

Queensland



**POLICE POWERS AND
RESPONSIBILITIES AND
ANOTHER ACT AMENDMENT
BILL 2001**

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RESPONSIBILITIES AND ANOTHER
ACT AMENDMENT BILL 2001**

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	4
2	Commencement	4
PART 2—AMENDMENT OF POLICE POWERS AND RESPONSIBILITIES ACT 2000		
3	Act amended in pt 2	4
4	Amendment of s 144 (Powers under surveillance warrants)	4
5	Amendment of s 152 (What covert search warrant must state)	4
6	Replacement of s 375 (Power to use force—exercise of certain powers)	5
	375 Power to use force—exercise of certain powers	5
PART 3—AMENDMENT OF WEAPONS ACT 1990		
7	Act amended in pt 3	5
8	Amendment of s 5 (Definitions)	5
9	Amendment of s 6A (What is a “replica”)	6
10	Amendment of s 49 (Commissioner to maintain firearms register)	6
11	Amendment of s 77 (Collector’s licence (weapons))	6
12	Insertion of new pt 8	6
PART 8—TRANSITIONAL PROVISIONS		
173	Transitional provision for Police Powers and Responsibilities and Another Act Amendment Act 2001	7

2001

A BILL

FOR

***An Act to amend the Police Powers and Responsibilities Act 2000 and
the Weapons Act 1990***

*Police Powers and Responsibilities and Another
Act Amendment Bill 2001*

The Parliament of Queensland enacts—		1
PART 1—PRELIMINARY		
Clause 1	Short title	3
	This Act may be cited as the <i>Police Powers and Responsibilities and Another Act Amendment Act 2001</i> .	4 5
Clause 2	Commencement	6
	(1) Part 2 is taken to have commenced on 1 July 2000, immediately after the commencement of the provisions of the <i>Police Powers and Responsibilities Act 2000</i> that commenced on that day.	7 8 9
	(2) Part 3 commences on a day to be fixed by proclamation.	10
PART 2—AMENDMENT OF POLICE POWERS AND RESPONSIBILITIES ACT 2000		
Clause 3	Act amended in pt 2	13
	This part amends the <i>Police Powers and Responsibilities Act 2000</i> .	14
Clause 4	Amendment of s 144 (Powers under surveillance warrants)	15
	Section 144(d), ‘to use reasonable force’— <i>omit.</i>	16 17
Clause 5	Amendment of s 152 (What covert search warrant must state)	18
	Section 152(a)— <i>omit, insert—</i>	19 20

*Police Powers and Responsibilities and Another
Act Amendment Bill 2001*

‘(a) that a police officer may exercise covert search powers under the warrant;’.

Clause 6	Replacement of s 375 (Power to use force—exercise of certain powers)	3
	Section 375—	4
	<i>omit, insert—</i>	5
	‘375 Power to use force—exercise of certain powers	6
	‘(1) It is lawful for a police officer, and anyone helping the police officer, to use reasonably necessary force when exercising or attempting to exercise a power under—	7
	(a) this Act, including, for example, surveillance powers under a surveillance warrant or covert search powers under a covert search warrant; or	8
	(b) another Act.	9
	<i>Examples—</i>	10
	1. Forced entry may be necessary to execute a search warrant and seize items.	11
	2. Forced entry may be needed for covert entry to a place to install a surveillance device.	12
	3. Force may be used to stop vehicles.	13
	‘(2) This section does not apply to the use of force against an individual. ¹ ’.	14

PART 3—AMENDMENT OF WEAPONS ACT 1990

Clause 7	Act amended in pt 3	22
	This part amends the <i>Weapons Act 1990</i> .	23
Clause 8	Amendment of s 5 (Definitions)	24
	Section 5, definition “collector”, from ‘weapons—’—	25

¹ See section 376 (Power to use force against individuals).

*Police Powers and Responsibilities and Another
Act Amendment Bill 2001*

	<i>omit, insert—</i>	1
	‘weapons.’.	2
Clause 9	Amendment of s 6A (What is a “replica”)	3
	Section 6A(1)(b), ‘, C or H’—	4
	<i>omit, insert—</i>	5
	‘or C’.	6
Clause 10	Amendment of s 49 (Commissioner to maintain firearms register)	7
	Section 49—	8
	<i>insert—</i>	9
	‘(5) In this section—	10
	“firearm” includes a category H weapon that is permanently inoperable.’.	11
Clause 11	Amendment of s 77 (Collector’s licence (weapons))	12
	(1) Section 77(2)(b), after ‘1900’—	13
	<i>insert—</i>	14
	‘and of obvious and significant commemorative, historic, thematic or investment value’.	15 16
	(2) Section 77(2)—	17
	<i>insert—</i>	18
	‘(c) category H weapons that are permanently inoperable, whether or not of commemorative, historic, thematic or investment value.’.	19 20
Clause 12	Insertion of new pt 8	21
	After section 172—	22
	<i>insert—</i>	23

*Police Powers and Responsibilities and Another
Act Amendment Bill 2001*

‘PART 8—TRANSITIONAL PROVISIONS

**‘173 Transitional provision for Police Powers and Responsibilities and
Another Act Amendment Act 2001**

‘(1) This section applies to a person who, immediately before the commencement of this section, possesses a category H weapon that is permanently inoperable.

‘(2) The person may continue to possess the category H weapon without a licence until whichever of the following happens first—

- (a) the person obtains a collector’s licence for the weapon;
- (b) the end of 3 months after the commencement of this section.’.