



Queensland

Police and Other Legislation Amendment Bill 2004



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2004

A Bill

for

**An Act to amend legislation administered by the Minister for
Police and Corrective Services, and for other purposes**

The Parliament of Queensland enacts—	1	
Part 1	Preliminary	2
Clause 1	Short title	3
	This Act may be cited as the <i>Police and Other Legislation Amendment Act 2004</i> .	4 5
Clause 2	Commencement	6
	This Act, other than part 3 and sections 38 and 43, ¹ commences on a day to be fixed by proclamation.	7 8
Part 2	Amendment of Police Powers and Responsibilities Act 2000	9 10
Clause 3	Act amended in pt 2	11
	This part amends the <i>Police Powers and Responsibilities Act 2000</i> .	12 13
Clause 4	Amendment of s 148 (Covert search warrant applications)	14
	(1) Section 148(1), after ‘evidence of’—	15
	<i>insert—</i>	16
	‘a designated offence,’.	17
	(2) Section 148(2)(b), after ‘involved in the’—	18

1 Part 3 (Amendment of Police Service Administration Act 1990) and sections 38 (Amendment of s 33 (Interstate residents moving to Queensland)) and 43 (Insertion of new s 185)

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insert— 1
‘designated offence,’. 2

Clause 5 Amendment of s 151 (Issue of covert search warrant) 3
Section 151(1), after ‘evidence of’— 4
insert— 5
‘a designated offence,’. 6

Clause 6 Amendment of s 152 (What covert search warrant must state) 7
8
Section 152(b), ‘the organised’— 9
omit, insert— 10
‘the designated offence or organised’. 11

Clause 7 Amendment of s 153 (Duration and extension of covert search warrant) 12
13
Section 153— 14
insert— 15
‘(4) Despite the ending of the warrant under subsection (1), the 16
police officer may continue to exercise powers under the 17
warrant, but only to the extent necessary to return a thing 18
seized under the warrant and taken to a place for a purpose 19
mentioned in section 155(2)(a) or (b).’ 20

Clause 8 Amendment of s 155 (Powers under covert search warrant) 21
22
(1) Section 155(e), after ‘commission of’— 23
insert— 24
‘a designated offence or’. 25
(2) Section 155(f), after ‘commission of’— 26
insert— 27
‘a designated offence or’. 28

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- (3) Section 155— 1
insert— 2
- ‘(2) Also, a police officer has the following powers under a covert search warrant if authorised under the warrant— 3
 4
- (a) power to take a thing, or part of a thing, seized under the warrant, as a sample, to a place with appropriate facilities for testing the thing for evidence of the commission of the designated offence or organised crime or of terrorism to which the warrant relates; 5
 6
 7
 8
 9
- (b) power to do any of the following in relation to a vehicle a police officer enters under the warrant if the police officer reasonably suspects the vehicle has evidence of the commission of the designated offence or organised crime or of terrorism to which the warrant relates in or on it— 10
 11
 12
 13
 14
 15
- (i) seize the vehicle; 16
- (ii) take the vehicle to a place with appropriate facilities for searching the vehicle; 17
 18
- (iii) remove walls, ceiling linings, panels or fittings of the vehicle for the purpose of searching the vehicle; 19
 20
 21
- (iv) search the vehicle for evidence of the designated offence or organised crime or of terrorism to which the warrant relates.’. 22
 23
 24

- Clause 9 Amendment of s 209 (Additional case where arrest of adult may be discontinued)** 25
 26
- (1) Section 209(2)— 27
omit, insert— 28
- ‘(2) It is the duty of a police officer to release the person at the earliest reasonable opportunity if— 29
 30
- (a) the reason for arresting the person no longer exists or is unlikely to happen again if the person is released; and 31
 32
- (b) either— 33

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	(i) if the person is arrested for an offence that is an infringement notice offence—it is more appropriate to serve an infringement notice on the person for the offence and the infringement notice has been served on the person; or	1 2 3 4 5
	(ii) it is more appropriate to take the person before a court by notice to appear or summons and the notice to appear or summons has been served on the person.’.	6 7 8 9
(2)	Section 209— <i>insert—</i>	10 11
‘(5)	In this section— <i>infringement notice</i> see the State Penalties Enforcement Act 1999, schedule 2. ² <i>infringement notice offence</i> see the <i>State Penalties Enforcement Act 1999</i> , schedule 2.	12 13 14 15 16
Clause 10	Amendment of s 223 (Parent and chief executive to be advised of arrest or service of notice to appear)	17 18
(1)	Section 223(3)(b), ‘(family services)’— <i>omit, insert—</i> ‘(communities)’.	19 20 21
(2)	Section 223(3)— <i>insert—</i> ‘(c) if the chief executive (child safety) has custody or guardianship of the child under the <i>Child Protection Act 1999</i> , that chief executive or a person, nominated by that chief executive for the purpose, who holds an office in the department for which the chief executive has responsibility.’.	22 23 24 25 26 27 28 29

² *State Penalties Enforcement Act 1999*, schedule 2 (Dictionary)

Clause 11	Amendment of s 225 (Duty of police officer receiving custody of person arrested for offence)	1 2
	(1) Section 225(1)(a), after ‘of a’—	3
	<i>insert</i> —	4
	‘police station or’.	5
	(2) Section 225(2), ‘The officer-in-charge or watch-house manager’—	6 7
	<i>omit, insert</i> —	8
	‘A prescribed police officer at the police station, police establishment or watch-house’.	9 10
	(3) Section 225—	11
	<i>insert</i> —	12
	‘(5) In this section—	13
	<i>prescribed police officer</i> means a prescribed police officer under the <i>Bail Act 1980</i> , section 7. ³ .	14 15
Clause 12	Amendment of s 231 (Chief executive must be advised of application for removal order)	16 17
	Section 231, ‘(family services)’—	18
	<i>omit, insert</i> —	19
	‘(communities)’.	20
Clause 13	Insertion of new ch 7, pt 3, div 4A	21
	Chapter 7, part 3, after section 257—	22
	<i>insert</i> —	23

3 *Bail Act 1980*, section 7 (Power of police officer to grant bail)

‘Division 4A	Exclusion of support persons in particular circumstances	1 2
‘257A	Application of div 4A	3
‘(1)	This division applies if a police officer reasonably considers—	4 5
(a)	a support person present during questioning of a relevant person is unable to properly perform the role of a support person; and	6 7 8
(b)	in the particular circumstances, it would be in the interests of the relevant person to exclude the person and arrange for another support person to be present during questioning.	9 10 11 12
‘(2)	This division is in addition to, and does not limit, division 4. ⁴	13
‘257B	When is a person unable to properly perform the role of a support person	14 15
‘(1)	This section states circumstances in which a person may be unable to properly perform the role of a support person for a relevant person.	16 17 18
‘(2)	However, this section does not limit the circumstances in which a person may be unable to properly perform the role of a support person.	19 20 21
‘(3)	The circumstances are as follows—	22
(a)	the person’s ability to perform the role is substantially impaired by the effect of something the person has ingested, for example, alcohol, a drug or a potentially harmful thing, to the extent that the person is unable to act in the best interests of the relevant person;	23 24 25 26 27
(b)	the person is a person with an impaired capacity and the person’s impairment prevents the person from acting in the best interests of the relevant person;	28 29 30

4 Division 4 (Excluding persons unreasonably interfering with questioning)

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(c)	the person is, or appears to a police officer to be, unwilling to perform the role of a support person because of illness, injury, pain, tiredness or a similar cause;	1 2 3 4
(d)	the person has an affiliation, association or other relationship with a police officer questioning the relevant person;	5 6 7
(e)	the person has a relationship of authority with the relevant person that may prevent the person from acting in the best interests of the relevant person;	8 9 10
	<i>Example for paragraph (e)—</i>	11
	A teacher who recently excluded the relevant person from a school.	12 13
(f)	the person is a victim of the offence for which the relevant person is being questioned or a friend of the victim;	14 15 16
(g)	the person witnessed the commission of the offence for which the relevant person is being questioned.	17 18
‘(4)	In this section—	19
	<i>ingest</i> includes—	20
(a)	administer; and	21
(b)	inhale; and	22
(c)	smoke.	23
‘257C	Police officer may exclude support person from questioning	24 25
‘(1)	This section applies if a police officer considers a support person present during questioning is unable to properly perform the role of support person.	26 27 28
‘(2)	The police officer must exclude the support person from being present during questioning.	29 30
‘(3)	The police officer must explain to the support person the reasons for the person’s exclusion.	31 32
‘(4)	The explanation must be written or electronically recorded.	33

'257D If police officer excludes support person from questioning of relevant person	1 2
'If a police officer excludes the support person from being present during questioning, the police officer must advise the relevant person—	3 4 5
(a) if the relevant person was not present when the support person was excluded from questioning—that the support person has been excluded from questioning and the reasons for the person's exclusion; and	6 7 8 9
(b) if the relevant person is a person in relation to whom section 251, 252 or 253 applies, questioning is delayed for a reasonable time to allow another person to be present as a support person during questioning; and	10 11 12 13
(c) if the relevant person is a child—that he or she may choose another person to be present as a support person during the questioning.'	14 15 16
Clause 14 Amendment of s 284 (Application of pt 3)	17
Section 284(4)(a) and (b), 'section 10'—	18
<i>omit, insert—</i>	19
'section 25'.	20
Clause 15 Amendment of s 316 (Taking DNA sample from child)	21
Section 316(3)(c), '(family services)'—	22
<i>omit, insert—</i>	23
'(communities)'.	24
Clause 16 Amendment of s 323 (Notice to be given of application for disease test order for child)	25 26
Section 323(2)(c)—	27
<i>omit, insert—</i>	28
'(c) the chief executive (communities) or a person, nominated by that chief executive for the purpose, who	29 30

	holds an office within the department for which that chief executive has responsibility.’.	1 2
Clause 17	Amendment of s 443H (Function and powers of drug control officer)	3 4
	Section 443H(1), after ‘under this part’— <i>insert</i> — ‘and’.	5 6 7
Clause 18	Section 443L (Requirements for keeping of dangerous drugs for training purposes)	8 9
	Section 443L(2)(a), ‘finding out’— <i>omit, insert</i> — ‘weighing each batch of dangerous drugs in the drug vault to find out’.	10 11 12 13
Clause 19	Amendment of s 443N (Information to be recorded in the register of dangerous drugs for training)	14 15
	(1) Section 443N(2)(a) to (d), after ‘or part’— <i>insert</i> — ‘of the batch’.	16 17 18
	(2) Section 443N(2)(e)— <i>omit</i> .	19 20
	(3) Section 443N(2)(f) and (g), after ‘or part’— <i>insert</i> — ‘of the batch’.	21 22 23
	(4) Section 443N(2)(f) and (g), as amended— <i>renumber</i> as section 443N(2)(e) and (f).	24 25
	(5) Section 443N(2)(h)— <i>omit</i> .	26 27

Clause 20	Amendment of s 446 (Performance of duty)	1
	Section 446, as an example—	2
	<i>insert—</i>	3
	‘ <i>Example—</i>	4
	An occupier of a place who may remove a trespasser from the place asks	5
	a police officer to remove the trespasser. The police officer, when	6
	removing the trespasser at the occupier’s request is performing a	7
	function of the police service.’	8
Clause 21	Amendment of sch 4 (Dictionary)	9
	(1) Schedule 4, definition <i>chief executive (family services)—</i>	10
	<i>omit.</i>	11
	(2) Schedule 4—	12
	<i>insert—</i>	13
	‘ <i>chief executive (child safety)</i> means the chief executive of	14
	the department within which the <i>Child Protection Act 1999</i> is	15
	administered.	16
	<i>chief executive (communities)</i> means the chief executive of	17
	the department within which the <i>Juvenile Justice Act 1992</i> is	18
	administered.	19
	<i>designated offence</i> means—	20
	(a) an offence against any of the following provisions of the	21
	Criminal Code—	22
	(i) section 300; ⁵	23
	(ii) section 306; ⁶	24
	(iii) section 309; ⁷ or	25
	(b) another offence for which a person is liable, on	26
	conviction, to be sentenced to imprisonment for life if	27
	the circumstances of the offence involve—	28
	(i) a serious risk to, or actual loss of, a person’s life; or	29

5 Criminal Code, section 300 (Unlawful homicide)

6 Criminal Code, section 306 (Attempt to murder)

7 Criminal Code, section 309 (Conspiring to murder)

	(ii) a serious risk of, or actual, serious injury to a person.	1 2
	<i>night</i> means the interval between 9 p.m. on one day and 6 a.m. on the next day.’.	3 4
(3)	Schedule 4, definition <i>enforcement act</i> — <i>insert</i> —	5 6
	‘(m) the exclusion from questioning, under chapter 7, part 3, division 4 or 4A, of a relative, friend or support person. ⁸ ’.	7 8 9
(4)	Schedule 4, definition <i>time out</i> , paragraphs (b) and (c), after ‘interpreter’— <i>insert</i> —	10 11 12
	‘, support person’.	13
Part 3	Amendment of Police Service Administration Act 1990	14 15
Clause 22	Act amended in pt 3	16
	This part amends the <i>Police Service Administration Act 1990</i> .	17
Clause 23	Amendment of s 1.4 (Definitions)	18
	Section 1.4— <i>insert</i> —	19 20

8 Chapter 7 (Powers and responsibilities relating to investigations and questioning for indictable offences), part 3 (Safeguards ensuring rights and fairness to persons questioned for indictable offences), division 4 (Excluding persons unreasonably interfering with questioning) or 4A (Exclusion of support persons in particular circumstances)

‘assistant commissioner means the executive officer holding the rank of assistant commissioner. 1
2

prescribed person see section 5A.21A.⁹. 3

Clause 24 Amendment of s 5A.2 (Definitions for pt 5A) 4

Section 5A.2, definition *authorised person*, paragraphs (b), 5
(c), (d) and (e), before ‘a commissioned’— 6

insert— 7

‘the assistant commissioner or’. 8

Clause 25 Amendment of s 5A.3 (Persons to whom pt 5A applies) 9

Section 5A.3(1), after ‘This part’— 10

insert— 11

‘, other than to the extent specified in section 5A.21A.’. 12

Clause 26 Amendment of s 5A.14 (Providing specimens for targeted substance test) 13
14

Section 5A.14(2), ‘section 5A.13(a)(i)’— 15

omit, insert— 16

‘section 5A.13(1)(a)(i)’. 17

Clause 27 Amendment of s 5A.20 (Test result evidence generally inadmissible) 18
19

Section 5A.20(2)— 20

insert— 21

‘(d) a disclosure made or an agreement entered into under 22
section 5A.21A.’. 23

Clause 28 Insertion of new s 5A.21A 24

After section 5A.21— 25

9 Section 5A.21A (Agreements about counselling and rehabilitation)

<i>insert—</i>	1
‘5A.21A Agreements about counselling and rehabilitation	2
‘(1) This section applies to a member of the service, whether or not the member is a relevant member.	3 4
‘(2) However, this section applies to a member of the service only if the member reports to a prescribed person that the member requires counselling or rehabilitation about the member’s personal use of alcohol or a drug.	5 6 7 8
‘(3) The member may apply in the approved form to the commissioner to enter into an agreement to provide to the member the counselling or rehabilitation approved by the commissioner.	9 10 11 12
‘(4) A regulation may prescribe the matters that must be included in an agreement under this section.	13 14
‘(5) The commissioner must not use information disclosed by a member under this section for the purpose of a disciplinary or other action against the member under this Act or the <i>Public Service Act 1996</i> , whichever is relevant.	15 16 17 18
‘(6) Also, the commissioner must not disclose information in the possession of the police service because of subsection (2) or an agreement entered into under subsection (3) other than—	19 20 21
(a) for the purposes of the agreement; or	22
(b) for the purposes of section 6.1(1)(c) or 8.3; ¹⁰ or	23
(c) to the extent the commissioner considers reasonably necessary to prevent or lessen a serious threat to the public or to the member’s health or safety; or	24 25 26
(d) for the purposes of a claim for compensation under the <i>Workers’ Compensation and Rehabilitation Act 2003</i> .	27 28
‘(7) In this section—	29
<i>prescribed person</i> means a person to whom, under a regulation, a member of the service may make a request for the provision of counselling or rehabilitation about the member’s personal use of alcohol or a drug.’	30 31 32 33

10 Section 6.1 (Power to stand down and suspend) or 8.3 (Unfitness for duty on medical grounds)

Clause 29	Amendment of s 7.2 (Duty concerning misconduct or breaches of discipline)	1 2
	Section 7.2(6), from ‘exempt’—	3
	<i>omit, insert—</i>	4
	‘exempt an officer or staff member from compliance with subsection (2), generally or on stated conditions, if the officer or staff member—	5 6 7
	(a) is appointed to provide confidential counselling services to officers and staff members; or	8 9
	(b) is a prescribed person under section 5A.21A.’	10
 Clause 30	 Amendment of s 10.1 (Improper disclosure of information)	 11 12
	Section 10.1(1)(c)—	13
	<i>omit, insert—</i>	14
	‘(c) the disclosure is authorised or permitted under this Act; or’.	15 16
 Clause 31	 Amendment of s 10.2 (Authorisation of disclosure)	 17
	(1) Section 10.2(1B), ‘subsection (1A)’—	18
	<i>omit, insert—</i>	19
	‘subsection (3)’.	20
	(2) Section 10.2(1C), ‘subsection (1B)’—	21
	<i>omit, insert—</i>	22
	‘subsection (4)’.	23
	(3) Section 10.2(1A) to (2), as amended—	24
	<i>renumber</i> as section 10.2(3) to (6).	25
	(4) Section 10.2—	26
	<i>insert—</i>	27

‘(2) Subsection (1) does not apply if section 5A.20(4), 5A.21A(5) or 5AA.14(3) applies to the information.¹¹’ 1
2

Clause 32	Amendment of s 10.24 (Representation of officers in court)	3 4
	(1) Section 10.24(1), after ‘Any officer’—	5
	<i>insert—</i>	6
	‘or service legal officer’.	7
	(2) Section 10.24(2), after ‘any officer’—	8
	<i>insert—</i>	9
	‘or service legal officer’.	10
	(3) Section 10.24—	11
	<i>insert—</i>	12
	‘(3) In this section—	13
	<i>service legal officer</i> means a government legal officer within	14
	the meaning of the <i>Legal Profession Act 2004</i> who is a staff	15
	member.’.	16
Clause 33	Insertion of new s 11.5	17
	After section 11.4—	18
	<i>insert—</i>	19
	‘11.5 Declaration about s 5.17	20
	‘(1) To remove doubt it is declared that section 5.17 of this Act is,	21
	and always has been, part of part 5 of this Act.	22
	‘(2) Also, in the first reprint under the <i>Reprints Act 1992</i> of this	23
	Act as amended by the <i>Police and Other Legislation</i>	24
	<i>Amendment Act 2004</i> , section 5.17 must be relocated to	25
	part 5.’.	26

11 Section 5A.20 (Test result evidence generally inadmissible), 5A.21A (Agreements about counselling and rehabilitation) or 5AA.14 (Secrecy)

Part 4	Amendment of Security Providers Act 1993	1 2
Clause 34	Act amended in pt 4	3
	This part amends the <i>Security Providers Act 1993</i> .	4
Clause 35	Amendment of s 18 (Production of licence)	5
	(1) Section 18(b)—	6
	<i>omit.</i>	7
	(2) Section 18(c)—	8
	<i>renumber</i> as section 18(b).	9
Part 5	Amendment of Weapons Act 1990	10 11
Clause 36	Act amended in pt 5	12
	This part amends the <i>Weapons Act 1990</i> .	13
Clause 37	Insertion of new ss 18AA–18AB	14
	After section 18—	15
	<i>insert—</i>	16
	‘18AA Alternative provision for renewal application if licensee is an individual	17 18
	‘(1) This section applies if a licensee is an individual.	19
	‘(2) However, this section applies to a licensee only if, when the licensee is required to apply for the renewal of a licence, the licensee—	20 21 22
	(a) is temporarily absent from Australia for a genuine occupational reason; or	23 24
	(b) is temporarily a patient in a hospital.	25

- ‘(3) Also, this section applies despite section 18(2)(b)(i). 1
- ‘(4) If the licensee authorises an attorney under a power of 2
attorney to make the application for the licensee, the attorney 3
may make the application for renewal of the licensee’s licence 4
for the licensee. 5
- ‘(5) However, the attorney may make the application— 6
- (a) only on a single occasion; and 7
- (b) only if the attorney gives the authorised officer a 8
statutory declaration stating that the attorney is not 9
entitled to any fee or other benefit for making the 10
application. 11
- ‘(6) The attorney must make the application by— 12
- (a) personally giving to a police officer at a police station or 13
police establishment a renewal application completed 14
and signed by the licensee; and 15
- (b) producing to the police officer the information 16
mentioned in section 18AB (*required information*). 17

‘18AB What is *required information* for s 18AA 18

- ‘(1) The required information for section 18AA is as follows— 19
- (a) photographic evidence of the attorney’s identity; 20
- (b) the original of the instrument conferring the power of 21
attorney, or a copy of the instrument certified by a 22
justice of the peace, commissioner for declarations, 23
lawyer or notary public as a true copy of the instrument; 24
- (c) a statutory declaration complying with subsection (2), 25
(3) or (4), as appropriate. 26
- ‘(2) If the attorney makes the application because the licensee is 27
temporarily absent from Australia for a genuine occupational 28
reason, the statutory declaration must be signed by the 29
licensee and state the following— 30
- (a) the licensee is temporarily absent from Australia for a 31
genuine occupational reason; 32
- (b) the genuine occupational reason for the licensee’s 33
absence; 34

	(c) how long the licensee will be absent.	1
	‘(3) If the attorney makes the application because the licensee is temporarily a patient in a hospital, the statutory declaration must be signed by the licensee and state the following—	2 3 4
	(a) the licensee is temporarily a patient in a stated hospital because of a genuine medical condition;	5 6
	(b) the nature of the medical condition;	7
	(c) when the licensee became a patient in the hospital.	8
	‘(4) If the attorney makes the application because the licensee is temporarily a patient in a hospital and the licensee is unable to make the declaration because of a genuine medical reason, the statutory declaration must be signed by the attorney and state the following—	9 10 11 12 13
	(a) the licensee is temporarily a patient in a stated hospital because of a genuine medical condition;	14 15
	(b) the nature of the medical condition;	16
	(c) when the licensee became a patient in the hospital;	17
	(d) the licensee is unable to make the application.’.	18
Clause 38	Amendment of s 33 (Interstate residents moving to Queensland)	19 20
	Section 33(3)(a)—	21
	<i>omit, insert—</i>	22
	‘(a) for a licence authorising possession of a category A or B weapon or a category M crossbow—3 months; and’.	23 24
Clause 39	Insertion of new div 3A	25
	Part 3, after section 48—	26
	<i>insert—</i>	27

‘Division 3A	Marking serial numbers on unmarked firearms	1
		2
‘48A	Marking serial numbers on unmarked firearms	3
‘(1)	This section applies to a firearm included or to be included in the firearms register if the firearm does not have a serial number marked on it.	4 5 6
‘(2)	The authorised officer may—	7
	(a) give a serial number to the firearm; and	8
	(b) require the registered owner of the firearm to mark the serial number on the firearm.	9 10
‘(3)	No compensation is payable because of the requirement.	11
‘(4)	Before deciding whether to require the registered owner of a firearm that is an antique handgun to mark the serial number on the handgun, the authorised officer must have regard to—	12 13 14
	(a) the impact marking the serial number on the handgun will have on the handgun’s value; and	15 16
	(b) ways of minimising the impact marking the serial number on the handgun may have on the handgun’s value.	17 18 19
‘(5)	If the authorised officer requires a registered owner of the firearm to mark the serial number on the firearm, the authorised officer must give the registered owner a written notice stating—	20 21 22 23
	(a) the serial number; and	24
	(b) that the registered owner must mark the serial number on the firearm in the way stated in the notice—	25 26
	(i) within 28 days after being given the notice; or	27
	(ii) if the 28 days period is extended under subsection (7), the period as extended; and	28 29
	(c) that the registered owner may apply to the authorised officer within the 28 days for approval to mark the serial number on the firearm in another way stated in the application.	30 31 32 33

‘(6)	The person must comply with the requirement unless the person applies under subsection (5)(c).	1 2
	Maximum penalty for subsection (6)—20 penalty units.	3
‘(7)	The authorised officer may extend the period for compliance with subsection (5) (the <i>compliance time</i>) if the registered owner applies to the authorised officer for an extension before the compliance time ends.	4 5 6 7
‘48B	Approval of alternative way of marking serial number	8
‘(1)	This section applies if a registered owner of a firearm applies to the authorised officer to mark the serial number on the firearm in another way.	9 10 11
‘(2)	The authorised officer may approve or refuse to approve the application.	12 13
‘(3)	If the authorised officer approves the application, the authorised officer must give the registered owner a written notice requiring the registered owner to mark the serial number on the firearm in the way stated in the approval within 28 days after being given notice of the approval.	14 15 16 17 18
‘(4)	The person must comply with the requirement. Maximum penalty for subsection (4)—20 penalty units.	19 20
‘(5)	On the giving of notice under subsection (3), the notice under section 48A(5) in relation to the firearm stops having effect.	21 22
‘(6)	If the authorised officer refuses to approve the application, the authorised officer—	23 24
	(a) must give the registered owner notice of the refusal; and	25
	(b) may, whether or not the registered owner applied for an extension of the compliance time under section 48A, by written notice, extend the compliance time for a period, of not more than 21 days, stated in the notice.	26 27 28 29
‘(7)	The person must comply with the requirement within the compliance time as extended under subsection (6)(b). Maximum penalty for subsection (7)—20 penalty units.’	30 31 32

Clause 40	Amendment of s 50 (Possession of weapons)	1
	Section 50—	2
	<i>insert—</i>	3
	‘(2) A court, in sentencing a person found guilty of an offence against subsection (1), may take into consideration whether the person stored the weapon in the way prescribed under a regulation for the weapon.’	4 5 6 7
Clause 41	Amendment of s 77 (Collector’s licence (weapons))	8
	Section 77(1)(c)(i), ‘on or after 1 January 1901 and’—	9
	<i>omit.</i>	10
Clause 42	Insertion of new ss 113A–113C	11
	After section 113—	12
	<i>insert—</i>	13
	‘113A Authorised officer may amend approval conditions	14
	‘(1) An authorised officer may amend the conditions applying to an approval to conduct a shooting gallery—	15 16
	(a) on the application of the person granted the approval (<i>gallery operator</i>); or	17 18
	(b) on the initiative of the authorised officer.	19
	‘(2) In making the amendment, the authorised officer must have regard to the need to protect persons from death or injury and property from unlawful destruction or damage.	20 21 22
	‘(3) Before making an amendment under subsection (1)(b), the authorised officer must—	23 24
	(a) give written notice to the gallery operator stating—	25
	(i) the details of the proposed amendment; and	26
	(ii) that the person may make written submissions to the authorised officer about the proposed amendment before a stated day, not earlier than 21 days after the notice is given to the person; and	27 28 29 30

(b)	have regard to submissions made to the authorised officer by the person before the stated day.	1 2
‘(4)	If the authorised officer amends the conditions applying to an approval, the authorised officer must give written notice of the amendment to the gallery operator.	3 4 5
‘(5)	The amendment takes effect—	6
(a)	on the day the written notice of the amendment is given to the person; or	7 8
(b)	if a later day is stated in the notice—on the stated day.	9
‘(6)	An authorised officer may refuse to make an amendment under subsection (1)(a) by written notice given to the gallery operator stating the reasons for the refusal.	10 11 12
‘113B	Authorised officer may make temporary amendment of conditions	13 14
‘(1)	An authorised officer may make a temporary amendment of the conditions applying to an approval if the authorised officer considers, on reasonable grounds, it is necessary to make the amendment to protect a person from death or injury or property from unlawful destruction or damage.	15 16 17 18 19
‘(2)	An authorised officer may make an amendment under subsection (1) by written notice given to the gallery operator stating the reasons for the amendment.	20 21 22
‘(3)	The amendment takes effect—	23
(a)	on the day the written notice of the amendment is given to the gallery operator; or	24 25
(b)	if a later day is stated in the notice—on the stated day.	26
‘(4)	The amendment has effect for 28 days unless—	27
(a)	the notice states a shorter period; or	28
(b)	the authorised officer extends the amendment for a single further stated period, not longer than 28 days.	29 30
‘(5)	An authorised officer may extend an amendment under subsection (4)(b) by written notice given to the gallery operator stating the reasons for the extension.	31 32 33

‘113C Suspending or revoking approval	1
‘(1) An authorised officer may suspend or revoke an approval if—	2
(a) the gallery operator contravenes this Act; or	3
(b) the authorised officer believes, on reasonable grounds, it is necessary to suspend or revoke the approval to protect a person from death or injury, or property from unlawful destruction or damage.	4 5 6 7
‘(2) The authorised officer must give written notice of the suspension or revocation to the gallery operator.	8 9
‘(3) The notice must specify—	10
(a) if the approval has been suspended—the period of suspension; and	11 12
(b) the reasons for the suspension or revocation.	13
‘(4) The suspension or revocation takes effect—	14
(a) on the day the notice is given to the gallery operator; or	15
(b) if a later day is stated in the notice—on the stated day.	16
‘(5) A shooting gallery approval that is suspended stops having effect until the suspension is lifted.’	17 18
Clause 43 Insertion of new s 185	19
After section 184—	20
<i>insert—</i>	21
‘185 Declaration relating to s 33(3)(a)	22
‘It is declared that, on the commencement of the <i>Police Powers and Responsibilities and Other Legislation Amendment Act 2003</i> , section 67, section 33(3)(a) of this Act, as in force from that commencement to the commencement of this section, is taken to be, and during that period to have always been, in the same terms as it is after the commencement of this section.’	23 24 25 26 27 28 29