

Queensland



Subordinate Legislation 2003 No. 134

Weapons Act 1990

WEAPONS LEGISLATION AMENDMENT REGULATION (No. 1) 2003

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1 Short title

This regulation may be cited as the *Weapons Legislation Amendment Regulation (No. 1) 2003*.

2 Commencement

(1) The schedule, section 2, commences at the end of 30 June 2003.

(2) The remaining provisions of this regulation commence on 1 July 2003.

3 Regulations amended

(1) The schedule amends the *Weapons Categories Regulation 1997*.

(2) The remaining provisions of this regulation amend the *Weapons Regulation 1996*.

4 Amendment of s 5 (Other particulars to accompany application for licence)

Section 5—

insert—

‘(2) For section 18B of the Act,¹ the period is 1 year immediately before the declaration is made.’.

5 Amendment of s 11 (Visitor’s licence—Act, s 12(1)(k))

Section 11—

insert—

‘(5) A person who—

(a) is a resident of another country; and

¹ The Act, section 18B (Additional application requirements for concealable firearms licence)

(b) is visiting Queensland to participate in an internationally recognised shooting competition;

is exempt from paying the application fee for a visitor's licence.'.

6 Insertion of new s 21A

After section 21—

insert—

'21A Concealable firearms licence for sports or target shooting

'(1) This section applies to a person who has surrendered a concealable firearms licence for sports or target shooting under section 68K(5).²

'(2) An authorised officer must not issue a concealable firearms licence for sports or target shooting to the person if the person applies for the licence within 5 years after the person received compensation under section 176 of the Act.'.

7 Amendment of s 25A (Miscellaneous weapons licence)

Section 25A(1)(b) and (c)—

omit, insert—

(b) a category M weapon mentioned in the *Weapons Categories Regulation 1997*, section 7A(g) or (i) (a **“martial arts weapon”**); or

(c) a category M weapon mentioned in section 7A(h) or (l) of that regulation (a **“historical or military weapon”**).'

8 Amendment of s 26 (What dealer's licence authorises)

(1) Section 26(1)(c), 'the'—

omit, insert—

'any'.

(2) After section 26(1)(c)—

2 Section 68K (Compensation—other handguns and related matters)

insert—

‘Example for paragraph (c)—

Receiving a weapon delivered to the licensed dealer under section 30(5) or 137(2)(b) of the Act.’.

9 Amendment of s 60 (Storage of weapon not in licensee’s physical possession—secure storage facilities)

Section 60(3)—

omit, insert—

‘(3) The container must—

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

10 Insertion of new pt 11

After section 67—

insert—

‘PART 11—CONCEALABLE FIREARMS LICENCES

‘Division 1—General provisions

‘68 Production of category H weapons to establish barrel length

‘(1) This section applies to the holder of a concealable firearms licence for sports or target shooting.

‘(2) To establish the barrel length of each category H weapon registered to the holder under the licence, an authorised officer may require the holder to produce each weapon to an authorised officer at a stated time and place.

‘(3) The holder must comply with the requirement, unless the holder has a reasonable excuse.

Maximum penalty—10 penalty units.

‘68A Establishing barrel length of category H weapon

‘(1) The barrel length of a category H weapon is established by measuring the distance from the muzzle to—

- (a) for a revolver—the breech end immediately in front of the cylinder; or
- (b) for any other category H weapon—
 - (i) if the weapon has a breech bolt—the breech face, with the breech bolt in the closed position; or
 - (ii) if the weapon has a top slide—the breech face, with the top slide forward; or
 - (iii) if the weapon does not have a breech bolt or top slide—the breech face, with the break action closed.

‘(2) However, if a device has been attached to the barrel of a category H weapon that is not readily detachable, the barrel length of the weapon includes the length that the device adds to the barrel.

Example of a device that is not readily detachable—

A device that can not be detached by removing a screw or by unscrewing the device by hand.

‘(3) In establishing the barrel length of a category H weapon, the weapon’s manufacturer’s specification stated on the barrel may be considered.

‘(4) In this section—

“**breech face**” of a category H weapon includes the weapon’s chamber.

‘68B Accredited events—Act, sch 2

‘For schedule 2 of the Act,³ each of the following handgun shooting competitions is an accredited event for a weapon that has a calibre of .45 inch or less and with a magazine with a maximum capacity of 10 rounds or less—

- (a) a metallic silhouette competition;
- (b) a single-action competition.

‘68C Limits on use of category H weapon

‘(1) The holder of a concealable firearms licence for sports or target shooting must not use a category H weapon that has a calibre of more than .38 inch in a handgun shooting competition that is not an accredited event.

Maximum penalty—10 penalty units.

‘(2) In this section—

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

‘68D Prohibition on possession of magazine with more than 10 rounds

‘(1) This section applies to the holder of a concealable firearms licence for sports or target shooting who is the registered owner of a category H weapon under the licence.

‘(2) The holder must not possess a magazine with a maximum capacity of more than 10 rounds for the weapon.

Maximum penalty—10 penalty units.

‘68E Prohibition on possession of certain magazines

‘Subject to section 68D, a person must not possess—

- (a) a magazine for a category C, D, R or H weapon unless the person holds a licence under the Act; or

3 The Act, section 132 (Conditions for concealable firearms licence) and schedule 2 (Dictionary)

- (b) a magazine for a category A or B weapon unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

‘68F Notice of acquisition of antique handgun for registration

‘(1) A person who acquires an antique handgun must, by written notice given within 14 days after acquiring the antique handgun, give the commissioner the following information—

- (a) the person’s name and address;
- (b) the type, make, calibre, action, magazine capacity and any serial number of the antique handgun;
- (c) the place where the antique handgun is generally kept.

Maximum penalty—10 penalty units.

‘(2) This section does not apply to the acquisition of an antique handgun, if the acquisition consists only of a person taking possession of the handgun—

- (a) to repair it; or
- (b) to store it, if the person is an armourer storing it for someone else; or
- (c) on a temporary basis for not more than 3 months without giving consideration for the acquisition or for the handgun.

‘(3) In this section—

“acquire” an antique handgun means purchase, accept or receive or otherwise take possession of the handgun.

‘68G Participation record information

‘(1) For section 134(3) of the Act,⁴ the following information is prescribed—

- (a) the date and place of each handgun shooting competition or club organised shoot in which the licensee participated;

⁴ The Act, section 134 (Licensees to keep participation record)

- (b) for each handgun shooting competition or club organised shoot—
 - (i) the types of events in which the licensee participated; and
 - (ii) the class of category H weapon used by the licensee; and⁵
 - (iii) the name and the firearms licence number of the range officer who supervised the licensee;
- (c) for each handgun shooting competition or club organised shoot conducted outside Queensland—the name and the firearms licence number or driver licence number of the official supervising the competition or shoot.

‘(2) For section 97(3)(c),⁶ a range use register must include the details prescribed under subsection (1)(a) and (b).

‘68H Professional carers—Act, s 151(4)

‘(1) For section 151(4) of the Act,⁷ the following persons are professional carers—

- (a) a social worker who is engaged in providing health services prescribed in subsection (2);
- (b) a professional counsellor who is engaged in providing health services prescribed in subsection (2).

‘(2) For section 151(4) of the Act, the following services are health services—

- (a) hospital or nursing home services;
- (b) medical, pharmaceutical, paramedical or mental health services;
- (c) ambulance services;
- (d) community welfare services that are government funded.

‘(3) In this section—

5 See the *Weapons Categories Regulation 1997*, section 7AA for the classes of category H weapons.

6 The Act, section 97 (Club must keep range use register books)

7 The Act, section 151 (Disclosure by professional carer of certain information)

“government funded” means funded or partly funded by a State or the Commonwealth.

“professional counsellor” means a person who is employed, either under a contract of service or a contract for services, as a counsellor.

“social worker” means a person who is employed, either under a contract of service or a contract for services, as a social worker.

‘68I Part of a prohibited handgun—Act, ss 174 and 175

‘(1) This section applies for sections 174 and 175 of the Act.⁸

‘(2) For the holder of a concealable firearms licence for sports or target shooting, each of the following things is part of a prohibited handgun—

- (a) a barrel, breechbolt, cylinder, frame, magazine, operating mechanism, receiver, top slide or trigger mechanism of a prohibited handgun;
- (b) an accessory for a prohibited handgun, including, for example, a speed loader or special holster.

‘(3) For a licensed dealer or licensed armourer, each of the following things is part of a prohibited handgun—

- (a) a barrel, breechbolt, cylinder, frame, magazine, operating mechanism, receiver, top slide or trigger mechanism of a prohibited handgun;
- (b) an accessory for a prohibited handgun, including, for example, a speed loader or special holster;
- (c) a pin, screw or spring for a prohibited handgun;
- (d) cartridge ammunition that is commercially available for a prohibited handgun that has a calibre of more than .38 inch;
- (e) any other minor component of a prohibited handgun.

‘(4) However, subsection (3) does not apply to a part of a prohibited handgun that can be used for, or as part of, a weapon that is not a prohibited handgun.

⁸ The Act, sections 174 (Definitions for div 2) and 175 (Compensation—prohibited handguns and parts of prohibited handguns)

‘68J Compensation—prohibited handguns and parts of prohibited handguns

‘(1) For section 175(4)(a) of the Act,⁹ the amount of compensation payable for a prohibited handgun, or part of a prohibited handgun, is—

- (a) for a prohibited handgun, or part of a prohibited handgun, stated in the agreement with the Commonwealth mentioned in section 175(2) of the Act¹⁰—the amount stated in the agreement; or
- (b) for a prohibited handgun, or part of a prohibited handgun, that is not stated in the agreement—the amount decided by the commissioner.

‘(2) For subsection (1)(b)—

- (a) the claimant may make a written submission about the amount of compensation payable; and
- (b) the commissioner must consider—
 - (i) all written submissions made by the claimant; and
 - (ii) any other relevant information given to the commissioner.

‘(3) For section 175(8) of the Act, compensation under that section is payable only if the following conditions are complied with—

- (a) the claimant must produce the claimant’s licence to the commissioner;
- (b) the claimant must surrender the prohibited handgun, or part of a prohibited handgun, to the commissioner before receiving the compensation;
- (c) the claimant must accept the compensation by signing the approved form.

‘(4) In this section—

“claimant” means an entity mentioned in section 175(1) of the Act.

9 The Act, section 175 (Compensation—prohibited handguns and parts of prohibited handguns)

10 The agreement is entitled “An agreement between the Commonwealth of Australia and the State of Queensland concerning the accountability and administrative procedures for the handgun buyback”.

‘68K Compensation—other handguns and related matters

‘(1) For section 176(1) of the Act,¹¹ compensation is payable to—

- (a) the holder of a concealable firearms licence for sports or target shooting for—
 - (i) a compensable category H weapon registered to the holder under the licence; or
 - (ii) a part of a compensable category H weapon; and
- (b) the holder of a collector’s licence (weapons) for a modern handgun registered to the holder under the licence.

‘(2) The amount of compensation payable for a compensable category H weapon, or part of a compensable category H weapon, is—

- (a) for a compensable category H weapon, or part of a compensable category H weapon, stated in the Commonwealth agreement—the amount stated in the agreement; or
- (b) for a compensable category H weapon, or part of a compensable category H weapon, that is not stated in the Commonwealth agreement—the amount decided by the commissioner.

‘(3) For subsection (2)(b)—

- (a) the holder may make a written submission about the amount of compensation payable; and
- (b) the commissioner must consider—
 - (i) all written submissions made by the holder; and
 - (ii) any other relevant information given to the commissioner.

‘(4) The commissioner must inform the holder of a concealable firearms licence for sports or target shooting that the holder can not apply for another concealable firearms licence for sports or target shooting within 5 years after receiving compensation.

‘(5) For section 176(2) of the Act, compensation under that section is payable only if the following conditions are complied with—

- (a) for the holder of a concealable firearms licence—

11 The Act, section 176 (Compensation—other handguns and related matters)

- (i) the holder must surrender every category H weapon registered to the holder under the licence to the commissioner before receiving the compensation; and
 - (ii) the holder must surrender the concealable firearms licence to the commissioner; and
 - (iii) the holder must accept the compensation by signing the approved form;
- (b) for the holder of a collector's licence (weapons)—
- (i) the holder must produce to the commissioner the holder's collector's licence (weapons) and the licence must not authorise the possession of a modern handgun; and
 - (ii) the holder must surrender every modern handgun registered to the holder under the licence to the commissioner before receiving the compensation; and
 - (iii) the holder must accept the compensation by signing the approved form.

'(6) In this section—

“Commonwealth agreement” means the agreement with the Commonwealth mentioned in section 175(2) of the Act.

“compensable category H weapon” means a category H weapon for which the State may receive reimbursement under the Commonwealth agreement.

“part of a compensable category H weapon” means any of the following parts of a compensable category H weapon for which the State may receive reimbursement under the Commonwealth agreement—

- (a) a barrel, breechbolt, cylinder, frame, magazine, operating mechanism, receiver, top slide or trigger mechanism;
- (b) an accessory for the weapon, including, for example, a speed loader or special holster.

‘68L Disclosing licence information to approved shooting clubs and approved historical societies

'(1) If an authorised officer—

- (a) revokes or suspends the concealable firearms licence of a member of an approved pistol club; or
- (b) becomes aware that the concealable firearms licence of a member of an approved pistol club has expired and not been renewed;

the authorised officer must disclose this information to the approved pistol club.

‘(2) If an authorised officer—

- (a) revokes or suspends the collector’s licence (weapons) of a member of an approved historical society; or
- (b) becomes aware that the collector’s licence (weapons) of a member of an approved historical society has expired and not been renewed;

the authorised officer must disclose this information to the approved historical society.

‘68M Definition of “black-powder pistol”

‘For schedule 2 of the Act,¹² a black-powder pistol is a firearm that—

- (a) is less than 75 cm in length; and
- (b) is either—
 - (i) a muzzle loading firearm; or
 - (ii) a cap and ball firearm; and
- (c) does not accept cartridge ammunition.

‘Division 2—Approved historical societies

‘69 Definitions for div 2

‘In this division—

“**historical society permit**” see section 69B(2).

“**representative**” see section 69E(4).

¹² Schedule 2 of the Act (Dictionary)

“representative notice” see section 69G(3).

“responsible position” see section 69E(3).

‘69A Application for approval

‘(1) Application may be made to an authorised officer to grant approval to a body, whether incorporated or unincorporated, as an approved historical society.

‘(2) The application must—

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

‘69B Authorised officer may approve historical society

‘(1) The authorised officer may approve a body only if satisfied—

- (a) the primary purpose of the body is the study, preservation or collection of firearms; and
- (b) the application complies with section 69A; and
- (c) each individual member of the governing body of the body is an appropriate person; and
- (d) if section 69E applies to the application—the section has been complied with and the person nominated under section 69E(2) is an appropriate person.

‘(2) If the authorised officer grants approval of the body as an approved historical society, the authorised officer must give the body a permit (**“historical society permit”**).

‘69C Authorised officer to give reasons for refusing to approve

‘(1) If the authorised officer is not satisfied about the matters mentioned in section 69B, the authorised officer must refuse to grant approval of the body as an approved historical society.

‘(2) The authorised officer must give the body a written notice stating the reasons for the refusal.

‘69D Conditions to apply to approval

‘(1) If the authorised officer grants approval under section 69B, the authorised officer may impose conditions on the approval.

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

‘(3) The conditions must be specified in the historical society permit or by written notice given to the approved historical society.

‘69E A representative is required for some applications

‘(1) This section applies only if an application under section 69A is made by an unincorporated body.

‘(2) The application must nominate an adult individual to be the body’s representative if the approval is granted.

‘(3) The nominated person must hold the position in the body in which the person is charged with responsibility for the conduct of the activities of the body (the **“responsible position”**).

‘(4) If a historical society permit is granted on the application, the nominated person is taken to be the historical society’s representative for the purpose of the permit (the **“representative”**), until ceasing to be the representative under section 69G.¹³

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

‘69F Duty of representative

‘The representative must exercise all reasonable diligence to ensure the approved historical society and its members comply with this division.

Maximum penalty—10 penalty units.

13 Section 69G (Change of representative)

‘69G Change of representative

‘(1) A person stops being the representative of an approved historical society if the person stops holding the society’s responsible position.

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

Maximum penalty—10 penalty units.

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

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

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

‘(5) The authorised officer must refuse to accept the representative notice unless the authorised officer is satisfied the person who gave the representative notice—

- (a) occupies the responsible position in the approved historical society; or
- (b) is an appropriate person.

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

‘69H How to decide whether an individual is an appropriate person

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

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

‘(2) The authorised officer may obtain—

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

‘69I Authorised officer may amend permit conditions

‘(1) An authorised officer may amend the conditions applying to a historical society permit of an approved historical society—

- (a) on the application of the historical society; or
- (b) on the initiative of the authorised officer.

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

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

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

‘(4) If the authorised officer amends the conditions, the authorised officer must give written notice of the amendment to the historical society.

‘(5) The amendment takes effect—

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

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

‘69J Authorised officer may make temporary amendment of conditions

‘(1) An authorised officer may make a temporary amendment of the conditions applying to a historical society permit of an approved historical society if the authorised officer reasonably considers it is necessary to make the amendment to protect a person from death or injury, or property from unlawful destruction or damage.

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

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

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

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

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

‘69K Revoking or suspending permit

‘(1) An authorised officer may revoke or suspend the historical society permit of an approved historical society if—

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

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

‘(3) The notice must specify—

- (a) the reasons for the revocation or suspension; and

(b) if the permit has been suspended—the day the suspension ends.

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

‘(5) A historical society permit that is suspended stops having effect until the suspension ends.

‘(6) If a historical society permit is revoked or suspended, the approval of the relevant body as an approved historical society is revoked or suspended.

‘69L Service of notice on approved historical society

‘(1) A notice required or permitted by this division to be served on an approved historical society may be served on the society’s representative.

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

11 Insertion of new pt 13

After section 81—

insert—

‘PART 13—TRANSITIONAL PROVISIONS FOR WEAPONS (HANDGUNS AND TRAFFICKING) AMENDMENT ACT 2003

‘82 Registration of antique handguns

‘(1) This section applies to a person who, immediately before the commencement of the *Weapons (Handguns and Trafficking) Amendment Act 2003*, was the owner of an antique handgun.

‘(2) The person must, by written notice given on or before 31 December 2003, give the following information to the commissioner—

- (a) the person’s name and address;
- (b) the type, make, calibre, action, magazine capacity and any serial number of the antique handgun;

(c) the place where the antique handgun is generally kept.

Maximum penalty—10 penalty units.

‘83 Membership of approved historical society

‘(1) This section applies to a person who, immediately before the commencement of the *Weapons (Handguns and Trafficking) Amendment Act 2003*, was the holder of a collector’s licence (weapons).

‘(2) The person is not required to comply with sections 18A, 39(2)(e)(ii) and 40(4) of the Act¹⁴ until a historical society is approved under part 11, division 2.¹⁵

‘84 Expiry of this part

‘This part expires on 30 June 2004.’

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

Schedule 2, section 4(1) and (2), ‘category R’—

omit, insert—

‘category M’.

14 The Act, sections 18A (Additional application requirements for collector’s licence (weapons) for category H Weapons), 39 (Limitations on issue of permits to acquire) and 40 (Application for permit to acquire)

15 Part 11 (Concealable firearms licences), division 2 (Approved historical societies)

SCHEDULE

AMENDMENT OF WEAPONS CATEGORIES REGULATION 1997

section 3(1)

1 Before section 7A—

insert—

‘7AA Category H weapon classes

‘For schedule 2 of the Act,¹⁶ each of the following comprises a class of category H weapon—

- (a) an air pistol;
- (b) a centre-fire pistol with a calibre of not more than .38 inch or a black-powder pistol;
- (c) a centre-fire pistol with a calibre of more than .38 inch but not more than .45 inch;
- (d) a rim-fire pistol.’

2 Section 8—

omit.

3 Section 9(c), ‘category R’—

omit, insert—

‘category M’.

¹⁶ The Act, schedule 2 (Dictionary)

ENDNOTES

1. Made by the Governor in Council on 26 June 2003.
2. Notified in the gazette on 27 June 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Queensland Police Service.