off the magazine lips and removing the spring;
- (e) welding the barrel to the slide;
- (f) welding the slide with a substantial weld to the frame;

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- (g) if the pistol has an exposed hammer—welding the hammer to the frame;
- (h) filling the top of the magazine well with weld.

‘13 Submachine gun or select fire assault rifle

‘A submachine gun or select fire assault rifle may be modified to make it permanently incapable of being discharged by doing all of the following—

- (a) boring a calibre size hole in the chamber;
- (b) inserting a close fitting steel rod in the barrel and welding at the muzzle and breech;
- (c) completely breaking off, grinding off or removing the firing pin;
- (d) welding the bolt to the receiver either—
 - (i) through the magazine well or the ejection port; or
 - (ii) along the exposed surface of the bolt for at least 80 per cent of the bolt’s length;
- (e) cutting off the magazine lips and removing the spring and follower;
- (f) filling the magazine with weld;
- (g) welding the trigger to the receiver;
- (h) removing all internal working parts that can not be seen from the outside.

‘14 Machine gun

‘A machine gun may be modified to make it permanently incapable of being discharged by doing all of the following—

- (a) boring a calibre size hole in the chamber;
- (b) inserting a close fitting steel rod in the barrel and welding at the muzzle and breech;

-
- (c) completely breaking off, grinding off or removing the firing pin;
 - (d) welding the bolt to the receiver either—
 - (i) through the magazine well or the ejection port; or
 - (ii) along the exposed surface of the bolt for at least 80 per cent of the bolt's length;
 - (e) cutting off the magazine lips and removing the spring and follower;
 - (f) filling the magazine with weld;
 - (g) welding the trigger to the receiver;
 - (h) removing all internal working parts that can not be seen from the outside;
 - (i) filling all internal recesses with weld;
 - (j) if the machine gun has a feed cover—welding the feed cover to the receiver.

'Part 3 Sectioning

'15 Firearms

'A firearm, other than a pistol, may be modified to make it permanently incapable of being discharged by doing all of the following—

- (a) in relation to the bolt—
 - (i) machining away 1 side of the bolt face with a 45 degree backward facing cut to allow enough remaining material to hold the firing pin, extractor and ejector; and
 - (ii) ensuring the cut breaks through the side of the bolt; and

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- (iii) removing at least 50 per cent of the locking surface to a depth of at least 4mm; and
 - (iv) shortening the firing pin so that it does not protrude beyond the bolt face;
- (b) in relation to the barrel—
 - (i) machining away at least 80 per cent of the chamber length, ensuring the cut—
 - (A) is of a width of at least $\frac{1}{3}$ of the chamber's diameter; or
 - (B) removes at least a $\frac{1}{4}$ section of the chamber; and
 - (ii) from the point where the barrel extends from the chamber, machining away at least 15mm of the barrel, ensuring the cut—
 - (A) is of a width of at least $\frac{1}{3}$ of the barrel's diameter; or
 - (B) removes at least a $\frac{1}{4}$ section of the barrel;
- (c) in relation to the gas system, if any—
 - (i) machining a flat surface along the length of the piston head, ensuring the cut removes at least $\frac{1}{3}$ of the diameter of the piston head; and
 - (ii) making a cut in the cylinder that is equal in width to the lesser of the following—
 - (A) $\frac{1}{2}$ of the diameter of the inside cylinder for the distance of the piston travel;
 - (B) 10mm; and
 - (iii) machining a slot to remove at least $\frac{1}{2}$ of the diameter of the gas port for a distance of at least $\frac{1}{2}$ of its length;
- (d) in relation to the receiver—

-
- (i) making a cut in the ring to match a cut in the chamber; and
 - (ii) making another cut that removes at least 50 per cent of the locking surface to a depth of at least 4mm (or, if there is a removable locking shoulder, through the locking shoulder and at least 4mm into the supporting material); and
 - (iii) making a cut that removes the greater of the following—
 - (A) 50 per cent of the side of the receiver (left or right);
 - (B) an area of the side of the receiver (left or right) that is 35mm²; and
 - (iv) ensuring the cut mentioned in subparagraph (iii) is in the area of the locking surface or between the locking surface and the breech face (the cut does not need to be exposed); and
 - (v) if the firearm has an upper and a lower receiver—
 - (A) sectioning both receivers; and
 - (B) sectioning the hinge point on the lower receiver by removing a 1/4 section across it; and
 - (vi) weakening the rear locking pin by machining away at least 50 per cent of its cross section;
- (e) in relation to the hammer, trigger and sear, either—
- (i) machining a slot 2mm deep across the face of the hammer so that the hammer can not make contact with the firing pin; or
 - (ii) weakening the trigger or the sear by making a cut of a minimum width of 5mm through 50 per cent of its thickness or width;
- (f) if the firearm is of a belt-fed type—weakening the feed pawls and actuating arms by making a cut of at least

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5mm through at least 50 per cent of its thickness or width.

'16 Pistol

'A pistol may be modified to make it permanently incapable of being discharged by doing all of the following—

- (a) making a cut, that is the same size as the pistol's calibre, for the full length of the chamber;
- (b) removing at least 50 per cent of the thickness of the barrel lug where it makes contact with the locking surface or takedown pin in the frame;
- (c) removing at least $\frac{1}{2}$ of the breech face for a distance of at least 20mm;
- (d) removing at least $\frac{1}{2}$ of 1 side of the slide rail;
- (e) removing at least $\frac{2}{3}$ of the opposite corner of the frame rail;
- (f) machining away at least $\frac{1}{2}$ of the locking shoulders of the barrel, slide and frame;
- (g) sectioning halfway through the sears;
- (h) removing at least 3mm of the hammer face;
- (i) removing at least 5mm from the nose of the firing pin.'

52 Amendment of sch 3 (Dictionary)

Schedule 3, definition *QPS website*—
omit.

Part 5 **Consequential and minor
amendments of other
legislation**

53 **Legislation amended**

The schedule amends the legislation it mentions.

Schedule Other minor and consequential amendments

section 53

Domestic and Family Violence Protection Act 1989

1 Section 23(1)(a)—

omit, insert—

- ‘(a) possesses or uses a weapon as part of the person performing functions as a member of the Queensland police service as mentioned in the Weapons Act, section 2(1)(e)(i); or
- (aa) possesses or uses a weapon while the person is not on duty as a member of the Queensland police service as mentioned in the Weapons Act, section 2(1)(e)(ii); or’.

Explosives Regulation 2003

1 Section 8—

omit, insert—

‘8 Exempt government entities

- ‘(1) The following entities are exempt from part 4, divisions 2, 7 and 8 of the Act—
 - (a) the Queensland police service;
 - (b) a police officer, special constable or trainee member of the Queensland police service who is acting in the course of the person’s official duties;
 - (c) a person mentioned in paragraph (b) who is not on duty as a member of the Queensland police service, in

relation to the possession of small arms ammunition or any explosive that is an exhibit for the use of a court, if the person is acting in accordance with the directions of the commissioner of the Queensland police service in relation to the off-duty possession of ammunition or exhibits;

- (d) an officer of another State's police service who is acting in the course of the person's official duties in Queensland for the Queensland police service.
- '(2) An inspector who is acting in the course of the inspector's official duties is exempt from part 4, divisions 2 and 6 to 8 of the Act.'

Security Providers Act 1993

1 After section 66—

insert—

'Part 8 Transitional provision for Weapons Amendment Act 2011

'67 Meaning of disqualifying offence

- '(1) For deciding whether an offence against the *Weapons Act 1990*, section 51(1), is a disqualifying offence, an offence committed before the commencement can not be taken into account.
- '(2) In this section—
commencement means the commencement of the *Weapons Amendment Act 2011*.'

Transport Operations (Passenger Transport) Act 1994

1 Chapter 13—

insert—

‘Part 12 Transitional provision for Weapons Amendment Act 2011

‘192 Meaning of disqualifying offence

- ‘(1) For deciding whether an offence against the *Weapons Act 1990*, section 51(1), is a disqualifying offence, an offence committed before the commencement can not be taken into account.
- ‘(2) In this section—
commencement means the commencement of the *Weapons Amendment Act 2011*.’