

Queensland



# WEAPONS ACT 1990

Reprinted as in force on 23 February 1996  
(includes amendments up to Act No. 58 of 1995)

**Warning—see last endnote for uncommenced amendments**

**Reprint No. 1**

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# Information about this reprint

This Act is reprinted as at 23 February 1996. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (pt 4, div 2)
- update references (pt 4, div 3)
- use different spelling consistent with current drafting practice (s 26(2))
- use standard punctuation consistent with current drafting practice (s 27)
- use conjunctives and disjunctives consistent with current drafting practice (s 28)
- use expressions consistent with current drafting practice (s 29)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (ss 37 and 39)
- omit the enacting words (s 42A)
- number and renumber provisions and references (s 43)
- correct minor errors (s 44).

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
  - **table of changed names and titles**
  - **table of obsolete and redundant provisions**
  - **table of corrected minor errors**
  - **table of renumbered provisions.**

# Queensland



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# **WEAPONS ACT 1990**

[as amended by all amendments that commenced on or before 23 February 1996]

**An Act to consolidate and amend the laws regulating or prohibiting the purchase, possession, use, carrying and sale of certain weapons and articles and to provide for the prevention of the misuse of weapons and for related purposes**

## **PART 1—PRELIMINARY**

### **Short title**

1. This Act may be cited as the *Weapons Act 1990*.

### **Application of Act**

2. This Act does not apply to a person—
  - (a) who is—
    - (i) a member of the armed forces of the Commonwealth as prescribed by the *Defence Act 1903* (Cwlth) in respect of that person's possession or use of a weapon as part of performance of duty as such member;
    - (ii) a member of the armed forces of any government associated with the armed forces of the Commonwealth in respect of that person's possession or use of a weapon as part of performance of duty as such member;
  - (b) who is a member of the federal police as prescribed by the *Australian Federal Police Act 1979* (Cwlth) or member of the police service of any other State or Territory in respect of that person's possession or use of a weapon as part of performance of

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duty as such member;

- (c) who is a member of the Australian Customs Service as prescribed by the *Customs Act 1901* (Cwlth) in respect of that person's possession or use of a weapon as part of performance of duty as such member;
- (d) who is a police officer or trainee member of the Queensland police service, or any other member of the Queensland police service authorised by the commissioner, in respect of that person's possession or use of a weapon as part of performance of duty as such;
- (e) who is—
  - (i) an officer appointed, or a person employed, under the *Corrective Services (Administration) Act 1988*; or
  - (ii) a person authorised, or undergoing training for the purpose of being authorised, to discharge functions or exercise powers of a general manager or custodial correctional officer under the *Corrective Services (Administration) Act 1988*, section 19(3);

in respect of the officer's or person's possession or use of a weapon as part of the performance of the officer's or person's duties;

- (f) who is undergoing a training course approved by the commissioner to become a security guard for a security organisation, in respect of the person's possession or use of a weapon as part of the training course;
- (g) whilst actually engaged in the manufacture, assembly or handling of any weapon for or on behalf of the Government of the Commonwealth or any State or Territory;
- (h) whilst engaged in scientific or experimental work with any weapon under an authority in that behalf granted by the Minister;
- (i) being an employee of and at a museum under the control of the Government of the Commonwealth or of this State in respect of that person's possession or use of a weapon as part of performance of duty as such employee at the museum;

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- (j) being a person over the prescribed age who is the owner, lessee, hirer or licensee of any boat, ship, or aircraft in respect of possession on board or in connection with, that boat, ship or aircraft of a recognised safety device, signalling apparatus or ammunition thereof as part of and solely for the use as part of the safety equipment of that boat, ship or aircraft;
- (k) who is actually engaged in the warehousing or transport under consignment of merchandise for or on behalf of—
  - (i) a licensed dealer; or
  - (ii) the armed forces of the Commonwealth; or
  - (iii) any authority of the Commonwealth or State;in respect of possession of merchandise consigned thereto or therefrom;
- (l) to whom the commissioner of the police service in the prescribed manner has granted an exemption from the application of those provisions of this Act specified therein in respect of the application of those provisions.

**Definitions****3. In this Act—**

**“ammunition”** includes anything manufactured and any component which is or which may be made, designed or intended to discharge from a firearm and includes a grenade, bomb, other missile or part thereof which may be discharged or projected by or with a firearm, and includes any blank cartridge, primer or cap designed for firing in a blank fire firearm.

**“antique firearm”** includes—

- (a) a firearm designed for muzzle loading or for firing by flint; and
- (b) a firearm in respect of which ammunition is not commercially available and has been approved by an authorised officer as being an antique firearm; and
- (c) any other firearm of a type or class approved by an authorised officer as being an antique firearm.

**“approved club”** means a club or organisation approved pursuant to this Act for the use of schedule 2 arms.

**“approved form”** see section 145.<sup>1</sup>

**“armourer”** means a person who repairs and stores weapons in the course of the business of that person.

**“authorised officer”** means the commissioner, an executive officer or a commissioned officer each within the meaning of the *Police Service Administration Act 1990*.

**“collector”** means a person who collects or holds out as being ready to collect, whether on behalf of the collector or another person, weapons—

- (a) as curiosities or ornaments; or
- (b) for their historic or artistic value or mechanical uniqueness.

**“commissioner”** means the commissioner of the police service under the *Police Service Administration Act 1990*.

**“court”** means the Magistrates Court.

**“dealer”** means a person who, wholly or partly, carries on the business, whether or not for reward or benefit, of dealing in or with in any way weapons but does not include a theatrical ordnance supplier.

**“explosive”** means explosive within the meaning of the *Explosives Act 1952*.

**“firearm”** means—

- (a) a gun or other thing ordinarily described as a firearm; or
- (b) a thing ordinarily described as a weapon that, if used in the way for which it was designed or adapted, is capable of being aimed at a target and causing death or injury by discharging—
  - (i) a projectile; or
  - (ii) noxious, corrosive or irritant liquid, powder, gas, chemical or other substance; or
- (c) a thing that would be a firearm mentioned in paragraph (a) or (b),

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<sup>1</sup> Section 145 (Approval of forms)

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if it were not temporarily inoperable or incomplete;

but does not include—

- (d) a powerhead, explosive tool, captive bolt humane killer, spear gun, longbow or crossbow; or
- (e) a replica of a spear gun, longbow or crossbow.

*Example—*

A replica of a gun capable of causing death or injury by discharging a projectile is a firearm. However, a replica of a gun not capable of causing death or injury by discharging a projectile is not a firearm.

**“licence”** means a licence issued or renewed under this Act and in force at the material time.

**“licensed armourer”** means the person in whose name an armourer’s licence, in force at the material time, has been issued.

**“licensed collector”** means the person in whose name a collector’s licence, in force at the material time, has been issued.

**“licensed dealer”** means the person in whose name a dealer’s licence, in force at the material time, has been issued.

**“licensed theatrical ordnance supplier”** means the person in whose name a theatrical ordnance supplier’s licence, in force at a material time, has been issued.

**“licensee”** means a person in whose name a licence, in force at the material time, has been issued.

**“major component part”** of a firearm includes a part such as the receiver, body, breechbolt, frame or top slide without which the firearm would be considered inoperative or incomplete.

**“officer in charge of police”** includes a police officer of whatever rank or grade who is for the time being in charge of a police establishment.

**“paint-pellet gun”** means a weapon that discharges paint-pellet projectiles.

**“paint-pellet sports”** means games in which persons use paint-pellet guns to discharge paint-pellet projectiles at other persons or things.

**“place”** includes any vehicle.

**“police establishment”** means a police establishment for the purposes of

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the *Police Service Administration Act 1990*.

**“possession”** includes in relation to any thing—

- (a) having the thing in one’s custody;
- (b) having the thing under one’s control in any place, whether or not another has custody of the thing;
- (c) having an ability to obtain custody of the thing at will;
- (d) having a claim to custody of the thing which the claimant has committed to the custody of another, notwithstanding that the thing is temporarily not in the control of the person having such claim.

**“primary producer”** means a person (not being a person engaged in primary production as an employee on wages or piecework rates) primarily engaged in the occupation of—

- (a) dairy farmer; or
- (b) wheat, maize, or cereal grower; or
- (c) cane grower; or
- (d) fruit grower; or
- (e) grazier; or
- (f) farmer, whether engaged in general or mixed farming, cotton, potato, or vegetable growing, or poultry or pig raising;

and includes a person prescribed by regulation.

**“range”** means—

- (a) the place used by an approved club engaged in the shooting of schedule 2 weapons; or
- (b) a place which is approved under any Act or law of the Commonwealth or of this State for use in the sport of target shooting of schedule 3 weapons and which may be suitable for the use of schedule 2 weapons.

**“replica”**—

- (a) of a weapon—means a reasonable facsimile or copy of a weapon, even if it is not capable of discharging a projectile or substance; or

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- (b) of a spear gun, longbow or crossbow—means a reasonable facsimile or copy of a spear gun, longbow or crossbow even if it is not capable of discharging a projectile; or
- (c) of a thing prescribed by regulation—means anything prescribed by regulation to be a replica of the thing.

**“security guard”** means a person who, by way of carrying on a business or in the course of employment, patrols, protects, watches or guards over other persons or property of other persons but not in the course of primary production.

**“security organisation”** means an organisation which provides security guards and the services of security guards.

**“shooting gallery”** includes a place used for paint-pellet sports.

**“theatrical ordnance supplier”** means a person who, wholly or partly, carries on the business, whether or not for reward or benefit, of supplying on a temporary basis weapons for use in theatrical, film or television productions where the supplying involves no change in the ownership of the weapons.

**“vehicle”** includes any aircraft or vessel.

**“unloaded”** means—

- (a) in the case of a firearm—that the firearm cannot be readily discharged;
- (b) in the case of a firearm with a permanently fixed magazine—that the magazine is empty;
- (c) in the case of any other magazine fed firearm—that the magazine is removed from the firearm.

**“weapon”** means—

- (a) a firearm; or
- (b) an item specified in schedule 1, 2 or 3; or
- (c) a thing prescribed by regulation.

## PART 2—LICENCES

### Issue, endorsement etc. of licences

4. A licence may only be issued, endorsed as prescribed or altered by an authorised officer, or where so prescribed, an officer in charge of police.

### Limitation on issue of licence

5.(1) A licence may be issued to a natural person only if that person—

- (a) has attained the age of 17 years, or, where a provision of this Act specifies another age, that age; and
- (b) has an adequate knowledge of safety practices relating to the use and maintenance of the types of weapons to which the licence relates; and
- (c) is not disqualified under this Act from holding the licence; and
- (d) in the opinion of an authorised officer, is a fit and proper person to hold a licence.

(2) A licence may be issued in the name of a body corporate or a firm only if it is endorsed in accordance with this Act with the name of a natural person, who satisfies the requirements of subsection (1), as the representative of the body corporate or firm in the conduct of its business or affairs.

(3) In determining whether a person is a fit and proper person to hold a licence an authorised officer is to consider amongst other things—

- (a) the mental state of the person; and
- (b) whether the person has been convicted, in Queensland or elsewhere, of an offence—
  - (i) relating to the misuse of drugs; or
  - (ii) involving violence or threatened violence; and
- (c) whether the person is or has been subject to a domestic violence order, or is or has been subject to an interstate order, within the meaning of the *Domestic Violence (Family Protection) Act 1989*.



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(4) A collector's licence is to be issued only to a person who has attained the age of 18 years and if—

- (a) storage facilities that reasonably secure from unlawful entry are provided for the containing and security of any weapons that may be held under the authority of the licence and approved by an authorised officer; and
- (b) that person satisfies an authorised officer that the person is or intends to become a collector.

(5) A dealer's licence or armourer's licence may only be issued if storage and display facilities that reasonably secure from unlawful entry are provided for the containing and security of any weapons that may be held under the authority of the licence and approved by an authorised officer.

(6) A licence which authorises the use of schedule 2 weapons only at an approved shooting club may only be issued if—

- (a) the applicant has attended the prescribed number of shooting matches conducted by an approved shooting club; and
- (b) the applicant has a certificate in or to the effect of the approved form from the governing body of an approved shooting club—
  - (i) that the applicant is a financial member of the club; and
  - (ii) that the governing body has approved the use of the weapons authorised by the licence at the approved shooting club.

(7) A licence authorising the possession of firearms may be issued in the names of 2 members of the governing body of an approved shooting club on behalf of that club in respect of firearms required to be purchased, kept, possessed or used by or on behalf of the members of the club.

(8) A licence issued pursuant to subsection (7) is to specify the names and addresses of the persons who are responsible for the safekeeping of the firearms the subject of the licence when not in use by members of that club.

(9) A theatrical ordnance licence may only be issued if storage facilities that reasonably secure from unlawful entry are provided for the containing and security of any weapons or replicas that may be held under the authority of the licence and approved by an authorised officer.

**Classes of collector's licences**

**6.(1)** Collector's licences may be class A or class B licences.

**(2)** A collector's licence class A relates to—

- (a) 1 antique schedule 2 weapon; or
- (b) any other schedule 2 weapon in an inactive state.

**(3)** A matched set, brace or pair of weapons may be taken to be a weapon in subsection (2)(a) or (b).

**(4)** A collector's licence class B relates to any schedule 1, or schedule 2, weapon in an inactive state but, where a schedule 1 weapon is ammunition containing explosive (other than ammunition 20 mm in calibre or less), only if the explosive is in an inactive state and has been certified in the prescribed manner accordingly.

**Minor's licence**

**7.** Subject to this Act, an authorised officer may grant a licence to a person—

- (a) who is over 11 years of age and under 17 years of age for use of a schedule 2 weapon at an approved shooting club or for use of a schedule 3 weapon in the sport of target shooting;
- (b) who is over 13 years of age and under 17 years of age for use of a schedule 3 weapon—
  - (i) whilst actually engaged in employment in primary production; or
  - (ii) who is a member of the immediate family of and resides with a person actually engaged in primary production whilst actually carrying out duties in respect of primary production.

**Application for licence**

**8.(1)** An application for a licence is to be—

- (a) in or to the effect of the approved form; and
- (b) made personally by—

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- (i) in the case of an application by a natural person—the person; or
  - (ii) in the case of an application by a body (whether incorporated or unincorporated) or a firm—a natural person who is nominated by the body or firm for endorsement on the licence as the representative of the body or firm;
- in accordance with the regulations; and
- (c) accompanied by—
    - (i) the prescribed fee; and
    - (ii) proof of identity; and
    - (iii) such particulars as are prescribed; and
    - (iv) such other relevant particulars as the person to whom the application is made requires.

(2) An application that is made in accordance with this section is to be dealt with as prescribed.

**Inquiries into application**

**9.(1)** An officer in charge of police or authorised officer with whom an application for a licence is duly lodged may—

- (a) make or cause to be made any inquiry or investigation in respect of the applicant, the application or any person nominated as representative of the applicant; and
- (b) require, at any time prior to the determination of the application, the furnishing by the applicant or person nominated as representative of the applicant of any prescribed information, authority, certificate, form, photograph, and, if the officer suspects on reasonable grounds that the stated identity is false, for the purpose of verifying the identity of the applicant or representative, any fingerprint, palm print or footprint; and
- (c) supply any information, authority, certificate, form, photograph, fingerprint, palm print or footprint so obtained to any member of the police force of the Commonwealth or of any State or Territory for the purposes of this section; and

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- (d) require the applicant or a person nominated as representative of the applicant to undergo such written examination as may be prescribed so as to indicate the knowledge of the applicant of the safety practices relating to the use of the weapons the possession or use of which is to be authorised under the licence; and
- (e) furnish any report relevant to the applicant, the application or any person nominated as representative of the applicant; and
- (f) make such recommendation in relation to the application as the officer thinks proper.

(2) Unless the authorised officer considers that it is required for the prevention of an offence, at the determination of the application, an authorised officer is to return to the applicant or representative any fingerprint, palm print or footprint of the applicant or of the representative obtained in the course of inquiries into the application and is to destroy any record or copy thereof made therefrom.

(3) Information required to be supplied under this section may only be used for the purpose of the determination of the application or for the prosecution of an offence and is not to be disseminated for any other purpose.

**Authorised officer determines application**

**10.(1)** An authorised officer is to determine an application for a licence (not being for renewal of a licence) within a period of 28 days from the expiration of 28 days after it is duly lodged.

(2) If—

- (a) an applicant applies for a security guard's weapons licence; and
- (b) the applicant is the holder of an existing licence of another type;

an authorised officer is to determine the application for the security guard's weapons licence as soon as is practicable, but within 28 days after the application is lodged.

(3) Any matter at the disposal of an authorised officer may be considered.

(4) An authorised officer may—

- (a) approve the application subject to such conditions (if any) as the authorised officer determines and issue the licence; or
- (b) reject the application.

### **Issue of licence**

**11.(1)** A licence must—

- (a) be in or to the effect of the approved form; and
- (b) have endorsed thereon any conditions prescribed for the particular use and category of weapon the possession of which is authorised by the licence and any other conditions determined pursuant to section 10(4)(a).

**(2)** A condition or any other information required by this Act to be endorsed on a licence may be endorsed on the licence by a word the meaning of which is specified in a prescribed code.

### **Renewal of licences**

**12.(1)** A licensee may apply for the renewal of the licence within a period of 46 days commencing 60 days before the expiry date of the licence.

**(2)** An application for renewal of a licence is to be—

- (a) in or to the effect of the approved form; and
- (b) made personally by—
  - (i) in the case where the licensee is a natural person—that person; or
  - (ii) in the case where the licensee is a body whether corporate or unincorporate or a firm—a natural person who is nominated for endorsement on the licence as the representative of the body or firm;

to the officer in charge for the division of the police district in which the licensee or representative resides or carries on business; and

- (c) accompanied by the prescribed fee.

(3) An authorised officer or the officer in charge for the division of the police district in which the application is lodged is to determine an application for renewal of a licence before expiration of the licence.

(4) Any matter at the disposal of the officer may be considered.

(5) A police officer who duly receives the application may—

- (a) renew the licence subject to similar conditions (if any) to which the current licence is subject; or
- (b) refer the application and a report and recommendation thereon to an authorised officer.

(6) An authorised officer may—

- (a) approve an application subject to such conditions (if any) as the authorised officer determines and renew the licence; or
- (b) reject the application.

(7) A licence may be renewed by endorsement of the existing licence or issue of a fresh licence.

(8) Any conditions are to be endorsed on the licence.

### **Notice of refusal to issue or renew licence**

13. Where an application for or for renewal of a licence is rejected the authorised officer is to give a notice of rejection in or to the effect of the approved form stating the specific reasons for the rejection to the applicant by registered post at the address shown on the application.

### **Duration of licence**

14.(1) Subject to this Act, a licence is to be issued or renewed—

- (a) in the case of an armourer's licence, dealer's licence, collector's licence class B, theatrical ordnance supplier's licence or a licence in respect of schedule 2 weapons—for a period of not more than 5 years;
- (b) in the case of a licence in respect of schedule 3 weapons or a collector's licence class A—for an indefinite period.

(2) A licence ceases to be in force if—

- (a) it is cancelled or revoked; or
- (b) the licensee dies or becomes disqualified from holding a licence.

### **Only dealer's licence or armourer's licence transferable**

**15.(1)** Except as provided in subsection (2), a licence is not transferable.

(2) Upon the sale of a business to which a dealer's licence or armourer's licence applies, that licence may be transferred to the purchaser if, had the purchaser made application for such a licence, the licence would have been issued to the purchaser.

### **Reporting loss, destruction or theft of licence**

**16.** Where a licence is lost, destroyed or stolen the licensee, forthwith on becoming aware of the loss, destruction or theft, is to report the matter to the officer in charge for the division of the police district in which the licensee is then located.

### **Replacement licence**

**17.(1)** Where—

- (a) a licence is lost, destroyed or stolen; or
- (b) any writing or endorsement on a licence is illegible and the licence is surrendered to the officer in charge for the division of the police district in which the licensee resides;

an authorised officer may, upon application by the licensee in or to the effect of the approved form and payment of any prescribed fee issue to the licensee a replacement licence in lieu thereof.

(2) A replacement licence is to be endorsed with the words 'Replacement Licence issued in lieu of Licence No. \_\_\_\_\_' and with any current endorsement on the licence which it is replacing.

(3) Subject to this Act a replacement licence remains in force for the unexpired period of the licence which it replaces.

**Change in particulars in licence**

**18.(1)** Within 14 days of the occurrence of any event whereby any material particular contained in or endorsed upon a licence has been varied, the licensee is to deliver the licence to the officer in charge for the division of the police district in which—

- (a) in the case where the licensee is a natural person—the licensee resides; or
- (b) in the case where the licensee is a body whether corporate or unincorporate or a firm—a natural person endorsed on the licence as representative of the body or firm resides or carries on business.

**(2)** The officer in charge may, upon being satisfied of the correctness of the change, endorse the licence according to the variation and cause particulars of the variation to be forwarded to an authorised officer.

**Change of approved place**

**19.** If an authorised officer is satisfied that, in respect of a licence, a place fulfils the requirements of this Act to be approved, the authorised officer may, upon application by the licensee, approve that place in place of the current approved place and endorse the licence accordingly.

**Surrender of licence**

**20.** A licensee may at any time surrender the licence by—

- (a) giving notice of surrender in or to the effect of the approved form; and
- (b) surrendering the licence;

to an authorised officer or officer in charge for the division of the police district in which the licensee resides or carries on business.

**Revocation of licence**

**21.(1)** An authorised officer may, by a revocation notice given to a licensee revoke a licence where the authorised officer is satisfied that—



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- (a) the licence has been obtained through fraud or deception; or
  - (b) the licensee has committed an offence against any law in force in the State or any other State or Territory or the Commonwealth relating to or involving the use, carriage, discharge or possession of weapons; or
  - (c) the licensee is no longer a fit or proper person to carry out any activity authorised by the licence; or
  - (d) in the case of a licence authorising possession of a weapon specified in schedule 1 or schedule 2—the licensee no longer has good reason to possess or use a weapon of a type specified in the licence; or
  - (e) in the case of a dealer's licence, armourer's licence or theatrical ordnance supplier's licence—
    - (i) the licensed dealer, licensed armourer or licensed theatrical ordnance supplier is not in charge of the premises specified in the licence; or
    - (ii) the premises specified in the licence are no longer satisfactory for the purposes of carrying out that business; or
  - (f) in the case of a collector's licence—
    - (i) the licensed collector is no longer a bona fide collector or will no longer be in charge of the premises where the collector's weapons are usually kept; or
    - (ii) the premises where the collection is usually kept are no longer satisfactory for the safe keeping of weapons; or
  - (g) for any other reason, except the surrender or expiration of the term of the licence, the licence is void.
- (2)** A revocation notice—
- (a) is to be in or to the effect of the approved form;
  - (b) is to state—
    - (i) the specific reasons for the revocation of the licence; and
    - (ii) that the licensee is to surrender the licence to a specified police officer at a specified time and date; and

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(iii) that the licensee is to surrender every weapon held by the licensee under the authority of the licence as provided by subsection (5) at a specified time and date.

(3) A revocation notice may only have effect forthwith if it is given personally to the licensee or a person endorsed upon the licence as representing the licensee.

(4) A person who is duly given a revocation notice is to comply in every respect with the notice.

(5) Weapons to be surrendered pursuant to a revocation notice may be surrendered by—

- (a) delivery of the weapons to a police officer; or
- (b) delivery of the weapons to a member of the governing body of an approved shooting club or a licensed dealer or other person authorised under this Act to have possession of such weapons, the issue by the member, dealer or other authorised person of a receipt in or to the effect of the approved form for the weapons and delivery of the receipt, within the time specified in the notice for the surrender of the weapons, to the officer in charge for the division of the police district in which the person surrendering the weapons resides or carries on business.

(6) Upon application to an authorised officer before the expiration of the time specified for the surrender of the licence or weapons, the authorised officer may extend the time for compliance with the notice and the notice is to be construed accordingly.

**Representative of licensee**

22.(1) A licensee, or an applicant for a licence, which licence is required to enable the licensee or applicant to carry on business, may apply in or to the effect of the approved form (which may be incorporated as part of the form of application for the licence) for the licence to be endorsed in accordance with this Act with the name of a fit and proper natural person who satisfies the requirements of section 5 as the representative of the licensee at the premises or location specified in the application.

(2) On application by a licensee in or to the effect of the approved form the licence may be endorsed with the name of a fit and proper natural person

who satisfies the requirements of section 5 in place of the name of another person endorsed as representative of the licensee under this or any other section.

(3) An application under subsection (1) or (2) is to be made to the officer in charge for the division of the police district in which the relevant premises or location endorsed or to be endorsed on the licence is situated.

### **Special licensing arrangements for a visitor to Queensland**

**23.(1)** In this section—

**“reciprocating State”**, in relation to Queensland, is another State or a Territory in which a person who is a resident of Queensland—

- (a) may obtain a licence or other authority; or
- (b) is taken to be the holder of a licence or other authority;

entitling the person to possess a weapon under the law of the State or Territory merely because the person has a licence for the weapon under this Act.

**“weapon”** does not include a schedule 1 weapon.

(2) If a person who—

- (a) is not a resident of Queensland; and
- (b) is visiting, or intending to visit, Queensland;

establishes that the person is entitled, under the law of the place where the person resides, to possess a weapon of a particular type, the person may be issued with a licence for the weapon as prescribed by regulation.

(3) The licence is—

- (a) valid for the period, not longer than 3 months, specified in the licence; and
- (b) must be endorsed as a visitor’s licence.

(4) If a person who is a resident of a reciprocating State is entitled to possess a weapon in the reciprocating State under a licence or other authority issued under its law, the person, while visiting Queensland, is taken to be the holder of a licence for the weapon of the type applicable to the weapon under this Act.

(5) This section does not apply to a visitor to Queensland who, if the visitor were a resident of Queensland, would not be eligible to be issued the licence because of the visitor's age.

### **Conditions etc. of licence to be obeyed**

**24.** A licensee is—

- (a) not to contravene any; and
- (b) to comply with each;

term and condition imposed in respect of the licence.

## **PART 3—POSSESSION AND USE OF WEAPONS**

### *Division 1—General*

#### **Possession of weapons**

**25.** A person must have possession of a weapon only under the authority of a licence or with other lawful authority, justification or excuse.

Maximum penalty—

- (a) if the weapon is a firearm or thing specified in schedule 1—2 years imprisonment or 100 penalty units;
- (b) if the weapon is a firearm or thing specified in schedule 2—1 year imprisonment or 60 penalty units;
- (c) if the weapon is a firearm or thing specified in schedule 3—6 months imprisonment or 20 penalty units.

#### **Physical possession and use of weapon sometimes allowed for the purpose of training a minor**

**26.(1)** A minor over 11 years may have physical possession of and use a schedule 3 weapon in a place where it is lawful to physically possess and

use a schedule 3 weapon if—

- (a) the minor is under the direct and immediate supervision of a parent, guardian or another person who is acting in the place of a parent or guardian; and
- (b) the parent, guardian or other person is licensed to possess the weapon.

(2) A minor over 11 years may have physical possession of and use a schedule 3 weapon at an approved range for schedule 3 weapons if the minor is supervised—

- (a) directly and immediately by a range officer; or
- (b) as prescribed by regulation.

### **An unlicensed person may use a weapon at an approved range**

27.(1) This section applies to a person who is eligible to obtain a licence that authorises the possession of a weapon of a particular type, but who has not been issued with a licence in force at the material time.

(2) The person may have physical possession of and use the type of weapon at an approved range for the type of weapon if the physical possession and use of weapons at the range is supervised by a range officer.

### **Possession or use of weapon by unlicensed person in primary production sometimes allowed**

28.(1) In this section—

“**primary producer**” means a person who—

- (a) has a licence; and
- (b) usually carries out primary production on land (the “**primary producer’s land**”), even if only as an agent or employee of another person.

“**weapon**” means a schedule 3 weapon that a primary producer possesses under the authority of a licence.

(2) A person who is an agent, employee or member of the immediate family of the primary producer may physically possess or use the weapon

on the primary producer's land, even if the person does not hold a licence for that type of weapon, if the person—

- (a) assists the primary producer with primary production on the land; and
- (b) is eligible to obtain a licence to possess a schedule 3 weapon; and
- (c) only uses the weapon with the express consent of the primary producer; and
- (d) only uses the weapon in connection with carrying out primary production on the land.

### **Use of weapons by unlicensed person at shooting gallery allowed**

**29.** A person using a shooting gallery may physically possess and use a weapon allowed under the conditions of approval of the shooting gallery, even if the person is not the holder of a licence for the type of weapon.

### **Discharge of weapon on private land without owner's consent prohibited**

**30.(1)** In this section—

“**owner**” of private land includes the occupier of the land.

“**private land**” means land that is not a public place.

“**weapon**” includes a spear gun, longbow and crossbow.

**(2)** A person must not, without reasonable excuse, discharge a weapon on or across private land without the express consent of the owner.

Maximum penalty—20 penalty units or 3 months imprisonment.

**(3)** A person must not carry a weapon on private land without the express consent of the owner unless—

- (a) the person has a reasonable excuse; or
- (b) the weapon is unloaded, broken or for another reason cannot be readily discharged.

Maximum penalty—20 penalty units.

**Particular conduct involving a weapon in a public place prohibited**

**31.(1)** In this section—

“**weapon**” includes—

- (a) a spear gun, longbow, crossbow; and
- (b) a replica of a weapon; and
- (c) a replica of a thing mentioned in paragraph (a).

(2) A person must not, without reasonable excuse, carry a weapon exposed to view in a public place.

Maximum penalty—20 penalty units or 3 months imprisonment.

(3) A person must not, without reasonable excuse, carry in a public place a loaded firearm or a weapon capable of being discharged.

Maximum penalty—60 penalty units or 1 year imprisonment.

(4) A person must not, without reasonable excuse, discharge a weapon in, into, towards, over or through a public place.

Maximum penalty—100 penalty units or 2 years imprisonment.

**Dangerous conduct with weapon prohibited generally**

**32.(1)** In this section—

“**weapon**” includes—

- (a) a powerhead, explosive tool, captive bolt humane killer, spear gun, longbow, crossbow; and
- (b) a replica of a weapon; and
- (c) a replica of a thing mentioned in paragraph (a); and
- (d) an explosive.

(2) A person must not—

- (a) without reasonable excuse; and
- (b) by the physical possession or use of a weapon;

engage in conduct, alone or with another, likely to cause—

- (c) death or injury to a person; or

- (d) unlawful destruction or damage to property; or
- (e) alarm to another person.

Maximum penalty—100 penalty units or 2 years imprisonment.

### **Possession or use of weapon under the influence of liquor or a drug prohibited**

**33.(1)** In this section—

“**weapon**” includes—

- (a) a spear gun, longbow, crossbow; and
- (b) an explosive.

**(2)** A person must not have physical possession of or use a weapon if the person is under the influence of liquor or a drug.

Maximum penalty—20 penalty units.

### **Security precautions by weapons owners etc.**

**34.** A person who is the owner or has possession of a weapon is to comply in so far as it is reasonably practicable with prescribed precautions to ensure at all times that, when the weapon is not in that person’s physical possession, it is kept in a place of safety such that any other person who is not authorised or licensed under this Act will not gain possession of the weapon.

Maximum penalty—20 penalty units.

### **Alteration of identification marks**

**35.(1)** A person is not, without reasonable excuse, to deface or alter any identifying serial number or mark on a weapon.

**(2)** A person is not, without reasonable excuse, to have possession of a weapon the identifying serial number or mark of which has been defaced or altered.



**Obtaining weapons by deceit**

**36.** A person is not to obtain or gain possession of a weapon or an explosive by any deceitful or fraudulent means.

Maximum penalty—12 months imprisonment or 60 penalty units.

**Supply of weapons**

**37.** A person is not to sell or supply a weapon to a person unless that other person first produces a licence authorising possession of that weapon or that other person is otherwise authorised under this Act to have possession of that weapon.

Maximum penalty—12 months imprisonment or 60 penalty units.

**Unlawful trafficking in weapons**

**38.** A person who unlawfully carries on the business of trafficking in weapons or explosives to facilitate the commission of a crime commits a crime.

Maximum penalty—

- (a) if the offence relates to weapons or things specified in schedule 1 or schedule 2—20 years imprisonment;
- (b) if the offence relates to weapons specified in schedule 3 or to explosives—15 years imprisonment.

**Dispatch of weapons**

**39.** A person is not to dispatch any schedule 1 or schedule 2 weapon to another person except in the prescribed manner.

**Notification and recording of particulars of acquisition before possession**

**40.** A licensee, other than a licensed dealer or licensed armourer, who acquires a schedule 1 or schedule 2 weapon, is not to take possession of the weapon unless prescribed particulars of the licence and the weapon have

been supplied to and recorded by the officer in charge for the division of the police district in which the licensee resides or carries on business.

### **Possessing and acquiring non-schedule items prohibited**

**41.** A person is not, without reasonable excuse, to have possession of or acquire—

- (a) handcuffs, thumbcuffs or other similar restraints; or
- (b) nunchaku or kung-fu sticks or any similar device which consists of 2 hard non-flexible sticks, clubs, pipes or rods connected by a length of rope, cord, wire or chain constructed or designed to be used in connection with the practice of a system of self-defence and which if used offensively against a person is or are capable of causing bodily harm; or
- (c) any baton or billy club; or
- (d) any studded glove which if used offensively against a person is capable of causing bodily harm.

### ***Division 2—Dealers and armourers***

#### **Dealers to be licensed**

**42.(1)** Unless a person is a licensed dealer, that person is not to deal in weapons.

**(2)** Subsection (1) does not apply to a person, who is not disqualified from holding a dealer's licence, whilst acting as an agent or employee of a licensed dealer.

#### **Armourers to be licensed**

**43.(1)** Unless a person is a licensed dealer or licensed armourer or is otherwise authorised under this Act, that person is not to repair or store weapons in the course of business.

**(2)** Subsection (1) does not apply to a person, who is not disqualified from holding a dealer's licence or an armourer's licence, whilst acting as an

agent or employee of a licensed armourer.

(3) A licensed armourer, or the agent or employee of the licensed armourer to whom subsection (2) refers, may carry, discharge, possess, repair and store weapons on the premises specified in the licence.

### **Age of employees**

44. A licensed dealer is not to employ a person under the age of 17 years to sell, purchase or receive weapons.

### **Dealer to keep register**

45.(1) Each licensed dealer is to keep in the manner prescribed at the premises specified in the licence a register in the approved form.

(2) A licensed dealer whom an authorised officer has so requested is to deliver, within 14 days from the request, the register to an authorised officer or a police officer.

### **Annual returns by licensed dealers**

46. Before 31 July in each year each licensed dealer is to furnish in or to the effect of the approved form to an authorised officer, particulars of all schedule 1 and schedule 2 weapons held in stock as at midnight on 30 June of that year.

### **Dealer etc. to require information**

47. A person who is a licensed dealer, a licensed armourer or an agent, employee or representative of the dealer or of the armourer may only purchase from, trade with, sell to or deal in any weapon with a person who provides the dealer, armourer, agent, employee or representative with any prescribed particulars and if those particulars are recorded in the register maintained by the dealer or armourer.

### **Security precautions**

48.(1) A person who is a licensed dealer or a licensed armourer is to

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comply in so far as it is reasonably practicable with prescribed precautions to ensure the safekeeping of all weapons in that person's possession.

(2) For the purpose of determining whether a licensed dealer or licensed armourer has complied with subsection (1) regard is to be had, amongst other things, to—

- (a) the construction of premises; and
- (b) the security of premises against unauthorised entry; and
- (c) the security and safekeeping of any schedule 2 weapon; and
- (d) the facilities for any efficient bullet recovery box or bullet stop in connection with the firing or testing of any weapon.

**Licensed dealer taken to be in unlawful possession**

49. A licensed dealer who without reasonable excuse has possession of any weapon the prescribed particulars of which have not been entered in the register as prescribed in accordance with section 45 is for the purposes of section 38 to be taken to have unlawful possession of an unauthorised weapon.

*Division 3—Collectors***Collector to be licensed**

50. A person is not to collect weapons unless that person is a licensed collector in respect of the nature and type of those weapons.

**Weapons not to be discharged or operated**

51.(1) A collector is not to discharge or operate or cause or permit to be discharged or operated any weapon held or proposed to be held as a collector unless authorised to do so under a licence.

(2) A collector's licence does not authorise the discharge or operation of any weapon.

**Approval of arms fair**

**52.(1)** Subject to this Act, a person or body of persons is not to conduct an arms fair unless the conduct of the arms fair has been approved by an authorised officer.

**(2)** An authorised officer may approve the conduct of an arms fair, either unconditionally or subject to such conditions as the authorised officer may determine, in or to the effect of the approved form or may refuse an application for approval.

**(3)** An authorised officer may at any time revoke an approval given under subsection (2).

**(4)** Where approval is refused or revoked, the authorised officer is to issue a notice of refusal or revocation in or to the effect of the approved form stating the specific reasons for the refusal or revocation and forward the notice to the applicant or person to whom approval had been given by registered post to the address shown in the application.

**Application for approval**

**53.(1)** An application for approval to conduct an arms fair—

- (a) may be made by a licensed collector or an organisation representing licensed collectors; and
- (b) is to be made at least 28 days prior to the proposed date for the fair; and
- (c) is to be in or to the effect of the approved form; and
- (d) is to be accompanied—
  - (i) by the prescribed fee; and
  - (ii) such other information as may be required by an authorised officer.

**(2)** The authorised officer may make or cause to be made such inquiries in respect of the application for approval as the officer considers necessary and may approve the application in the prescribed manner as the officer may determine or may refuse the application.

**Prior possession no offence in certain circumstances**

**54.** A person who, prior to proceedings (if any) against that person under section 25, 40 or 50 being commenced in respect of that person's possession of a weapon—

- (a) sells or disposes of that weapon to a person licensed, or otherwise authorised under this Act, to possess such a weapon; or
- (b) duly applies for a collector's licence in respect of that weapon and describes that weapon;

is not guilty of any offence under those sections by reason of having possessed that weapon prior to the sale, disposing or determination of the application but, where that person has applied for a licence, only if—

- (c) that person shows that that person has not used or attempted to use the weapon; and
- (d) the application is determined by the grant of the appropriate collector's licence authorising the possession of that weapon.

**Acquisition by collectors to be notified and recorded**

**55.(1)** Before a licensed collector who lawfully acquires a weapon takes possession of the weapon, the collector is to give particulars of the weapon in or to the effect of the approved form to the officer in charge for the division of the police district in which the licensed collector resides.

**(2)** Particulars given to a police officer pursuant to subsection (1) are to be recorded in the way prescribed under the regulations.

**Deactivation of collector's weapons**

**56.(1)** In this section—

“**weapon**” does not include an antique firearm that is not a schedule 1 weapon.

**(2)** A licensed collector may only possess a weapon under the licensed collector's licence if the weapon is made inoperable by a prescribed person.

**Collector class B to keep register**

**57.(1)** Every licensed collector class B is to keep in the manner prescribed at the premises specified in the licence a collection register in or to the effect of the approved form.

(2) The register is to consist of a book in the approved form and bound to the satisfaction of an authorised officer.

(3) No page or any part of the register may be removed.

(4) In respect of every transaction relating to the purchase, sale or transfer of any weapon, the licensed collector concerned is—

(a) to enter, as soon as possible, and in any case, within 24 hours of the transaction, in the collection register the prescribed particulars; and

(b) if the transaction involves a complete or substantially complete schedule 1 or schedule 2 weapon or its major component parts—to within 14 days of the transaction notify an authorised officer in or to the effect of the approved form.

(5) An entry in a collection register is not to be altered or in any manner erased or disguised.

(6) Where, in relation to any entry in a collection register, an error is detected, the licensed collector is to strike out the particular error by a single line, make any insertion in a legible manner and initial the alteration.

(7) Upon request by an authorised officer, a licensed collector is to deliver the collection register to the authorised officer or a police officer within 14 days of the request.

**Removal of register and weapons**

**58.(1)** Except as provided in subsections (2) to (4), a licensed collector is not, without reasonable excuse, to remove any weapon or the collection register from the premises specified in the licence.

(2) Where an arms fair has been approved by an authorised officer under section 53, a licensed collector may remove weapons from the premises specified in the licence for the purpose of display or sale for the duration of the fair.

(3) At the conclusion of the fair, the licensed collector is to return the weapons that have not been sold or disposed of to another licensed collector together with any additional weapons acquired by the licensed collector, to the premises specified in the licence.

(4) A licensed collector who displays weapons at an arms fair approved by an authorised officer, is to have possession at the fair of the collection register.

### **Inspection and presentation of weapons**

**59.(1)** A collector's licence class A does not authorise the possession of a weapon to which it relates unless the licensee or applicant for the licence has presented for inspection the weapon to the officer in charge for the division of the police district in which the licensee or applicant resides.

(2) The licensee of a collector's licence class B is to permit the inspection by an authorised person or police officer of all weapons kept by the licensee at the premises specified in the licence.

(3) A licensee of a collector's licence class B who has possession of any schedule 1 weapons containing explosives is to produce to an authorised officer in respect of those weapons—

- (a) any certification required under the *Explosives Act 1952*; and
- (b) certification under this Act by a prescribed person, that the weapons are or are not—
  - (i) free from explosives; and
  - (ii) in an inactive state.

### **Transfer of collection**

**60.(1)** A licensed collector desiring to transfer the collection held under the authority of the licence from the premises specified in the licence to other premises is to lodge an application for approval in or to the effect of the approved form to the officer in charge of police for the division in the police district in which the licensed collector is then residing together with the prescribed fee.

(2) An authorised officer, after taking into account any matter at the



disposal of the authorised officer, may approve an application under subsection (1) unconditionally or subject to such conditions as the authorised officer may determine or may refuse the application.

(3) Where the application is approved, details of the replacement premises and any conditions imposed are to be endorsed on the collector's licence.

(4) In the case of sudden transfer caused by emergency, the licensed collector is within 24 hours to notify an authorised officer of the circumstances of the transfer, specifying the reasons therefor, and indicating the particulars of the licensed collector, licensed dealer or other authorised person to whom the collection has been temporarily transferred.

### **Licensed collector leaving Queensland**

**61.(1)** A licensed collector who is about to leave Queensland to reside elsewhere is, prior to leaving, to advise an authorised officer in writing of—

- (a) the date of departure; and
- (b) the proposed residence; and
- (c) what is proposed to be done regarding the collection.

(2) A licensed collector is not to move weapons to which the licence relates from the premises specified in the licence to a place outside Queensland unless an authorised officer is satisfied that the manner of transporting the weapons ensures their safekeeping whilst in Queensland.

### **Security precautions**

**62.(1)** A licensed collector class A is to take all reasonable precautions to ensure that when weapons in the collection are not in the collector's physical possession they are kept in a place of safety such that it is unlikely that an unauthorised person will gain possession of them.

(2) A licensed collector class B is to comply in so far as it is reasonably practicable with prescribed precautions to ensure the safekeeping of the collection.

(3) For the purpose of determining whether a licensed collector has complied with subsection (2) regard is to be had, amongst other things, to—

- (a) the construction of premises; and
- (b) the security of premises against unauthorised entry; and
- (c) the security and safekeeping of any weapons.

### **Licensed collector taken to be in unlawful possession**

**63.** A licensed collector who without reasonable excuse has possession of any complete or partially complete arms or major component part thereof the prescribed particulars of which have not been entered in the collection register as prescribed in accordance with section 57 is for the purposes of section 38 to be taken to have unlawful possession of an unauthorised weapon.

### *Division 4—Approved clubs*

#### **Approval of club**

**64.(1)** Subject to this Act, a person or body of persons is not to conduct a club or organisation for the sport of target shooting with schedule 2 weapons unless the club or organisation has been approved by an authorised officer as an approved club.

**(2)** An authorised officer may grant approval as an approved club either unconditionally or subject to such conditions as the authorised officer may determine in or to the effect of the prescribed form or may refuse an application for approval.

**(3)** Where an application for approval is refused the authorised officer is to issue a notice of refusal in or to the effect of the prescribed form stating the specific reasons for the refusal and forward the notice to the applicant by registered post to the address shown on the application.

#### **Approved clubs for sporting purposes only**

**65.** The general purpose of an approved club is the sport of target shooting only.

### **Application for approval**

**66.** Without limiting the powers of the Governor in Council to make regulations in relation thereto, an application for approval of a club for the purposes outlined in section 3.39 is to—

- (a) describe fully the location of the proposed range of the club or proposed club;
- (b) be accompanied by a copy of the constitution of the club or proposed club;
- (c) contain particulars of the appointed or proposed office bearers of the club;
- (d) state the names, addresses, and dates of birth of the members of the club or proposed club who are or will be entitled to use the range;
- (e) be accompanied by such other information as may be required by an authorised officer.

### **Approval of range**

**67.(1)** The members of an approved club as outlined in section 64 are not to use a place as the range of the club unless an authorised officer has approved, in writing, the situation, construction, suitability and equipment of the range having regard to the safety both of the users thereof and of the public and their property.

**(2)** An authorised officer may at any time withdraw approval given pursuant to subsection (1) by giving the president or other presiding officer of the governing body of the approved club of a notice in or to the effect of the prescribed form stating the specific reasons for the revocation.

### **Maintenance of range**

**68.** The governing body of an approved club is at all times to maintain its range in the manner and to a standard acceptable to an authorised officer.

**Modification of range**

**69.** The governing body of an approved club is not to alter, modify or permit alteration or modification of the actual firing range, butts, and firing line in any material manner without the written approval of an authorised officer in or to the effect of the prescribed form.

**Conditions relating to range**

**70.** An authorised officer may impose at any time such terms or conditions relating to the use, control, administration or management of an approved range or the preservation of the public safety or the peace of the authorised officer thinks fit and may vary or revoke the terms and conditions imposed by giving the president or other presiding officer of the governing body of the approved club a notice in or to the effect of the prescribed form which is to include the specific reasons for the variation or revocation.

**Range officers**

**71.(1)** Before any shooting occurs on a range on any day on which the approved club shooting is to take place, the governing body of the approved club is to appoint with the person's consent that person who holds an appropriate licence and is a member of or is employed by the club to be range officer for that day.

**(1A)** A governing body may appoint, in accordance with this subsection, a person to be a range officer for any period.

**(2)** A range officer—

- (a) is to be present on the range on which the shooting is to take place at all times when shooting is taking place; and
- (b) who is the range officer on any day is, before the commencement of shooting on that day, to cause the range officer's name to be displayed on a board identifying the range officer for that day and attached to the exterior of the approved club's premises on the range concerned in a prominent position; and
- (c) may exercise the authorities and powers and is to perform the function and duties of a range officer as prescribed from time to

time and may delegate all or any of these duties to any number of persons who hold the appropriate licence as may be required for the safe conduct of the range.

(3) A range officer is responsible, when any shooting is taking place during the period of appointment as range officer, for securing compliance with the provisions of this Act by all persons on the range used by the approved club concerned during the shooting.

(3A) The responsibility referred to in subsection (3) extends to furnishing a police officer, who is investigating any contravention or failure to comply with any provision of this Act, with full particulars concerning the subject matter of the investigation including the identity of each person who, to the knowledge of the range officer or delegate of the range officer, is concerned with that subject matter.

(4) The range officer and any delegates of the range officer are to ensure that every course of fire that is conducted by the approved club is conducted in compliance with recognised safety practices.

### **Practice at ranges by non-members of approved clubs**

72. The governing body of an approved club may permit a licensee to practice shooting with any weapon held under the authority of the licence at the club's range if that weapon could be so used by a member of the club.

### **Attendance register**

73.(1) There is to be kept in each approved club a register of attendance in or to the effect of the prescribed form.

(2) A licensee who is authorised to use a weapon approved for use at an approved club for the purpose of shooting on the approved range, before engaging in shooting, on each day, is to enter the prescribed particulars in the appropriate place in the register of attendance of that club.

(2A) The range officer or the delegate of the range officer is, immediately thereafter, to sign against the entry made by that licensee.

(3) A person is not to—

- (a) fail to make entry in a register or attendance as required by this section; or

- (b) make any false or fraudulent entry; or
- (c) forge any entry; or
- (d) make an entry other than on the day when it purports to have been made.

(4) A police officer who inspects a register of attendance may endorse therein or thereon such mark as the police officer considers appropriate to indicate any time, date, place, circumstance or finding of that inspection.

(5) The governing body, the range officers and delegates of the range officers are to ensure that subsections (1) to (3) are complied with.

### **Use of range by unauthorised person**

74. A person who is not authorised under this Act, is not to shoot or practice shooting of schedule 2 weapons at any range or any other place.

## *Division 6—Shooting galleries*

### **Approval of shooting galleries**

91.(1) A person is not to conduct a shooting gallery at any time without the approval of an authorised officer to conduct that gallery.

(2) An authorised officer is not to grant approval to conduct a shooting gallery unless—

- (a) the applicant for approval has attained the age of 17 years; and
- (b) the officer is satisfied that the applicant has an adequate knowledge of safety practices relating to the use of the firearms to be used at the gallery; and
- (c) in the opinion of the authorised officer—
  - (i) the applicant is a fit and proper person to conduct the gallery; and
  - (ii) the prescribed conditions and any conditions imposed by the authorised officer will be complied with.

(3) An authorised officer may grant approval to conduct a shooting

gallery subject to the prescribed conditions and to such other conditions as the officer thinks fit.

(4) An authorised officer may refuse to grant approval to conduct a shooting gallery by giving the applicant for approval a notice in or to the effect of the approved form stating the specific reasons for the refusal and forwarding the notice to the applicant by registered post to the address shown on the application.

(5) An authorised officer may revoke an approval given under subsection (3) by written notice, given to the person granted the approval, that sets out the reasons for the revocation.

### **Conditions of approval**

**92.(1)** Approval to conduct a shooting gallery is to be subject to the following conditions—

- (a) the several parts of the shooting gallery are to be designed, constructed and maintained to the satisfaction of an authorised officer;
- (b) the calibre of any firearm to be used at the shooting gallery is not to exceed .22 calibre;
- (c) ammunition used at the shooting gallery is not to be more powerful nor larger than standard .22 calibre short rifle rim-fire ammunition;
- (d) where live ammunition is to be used—
  - (i) the area between the place where the firearm is mounted and the target is to be so constructed as to prevent projectile penetration or ricochet; and
  - (ii) the firearm is to be so mounted that its barrel must remain within the confines of the gallery at all times;
- (e) at least 1 natural person specified in the approval is to—
  - (i) be physically present at the gallery at all times when it is open to the public; and
  - (ii) personally supervise the use of every firearm by each person resorting to the gallery; and

- (iii) exercise all reasonable care and precaution and give such directions as are necessary to any person to prevent danger during the use of any firearm at the gallery.

(2) Subsection (1)(b), (c) and (d) do not apply to the use of a paint-pellet gun at a shooting gallery used solely for paint-pellet sports.

### **Representative of holder of approval**

**93.(1)** The holder of or an applicant for an approval to conduct a shooting gallery may apply in or to the effect of the approved form (which may be incorporated as part of the form of application for the approval) for the approval to be endorsed in accordance with this Act with the name of a fit and proper natural person who satisfies the requirements of section 91 as the representative of the holder of the approval at the premises or location specified in the application.

(2) On application by the holder of an approval to conduct a shooting gallery in or to the effect of the approved form, the approval may be endorsed with the name of a fit and proper person who satisfies the requirements of section 91 in place of the name of another person endorsed as representative of the holder under this section.

(3) An application under subsection (1) or (2) is to be made to the officer in charge for the division of the police district in which the relevant premises or location endorsed or to be endorsed on the approval is situated.

### **Conduct of persons resorting to shooting galleries**

**94.(1)** A person resorting to or making use of a shooting gallery is not to—

- (a) point a firearm otherwise than in the direction of the target area in the shooting gallery; or
- (b) take away a firearm from the shooting gallery; or
- (c) interfere with—
  - (i) any other person resorting to or using the shooting gallery; or
  - (ii) a firearm at a shooting gallery otherwise than as directed by



any person conducting that gallery or the servant of that person; or

(iii) any part or equipment of the shooting gallery; or

(d) disobey a direction given to that person pursuant to section 92(1)(e)(iii).

(2) Subsection (1)(a), (b), (c)(i) and (ii) do not apply to the use of a paint-pellet gun at a shooting gallery used solely for paint-pellet sports.

### *Division 7—Theatrical ordnance suppliers and other associated matters*

#### **Theatrical ordnance suppliers to be licensed**

**95.(1)** Subject to this Act, a person is not to supply or have possession for the purpose of supply of any weapon or replica in the production of a theatrical, motion picture or television production without first obtaining a theatrical ordnance supplier's licence.

(2) Subsection (1) does not apply to a person not disqualified from holding a theatrical ordnance supplier's licence whilst acting as an agent or employee of a licensed theatrical ordnance supplier.

#### **Age of employees**

**96.** A licensed theatrical ordnance supplier is not to employ a person under the age of 17 years to sell, purchase, receive or deal with any weapons.

#### **Theatrical ordnance supplier to keep register**

**97.(1)** Each licensed theatrical ordnance supplier is to keep in the manner prescribed at the premises specified in the licence a register of ordnance in the approved form.

(2) The register is to consist of a book in the approved form and bound to the satisfaction of an authorised officer.

(3) No page or any part of the register may be removed.

(4) In respect of every transaction relating to the supply, purchase, rental

or transfer of any weapon, the licensed theatrical ordnance supplier concerned is to forthwith enter in the register of ordnance the prescribed particulars.

(5) An entry in a register of ordnance is not to be altered or in any manner erased or disguised.

(6) Where, in relation to any entry in a register of ordnance, an error is detected, the licensed theatrical ordnance supplier is to strike out the error by a single line, make any insertion in a legible manner and initial the alteration.

(7) Upon request by an authorised officer, a licensed theatrical ordnance supplier is to deliver the register of ordnance to the authorised officer or a police officer within 14 days of the request.

### **Weapons may be supplied for theatre, film and television productions**

**98.(1)** The holder of a theatrical ordnance supplier's licence may supply a weapon under the licence to a person only for the purpose of the person using the weapon in a theatrical, film or television production.

(2) If the licence held by a theatrical ordnance supplier only allows the licensee to supply a weapon to a specified person, or type of person, the licensee may supply a weapon only to the specified person or type of person.

Maximum penalty—10 penalty units.

### **Supervision of use of weapons in theatre, film and television productions**

**99.(1)** In this section—

“**licensee**” means a person who holds a theatrical ordnance supplier's licence.

“**personal supervision**” by a licensee means—

- (a) personal supervision by the licensee; or
- (b) personal supervision by an employee of the licensee who is eligible to obtain a theatrical ordnance supplier's licence.

(2) A licensee must, by personal supervision, ensure that a weapon

supplied by the licensee to another person under the licence is properly used.

Maximum penalty—10 penalty units.

(3) If a licensee considers that a weapon supplied by the licensee under the licence is being improperly used, the licensee must immediately take all appropriate steps—

- (a) to ensure the weapon is properly used; or
- (b) to recover the weapon.

Maximum penalty—10 penalty units.

(4) For the purpose of this section, a weapon is properly used if it—

- (a) is used only for the theatre, film and television production for which it was supplied; and
- (b) is not used in an unlawful way; and
- (c) is not used in a way that may cause death of, or injury to, any person or the unlawful destruction of, or damage to, property.

### **Removal of register and weapons**

**100.(1)** A licensed theatrical ordnance supplier is not to remove any weapon or the register of ordnance from the premises specified in the licence except in the course of business as a theatrical ordnance supplier.

(2) A licensed theatrical ordnance supplier who has possession of weapons at a place other than the premises specified in the licence is to keep a record of the disposition of ordnance in the approved form.

### **Annual returns by licensed theatrical ordnance supplier**

**101.** Before 31 July in each year each licensed theatrical ordnance supplier is to furnish in or to the effect of the approved form to an authorised officer particulars of all schedule 1 and schedule 2 weapons held in stock as at midnight on 30 June of that year.

### **Sporting, athletic, theatrical or other organisation**

**102.(1)** An authorised officer may issue a licence in respect of a

blank-fire firearm in the name of an eligible person who is a member of a sporting, athletic or theatrical organisation on behalf of that organisation.

(2) Any member of that organisation who is eligible to hold a licence but is not a licensee in respect of a blank-fire firearm may, with the authority and permission of and under the instruction of the licensee, possess or use the blank-fire firearm, the subject of the licence, in the course of the actual conduct of the organisation's activities.

(3) A licensee who ceases to hold the position within an organisation held at the time of issue of the licence in name of that person on behalf of the organisation pursuant to subsection (1), is to lodge, within 14 days of that cessation, with an authorised officer a notice in or to the effect of the approved form and the licence will be transferred to the person who succeeds the licensee in that position within the organisation if that person is eligible under this Act to hold the licence.

(4) For the purposes of this section—

“**sporting, athletic or theatrical organisation**” includes any educational institution.

### *Division 8—Security guards*

#### **Security guards to be licensed**

**103.** Subject to this Act, a person is not to have possession of any weapon whilst performing the duties of a security guard without first obtaining a security guard's weapons licence.

#### **Restrictions relating to carriage of weapons**

**104.(1)** A security guard is not to carry any weapon in the manner other than in the prescribed manner.

(2) Prior to the grant of a security guard's weapons licences to any person and from time to time during the currency of the licence as prescribed or a required by an authorised officer, that person is to undertake and successfully complete such course of training in the safe handling and use of weapons as may be prescribed.

**Security organisations to be licensed**

**105.** Unless otherwise authorised under this Act, a security organisation is not to have possession of or permit or allow any security guard within or employed by the organisation whilst performing the duties of a security guard to have possession of any weapon without first obtaining a security organisation's weapons licence.

**Security organisation to keep register**

**106.(1)** Each licensed security organisation is to keep in the manner prescribed at the premises specified in the licence a register of weapons in the approved form.

**(1A)** The register is to consist of a book in the approved form and bound to the satisfaction of an authorised officer.

**(1B)** No page or any part of the register may be removed.

**(2)** A security guard, before commencing duty on each day when the guard has physical possession of a weapon whilst performing duties as a security guard for a security organisation, is to enter prescribed particulars in the appropriate place in the register of weapons kept by the security organisation.

**(2A)** A person appointed in writing by the security organisation to supervise the keeping of the register of weapons is, immediately thereafter, to sign against the entry made by that security guard.

**(3)** A person is not to—

- (a) fail to make entry in a register of weapons as required by this section; or
- (b) make a false or fraudulent entry; or
- (c) forge any entry; or
- (d) make an entry other than on the day when it purports to have been made.

**(4)** A police officer who inspects a register of weapons may endorse therein or thereon such mark as the police officer considers appropriate to indicate any time, date, place, circumstance or finding of that inspection.

**(5)** A security organisation is to ensure that subsections (1) to (3) are

complied with.

## **PART 4—POLICE POWERS**

### **Identification**

**111.(1)** A police officer who finds any person committing or reasonably suspects any person of having committed or being about to commit any offence against this Act may demand from that person such particulars as the officer requires to identify that person (including the name and address of the person) and if the officer has reasonable grounds to suspect that the particulars given are false may require evidence of the correctness thereof.

(2) If that person unreasonably fails upon demand to give any particular or evidence required, the police officer may caution that person, and if that person persists in that failure, or gives a name or address which in the reasonable belief of the police officer is false, may arrest that person without warrant, and take that person forthwith before a court to be dealt with according to law.

(3) A person required under this section to give any particular is not to—

- (a) fail to give that particular; or
- (b) give any false particular; or
- (c) give false evidence in respect thereto.

### **Power to demand production of licence etc.**

**112.(1)** Where under this Act any person is required to be the holder of a licence, to have approval of any person or to keep any register or record, any police officer may at any time require that person to, within the prescribed period, produce to that police officer for inspection, the licence, evidence of approval, the register or record and any weapon referred to in any of them.

(2) A person is not, without reasonable excuse, to fail, within the prescribed period, to produce a licence, evidence of approval, register, record or weapon when required by a police officer.

**Search for weapons etc. subject to seizure**

**113.** A police officer may stop, detain and search—

- (a) any vehicle upon which the officer suspects on reasonable grounds that there is any weapon liable to seizure under this Act or any other Act; and
- (b) any person whom the officer suspects on reasonable grounds of being in physical possession of any weapon liable to seizure under this Act or any other Act.

**Register of searches**

**114.(1)** Where a police officer—

- (a) stops a vehicle; or
- (b) detains a person; or
- (c) enters a place;

pursuant to the provisions of this part (other than in pursuance of a warrant issued under section 118, the officer is at the first reasonable opportunity to record in a register kept in the approved form the matters following—

- (d) in the case of the stoppage of a vehicle—
  - (i) the place at which the vehicle was stopped; and
  - (ii) the reason for the stoppage; and
  - (iii) if the vehicle or anything in it is searched, the date, time and place of the search;
- (e) in the case of the detention of a person—
  - (i) the name of the person or, if it is unknown, a description of the person; and
  - (ii) the place at which the person was detained; and
  - (iii) the date, time and length of detention; and
  - (iv) the reason for the detention; and
  - (v) if the person is searched, where the search took place;
- (f) in the case of the entry of a place—

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- (i) the identification of the place; and
  - (ii) the date and time of entry; and
  - (iii) the reason why a warrant was not obtained;
- (g) in the case of the search of a vehicle, person or, as the case may be, place—
- (i) who or what was searched; and
  - (ii) the reason for the search; and
  - (iii) a description of anything that was taken away;
- (h) in any such case—the name, rank and number (if any) in the police service of the police officer and the officer's signature.

(2) Any entries made in the register are to be available for inspection by—

- (a) the owner of the vehicle or thing; or
- (b) the person; or
- (c) the occupier of the place;

to which or, as the case may be, to whom they relate or that person's agent.

(3) Failure to make the entries referred to in subsection (1) in relation to the stoppage of a vehicle, the detention of a person or, as the case may be, the entry of a place or to make them available for inspection as required by subsection (2) is prima facie evidence that the stoppage, detention or, as the case may be, entry and any search made pursuant to the stoppage, detention or entry were unlawful.

### **Powers in dangerous situations**

**115.** Where a police officer suspects on reasonable grounds that a person is in premises or any place and has possession of and is using or threatening to use any weapon or any other thing in circumstances such that death or injury to any person is or is likely to be caused, whether or not any other person is actually present, the police officer and all persons acting in aid of the police officer may, using such force as is necessary for that purpose, without any warrant other than this section—

- (a) enter any premises or place; and



- (b) detain any person found there for such time as is reasonably necessary for the police officer to establish whether an offence has been committed; and
- (c) search the premises or place and every person found there; and
- (d) seize and detain any weapon or other thing which may be found on the premises or place or on any such person.

### **Powers in respect to premises specified in licences or approvals under Act**

**116.** Any police officer may—

- (a) at any reasonable time enter and remain on—
  - (i) the premises of an approved shooting club or a shooting club that is required to hold a shooting club permit; or
  - (ii) the premises of a shooting gallery; or
  - (iii) a range; or
  - (iv) the premises of a collector, dealer, armourer or theatrical ordnance supplier; or
- (b) inspect, examine and test any weapon found there; or
- (c) inspect, examine and test any place, premises, equipment or materials of construction thereof; or
- (d) inspect any record, licence, approval, register or other writing and take such copies of extracts therefrom as the police officer desires;

and may make such other examination or inquiry as the police officer considers necessary to establish whether the provisions of this Act or of any licence, approval or exemption granted under this Act are being complied with.

### **Search**

**117.** When any police officer lawfully in any premises or place finds any person in or on those premises or that place under such circumstances that the police officer has reasonable grounds to suspect that the person is in possession of any weapon, licence or register in contravention of this Act,

the police officer and all persons acting in aid of the police officer, using such force as is necessary, may search and, for that purpose, detain the person and possessions of the person so found and search the premises or place in which that person is found.

### **Search warrant**

**118.(1)** Upon complaint on oath before any justice by any police officer, that the police officer believes that anything is, or is in the possession of any person, in or upon any place or premises, contrary to any provision of this Act, the justice may grant a warrant to any police officer to enter, re-enter and search the place or premises, and search any person found therein or thereon.

**(2)** The complaint is to specify the facts and reasons for the police officer's belief and the justice may determine the matter after consideration only of those facts and reasons.

**(3)** A warrant may be executed at any time and is sufficient authority for any police officer and for all persons acting in aid of the police officer—

- (a) to enter and re-enter the place or premises specified in the warrant; and
- (b) to search that place or premises and any person found there; and
- (c) to exercise therein the powers conferred upon a police officer by this Act; and
- (d) to use such force as may be necessary to perform any of the things referred to herein; and
- (e) to pass through, from, over and along any other place for the purpose of making that entry or re-entry.

**(4)** For the purpose of gaining entry or re-entry to any place or premises or to search any place, premises or person a police officer may call to the police officer's aid such persons as the police officer thinks necessary and those persons, while acting in aid of that police officer in the lawful exercise of the powers of entry and search have a like power of entry, re-entry and search.

**Seizure and retention of weapons etc.**

**119.(1)** A police officer may seize and retain a thing mentioned in subsection (2) if the police officer—

- (a) suspects, on reasonable grounds, that—
  - (i) an offence against this Act has been, is being or is about to be committed; and
  - (ii) the thing may have been, or may be, used or otherwise involved in the commission of the offence; or
- (b) believes on reasonable grounds that the thing will provide evidence of the commission of an offence against this Act.

**(2)** Subsection (1) applies to the following—

- (a) a weapon;
- (b) a replica of a weapon;
- (c) a powerhead, explosive tool, captive bolt humane killer, spear gun, longbow or crossbow;
- (d) a replica of a spear gun, longbow or crossbow;
- (e) ammunition;
- (f) a licence;
- (g) a book or register;
- (h) a thing mentioned in section 41.

**(3)** A police officer who removes, seizes or retains anything pursuant to the provisions of this part is, wherever practical, to deliver or cause to be delivered within a reasonable time to—

- (a) the owner of the thing; or
- (b) if the owner of the thing is unknown, the person from whose possession the thing was removed, seized or retained;

a written receipt containing details of—

- (c) the name, rank, station and number (if any) in the police service of the police officer removing, seizing or retaining the thing; and
- (d) the address of the police establishment or other place in which the

thing removed, seized or retained is or is to be held; and

- (e) a brief description of the thing.

### **Power of arrest**

**120.** A police officer who believes on reasonable grounds that—

- (a) a person has committed or has attempted to commit an offence against this Act; and
- (b) proceedings by way of complaint and summons against that person would be ineffective;

may, without any warrant other than this Act, arrest that person.

### **Fingerprints etc.**

**121.(1)** Where a person is arrested on a charge of having committed an offence defined in this Act a police officer may take or cause to be taken from that person all such particulars as the officer considers on reasonable grounds to be necessary for the identification of that person or the investigation of an offence including the voice print, photograph, fingerprints, palm prints, footprints and toe prints and handwriting of that person and, except in the case of voice prints and handwriting, may use such force as is necessary to obtain those particulars.

**(2)** In the event of a person being acquitted of an offence defined in this Act, the charge being withdrawn or dismissed or the defendant being absolutely discharged, any particulars obtained pursuant to subsection (1), are to be destroyed within 28 days of that event.

## **PART 5—APPEALS**

### **Right to appeal against decisions**

**122.(1)** This section applies to the following decisions—

- (a) a decision refusing an application for a licence, permit, approval

or other authority under this Act;

- (b) a decision refusing to accept the nomination of a person by an applicant for a shooting club permit;
- (c) a decision refusing to accept a nominee notice under section 71;
- (d) a decision imposing or amending a condition applying to a licence, permit, approval or other authority under this Act;
- (e) a decision revoking or suspending a licence, permit, approval or other authority under this Act.

(2) A person aggrieved by a decision to which this section applies may appeal against the decision.

(3) The appeal may be made to the Magistrates Court nearest the place where the appellant resides or carries on, or proposes to carry on, the business or activity which the decision affects.

### **How to start appeal**

**123.(1)** An appeal is started by—

- (a) filing a written notice of appeal with the clerk of the court of the Magistrates Court; and
- (b) serving a copy of the notice on an authorised officer.

(2) The notice of appeal must be filed within 28 days after the appellant receives notice of the decision appealed against.

(3) The court may at any time extend the period for filing the notice of appeal.

(4) The notice of appeal must state the grounds of the appeal.

### **Effect of appeal on decision**

**124.** An appeal against a decision does not affect the decision, subject to—

- (a) section 125 (Appellant may carry on business pending appeal); and
- (b) section 126 (Stay of operation of decision).

**Appellant may carry on business pending appeal**

**125.** A person who appeals against—

- (a) the refusal to renew a dealer's licence, armourer's licence or theatrical ordnance supplier's licence; or
- (b) the revocation of a dealer's licence, armourer's licence or theatrical ordnance supplier's licence;

is entitled, until the appeal is decided, to carry on business as if the licence had been renewed or had not been revoked.

**Stay of operation of decision**

**126.(1)** The court has power to grant a stay of a decision appealed against for the purpose of securing the effectiveness of the appeal.

**(2)** A stay—

- (a) may be granted on conditions that the court considers appropriate; and
- (b) has effect for the period specified by the court; and
- (c) may be revoked or amended by the court.

**(3)** The period of a stay specified by the court must not extend past the time when the court decides the appeal.

**Hearing procedures**

**127.(1)** An appeal is to be by way of rehearing, unaffected by the decision appealed against.

**(2)** In deciding an appeal, the court—

- (a) is not bound by the rules of evidence; and
- (b) must observe natural justice; and
- (c) may hear the appeal in court or chambers.

**Powers of court on appeal**

**128.(1)** In deciding an appeal, the court may—

- (a) confirm the decision appealed against; or
- (b) set aside the decision and substitute another decision; or
- (c) set aside the decision and return the matter to an authorised officer with directions that the court considers appropriate.

**(2)** In substituting another decision, the court has the same powers as an authorised officer.

*Example—*

The court may decide that an unsuccessful applicant for a licence be granted the licence either unconditionally or on particular conditions.

**(3)** If the court substitutes another decision, the substituted decision is taken, for the purposes of this Act, to be an authorised officer's decision.

**Appeal to District Court on questions of law only**

**129.** A party aggrieved by the decision of the court may appeal to a District Court, but only on a question of law.

**PART 6—MISCELLANEOUS****Retention and disposal of weapons in police custody**

**130.(1)** Any weapon or other thing held by or in the custody of any police officer pursuant to this Act (whether or not the officer came into possession thereof before or after the commencement of this Act)—

- (a) may be retained by any police officer until it is disposed of pursuant to paragraph (b) or (c); or
- (b) may be delivered at any time after the appointed day—
  - (i) if any authorised officer is satisfied that some person is the owner, or would be entitled to possession if that person complies with the provisions of this Act—

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- (A) to the owner or person entitled to possession; or
  - (B) if the owner or person entitled to possession nominates some other person to have possession, to that other person; or
- (ii) if a court order is made for the delivery thereof to any person pursuant to the *Justices Act 1886*, section 39—to that person; if that person shows to the satisfaction of the police officer who holds or has custody thereof that that person is authorised to have possession of a weapon of that class; or
- (c) if it has not been delivered to any person pursuant to paragraph (b) within 3 months of the appointed day or such longer period as the commissioner may determine in a particular case—is to be forfeited to the Crown.

(2) The provisions of subsection (1)(b) do not apply to any weapon or any other thing which has been forfeited or ordered to be forfeited to the Crown pursuant to this or any other Act or law.

(3) Where a person charged or indicted with an offence against this Act is not convicted of any offence on that charge or indictment, the court before which that person is charged or indicted may order that any weapon or thing found in the possession of that person at or about the time of the alleged commission of the offence or the time of that person being charged with the offence be forfeited to the Crown and anything in respect of which the order is made thereby is forfeited accordingly.

(4) For the purposes of this section the appointed day is—

- (a) in the case of any weapon or other thing held or in custody in relation to any contravention or suspected contravention of any provision of this Act—
  - (i) the time of the final determination of all proceedings in respect thereto; or
  - (ii) the expiration of 6 months from the date when the weapon or other thing came into the possession or custody of the police officer;whichever is the later to occur; or
- (b) in any other case, the date when the weapon or other thing comes



into the possession or custody of a police officer.

(5) Anything forfeited pursuant to this Act may be taken and disposed of as the commissioner directs, subject to the *Explosives Act 1952*, and for that purpose any police officer may, with such assistants and by such means as is necessary, enter upon any premises upon which the officer knows or suspects the thing so forfeited to be.

### **Disqualification by a court**

**131.(1)** Where a person is convicted of an offence or is the subject of any order against the law of the State, the court may, in addition to any other penalty imposed by that law, do any 1 or more of the following—

- (a) declare any licence or approval held by the person convicted to be revoked;
- (b) disqualify the person from holding or obtaining a licence or approval or from being a representative of a licensee or holder of approval under this Act for a period specified by the court;
- (c) order that any weapon, ammunition, powerhead, explosive tool, captive bolt humane killer, spear gun, longbow or crossbow owned or in the possession of that person is forfeited to the Crown.

(2) A declaration under subsection (1)(a) has effect to revoke the licence specified in the declaration.

### **Offences generally**

**132.** A person who contravenes or fails to comply with a provision of this Act commits an offence against this Act and if a specific penalty is not otherwise provided is liable—

- (a) for a first offence—to a penalty of 10 penalty units; and
- (b) for a second or subsequent offence—to a penalty of 60 penalty units or 12 months imprisonment.

**Fraud and unlawful possession of licence etc.**

**133.(1)** A person is not—

- (a) without reasonable excuse, to have possession of—
  - (i) a licence; or
  - (ii) anything resembling a licence; or
  - (iii) any document which was formerly a licence but which is void, cancelled, suspended or surrendered;
- (b) without reasonable excuse, to lend, or permit or allow to be used any licence issued in that person's name by any other person;
- (c) unless authorised by or under this Act, to make or attempt to make or cause, permit or allow to be made any endorsement on or addition or alteration to or erasure from a licence or any approval under this Act.

**(2)** A licence or approval obtained by any false statement or misrepresentation is null and void.

**False or misleading information**

**134.(1)** In this section—

**“application”** means an application for a licence, permit, approval or other authority under this Act.

**“notice”** means a notice under section 73 or 83.

**(2)** A person must not—

- (a) state anything in or in connection with an application, or in response to a notice, that the person knows is false or misleading in a material particular; or
- (b) omit from a statement made in or in connection with an application, or in response to a notice, anything without which the statement is, to the person's knowledge, false or misleading in a material particular.

Maximum penalty—20 penalty units.

**(3)** A complaint against a person for an offence against subsection (2)(a)

or (b) is sufficient if it states that the statement was false or misleading to the person's knowledge.

### **Criminal Code to be read with Act**

**135.** The Criminal Code, with all necessary adaptations, is to be read and construed with this Act.

### **Allegation and proof of circumstances of aggravation**

**136.(1)** If any circumstance of aggravation is intended to be relied upon in respect of an offence defined in this Act it must be charged in the complaint that alleges that offence.

**(2)** Upon a complaint charging a person with an offence committed with any circumstance of aggravation the defendant may be convicted of any offence that is established by the evidence and that is constituted by an act or omission that is an element of the offence charged, with or without the circumstance of aggravation charged in the complaint.

### **Proceedings for offences**

**137.(1)** Subject to this Act, all offences against this Act may be prosecuted in a summary way under the *Justices Act 1886* upon the complaint of a member of the police force and shall be brought within 12 months after the offence is committed.

**(2)** Notwithstanding this Act or any other Act, in a proceeding on a complaint the court may make an order on any matter within its jurisdiction though no application is made in respect thereof.

### **Person other than offender liable to penalties**

**138.** Where an offence against this Act is committed by a body or association of persons whether incorporated or unincorporated every person who is a member of the governing body of that body or association and, in the case of a body or an association that is incorporated, the managing director, director, manager or other governing officer by whatever name called is to be taken to have committed the offence and may be prosecuted

in respect of the offence unless that person proves that—

- (a) the offence was committed without knowledge of that person; and
- (b) that person had used all due diligence to prevent the commission of such an offence.

### **Evidentiary provisions**

**139.(1)** In a proceeding for the purposes of this Act—

- (a) it is not necessary to prove the appointment of the Minister, the commissioner, an authorised officer, a commissioned officer or any other police officer to do any act or take any proceedings; and
- (b) a signature purporting to be that of the Minister, the commissioner or any other police officer is to be taken to be the signature it purports to be until the contrary is proved; and
- (c) a statement in a complaint under the *Justices Act 1886* of any of the following matters is evidence of the matter—
  - (i) a place is or is not an approved range;
  - (ii) a club or an organisation is or is not an approved shooting club;
  - (iii) a person is or is not of a particular age;
  - (iv) a person was, or was not, the holder of a specified licence, permit, approval or other approval issued or granted under this Act at or during a specified time; and
- (d) a certificate purporting to be signed by an authorised officer stating any of the following matters is evidence of the matter—
  - (i) a specified document is a licence, permit or approval or other document issued or granted under this Act or a copy of the document;
  - (ii) at or during a specified time, in relation to a place, person, club or organisation there was or was not a specified licence, permit, approval or other authority issued or granted under this Act;
  - (iii) a licence, permit, approval or other authority granted or

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issued under this Act was subject to the terms, conditions or restrictions stated in the document; and

- (e) every entry in any book or register kept by or belonging to any person pursuant to this Act or found on premises of that person are to be taken, unless the contrary is shown, to have been made by or with the authority of that person; and
- (f) proof of any exemption from any provision of this Act is upon the person who relies thereon; and
- (g) where the age of any person is material, the court may decide, upon its own view and judgement, whether any person charged or present before it has or has not attained any prescribed age but the age of that person may be proved by other means.

(2) Where, in respect of a proceeding for an offence against this Act, a copy of a document purporting to be signed by a police officer stating—

- (a) the qualifications and experience of that officer; and
- (b) that the officer has been appointed by the commissioner as an approved officer; and
- (c) that at a specified time any article, weapon or other thing—
  - (i) did or did not bear any identification mark or number;
  - (ii) has had altered, defaced or removed therefrom any identification mark or number;
  - (iii) was or was not a weapon of a particular type;
  - (iv) was a weapon or other thing that had or had not been rendered inoperable;

is served upon the person charged with the offence at least 14 clear days before the hearing of the complaint then the document, a copy of which has been so served, on its production in the proceeding is sufficient evidence of the facts stated therein unless the person charged gives notice in writing in or to the effect of the approved form to the complainant at least 3 clear days before the hearing of the complaint requiring the calling of the police officer as a witness.

(3) Notwithstanding that a person charged with an offence has failed to give the notice as prescribed in subsection (2), the court may, in the interest

of justice, order the police officer to be called and may grant any necessary adjournment accordingly.

(4) Unless the tribunal of fact considers the interests of justice require that opinion evidence be given, the tribunal of fact may decide whether a thing produced to it, and examined by it, is 1 of the following without the assistance of opinion evidence—

- (a) a weapon;
- (b) a particular type of weapon;
- (c) a power head, explosive tool, captive bolt humane killer, spear gun, longbow or crossbow;
- (d) a replica of a weapon;
- (e) a firearm;
- (f) a thing mentioned in section 41.

### **Service of notice, orders etc.**

**140.(1)** Any order, notice or other document issued pursuant to this Act is properly given upon the person to whom it is directed if it is served in accordance with this section, that is to say—

- (a) by delivering a copy thereof to the person personally; or
- (b) if the person cannot reasonably be found—by leaving a copy thereof with some person for the person at that person's usual place of business or residence or at the place of business or residence last known to the person who serves the order or document; or
- (c) by posting by registered post a copy thereof addressed to the person at that person's place of business or residence last known to the person who issued the order at least 14 days before the date on which the notice or document is to take effect.

(2) When an order, notice or document is served, the person who serves it may attend before a justice and depose on oath and in writing endorse on a copy of the order, notice or document to the manner of service thereof showing therein the date of personal delivery, leaving or posting, as the case may be, of the order, notice or document.

(3) Every such deposition is, upon production in any court, evidence of the matters contained therein and sufficient proof of the service of the order, notice or document on the person to whom it was directed.

(4) Service of any order, notice or document issued pursuant to this Act upon any unincorporated body or association of persons is properly served if it is served in accordance with this section upon the person who is for the time being the secretary or president (by whatever name such office is called) of that club or association.

### **Liability for tort generally**

**141.(1)** The Crown is liable for a tort committed by any police officer acting, or purporting to act, in the execution of duty as a police officer under this Act in like manner as an employer is liable for tort committed by the employer's servant in the course of employment.

(2) The Crown is to be treated for all purposes as a joint tortfeasor with the police officer who committed the tort.

(3) In no case does the Crown's liability for a tort committed by any police officer extend to a liability to pay damages in the nature of punitive damages.

(4) In proceedings upon a claim by the Crown for damages in respect of a tort, actions done or omissions made by an officer acting, or purporting to act, in the execution of duty as a police officer under this Act may be relied on by the Crown as constituting contributory negligence, if the actions or omissions could have been so relied on if they had been done or made by a servant of the Crown in the course of employment.

(5) For the purposes of this section, an action done or omission made by a police officer acting, or purporting to act, in the capacity of a constable is taken to have been done or made by the officer acting, or purporting to act, in the execution of duty as an officer.

(6) If a police officer incurs liability in law for a tort committed by the police officer in the course of rendering assistance, directly or indirectly, to a person suffering, or apparently suffering, from illness or injury in circumstances that the officer reasonably considers to constitute an emergency, and if the officer acted therein in good faith and without gross negligence, the Crown is to indemnify and keep indemnified the officer in

respect of that liability.

### **Payment and recovery of damages**

**142.(1)** The Crown may pay—

- (a) the whole or part of damages, other than damages in the nature of punitive damages, and costs awarded against any police officer in proceedings with respect to a tort committed by the police officer acting, or purporting to act, in the execution of duty under this Act; and
- (b) the whole or part of costs incurred, and not recovered, by the police officer in the proceedings.

(2) If any police officer is liable to pay a sum under a settlement of a claim that has, or might have, given rise to proceedings such as are referred to in subsection (1), the Crown may pay the whole or part of the sum.

(3) Except as provided by section 141(6), if the Crown has paid moneys by way of damages or costs in respect of a tort committed by any police officer or has paid moneys under a settlement referred to in subsection (2), the Crown may recover, in a court of competent jurisdiction, contribution from the police officer in respect of that payment.

(4) In proceedings for contribution under subsection (3) the amount of contribution recoverable is such amount as is found by the court to be just and equitable in the circumstances.

### **Provision of legal representation**

**143.(1)** The commissioner may provide legal representation on behalf of any police officer against whom any action, claim or demand or proceeding in respect of an offence is brought or made otherwise than by or on behalf of the Crown in any of its capacities on account of any action done or omission made by the police officer acting, or purporting to act, in the execution of duty under this Act.

(2) If it is found, or conceded, in relation to any such action, claim, demand or proceeding that the police officer was not acting in the execution of duty in doing the action or making the omission on which the action, claim, demand or proceeding is based, the commissioner may recover from



the police officer the amount of costs and expenses incurred by the commissioner in providing legal representation under subsection (1) in any court of competent jurisdiction as a debt due and payable by the police officer to the commissioner and unpaid.

### **Fees and penalties**

**144.** All fees paid and all penalties recovered and costs incurred in relation to proceedings under this Act are to be paid and are hereby payable as prescribed by the regulations.

### **Approval of forms**

**145.** The commissioner may approve forms for use under this Act.

### **Regulations**

**146.(1)** The Governor in Council may make regulations for the purposes of this Act.

(2) The Governor in Council may make regulations with respect to the matters mentioned in schedule 4.

(3) A regulation may provide for an offence punishable by a maximum penalty of 10 penalty units.

### **Transitional provision about forms**

**147.(1)** This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

(2) Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

(3) This section expires 6 months after it commences.



**SCHEDULE 1****RESTRICTED WEAPONS**

1. Machine guns and submachine guns being any firearm or any major component thereof which is fully automatic in its operation and actuated by energy developed when it is being fired. Any non-firing replica or non-firing facsimile of a machine gun or submachine gun.
2. Any clothing, apparel, accessory or article designed to disguise any weapon or other cutting or piercing instrument capable of causing bodily harm.
3. Anti-personnel gases and anti-personnel substances of a corrosive, noxious or irritant nature or that are capable of causing bodily harm, and any weapon capable of discharging such gases or substances by any means whatever.
4. Acoustical anti-personnel devices of such an intensity as to be capable of causing bodily harm.
5. Electrical anti-personnel devices of such an intensity as to be capable of causing bodily harm.
6. Hand grenades and anti-personnel mines.
7. Rocket launchers, recoilless rifles, anti-tank rifles, and bazooka or RPG type launchers.
8. Any knife so designed or constructed so as to be used as a weapon that whilst the knife is held in 1 hand, the blade may be released by that hand.
9. Any clothing, apparel, adornment, or accessory designed for use as a weapon or a cutting or piercing instrument capable of causing bodily harm.
10. Mortars and their ammunition, all artillery and their ammunition, any bomb or other explosive or incendiary or inflammable device containing any substance capable of causing bodily harm or damage or injury to property.
11. Any crossbow designed to be discharged by the use of 1 hand (not

## SCHEDULE 1 (continued)

being a toy pistol crossbow) which when discharged is capable of causing damage or injury to property or capable of causing bodily harm.

12. Bullet proof vests or protective body vests or body armour designed to prevent the penetration of small arms projectiles.
13. Any device constructed or designed as a telescopic baton, not being a toy baton, which if used is capable of causing bodily harm.
14. A chinese throwing iron being a hard non-flexible plate having 3 or more radiating points with 1 or more sharp edges in the shape of a polygon, trefoil, cross, star, diamond or geometric shape and constructed or designed to be thrown as a weapon.
15. Flails or similar devices constructed and designed as a weapon consisting of in part a striking head which device if used offensively is capable of causing bodily harm.
16. A device known as a 'manrikiguisari' or 'kusari'', consisting of a length of rope, cord, wire or chain fastened at each end to a geometrically shaped weight or handgrip and constructed or designed for use as a weapon.
17. A device known as a knuckleduster or any device made or adapted for use as such and which if used offensively against a person is capable of causing bodily harm.
18. A sap glove.
19. A mace or any similar article (other than a ceremonial mace made for and used solely as a symbol of authority on ceremonial occasions).
20. Any tracer, explosive, incendiary, lachrymatory, plastic coated shedding and armour piercing ammunition excluding—
  - (a) Remington brand accelerator cartridges and similar cartridges; and
  - (b) bird-fright shotgun ammunition.
21. A silencer or other device or contrivance made or used, or capable of being used or intended to be used, for the purpose of reducing the sound caused by discharging a firearm.

## **SCHEDULE 2**

### **REGISTERED WEAPONS**

1. All firearms or blank-fire firearms under 75 cm in length.
2. Conversion units being any unit or device or barrel which is capable of being used for converting any firearm described in this schedule from one calibre to another calibre.

**SCHEDULE 3****UNRESTRICTED WEAPONS**

1. All firearms not in schedule 1 or schedule 2.
2. A miniature cannon under 120 cm in barrel length that is a black powder and muzzle loading cannon, depicting a scale model of an historical artillery piece or naval gun.

## **SCHEDULE 4**

### **SUBJECT MATTER FOR REGULATIONS**

section 145

#### **Functions, powers and duties**

1. The discharge of any function, the exercise of any power and the performance of any duty by any person appointed under this Act.

#### **Instruments**

2. The forms required or authorised in respect of any matter under this Act.

#### **Fees etc.**

3. The fees or other amounts payable in respect of any matter under this Act.

#### **Qualifications and appointments**

4. The qualifications required before a person is appointed or approved under this Act.

#### **Funds**

5. The funds to which fees and other amounts are payable under this Act and the purposes in respect of which those funds may be expended.

## ENDNOTES

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 23 February 1996. Future amendments of the Weapons Act 1990 may be made in accordance with this reprint under the Reprints Act 1992, section 49.



### 3 Key

#### Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

This reprint has been renumbered—see table of renumbered provisions in endnote 9

### 4 List of legislation

#### **Weapons Act 1990 No. 71**

date of assent 19 September 1990

ss 1–2 commenced on date of assent

ss 2–3, 4–5, 7–9, 10(3)–(4), 11–18, 20–22, 24, 111–112, 122, 133, 137–142, 144–145, schs 1–3 commenced 1 January 1991 (proc pubd gaz 22 December 1990 p 2275)

ss 26, 34 commenced 16 March 1991 (proc pubd gaz 16 March 1991 p 1463)

remaining provisions commenced 1 January 1992 (1991 SL No. 183)

as amended by—

#### **Statute Law (Miscellaneous Provisions) Act 1991 No. 97 ss 1–2, 3 sch 1**

date of assent 17 December 1991

commenced on date of assent

#### **Weapons Amendment Act 1994 No. 13**

date of assent 27 April 1994

ss 6(1) (so far as it omits definitions “approved club” and “range”), 6(2) (so far as it inserts definitions “approved range”, “approved shooting club”, “range officer”, “range operator”, “security guard’s weapons licence”, “shooting club” and “shooting club permit”), 12, 17, 25 not yet proclaimed into force  
 remaining provisions commenced 24 March 1995 (1995 SL No. 60)

**Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1**

date of assent 28 November 1995

commenced on date of assent

**Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1**

date of assent 28 November 1995

commenced on date of assent

## 5 List of annotations

### Commencement

s 1.2 om R1 (see RA s 37)

### Repeals

s 1.3 om 1994 No. 13 s 4

### Savings and transitional

s 1.4 om 1994 No. 13 s 4

### Application of Act

s 2 amd 1991 No. 97 s 3 sch 1; 1994 No. 13 s 5

### Definitions

prov hdg sub 1995 No. 58 s 4 sch 1

s 3 def “**approved club**” om 1994 No. 13 s 6(1)def “**approved form**” ins 1994 No. 13 s 6(2)

sub 1995 No. 58 s 4 sch 1

def “**approved range**” ins 1994 No. 13 s 6(2)def “**approved shooting club**” ins 1994 No. 13 s 6(2)def “**commissioner**” sub 1994 No. 13 s 6def “**court**” ins 1994 No. 13 s 6def “**firearm**” sub 1994 No. 13 s 6def “**Minister**” om 1991 No. 97 s 3 sch 1def “**officer in charge of police**” amd 1994 No. 13 s 6(3)def “**paint-pellet gun**” ins 1994 No. 13 s 6(2)def “**paint-pellet sports**” ins 1994 No. 13 s 6(2)def “**police officer**” om 1994 No. 13 s 6(1)def “**primary producer**” amd 1994 No. 13 s 6(4)def “**range**” om 1994 No. 13 s 6(1)def “**range officer**” ins 1994 No. 13 s 6(2)def “**range operator**” ins 1994 No. 13 s 6(2)def “**replica**” sub 1994 No. 13 s 6def “**security guard’s weapons licence**” ins 1994 No. 13 s 6(2)def “**shooting club**” ins 1994 No. 13 s 6(2)def “**shooting club permit**” ins 1994 No. 13 s 6(2)def “**shooting gallery**” ins 1994 No. 13 s 6(2)def “**unlawfully**” om 1991 No. 97 s 3 sch 1def “**weapon**” sub 1994 No. 13 s 6

### Limitation on issue of licence

s 5 amd 1991 No. 97 s 3 sch 1; 1994 No. 13 ss 7, 3 sch

**Minor's licence**

s 7 amd 1994 No. 13 s 3 sch

**Application for licence**

s 8 amd 1991 No. 97 s 3 sch 1; 1994 No. 13 s 3 sch

**Authorised officer determines application**

s 10 amd 1994 No. 13 s 8

**Issue of licence**

s 11 amd 1991 No. 97 s 3 sch 1; 1994 No. 13 s 3 sch

**Renewal of licences**

s 12 amd 1994 No. 13 s 3 sch

**Notice of refusal to issue or renew licence**

s 13 amd 1994 No. 13 s 3 sch

**Replacement licence**

s 17 amd 1994 No. 13 s 3 sch

**Surrender of licence**

s 20 amd 1994 No. 13 s 3 sch

**Revocation of licence**

s 21 amd 1994 No. 13 s 3 sch

**Representative of licensee**

s 22 amd 1994 No. 13 s 3 sch

**Special licensing arrangements for a visitor to Queensland**

s 23 sub 1994 No. 13 s 9

**Possession of weapons**

s 25 amd 1991 No. 97 s 3 sch 1

**Physical possession and use of weapon sometimes allowed for the purpose of training a minor**

s 26 sub 1994 No. 13 s 10

**An unlicensed person may use a weapon at an approved range**

s 27 sub 1994 No. 13 s 10

**Possession or use of weapon by unlicensed person in primary production sometimes allowed**

s 28 sub 1994 No. 13 s 10

**Use of weapons by unlicensed person at shooting gallery allowed**

s 29 sub 1994 No. 13 s 10

**Discharge of weapon on private land without owner's consent prohibited**

s 30 sub 1994 No. 13 s 10

**Particular conduct involving a weapon in a public place prohibited**

s 31 sub 1994 No. 13 s 10

**Dangerous conduct with weapon prohibited generally**

s 32 ins 1994 No. 13 s 10

**Possession or use of weapon under the influence of liquor or a drug prohibited**

s 33 ins 1994 No. 13 s 10

**Possessing and acquiring non-schedule items prohibited**

prov hdg s 41 sub 1994 No. 13 s 3 sch

**Dealer to keep register**

s 45 amd 1994 No. 13 s 3 sch

**Annual returns by licensed dealers**

s 46 amd 1994 No. 13 s 3 sch

**Approval of arms fair**

s 52 amd 1994 No. 13 s 3 sch

**Application for approval**

s 53 amd 1994 No. 13 s 3 sch

**Acquisition by collectors to be notified and recorded**

s 55 amd 1994 No. 13 s 3 sch; 1995 No. 57 s 4 sch 1

**Deactivation of collector's weapons**

s 56 sub 1994 No. 13 s 11

**Collector class B to keep register**

s 57 amd 1994 No. 13 s 3 sch

**Transfer of collection**

s 60 amd 1994 No. 13 s 3 sch

**Division 4—Approved shooting clubs**div hdg sub 1994 No. 13 s 12**Approval of club**s 3.38 amd 1991 No. 97 s 3 sch 1  
om 1994 No. 13 s 12**Only an approved shooting club may conduct target shooting with schedule 2 weapons**s 64 sub 1994 No. 13 s 12**Application for shooting club permit**s 65 sub 1994 No. 13 s 12**Authorised officer may grant or refuse shooting club permit**s 66 sub 1994 No. 13 s 12**Authorised officer to give reasons for refusing to grant permit**s 67 sub 1994 No. 13 s 12**Conditions to apply to permit**s 68 sub 1994 No. 13 s 12**A nominee is required for some applications**s 69 sub 1994 No. 13 s 12

**Duty of nominee**

s 70 sub 1994 No. 13 s 12

**Change of nominee**

s 71 sub 1994 No. 13 s 12

**How to decide whether an individual is an appropriate person**

s 72 sub 1994 No. 13 s 12

**Authorised officer may amend permit conditions**

s 73 sub 1994 No. 13 s 12

**Authorised officer may make temporary amendment of conditions**

s 74 ins 1994 No. 13 s 12

**Revoking or suspending permit**

s 75 ins 1994 No. 13 s 12

**Club must keep range use register book**

s 76 ins 1994 No. 13 s 12

**Service of notice on approved shooting club**

s 77 ins 1994 No. 13 s 12

**Division 5—Approved ranges**

div hdg ins 1994 No. 13 s 12

**Application for range approval**

s 78 ins 1994 No. 13 s 12

**Limits on approvals**

s 79 ins 1994 No. 13 s 12

**Authorised officer may grant or refuse range approval**

s 80 ins 1994 No. 13 s 12

**Authorised officer to give reasons for refusing to grant approval**

s 81 ins 1994 No. 13 s 12

**Conditions to apply to approval**

s 82 ins 1994 No. 13 s 12

**Authorised officer may amend approval conditions**

s 83 ins 1994 No. 13 s 12

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s 84 ins 1994 No. 13 s 12

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s 86 ins 1994 No. 13 s 12

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s 87 ins 1994 No. 13 s 12

**Responsibilities of range officer**

s 88 ins 1994 No. 13 s 12

**Responsibilities of person attending an approved range**

s 89 ins 1994 No. 13 s 12

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s 90 ins 1994 No. 13 s 12

**Approval of shooting galleries**

s 91 amd 1991 No. 97 s 3 sch 1; 1994 No. 13 s 3 sch

**Conditions of approval**

s 92 amd 1994 No. 13 s 13

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s 93 amd 1994 No. 13 s 3 sch

**Conduct of persons resorting to shooting galleries**

s 94 amd 1994 No. 13 s 14

**Theatrical ordnance supplier to keep register**

s 97 amd 1994 No. 13 s 3 sch

**Weapons may be supplied for theatre, film and television productions**

s 98 sub 1994 No. 13 s 15

**Supervision of use of weapons in theatre, film and television productions**

s 99 ins 1994 No. 13 s 16

**Removal of register and weapons**

s 100 amd 1994 No. 13 s 3 sch

**Annual returns by licensed theatrical ordnance supplier**

s 101 amd 1994 No. 13 s 3 sch

**Sporting, athletic, theatrical or other organisation**

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s 103 sub 1994 No. 13 s 17

**Training courses for security guards**

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**Security guard must record prescribed information**

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**Obligations of security organisation in relation to the possession or use of a weapon**

s 107 ins 1994 No. 13 s 17

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**s 109** ins 1994 No. 13 s 17

**Inspection by police officer**

**s 110** ins 1994 No. 13 s 17

**Power to demand production of licence etc.**

**s 112** amd 1994 No. 13 s 3 sch

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**s 114** amd 1994 No. 13 s 3 sch

**Powers in respect to premises specified in licences or approvals under Act**

**s 116** amd 1994 No. 13 s 18

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**s 119** amd 1994 No. 13 s 19

**Right to appeal against decisions**

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**How to start appeal**

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**s 126** ins 1994 No. 13 s 20

**Hearing procedures**

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amd 1995 No. 57 s 4 sch 1

**Powers of court on appeal**

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**Appeal to District Court on questions of law only**

**s 129** ins 1994 No. 13 s 20

**Retention and disposal of weapons in police custody**

**prov hdg** amd 1994 No. 13 s 3 sch

**s 130** amd 1994 No. 13 ss 21, 3 sch

**Disqualification by a court**

**s 131** amd 1994 No. 13 s 22

**Fraud and unlawful possession of licence etc.**

**s 133** amd 1994 No. 13 s 3 sch

**False or misleading information**

s 134 ins 1994 No. 13 s 23

**Evidentiary provisions**

s 139 amd 1994 No. 13 s 24; 1995 No. 57 s 4 sch 1

**Service of notice, orders etc.**

s 140 amd 1994 No. 13 s 25

**Approval of forms**

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**Regulations**

s 146 sub 1994 No. 13 s 3 sch

**Transitional provision about forms**

s 147 ins 1995 No. 58 s 4 sch 1  
exp 28 May 1996 (see s 147(3))

**PART 7—TRANSITIONAL AND SAVINGS PROVISIONS**

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om 1995 No. 57 s 4 sch 1

**Saving of licences issued under Firearms and Offensive Weapons Act 1979**

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om 1995 No. 57 s 4 sch 1  
AIA s 20A applies (see 1995 No. 57 s 5(3) sch 9)

**Saving of certificates etc.**

s 7.2 ins 1994 No. 13 s 27  
om 1995 No. 57 s 4 sch 1  
AIA s 20A applies (see 1995 No. 57 s 5(3) sch 9)

**Saving of approvals**

s 7.3 ins 1994 No. 13 s 27  
om 1995 No. 57 s 4 sch 1  
AIA s 20A applies (see 1995 No. 57 s 5(3) sch 9)

**Numbering and renumbering of Act**

s 7.4 ins 1994 No. 13 s 27  
om 1995 No. 57 s 4 sch 1

**SCHEDULE 2—REGISTERED WEAPONS**

s 3 om 1994 No. 13 s 3 sch

**SCHEDULE 3—UNRESTRICTED WEAPONS**

sch hdg sub 1991 No. 97 s 3 sch 1  
s 2 ins 1994 No. 13 s 3 sch

**SCHEDULE 5**

sch om 1994 No. 13 s 26

**6 Table of changed names and titles**



under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
commissioner of police police force	commissioner of the police service police service	Police Service Administration Act 1990 s 11.1(1)(b) Police Service Administration Act 1990 s 11.1(1)(a)

## **7 Table of obsolete and redundant provisions**

### TABLE OF OBSOLETE AND REDUNDANT PROVISIONS under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Acts Interpretation Act 1954 s 32A
penalty provision permitting fine or imprisonment permits both	Penalties and Sentences Act 1992 s 180A
references to a Territory	Acts Interpretation Act 1954 s 36 def "Territory"
references to Queensland implied	Acts Interpretation Act 1954 s 35

**8 Table of corrected minor errors**TABLE OF CORRECTED MINOR ERRORS  
under the Reprints Act 1992 s 44

Provision	Description
3, def “replica”, (c) 124(a)	om ‘—anything’ ins ‘—means anything’ om ‘certain’

**9 Table of renumbered provisions**TABLE OF RENUMBERED PROVISIONS  
under the Reprints Act 1992 s 43 as required by the Weapons Act 1990 s 7.4<sup>2</sup>

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<sup>2</sup> The provisions inserted by the *Weapons Amendment Act 1994* that have not yet commenced have been renumbered and appear italicised.

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## 10 Provisions that have not commenced and are not incorporated into reprint

The following provisions are not incorporated in this reprint because they had not commenced before the reprint date (see Reprints Act 1992, s 5(c)).

**Weapons Amendment Act 1994 No. 13 ss 6(1) (so far as it omits definitions “approved club” and “range”), 6(2) (so far as it inserts definitions “approved range”, “approved shooting club”, “range officer”, “range operator”, security guard’s weapons licence”, “shooting club” and “shooting club permit”), 12, 17 and 25 read as follows—**

### Amendment of s 1.6 (Interpretation)

**6.(1)** Section 1.6 (definitions “approved club” and “range”)—  
*omit.*

**(2)** Section 1.6—  
*insert—*

‘**“approved range”** means—

- (a) a place approved under part 3, division 5; or
- (b) a place approved under a Commonwealth Act for use in the sport of target shooting.

**“approved shooting club”** means a shooting club that holds a shooting club permit.

**“range officer”** of an approved range means a person who is a range officer of the range within the meaning of section 87(2).

**“range operator”** of an approved range means the range operator of the



range within the meaning of section 87(1).

“**security guard’s weapons licence**” has the meaning given by section 103.

“**shooting club**” means a club or other organisation that conducts the sport of target shooting.

“**shooting club permit**” means a shooting club permit issued under section 66.’.

### **Replacement of Part 3, Division 4 (Approved Clubs)**

12. Part 3, Division 4—

*omit, insert—*

#### *‘Division 4—Approved shooting clubs*

### **‘Only an approved shooting club may conduct target shooting with schedule 2 weapons**

‘64. A person must not conduct a shooting club for the sport of target shooting with schedule 2 weapons unless the shooting club is an approved shooting club.

Maximum penalty—20 penalty units.

### **‘Application for shooting club permit**

‘65.(1) Application may be made to an authorised officer to grant a shooting club permit to a shooting club.

‘(2) The shooting club permit may only be granted to a shooting club whose primary purpose is to conduct the sport of target shooting.

‘(3) The application must—

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

**‘Authorised officer may grant or refuse shooting club permit**

‘66. The authorised officer may grant the shooting club permit if the authorised officer is satisfied—

- (a) the primary purpose of the shooting club is to conduct the sport of target shooting; and
- (b) the location, construction and equipment of each shooting range, and proposed shooting range, of the shooting club is appropriate having regard to the need to protect persons from death or injury and property from unlawful destruction or damage; and
- (c) the application complies with section 65; and
- (d) each individual member of the governing body of the shooting club is an appropriate person; and
- (e) if section 69 applies to the application—the section has been complied with and the person nominated under section 69(2) is an appropriate person.

**‘Authorised officer to give reasons for refusing to grant permit**

‘67. The authorised officer may refuse to grant the shooting club permit by written notice given to the applicant stating the reasons for the refusal.

**‘Conditions to apply to permit**

‘68.(1) If an authorised officer grants a shooting club permit to an approved club, the authorised officer may impose conditions that apply to the permit.

‘(2) The authorised officer may impose conditions about—

- (a) the location, construction, equipment and maintenance of shooting ranges; and
- (b) the use, control, administration and management of shooting ranges; and
- (c) matters prescribed by regulation.

‘(3) 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.

‘(4) The conditions must be specified in the permit or by written notice given to the applicant.

**‘A nominee is required for some applications**

‘69.(1) This section only applies if an application for a shooting club permit is made by—

- (a) an unincorporated body or association of persons; or
- (b) a shooting club prescribed by regulation.

‘(2) The application must nominate an adult individual to be the shooting club’s nominee.

‘(3) The nominated person must hold the position in the shooting club in which the person is charged with responsibility for the conduct of the activities of the shooting club relating to the sport of target shooting (the **“responsible position”**).

‘(4) If a shooting club permit is granted on the application, the nominated person is taken to be the shooting club’s nominee for the purpose of the permit (the **“nominee”**), until ceasing to be the nominee under section 71.

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

**‘Duty of nominee**

‘70. The nominee must exercise all reasonable diligence to ensure the shooting club, its members and all persons using a range conducted by it comply with this division and division 5.

Maximum penalty—20 penalty units.

**‘Change of nominee**

‘71.(1) A person stops being the nominee of an approved shooting club if the person stops holding the shooting club’s responsible position.

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

Maximum penalty—20 penalty units.

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

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

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

‘(5) The authorised officer may refuse to accept the nominee notice on the ground that the authorised person is not satisfied the person who gave the nominee notice—

- (a) occupies the shooting club’s responsible position; or
- (b) is an appropriate person.

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

### ‘**How to decide whether an individual is an appropriate person**

‘72.(1) In determining 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 shooting club and the individual’s proposed position under this Act; and
- (b) whether the individual is a person of good repute.

‘(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 or a Territory a relevant licence, permit, authority or position—a report from the appropriate authority in the State or Territory.

**‘Authorised officer may amend permit conditions**

**‘73.(1)** An authorised officer may amend the conditions applying to a shooting club permit of an approved shooting club—

- (a) on the application of the shooting club; 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 club 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 shooting club); and
- (b) have regard to submissions made to the authorised officer by the shooting club before the specified day.

**‘(4)** If an authorised officer amends the conditions applying to a shooting club permit, the authorised officer must give written notice of the amendment to the shooting club.

**‘(5)** The amendment takes effect—

- (a) on the day the written notice of the amendment is given to the shooting club; 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 shooting club stating the reasons for the refusal.

**‘Authorised officer may make temporary amendment of conditions**

**‘74.(1)** An authorised officer may make a temporary amendment of the conditions applying to a shooting club permit if the authorised officer

considers, on reasonable grounds, that 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 shooting club 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 shooting club 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 shooting club stating the reasons for the extension.

### **‘Revoking or suspending permit**

‘75.(1) An authorised officer may revoke or suspend a shooting club permit if—

- (a) the shooting club contravenes this Act; or
- (b) the shooting club contravenes a condition applying to the permit; or
- (c) the authorised officer reasonably believes it is likely a member of the shooting club 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 shooting club.

‘(3) The notice must specify—

- (a) if the permit has been suspended—the day the suspension is lifted; and
- (b) the reasons for the revocation or suspension.

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

‘(5) A shooting club permit that is suspended stops having effect until the suspension is lifted.

### **‘Club must keep range use register books**

‘76.(1) An approved shooting club must ensure a range use register, in the approved form, is available at each of its ranges at all times when the range is being used to discharge weapons.

‘(2) Before a person uses a range of an approved shooting club to discharge a weapon, the person must enter in the range use register the details provided for by the register regarding the person’s identity and the type of weapon the person will use on the range.

Maximum penalty—10 penalty units

‘(3) A person must not make an entry in a range use register book that is false or misleading

Maximum penalty—10 penalty units.

### **‘Service of notice on approved shooting club**

‘77.(1) A notice required or permitted by this division to be served on an approved shooting club may be served on the shooting club’s nominee.

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

## ***‘Division 5—Approved ranges***

### **‘Application for range approval**

‘78.(1) Application may be made to an authorised officer to approve a range for weapons target shooting.

‘(2) The application must—

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

**‘Limits on approvals**

**‘79.(1)** Approval may only be granted to a range for—

- (a) schedule 2 weapons; or
- (b) schedule 3 weapons.

**‘(2)** Approval may not be granted to a range for both schedule 2 and schedule 3 weapons.

**‘(3)** Approval may only be granted to a range for schedule 2 weapons if the range is conducted by an approved shooting club.

**‘Authorised officer may grant or refuse range approval**

**‘80.(1)** The authorised officer may grant the approval if the authorised officer is satisfied—

- (a) the range will be used for the sport of target shooting; and
- (b) the location, construction and equipment of the range is appropriate having regard to the need to protect persons from death or injury and property from unlawful destruction or damage; and
- (c) the application complies with sections 78 and 79.

**‘(2)** An approval must be given in the approved form.

**‘Authorised officer to give reasons for refusing to grant approval**

**‘81.** The authorised officer may refuse to grant the approval by written notice given to the applicant stating the reasons for the refusal.



**‘Conditions to apply to approval**

‘**82.(1)** If an authorised officer grants the approval, the authorised officer may impose conditions applying to the approval.

‘**(2)** The authorised officer may impose conditions about—

- (a) the location, construction, equipment and maintenance of the range; and
- (b) matters prescribed by regulation.

‘**(3)** 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.

‘**(4)** The conditions must be specified in the approval or by written notice given to the applicant.

**Authorised officer may amend approval conditions**

‘**83.(1)** An authorised officer may amend the conditions applying to an approval—

- (a) on the application of the range operator; 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 range operator—
  - (i) of the details of the proposed amendment; and
  - (ii) that the range operator 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 range operator); and
- (b) have regard to submissions made to the authorised officer by the range operator before the specified day.

‘(4) If an authorised officer amends the conditions applying to an approval, the authorised officer must give written notice of the amendment to the range operator.

‘(5) The amendment takes effect—

- (a) on the day the written notice of the amendment is given to the range operator; 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 range operator stating the reasons for the refusal.

#### **‘Authorised officer may make temporary amendment of conditions**

‘**84.(1)** An authorised officer may make a temporary amendment of the conditions applying to an approval if the authorised officer considers, on reasonable grounds, that 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 range operator stating the reasons for the amendment.

‘(3) The amendment takes effect—

- (a) on the day the written notice of the amendment is given to the range operator; or
- (b) 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 range operator stating the reasons for the extension.

**‘Revoking or suspending approval**

**‘85.(1)** An authorised officer may revoke or suspend an approval if—

- (a) a range operator or a range officer contravenes this Act; or
- (b) the authorised officer believes, on reasonable grounds, that it is necessary to revoke or suspend the approval to protect a person from loss of life or injury, or property from unlawful destruction or damage.

**‘(2)** The authorised officer must give written notice of the revocation or suspension to the range operator.

**‘(3)** The notice must specify—

- (a) if the permit has been suspended—the period of suspension; and
- (b) the reasons for the revocation or suspension.

**‘(4)** The revocation or suspension takes effect—

- (a) on the day the notice is given to the range operator; or
- (b) if a later day is specified in the notice—the specified day.

**‘(5)** A shooting club permit that is suspended stops having effect until the suspension is lifted.

**‘Range can be dealt with in conjunction with shooting club permit**

**‘86.** An application, grant of approval or notice under this division may be included in an application, issue of permit or notice respectively under division 4.

**‘Responsibilities of range operator**

**‘87.(1)** In this section—

**“range operator”** means the person conducting an approved range under the approval given under this division and, if the approval is issued to an unincorporated body or association of persons, includes each member of the body’s or association’s governing body.

**‘(2)** A range operator must ensure every person who physically possesses or uses a weapon at the approved range is properly supervised by

a person (a “**range officer**”) who holds a licence authorising the person to possess that type of weapon.

‘(3) A range operator must ensure the name of each range officer supervising persons using the approved range is prominently displayed at the range at any time when a weapon is discharged.

‘(4) A range operator must take all reasonable steps to ensure a person attending the approved range does not contravene this Act.

Maximum penalty—20 penalty units.

#### **‘Responsibilities of range officer**

‘88. A range officer supervising an approved shooting range must take all reasonable steps to ensure a person attending the range does not contravene this Act.

Maximum penalty—20 penalty units.

#### **‘Responsibilities of person attending an approved range**

‘89.(1) A person attending an approved range must not physically possess or use a weapon unless the possession or use—

- (a) is authorised under—
  - (i) a licence issued to the person; or
  - (ii) section 26 (Physical possession and use of weapons sometimes allowed for the purpose of training a minor); or
  - (iii) section 27 (An unlicensed person may use a weapon at an approved range); and
- (b) is permitted by the range officer; and
- (c) complies with the conditions on which the range was approved, including, for example, that it is a weapon of a type for which the range was approved.

‘(2) A person attending an approved range must not use a weapon in a way that is likely to cause death or injury to a person or unlawful destruction of, or damage to, property.

Maximum penalty—20 penalty units.

**‘Possession of schedule 1 weapon on approved range is unlawful**

‘90. A person must not physically possess or use a schedule 1 weapon at an approved shooting range.

Maximum penalty—20 penalty units.’.

**Replacement of part 3, division 7 (Security guards)**

17. Part 3, division 7—

*omit, insert—*

*‘Division 8—Security guards and security organisations*

**‘An armed security guard must be licensed**

‘103. A person must not, in performing duties as a security guard, physically possess a weapon unless the person holds a licence prescribed by regulation for a security guard (“**security guard’s weapons licence**”).

Maximum penalty—20 penalty units

**‘Training courses for security guards**

‘104.(1) A person may be issued with a security guard’s weapons licence only if the person has satisfactorily completed a training course approved by the commissioner.

‘(2) A person who holds a security guard’s weapons licence must satisfactorily complete a training course approved by the commissioner as often as required by regulation.

‘(3) If a person who holds a security guard’s weapons licence does not comply with subsection (2), an authorised officer, by written notice given to the person—

- (a) may cancel the licence; or
- (b) suspend the licence until the person completes the course.

**‘Control over way security guard carries weapon**

**‘105.** A person who carries a weapon in performing duties as a security guard must carry the weapon only in the way prescribed by regulation.

Maximum penalty—10 penalty units.

**‘Security guard must record prescribed information**

**‘106.(1)** A person who possesses or uses a weapon in performing duties as a security guard must, as prescribed by regulation, record information about the possession or use in the register book mentioned in section 108 kept by the security guard’s security organisation.

Maximum penalty—10 penalty units.

**‘(2)** A regulation may specify the type of information that must be recorded and the time it must be recorded.

**‘Obligations of security organisation in relation to the possession or use of a weapon**

**‘107.(1)** In this section—

**“employee”** of a security organisation includes a person engaged in any way by the security organisation to perform duties for it.

**‘(2)** A security organisation must not—

- (a) possess a weapon; or
- (b) allow an employee to have physical possession of a weapon while performing duties for the organisation;

unless the security organisation has been issued with the licence for a security organisation prescribed by regulation.

**‘(3)** A security organisation may only physically possess or use a weapon as prescribed by regulation.

**‘(4)** A security organisation must ensure an employee of the security organisation only physically possesses or uses a weapon as prescribed by regulation.

Maximum penalty—100 penalty units.

**‘Obligations of security organisation in relation to register**

**‘108.(1)** A security organisation must—

- (a) keep a register book in the approved form; and
- (b) record in the register, as prescribed by regulation, information about its, and its employees’, possession or use of weapons; and
- (c) make the register available for inspection as prescribed by regulation.

**‘(2)** A person must not make an entry in the register book that is false or misleading.

**‘(3)** A regulation may prescribe—

- (a) the type of information that must be recorded in the register book; and
- (b) the time when the information must be recorded; and
- (c) who must record the information on behalf of the security organisation; and
- (d) procedures the security organisation must undertake to verify an entry in the register book.

Maximum penalty—20 penalty units.

**‘Obligation of members of governing body of security organisation**

**‘109.** Each member of the governing body of a security organisation must ensure the security organisation complies with this division.

Maximum penalty—20 penalty units.

**‘Inspection by police officer**

**‘110.** If a police officer inspects a register book of a security organisation, the police officer may make endorsements in the book about the time the inspection was made and any comments about the inspection.’.

**Amendment of s 6.10 (Service of notice, orders etc.)**

**25.** Section 6.10 (at the end)—

*insert—*

‘**(5)** Subsection (4) applies to the service of a notice on a range operator that is an unincorporated body or association of persons.’.