

Queensland



Subordinate Legislation 1996 No. 440

Weapons Act 1990

WEAPONS REGULATION 1996

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SCHEDULE 40

FEES

PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Weapons Regulation 1996*.

Commencement

2. This regulation commences on 15 January 1997.

PART 2—LICENCES GENERALLY

Possession or use of weapon unlawful to extent another licence is needed to authorise that possession or use

3.(1) The possession or use of a weapon under a licence is unlawful to the extent that a licence of another class is needed to authorise that possession or use.

Example—

X holds a firearms licence that on its face authorises X to possess or use any category A or B firearm.

However, X must not possess or use a category A or B weapon—

- (a) as part of a collection of weapons (a collector's licence (heirloom) or (weapons) is needed); or
- (b) in performing duties as a security guard (a security licence (guard) is needed); or
- (c) as a security organisation (a security licence (organisation) is needed); or
- (d) to repair or store the weapon in the course of the licensee's business of repairing or storing weapons (an armourer's licence is needed); or
- (e) for the purpose of dealing in weapons (a dealer's licence is needed); or
- (f) for the purpose of supplying the weapon, without a change in its ownership, on a temporary basis for use in the production of a theatrical, film or television production (a theatrical ordnance supplier's licence is needed); or

- (g) that is also a category H weapon (a concealable firearms licence is needed); or
- (h) to provide a training course in firearms safety, or under section 124 of the Act, approved by the commissioner (a firearms licence (instructor) is needed).

(2) A licence given after the commencement of this regulation must contain a copy of subsection (1).

(3) Failure to comply with subsection (2) does not invalidate any proceeding for an offence.

Additional genuine reasons for possession of a weapon

4. For section 11(e) of the Act, the following are reasons for possession of a weapon—

- (a) a military re-enactment or historical demonstration;
- (b) for a sporting organisation to possess a firearm to start sporting events;
- (c) for a theatrical organisation to possess a firearm for a theatrical production.

Other particulars to accompany application for licence

5. For section 13(1)(c)(iii) of the Act, the following particulars about each firearm owned by the applicant must accompany an application for a licence—

- (a) the type, action, make, model, serial number and calibre of the weapon;
- (b) the magazine or chamber capacity of the firearm;
- (c) if the application relates to recreational shooting—enough information about the location, area and surrounding features of the rural land involved to enable its suitability for recreational shooting to be assessed.

Licence or licence renewal to be applied for at police station or establishment

6. A licence, or renewal of a licence, may only be applied for at a police station or establishment.

Waiting period before licence can be decided

7. For section 15(1) of the Act, the period before an authorised officer may decide an application for a licence is—

- (a) for a licence other than a visitor's licence—
 - (i) until the end of the 28th day after the application is lodged; or
 - (ii) if satisfied there are exceptional circumstances—until the end of the day the application is lodged; or
- (b) for a visitor's licence—until the end of the day the application is lodged.

Licence must be signed immediately after receipt

8.(1) A licensee who is an individual must sign his or her licence immediately after it is received.

Maximum penalty—10 penalty units.

(2) The individual endorsed on a body's licence as the body's representative must sign the body's licence as soon as practicable after the body receives it.

Maximum penalty—10 penalty units.

(3) This section does not apply if the licence already has a copy of the individual's signature on it.

Temporary recognition of interstate licence

9. A visit to Queensland to undertake recreational shooting on rural land with permission, given before the visit, from the landowner to shoot on the land is a prescribed purpose for section 32(1)(b) of the Act.

Queensland licence corresponding to interstate licence

10. For section 33(6) of the Act, the corresponding licence to a licence held under the law of another State is the licence under this Act that—

- (a) authorises possession or use of the weapon only to the extent allowed under the interstate licence and available under a Queensland licence; and
- (b) is of the class that is the narrowest available in Queensland to authorise that possession or use; and
- (c) is subject to—
 - (i) the conditions, limitations, restrictions and prohibitions applying under the interstate licence, with all necessary changes to adapt them to Queensland; and
 - (ii) any limitations or restrictions applying to that class of Queensland licence.

Visitor's licence—Act, s 12(1)(k)

11.(1) A visitor's licence may be issued to an adult who—

- (a) resides outside Queensland and intends visiting Queensland to engage in an activity that is a reason for possession of a weapon under section 11 of the Act; and
- (b) is entitled by law (whether or not under a licence) to possess and use a firearm or type of firearm in the State or country where the person usually resides.

(2) The licence authorises the licensee to possess and use a firearm or type of firearm endorsed on the licence to the extent, and for the activity, stated on the licence.

(3) The licence may only be issued—

- (a) for an activity that is a reason for possession of a weapon under section 11 of the Act; and
- (b) for a weapon or type of weapon—
 - (i) the visitor is entitled to possess and use in the State or country where the person usually resides; and

- (ii) for which the visitor could obtain a Queensland licence, other than a visitor's licence, authorising possession and use, to the extent and for the activity, stated on the licence.

(4) The maximum term for which a visitor's licence may be given is 3 months.

Limitation on weapon's physical possession under licence held by body

12. A licence held by a body for a weapon—

- (a) does not authorise anyone other than the body's representative endorsed on the licence to physically possess the weapon (unless the Act or this regulation provides otherwise); and
- (b) only authorises the representative to physically possess and use the weapon to the extent necessary for the lawful purposes of the body.

Automatic licence suspension if endorsed representative loses authority to represent

13.(1) A licence held by a body is automatically suspended if its representative endorsed on the licence dies or his or her authority to represent the body in the conduct of its business or affairs is suspended or revoked or expires.

(2) The suspension lasts until the representative is reinstated or another representative is endorsed on the licence.

(3) The term of the licence continues to run during the licence suspension.

Additional changes in circumstances that must be advised by licensee

14. For section 24(2)(c) of the Act, the changes in circumstances are—

- (a) a court order is made, or an official act is done, in Queensland or elsewhere that adversely affects the licensee's or the licensee's representative's ability to own, possess, use, carry or deal in weapons in Queensland or elsewhere; or

- (b) the licensee or the licensee's representative—
- (i) is refused, outside Queensland, an official authorisation to own, possess, use, carry or deal in weapons; or
 - (ii) becomes subject to an order under the *Peace and Good Behaviour Act 1982*, or a similar Act of another State; or
 - (iii) is discharged from an institution under the *Mental Health Act 1974*, or a similar institution in another State.

Examples of court orders and official acts for paragraph (a)—

1. Disqualification or suspension from obtaining a weapons licence, approval or other authorisation or from being a licensee's representative.
2. Disqualification or suspension from owning, possessing, using, carrying or dealing in a weapon.
3. Revocation of a weapons licence, approval or other authorisation.
4. Forfeiture, or police seizure, of a weapon.

PART 3—PARTICULAR LICENCES

Blank-fire firearms licence

15.(1) A blank-fire firearms licence may only be issued to a theatrical organisation (including an institution of higher or adult learning conducting theatrical productions) or a sporting or athletic organisation.

(2) A blank-fire firearms licence authorises the licensee to possess, and the organisations's representative endorsed on the licence to possess and use, for a purpose in subsection (4), any blank-fire firearm in the category endorsed on the licence and owned by the organisation.

(3) The licence also authorises any eligible member of the organisation, with the permission, and under the instruction, of the endorsed representative, to possess and use, for a purpose in subsection (4), any blank-fire firearm owned by the organisation and in the category endorsed on the licence.

(4) The purpose is—

- (a) for a theatrical organisation—in a theatrical production in the course of the conduct of the organisation’s activities; or
- (b) for an athletic or sporting organisation—to start sporting events in the course of the conduct of the organisation’s activities.

(5) In this section—

“**eligible member**” means a member who is eligible to hold a licence.

What concealable firearms licence authorises

16. A concealable firearms licence authorises the licensee to possess or use any pistol not in category R.

When and how concealable firearm may be worn

17.(1) A person may wear a concealable firearm only if the person has an occupational requirement to wear it.¹

Maximum penalty—10 penalty units.

(2) A person wearing a concealable firearm must comply with subsections (3) to (7).

Maximum penalty—10 penalty units.

(3) The firearm must be carried in a holster that is consistent with the shape and size of the firearm.

(4) The holster must be designed with a safety strap to secure the firearm in the holster, and the safety strap must be fastened.

(5) The holster must be designed so that the trigger is not exposed.

(6) If the holster is worn in conjunction with a belt, the holster must be securely attached to the belt.

(7) The wearer’s clothes must conceal the holster and firearm.

(8) However, subsection (7) does not apply—

- (a) if the person is performing duties under a security licence (guard)

¹ This section applies to all concealable firearms, whether or not under a concealable firearms licence, for example those worn by security guards.

and is wearing clothing that readily identifies the person as a security guard; or

- (b) if the wearer is using the firearm on rural land while engaged in primary production.

Firearms licence—category A or B weapons

18. Other than as provided in sections 19 to 21, a firearms licence—

- (a) may only be given for a category A or B weapon; and
- (b) authorises the licensee to possess and use any weapon in the category endorsed on the licence.

Firearms licence—category C shotguns for clay target shooting

19.(1) A member of an approved shooting club that takes part in, or is affiliated with a body that takes part in, national and international clay target shooting competition (the “**member’s club**”) may apply for a firearms licence with an endorsement for category C shotguns.

(2) The applicant must, because of a lack of strength or dexterity, have a physical need for a category C shotgun to enable the applicant to take part in clay target shooting.

(3) A document supporting the existence of that physical need and signed by a club officer for the member’s club must be lodged with the application.

(4) Subsections (2) and (3) do not apply to an applicant who, on 14 November 1996—

- (a) owned a category C shotgun; and
- (b) was a member of an approved shooting club that takes part in, or is affiliated with a body that takes part in, national and international clay target shooting competition.

(5) The licence authorises the licensee to use any category C shotgun at an approved range, for a clay target shooting competition approved by the member’s club or a training program associated with that competition, and to possess any category C shotgun for that purpose.

- (6)** The licensee must not load or allow anyone else to load more than

2 rounds of ammunition into a weapon to which the licence applies.

Maximum penalty—10 penalty units.

(7) The licence must state the effect, and the penalty for a contravention, of subsection (6).

Firearms licence—category C rifle and category C shotgun for occupational rural purpose on rural land

20.(1) A person who, in the conduct of the person's business or employment on rural land, has a need for 1 category C rifle or 1 category C shotgun, or both, for a rural purpose, may apply for a firearms licence with an endorsement for 1 category C rifle or 1 category C shotgun or both.

(2) A person who, in the conduct of the person's business or employment on rural land, has a need for more than 1 category C rifle and 1 category C shotgun for a rural purpose, may apply for a firearms licence with an endorsement for more than 1 category C rifle and 1 category C shotgun.

(3) However, a person may apply under subsection (2) only if the need arises because of the area or location of the land involved.

(4) An authorised officer may issue a licence endorsed under subsection (1) or (2) only if the authorised officer is satisfied the applicant's need for the firearm can not be satisfied in another way.

(5) A licence endorsed under subsection (1) authorises the licensee to possess and use—

- (a) 1 category C rifle; or
- (b) 1 category C shotgun; or
- (c) 1 category C rifle and 1 category C shotgun;

stated on the licence, but only to satisfy the need stated on the licence.

(6) For subsection (2), an authorised officer may endorse the licence with the number of category C rifles or shotguns the authorised officer decides is reasonably necessary to satisfy the applicant's need.

(7) A licence endorsed under subsection (2) authorises the licensee to possess and use the number of category C rifles and category C shotguns endorsed on the licence, but only to satisfy the need stated on the licence.

Firearms licence—1 category D firearm for occupational culling of large animals

21.(1) A person who has a need that can not be satisfied in another way, for 1 category D weapon to cull large animals in the conduct of the applicant's business or employment may apply for a firearms licence with an endorsement for 1 category D weapon.

(2) The licence authorises the licence to possess and use 1 category D weapon, but only to satisfy the need stated on the licence.

(3) The licence must state the area where the weapon may be used.

(4) The maximum term for which the licence may be given is 1 year.

Firearms licence (instructor)

22.(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 whichever of the following is stated on the licence—

(a) a course in firearms safety training approved by the commissioner;

(b) a training course approved by the commissioner under section 124 of the Act.

(2) The licence also authorises a student doing the course to physically possess and use a weapon the licensee may use to provide the course and supplied by the licensee, under the licensee's direct supervision for the purposes of the course.

(3) However, the licence does not authorise the firing of a weapon unless the firing is done at an approved range for the category of weapon by a person entitled to use the weapon at the range.²

(4) Subsection (2) does not apply to a student to whom the Act does not apply because of section 2(g) of the Act.

(5) A holder of a firearms licence (instructor) must not allow anyone

² See the Act, sections 52(2) and 53 and part 4, division 5 for supervision and other requirements at approved ranges.

undertaking a course under the licence to possess or use a weapon that is not supplied by the licensee.

Maximum penalty—10 penalty units.

Minor's licence

23.(1) A minor's licence authorises the licensee to physically possess any weapon in the category or of the type endorsed on the licence but only for the following purposes—

- (a) to transport it to and from an approved range for the category of weapon;
- (b) to use it under the supervision of a range officer at the approved range for the category of weapon.

(2) A minor's licence may only be issued for a category A, B or H weapon or a category C shotgun.

(3) However, a minor's licence may be issued for a category C shotgun only if the applicant would be entitled to a licence endorsed under section 19 if he or she were an adult.

Theatrical ordnance supplier's licence

24.(1) A theatrical ordnance supplier's licence authorises the licensee to supply, and possess for the purpose of supply, any of the following in the production of a theatrical, film or television production—

- (a) a blank-fire firearm³ or permanently inoperable firearm;
- (b) a weapon that is not a firearm (other than a category E weapon, an antipersonnel gas, device, mine or substance, an incendiary or inflammable device or a hand grenade);⁴
- (c) any replica of a weapon.

³ A firearm that is temporarily incapable of firing a projectile while it is equipped with an adaptor is not a blank-fire firearm. See the Act, section 3, definition "blank-fire firearm".

⁴ The licence may limit the persons to whom weapons under the licence may be supplied. See the Act, section 118(2).

(2) Also, the licence authorises the licensee to use the weapons or replicas to which the licence applies, but only for a purpose mentioned in subsection (1).

(3) The licence must state the effect of subsection (2).

Theatrical ordnance supplier's register

25. The particulars to be entered in the ordnance register under section 117(2) of the Act are as follows—

- (a) the name, residential address and licence number of the other party to the transaction;
- (b) the date and time of each occasion on which physical possession of the weapon was parted with by the licensee or was returned to the licensee;
- (c) the type, action, make, model, serial number and calibre of the weapon.

(2) An entry in the ordnance register may be corrected by putting a line through the incorrect words, without making the words illegible, and writing the correct words in a suitable place in the register.

PART 4—DEALERS AND ARMOURERS

What dealer's licence authorises

26.(1) A dealer's licence authorises the licensee to carry on the business of—

- (a) buying, selling, transferring or broking any weapons (other than in category R) stated on the licence; and
- (b) if stated on the licence—broking the acquisition of any permanently inoperable weapons in category R by the holder of a collector's licence (weapons) or theatrical ordnance supplier's licence; and
- (c) receiving, dispatching, repairing or storing the weapons.

(2) However, a weapon stored under the licence may only be stored at the approved place endorsed on the licence for the secure storage of weapons.

(3) The licence does not authorise the supply on a temporary basis of weapons for use in theatrical, film or television productions if the supply involves no change in ownership.

What armourer's licence authorises

27. An armourer's licence authorises the licensee to repair and store any weapon in the course of the licensee's business of repairing or storing weapons.

Particulars dealers and armourers must obtain and record in weapons register before transaction

28. The particulars a licensed dealer or licensed armourer must enter in the weapons register under section 73 of the Act are the name, residential address and licence number of the other party to the transaction.

Other particulars dealers and armourers must enter in weapons register

29.(1) The particulars a licensed dealer or licensed armourer must enter in the weapons register under section 71(2) of the Act are as follows—

- (a) the date of the receipt, acquisition, sale or transfer of the weapon;
- (b) the type, action, make, model, serial number and calibre of the weapon;
- (c) the magazine or chamber capacity of the weapon.

(2) An entry in the weapons register may be corrected by putting a line through the incorrect words, without making the words illegible, and writing the correct words in a suitable place in the register.

PART 5—STORAGE MEASURES FOR ARMOURERS, DEALERS, AND THEATRICAL ORDNANCE SUPPLIERS

How weapons may be stored

30.(1) A weapon possessed under an armourer's, dealer's or theatrical ordnance supplier's licence that is not in the licensee's physical possession may only be stored unloaded in a locked gun rack, safe or vault in premises complying with this part ("**the premises**").

(2) However, a licensed dealer who has no more than a total of 20 weapons of category A or B on the premises need only store the weapons in a safe or vault complying with this part.

(3) Also, until this subsection expires, a licensed armourer or dealer who, immediately before the commencement, complied with the repealed *Weapons Regulation 1991*, sections 26 to 30 is taken to comply with this part so long as the person continues to comply with those sections.

(4) Subsection (3) and this subsection expire on 14 April 1997.

Floor

31. The floor of the premises must—

- (a) be made of concrete at least 100 mm thick; or
- (b) be made of another material and have steel security rails fitted around the base of the premises that prevent under-floor access to the premises.

Walls

32. The walls of the premises must be made of—

- (a) brick, concrete or solid timber; or
- (b) if the person starts business at the premises after 30 September 1997—brick or concrete.

Ceiling

33.(1) If the ceiling of the premises is not made of concrete, steel mesh must be securely fixed into position to prevent access through the ceiling from above.

(2) The steel mesh must be at least 10 mm square or in diameter.

External doors

34.(1) This section applies to any door able to give access into the premises.

(2) The door must have 1 padbolt fitted within 300 mm of its top and 1 padbolt fitted within 300 mm of its bottom, and a built-in deadlock.

(3) If the padbolt is on the outside of the door, the padbolt must have a sturdy padlock.

(4) The deadlock and padlock must always be locked (other than for the time necessary to have the premises open for a proper purpose).

(5) A door (other than a glass shopfront door) must be made of steel or solid timber and have steel door jambs.

(6) A glass shopfront door must be made of laminated glass in a metal frame and have metal door jambs and a grill.

(7) The pins inside the door hinges must be incapable of ready removal.

Grills for windows and shopfront doors

35.(1) This section applies to a grill for a window or shopfront door required under this part.

(2) The grill—

(a) must have steel bars at least 15 mm square or in diameter that cover the whole door or window; and

(b) if the construction of the premises allows—must be fitted between the glass and the interior of the premises.⁵

⁵ This is so the glass must be broken first before attacking the grill.

(3) The grill must be bolted to the premises by hardened steel bolts at least 10 mm in diameter with the bolt or its nut welded to the grill.

(4) The centre-line of the bars must be no more than 150 mm apart.

(5) The grill must have pieces of steel fitted at right angles to the bars that prevent the bars from being spread.

(6) The pieces of steel must be at intervals of no more than 500 mm.

Burglar alarms

36.(1) The premises must have a burglar alarm system able to detect any entry into the premises by any means and the breakage of any glass door or window and instantly activate—

(a) a loud siren outside the premises; and

(b) a remote alarm at the place where the alarm is required to be monitored or connected.

(2) The siren must have a flashing blue strobe light and its own self-contained power source.

(3) The remote alarm must always be monitored by a security service.

(4) However, if that monitoring is not available, the remote alarm must always be connected to the ordinary place of residence of the armourer, dealer or theatrical ordnance supplier.

(5) Each of the system's sensors must have an anti-tamper circuit that is always operating (even if the alarm is not set).

(6) The system's controls must be out of view from, and protected against access by, unauthorised persons.

Vaults and safes

37.(1) A vault in the premises must be made of concrete or concrete blocks filled with concrete.

(2) The vault door must be made of steel and have—

(a) steel door jambs; and

(b) a built-in deadlock or combination lock; and

- (c) hinges that are welded to the door and door jamb.
- (3) A safe in the premises must be made of steel and—
- (a) weigh at least 150 kg; or
 - (b) be fixed to the premises by welding or hardened steel bolts at least 10 mm in diameter.

General requirements—gun racks

38.(1) A gun rack required under this part must have sturdy metal bars, grills or chains, to secure the weapons, locked in place by a sturdy keyed lock or keyed padlock.

(2) The gun rack must be fixed to the premises by welding or hardened steel bolts at least 10 mm in diameter.

(3) Not more than 10 guns may be kept in the gun rack.

PART 6—COLLECTORS

Construction of premises where collection stored

39. A weapon possessed under a collector's licence (weapons) that is not in the licensee's physical possession must be stored unloaded—

- (a) in a locked container, or locked gun rack, in a locked room (the “**storeroom**”) complying with this part; or
- (b) in a locked vault complying with this part.

Vault

40.(1) A vault must be made of concrete or concrete blocks filled with concrete.

- (2) The vault door must be made of steel and have—
- (a) steel door jambs; and

- (b) a built-in deadlock or combination lock; and
- (c) hinges that are welded to the door and door jamb.

Storeroom

41.(1) A storeroom must be, or be part of, a permanent building.

(2) Each external wall of the storeroom must be made of brick, concrete or solid timber.

(3) Each window able to give access to the storeroom must be completely covered by a securely fixed steel or aluminium security screen.

(4) Each door able to give access to the storeroom must—

- (a) be made of solid metal or solid timber; and
- (b) have a built-in deadlock; and
- (c) have 1 padbolt fitted within 300 mm of its top and 1 padbolt fitted within 300 mm of its bottom.

(5) If the padbolt is on the outside of the door, the padbolt must have a sturdy padlock.

(6) If the door hinge is accessible from outside, each pin inside the hinge must be made incapable, by welding or otherwise, of removal.

Gun racks in which collection stored

42.(1) A gun rack required under this part must have sturdy metal bars, grills or chains, to secure the weapons, locked in place by a sturdy keyed lock or keyed padlock.

(2) The gun rack must be fixed to the premises by welding or hardened steel bolts at least 10 mm in diameter.

(3) Not more than 10 guns may be kept in the gun rack.

Container in which collection stored

43.(1) A container in which a collection is stored must—

- (a) for a category D, H or R weapon—be made of solid steel and be

- bolted to the frame or floor of the building; or
- (b) for another weapon—
- (i) be made of solid steel or solid timber; and
 - (ii) if the container weighs less than 150 kg—be securely fixed to the frame or floor of the building.
- (2) The container must—
- (a) have a sturdy combination lock, keyed lock or keyed padlock; and
 - (b) always be locked (other than for the time necessary to insert or remove a weapon, or something else, for a proper purpose).

Collection register

44.(1) The particulars a licensed collector must enter in the collection register under section 81(2) of the Act are as follows—

- (a) the name, residential address and licence number of each party to the transaction;
- (b) the type, action, make, model, serial number and calibre of the weapon;
- (c) the magazine or chamber capacity of the weapon;
- (d) the date of receipt, acquisition, sale or transfer of the weapon.

(2) An entry in the collection register may be corrected by putting a line through the incorrect words, without making the words illegible, and writing the correct words in a suitable place in the register.

PART 7—SECURITY ORGANISATIONS AND SECURITY GUARDS

Definitions for part

45. In this part—

“**employee**” of a security organisation includes a person engaged in any

way by the security organisation to perform duties for it.

“**public place**” means—

- (a) premises licensed under the *Liquor Act 1992*; or
- (b) an entertainment venue to which the public are admitted, whether or not for consideration.

Maximum term of security licence (guard)

46. The maximum term for which a security licence (guard) may be given is 1 year.

Security guard to complete training course annually—Act, s 124

47. An applicant for renewal of a security licence (guard) must satisfactorily complete a training course, approved by the commissioner, in the 60 day period immediately before the day of the application.

What security licence (guard) authorises

48.(1) A security licence (guard) may only be issued—

- (a) to an individual who holds a security officer’s licence under *Security Providers Act 1993*; and
- (b) for a category C or H weapon that may be carried under section 54 or a category E weapon.

(2) Subject to subsection (1), a security licence (guard) authorises the licensee—

- (a) if the licensee is an employee of the holder of a security licence (organisation)—to physically possess and use any weapon of the category endorsed on the licence in performing duties as a security guard for the employer; or
- (b) to possess and use any weapon of the type endorsed on the licence in performing duties as a security guard in a business in which the licensee is the only person who performs security guard duties, but only if the duties are not performed under a contract or another arrangement with a security organisation.

(3) However, the licence does not authorise a security guard to possess or use a weapon, in a public place if the reason or part of the reason the security guard is at the public place is to maintain order in the public place.

(4) If the duties as a security guard are performed as an employee, the licence only authorises the licensee to physically possess and use a weapon issued to the licensee by the employer during a shift worked for the employer.

(5) At or before the end of the shift, the licensee must return the weapon to the employer at the premises where it was issued.

Maximum penalty—10 penalty units.

(6) However—

- (a) if the employer required the security guard to perform security guard duties at least 250 km from the premises where the weapon was issued (“**remote guard duties**”); and
- (b) the security guard is no longer required to perform remote guard duties;

the shift lasts until the earliest practicable time at which the security guard can return the weapon to the employer after stopping performing remote guard duties.

Security licence (organisation)

49.(1) A security licence (organisation) may only be issued—

- (a) to an organisation that holds a security firm’s licence under *Security Providers Act 1993*; and
- (b) for a category C or H weapon that may be carried by a security guard under section 54 or a category E weapon.

(2) Subject to subsection (1), a security licence (organisation) authorises—

- (a) the licensee to possess any weapon of the category endorsed on the licence in the course of the organisation’s conduct as a security organisation; and
- (b) the organisation’s representative endorsed on the licence to physically possess the weapon (other than to perform duties as a

security guard) in the course of the organisation's conduct as a security organisation; and

- (c) the organisation to allow its employees to have physical possession of the weapon in the course of the organisation's conduct as a security organisation.

(3) However, a security organisation may only allow an employee (other than its endorsed representative) to physically possess a weapon if the employee holds a security licence (guard) or a firearms licence (instructor).

(4) A weapon may only be physically possessed or used to perform a security guard duty or for security guard training if it was issued by the licensee during a shift worked by the person to whom the weapon is issued.

(5) However, the licence does not authorise a person to possess a weapon, or allow an employee to physically possess or use a weapon, in a public place if the reason or part of the reason the person or employee is at the public place is to maintain order in the public place.

Security precautions for security organisation

50.(1) A security organisation must take reasonable steps to ensure that weapons are not accessible to its employees (other than its endorsed representative) who do not hold a security licence (guard) or a firearms licence (instructor).

Maximum penalty—10 penalty units.

(2) A weapon possessed under a security licence (organisation) that is in the organisation's physical possession under the licence must be stored unloaded on the premises stated in the licence in a locked safe or vault.

(3) The vault must be made of concrete or concrete blocks filled with concrete.

(4) The vault door—

- (a) must be made of steel and have steel door jambs; and
- (b) must have a built-in deadlock or combination lock; and
- (c) must have hinges that are welded to the door and door jamb.

(5) The safe must be made of steel and—

- (a) weigh at least 150 kg; or
- (b) be fixed to the premises by welding or hardened steel bolts at least 10 mm in diameter.

Security guard's entries in security organisation register

51.(1) The information a security guard must record in the security organisation register under section 126 of the Act is as follows—

- (a) the guard's name and licence number;
 - (b) the weapon's serial number;
 - (c) the date and time the guard took physical possession of the weapon;
 - (d) whether the weapon has been fired since then;
 - (e) if the weapon has been fired—the identity of the person, or the thing, at which the weapon was fired and the reason for firing.
- (2)** If the information is about—
- (a) the issue of the weapon to the security guard— it must be entered when the weapon is issued; or
 - (b) anything else—it must be entered when the weapon is returned to the security organisation.

Security organisation register

52.(1) The information a security organisation must record in the security organisation register kept under section 128(1) is as follows—

- (a) the name and licence number of each security guard to whom a weapon is issued;
 - (b) the weapon's serial number;
 - (c) the date and time the guard took physical possession of the weapon.
- (2)** The information must be entered when the weapon is issued.
- (3)** The entry must be made by a person other than the security guard to whom the entry relates.

(4) A police officer may require a security organisation to immediately produce its register to the police officer for inspection.

Restriction on type of ammunition security guard may use

53.(1) A person performing duties as a security guard must not use ammunition other than—

- (a) for a category H weapon—factory loaded semi-wad cutter or hollow point projectiles or glasser safety cartridges; or
- (b) for a category C shotgun—factory loaded cartridges with a pellet size not less than that of bird shot and not more than that of SSG.

Maximum penalty—10 penalty units.

(2) A person performing duties as a security guard, other than as an employee, must not use ammunition the person purchased new more than 1 year before performing the duties.

Maximum penalty—10 penalty units.

(3) An employer must not allow an employee performing duties as a security guard to use ammunition unless—

- (a) the employer purchased the ammunition new no more than 1 year before the day the duties are performed and
- (b) the employer issued the ammunition to the employee.

Maximum penalty—10 penalty units.

Number of weapons a security guard may carry

54. A person performing duties as a security guard must not carry a weapon other than—

- (a) 1 category H weapon of at least .22 calibre but not more than .40 calibre; or
- (b) 1 category C shotgun of 12, 16 or 20 gauge; or
- (c) 1 weapon mentioned in paragraph (a) and 1 weapon mentioned in paragraph (b).

Maximum penalty—10 penalty units.

PART 8—ACQUIRING OR SELLING WEAPON

Where to apply for permit to acquire

55. An application for a permit to acquire may only be made at a police station or establishment.

Waiting period of 28 days after applying for permit to acquire

56.(1) For section 42(1) of the Act, the period before an authorised officer may decide an application for a permit to acquire is until the end of the 28th day after the day the application for the permit is lodged.

(2) However, if the authorised officer is satisfied there are exceptional circumstances, the period is until the end of the day the application is lodged.

Sale or acquisition of weapon through police officer—Act, ss 35(1)(b)(ii) and 36(1)(b)(ii)

57. A person may acquire or sell a weapon through a police officer if—

- (a) the nearest licensed dealer is more than 100 km from the person's usual place of residence; and
- (b) the police officer is acting in his or her official capacity.

Information to be given to authorised officer on acquisition

58.(1) For sections 35(2)(b) of the Act, the information is as follows—

- (a) the dealer's name and licence number;
- (b) the name, address and licence number of the person disposing of the weapon;
- (c) the date of the acquisition or sale;
- (d) the type, action, make, model, serial number and calibre of the weapon;
- (e) the magazine or chamber capacity of the weapon.

(2) The information must be written on the copy of the permit to acquire and signed by or for the dealer.

(3) For sections 36(2) of the Act, the information is as follows—

- (a) the name, address and licence number of the acquirer of the weapon;
- (b) the name, address and licence number of the person disposing of the weapon;
- (c) the date of the acquisition or sale;
- (d) the type, action, make, model, serial number and calibre of the weapon;
- (e) the magazine or chamber capacity of the weapon;
- (f) details of the lawful authority, justification or excuse.

(4) The information must be signed by or for the acquirer, and—

- (a) if there is a permit to acquire—written on the copy of the permit to acquire;
- (b) otherwise—given in writing.

(5) Information under this section must be sent by registered post to the commissioner to reach the commissioner within 14 days of the acquisition.⁶

PART 9—SAFETY PRECAUTIONS GENERALLY

Firearms to be kept unloaded other than when being used to shoot

59.(1) A person who has a firearm under his or her control (whether or not another has custody of it) must ensure the firearm is unloaded, other than when it is being used to shoot.

⁶ The address is Weapon's Licensing Branch, Police Headquarters, GPO Box 892, Brisbane 4001.

Example of what is, or is not, using a weapon to shoot—

To go hunting, X travels with 2 rifles in a car for a short distance. X does not hunt from the moving vehicle. Before and during the travel, X is not using the rifles to shoot.

At the hunt site, X loads the rifles at the start of the hunt. X hunts with 1 rifle in hand and the other in reserve. X takes an afternoon tea break from the hunt and then continues to hunt until dark. No prey is spotted, so no shots are fired.

Both rifles were being used to shoot when they were being loaded and afterwards until dark (other than during the afternoon tea break).

Maximum penalty—10 penalty units.

(2) This section does not apply—

- (a) if the person has control of the weapon under a security licence (guard); or
- (b) while a weapon is loaded for the purpose of repairing it; or
- (c) to a person doing an approved course of instruction under the supervision of a person holding a firearms licence (instructor).

Storage of weapon not in licensee's physical possession

60.(1) This section does not apply—

- (a) to the extent that this regulation otherwise provides; or
- (b) to a weapon possessed under an armourer's, collector's, dealer's or theatrical ordnance supplier's licence or a security licence (organisation); or
- (c) if the weapon is in or on a vehicle and section 61 is complied with.

(2) A person who possesses a weapon must, when the weapon is not in the person's physical possession, store it unloaded in a locked container with the bolt removed or the action broken.

(3) The container must—

- (a) for a category D, H or R weapon—be made of solid steel and be bolted to the frame or floor of the building; or
- (b) for another weapon—

- (i) be made of solid steel or solid timber; and
 - (ii) if the container weighs less than 150 kg—be securely fixed to the frame or floor of a permanent building.
- (4) The container must also—
- (a) have a sturdy combination lock, keyed lock or keyed padlock; and
 - (b) always be locked (other than for the time necessary to insert or remove a weapon, or something else, for a proper purpose).

Safety precautions for weapons in or on vehicles

61.(1) A person in control of a weapon (whether or not the person has custody of it) must ensure the weapon is not placed in or on a vehicle unless—

- (a) if the vehicle has a lockable boot—the weapon is locked in the boot; or
- (b) otherwise—the weapon is locked in a metal container fixed to the vehicle or is out of sight in a securely closed container.

Maximum penalty—10 penalty units.

(2) The metal container, and anything on or attached to it, must not suggest a weapon is inside.⁷

(3) A person in control of a weapon (whether or not the person has custody of it) must ensure the weapon is not left in an unlocked driver's or passenger's compartment of a vehicle if the vehicle is not being attended by someone licensed to possess the weapon.

Maximum penalty—10 penalty units.

Restrictions on dispatching weapons—Act, s 66

62.(1) A weapon may only be dispatched unloaded.

(2) A person who is not a licensed dealer or armourer may only dispatch a weapon to a licensed dealer or armourer or a police officer acting in his or

⁷ See section 62 (Restriction on dispatching weapons—Act, s 66) for examples of things that suggest a weapon is inside.

her official capacity.

(3) A weapon may only be dispatched—

- (a) if the dispatcher is not a licensed dealer—by registered post; or
- (b) if the dispatcher is a licensed dealer—by registered post or using a person to whom section 2(1)(i) of the Act applies.⁸

(4) A weapon may only be despatched inside a sturdy, securely closed container.

(5) The container, and anything on or attached to it (other than an address), must not suggest a weapon is inside.

Examples of how a container or something on or attached to it may indicate a weapon is inside—

1. The container's shape or other features is like a weapon
2. A mark or label on the container mentions weapons, ammunition or X's Gun Shop, (other than as part of an address).

Authorised officer may approve safe storage measures equivalent to those required under this regulation

63.(1) An authorised officer may, on written application, give the applicant written approval to take a particular safety measure for the safe storage of weapons instead of a measure required under this regulation.

(2) The authorised officer must be satisfied—

- (a) the proposed safety measure gives at least the same level of safety and security as the replaced measure; or
- (b) for a licensed dealer who stocks a maximum of 20 firearms—the proposed measure is adequate to ensure the safety and security of the firearms.

(3) Compliance by the applicant with the approved measure is taken to be compliance with the replaced measure.

⁸ The Act, section 2(1)(i) exempts from the Act persons actually engaged in the warehousing or transport under consignment of merchandise for or on behalf of a licensed dealer.

PART 10—CERTAIN APPROVALS AND EXEMPTIONS

How to apply for a shooting club permit or approval to conduct an arms fair or shooting gallery

64.(1) An application to conduct an arms fair must be made at, or sent to, a police station or establishment.⁹

(2) An application for a shooting club permit or an approval to conduct a shooting gallery must be in the approved form and made at, or sent to, a police station or establishment.

How arms fair to be approved

65.(1) For section 80(2) of the Act, the authorised officer in approving an application is to act, as far as possible and with all necessary changes, in the same way as for the approval of an application for a licence.

(2) However—

- (a)** a time period relating to a licence application does not apply to an application for an arms fair; and
- (b)** an approval may be in writing instead of in the approved form.

Exemption from provision of Act

66.(1) An application for an exemption under section 2(m) of the Act must be in writing, accompanied by the prescribed fee, and made at, or sent to, a police station or establishment.

(2) The exemption must be in writing and may state conditions.

(3) The exemption holder must comply with the conditions.

Maximum penalty—10 penalty units.

(4) If the commissioner is satisfied it is unreasonable to require visitors

⁹ The application must be in or to the effect of the approved form. See the Act, section 80 (Application for approval)

to Queensland to apply personally at a police station or police establishment for a visitors licence, the commissioner may, by gazette notice, exempt visitors to Queensland from the application of the part of section 13 of the Act that imposes the requirement.

Term of approvals and exemptions

67. An approval or exemption under the Act is for the term stated on the approval or exemption, or if no term is stated, for 5 years.

PART 11—COMPENSATION

Surrender of weapons

68.(1) An owner of a weapon (other than a weapon possessed under a dealer's licence) may surrender the weapon before 5.00 p.m. on 30 September 1997 at the place and during the period notified by the commissioner in a newspaper circulating generally in the State.

(2) A notice under subsection (1) that relates to a specified area may also be given by publishing it in a newspaper likely to be read by people living in the area.

(3) An owner of a weapon possessed under a dealer's licence may surrender the weapon before 5.00 p.m. on 30 September 1997 in accordance with an arrangement made between the commissioner and the owner, or if an arrangement can not be made, in accordance with written directions given by the commissioner to the owner.

(4) An owner or the owner's agent must surrender the weapon in person.

Claiming compensation

69.(1) To be eligible to claim compensation for a surrendered weapon, the owner must surrender it in accordance with section 68.

(2) The owner must give to the commissioner a claim for compensation in the approved form.

(3) A claim under this section must be given to the commissioner no later than 30 September 1997.

Compensation for surrendered weapons

70.(1) If a surrendered firearm is listed on the Commonwealth Firearms Price List, the compensation payable is—

- (a) if the firearm's value stated on the list is less than \$2 500—the stated value; or
- (b) if the firearm's value stated on the list is \$2 500 or more—the amount decided under subsection (2) or (3).

(2) If the firearm is not listed on the Commonwealth Firearms Price List, the compensation payable is the amount agreed between the commissioner and the owner or decided under subsection (3).

(3) However, if the commissioner and the owner can not agree on an amount, the amount is to be decided by a panel of 3 persons, with appropriate knowledge about the value of firearms, appointed by the commissioner.

Compensation for loss of business

71.(1) This section applies to a person who is or was a licensed dealer at any time between 10 May 1996 and 30 September 1997.

(2) The person is entitled to compensation for loss of business to the extent the loss is attributable to resolutions of the Australasian Police Ministers' Council, made on or after 10 May 1996, about uniform national firearms control.

(3) The commissioner is to decide the amount of compensation payable to the person under this section.

Expiry of part

72. This part expires on 30 September 1998.

PART 12—MISCELLANEOUS

Modifying firearm to make it “permanently inoperable”—Act, s 7

73.(1) This section sets out the way to make a firearm incapable of being discharged.

(2) If the firing pin can be removed as a separate item, the pin must be removed and the end of the pin hole nearest the chamber must be closed with weld.

(3) If the firing pin can not be removed as a separate item, the pin must be ground or cut so it can not strike a round of ammunition in the chamber.

(4) The chamber must be made incapable of taking a round of ammunition by welding a steel insert into the end of the chamber or welding a steel rod vertically across the chamber.

(5) The firing mechanism must be immobilised by welding its internal components together and to the trigger.

Fees

74.(1) The fees payable under the Act (other than a brokerage fee) are in the schedule.

(2) A person applying for a licence before 5.00 p.m. on 30 September 1997 who holds a licence under the former Act and applies for a licence under the new Act is exempt from the fee for the licence if the licence corresponds to the licence held under the former Act.

(3) If the holder of a licence applies for a licence of the same class with an endorsement for additional weapons and the licence will expire on the same day as the holder’s existing licence the only fee payable is \$8.00.

(4) If an application for a licence, licence renewal, approval, permit or exemption is refused, the fee less \$20.00 for administration must be refunded.

(5) The brokerage fee under section 35(3) of the Act is \$10.00.

(6) The fees (other than a brokerage fee) and penalties payable under the Act are to be paid to the consolidated fund and costs incurred in relation to proceedings under the Act are payable from the consolidated fund.

(7) In this section—

“**former Act**” see section 173 of the Act.

“**new Act**” see section 173 of the Act.

Minimum age to possess safety equipment for boat or aircraft

75. For section 2(k) of the Act, the age is exactly 17.

Search warrants and complaints to be in approved form

76. A search warrant or complaint for a search warrant under the Act must be in the approved form.

Supervision of experienced minor over 11 years at approved range

77.(1) For section 52(2)(b), a minor over 11 years may be supervised directly by a range officer or a range officer’s appointee if—

- (a) the minor has fired a weapon at an approved range on at least 3 separate occasions; and
- (b) no more than 6 minors to whom paragraph (a) applies are supervised by the range officer at the same time.

(2) In this section—

“**range officer’s appointee**” means an adult appointed by the range officer for the purpose who holds a licence authorising possession of the weapon being used by the minor.

Conditions may be imposed about reporting of injuries and property damage at ranges—Act, ss 89(2)(c) and 103(2)(b)

78.(1) For section 89(2)(c) of the Act, an authorised officer may impose a condition on a shooting club permit requiring the permit holder to give to an authorised officer, within 14 days of the club’s nominee first becoming aware, or suspecting, that a prescribed event has happened at a shooting range used by the club, written notice of the event.

(2) For section 103(2)(b) of the Act, an authorised officer may impose a

condition on an approval for a range for weapons target shooting requiring the holder of the approval to give to an authorised officer, within 14 days of the holder first becoming aware, or suspecting, that a prescribed event has happened at the range, written notice of the event.

(3) The notice may only relate to injury or damage caused by a firearm used at the range, other than damage to a target or a thing designed as a bullet barrier.

(4) In this section—

“prescribed event” means an injury to a person or damage to property at or in the vicinity of a shooting range.

Repeal

79. The subordinate legislation made under the Act, other than this regulation, is repealed.

SCHEDULE

FEES

section 74

	\$
1. Licence, or renewal of licence, for each year—	
(a) armourer's licence	50.00
(b) blank-fire firearms licence	8.00
(c) collector's licence (heirloom)	8.00
(d) collector's licence (weapons)	8.00
(e) concealable firearms licence—	
(i) for a pistol club member	12.00
(ii) for anyone else	30.00
(f) dealer's licence—	
(i) for a licence that includes only category A or B weapons	100.00
(ii) for a licence that includes only category C, D, E, H or R weapons	100.00
(iii) for any other licence	200.00
(g) firearms licence	8.00
(h) firearms licence (instructor)	30.00
(i) minor's licence	8.00
(j) security licence (guard)	8.00
(k) security licence (organisation)	200.00
(l) theatrical ordnance supplier's licence	200.00
2. Visitor's licence	25.00
3. Replacement licence	20.00
4. Permit to acquire	15.00
5. Shooting club permit, for each year	30.00
6. Approval—	
(a) to conduct a shooting gallery, for each year	150.00
(b) of a range for weapons target shooting, for each year	150.00
(c) to conduct an arms fair	100.00
(d) to transfer a collection of weapons to other premises	50.00

 SCHEDULE (continued)

(e) to transfer a transferable licence	100.00
(f) for an approved shooting club to alter, modify or permit alteration or modification of actual firing range, butts of firing line in a material way	150.00
7. Exemption under section 2(m) of the Act	40.00
8. Amendment of conditions applying to an approval of a range for weapons target shooting	20.00
9. Amendment of conditions applying to shooting club permit	20.00

ENDNOTES

1. Made by the Governor in Council on 19 December 1996.
2. Notified in the gazette on 20 December 1996.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Police.