

**Laid before the Legislative Assembly on 3 August 2011**

**Record of Proceedings (Hansard 3 August 2011)**

# **Weapons Amendment Bill 2011**

## **Erratum to Explanatory Notes**

### **Title of the Bill**

Weapons Amendment Bill 2011.

### **Reasons for Erratum**

The erratum is necessary to correct typographical errors in the Explanatory Notes to ensure they properly reflect the content of the Bill and correctly cross-reference clause numbers.

## **Policy Objectives**

### **Page 2 Omission of extraneous word ‘the’**

The Explanatory Notes provide that the Weapons Amendment Bill will amend ‘the the Weapons Categories Regulation 1997 (Categories Regulation) to better define body armour’. The extraneous ‘the’ is removed.

## **Achievement of Policy Objectives**

### **Page 4 Modification of clause number 6 to 5**

The Explanatory Notes provide that clause 6 of the Bill achieves the policy objectives by creating a provision which is applicable to permanently inoperable artillery items that are publicly displayed. The reference to clause number 6 is incorrect. The provision is modified to refer to clause 5.

## **Consistency with fundamental legislative principles**

### **Page 10 Correction of statistical reference**

The Explanatory Notes quote that between 2009 and 2010 there were 164 offences involving knives (including one homicide) committed on Education Queensland premises. The number of offences was calculated in a manner that caused duplication. The number of offences involving knives (including one homicide) committed on Education Queensland premises between 2009 and 2010 is amended to 82.

## **Notes on Provisions**

### **Clause 13 Omission of word monetary**

The Explanatory Notes provide that clause 13 amends section 58(2) (Dangerous conduct with weapon prohibited) by increasing the maximum monetary penalty for dangerous conduct with a weapon from 100 penalty units or 2 years imprisonment to 200 penalty units or 4 years imprisonment. The word 'monetary' is removed to reflect the intention of the clause to also increase the term of imprisonment associated with this offence.

### **Clause 15 Omission of word monetary**

The Explanatory Notes provide that clause 15 amends section 61 (Shortening firearms) by increasing the maximum monetary penalty from 100 penalty units or 2 years imprisonment to 200 penalty units or 4 years imprisonment where a person shortens a firearm or possesses a firearm that has been shortened or acquires or sells a firearm that has been shortened. The word 'monetary' is removed to reflect the intention of the clause to also increase the term of imprisonment associated with this offence.

### **Clause 16 Omission of word monetary**

The Explanatory Notes provide that clause 16 amends section 62(1) by increasing the maximum monetary penalty for modifying the construction or action of a firearm, possessing a firearm that has had the construction or action modified, or acquiring or selling a modified firearm without a reasonable excuse from 100 penalty units or 2 years imprisonment to 200 penalty units or 4 years imprisonment. The word 'monetary' is removed to reflect the intention of the clause to also increase the term of imprisonment associated with this offence.

### **Clause 17 Omission of word monetary**

The Explanatory Notes provide that clause 17 amends section 63 (Altering identification marks of weapon) by increasing the maximum monetary penalty for defacing or altering any identifying serial number or mark on a weapon, or possessing a weapon that has had the identifying serial number or mark defaced or altered, or acquiring or selling a weapon that has had the identifying serial number or mark altered or defaced without a reasonable excuse, from 100 penalty units or 2 years imprisonment to 200 penalty units or 4 years imprisonment. The word 'monetary' is removed to reflect the intention of the clause to also increase the term of imprisonment associated with this offence.

### **Clause 23 Modification of clause number 24 to 23**

Clause 23 of the Explanatory Notes provides that clause 24 extends section 108(2)(b) (Responsibilities of a range officer) to allow an adult who holds a corresponding firearms licence from another State to undertake duties as a range officer in Queensland. The reference to clause 24 is incorrect. The provision is modified to provide that clause 23 extends section 108(2)(b).

### **Clause 28 Modification of clause number 53 to 50**

The Explanatory Notes provide that clause 28 supports clause 53 and changes to Schedule 2 of the Weapons Regulation 1996 (Government service entities and prescribed functions for them and their employees for the Act's non-application) to reflect changes to entities currently acting as government service entities. The reference to clause 53 is incorrect. The provision is modified to reflect that clause 28 supports clause 50.

### **Clause 32 Amendment of definition of star knife**

The Explanatory Notes provide that a star knife or a similar device consists of more than 1 angular point, blade or spike. Clause 32 is amended to reflect that a star knife or similar device consists of at least 2 angular points, blades or spikes.

### **Clause 47 Modification of clause number 49 to 47**

Clause 47 of the Explanatory Notes provides that clause 49 removes subsections (1) to (5) of section 73 (Modifying a firearm to make it permanently inoperable - Act, s. 7) of the Weapons Regulation 1996. The reference to clause 49 is incorrect. The provision is modified to reflect that clause 47 removes subsections (1) to (5) of section 73 (Modifying a firearm to make it permanently inoperable - Act, s. 7) of the Weapons Regulation 1996.

### **Clause 51 Modification of clause number 54 to 51**

The Explanatory Notes provide in clause 51 that clause 54 provides how each firearm is to be modified to make it permanently incapable of being discharged. The reference to clause 54 is incorrect. The provision is modified to reflect that clause 51 provides how each firearm is to be modified to make it permanently incapable of being discharged.

### **Clause 51 Correction of typographical error**

The Explanatory Notes provide that the requirements of the Deactivation Standards are met in clause 51 by providing how each firearm is to be modified to make 'in' permanently deactivated'. The word 'in' is amended to 'it'.

**Clause 53 Correction of typographical error and insertion of missing word ‘a’**

The Explanatory Notes provide that the amendment to section 2(1)(e) of the Explosives Regulation 2003 will allow ‘member fo’ the QPS to possess firearms while off-duty and complying with a direction of the commissioner’. This is incorrect. The provision is modified to ‘a’ member ‘of’ the QPS.

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