

Queensland



# WEAPONS ACT 1990

**Reprinted as in force on 3 May 2002  
(includes amendments up to Act No. 6 of 2002)**

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

**Reprint No. 4B**

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# Information about this reprint

This Act is reprinted as at 3 May 2002. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

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

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated in the reprint**
- **editorial changes made in earlier reprints.**

# Queensland



## WEAPONS ACT 1990

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# WEAPONS ACT 1990

[as amended by all amendments that commenced on or before 3 May 2002]

**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

### 1 Short title

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

### 2 Application of Act

(1) 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; or
- (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; or

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- (iii) a member in a cadet force<sup>1</sup> under the *Cadet Forces Regulations (Cwlth)*<sup>2</sup> in relation to the member's possession and use of a weapon when participating in the activities of the cadet force in which the person is a member; or
- (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 duty as such member; or
- (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; or
- (d) who is an officer of the Australian Protective Service under the *Australian Protective Service Act 1987 (Cwlth)* in relation to the person's possession or use of a weapon when performing the duties of an officer; or
- (e) 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; or
- (g) who is undergoing a training course approved by the commissioner in respect of the person's possession or use of a weapon as part of the training course; or
- (h) 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; or
- (i) whilst engaged in scientific or experimental work with any weapon under an authority in that behalf granted by the Minister; or

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1 *Cadet Forces Regulations 1977*, section 2—

“**cadet force**” means the Naval Reserve Cadets, the Australian Cadet Corps or the Air Training Corps;

“**member**” means an officer, instructor or cadet in a cadet force.

2 The *Cadet Forces Regulations 1977* are in force under the *Defence Act 1903 (Cwlth)*, the *Naval Defence Act 1910 (Cwlth)* and the *Air Force Act 1923 (Cwlth)*.

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- (k) 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; or
- (l) 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; or
- (m) 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.

(2) This Act does not apply to a government service entity or an employee of a government service entity in relation to the entity's or employee's acquisition, possession or use of a weapon as part of the performance of—

- (a) the functions of the entity or employee; or
- (b) if the functions of the entity or employee are prescribed under a regulation—those functions of the entity or employee that are prescribed.

(3) Subsection (2) does not exempt a government service entity or an employee of a government service entity from—

- (a) the application of section 60<sup>3</sup> or provisions of a regulation dealing with the safe handling and storage of weapons; or
- (b) the application of the remaining provisions of this Act to the possession or use of a weapon unless the entity or employee complies with the conditions stated in subsection (4).

(4) The conditions are—

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3 Section 60 (Secure storage of weapons)

*Weapons Act 1990*

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- (a) for a government service entity—
- (i) the entity notifies the commissioner, in the approved form, of the acquisition or sale of a weapon within 14 days after acquiring or selling the weapon; and
  - (ii) the entity keeps, on a register in a form approved by the commissioner and kept for the purpose, the following details—
    - (A) where the weapon is stored;
    - (B) the name of each employee to whom a weapon is issued and the date and time when the weapon is issued to the employee and returned by the employee; and
  - (iii) at least 14 days before the entity issues the weapon to a particular employee for the first time, it gives the commissioner the information about the employee the commissioner reasonably needs to be satisfied the employee is a fit and proper person to possess the weapon; and
  - (iv) the entity issues the weapon to an employee only if it is satisfied—
    - (A) the performance of the employee’s functions necessarily requires the employee to have possession of the weapon; and
    - (B) the employee holds a firearms licence; and
    - (C) the employee is properly trained in the use of the weapon; and
- (b) for an employee of a government service entity—the employee holds a firearms licence.

(5) An employee mentioned in subsection (4)(a)(iv) may possess any category of weapon in the performance of the employee’s functions even though the employee is not licensed to possess the category of weapon.

(6) The condition mentioned in subsection (4)(a)(iv)(B) does not apply to a prescribed service entity.

(7) The condition mentioned in subsection (4)(b) does not apply to an employee of a prescribed service entity.

(8) In this section—

**“government service entity”** means—

- (a) a department of Government of the State; or
- (b) a museum under the control of the Government of the State or the Commonwealth; or
- (d) another entity prescribed under a regulation that—
  - (i) is established under an Act or under State authorisation for a public or State purpose; or
  - (ii) is engaged by the State or an entity mentioned in subparagraph (i) to provide a service for the State or entity;but does not include the Queensland Police Service.

**“prescribed service entity”** means an entity mentioned in paragraph (c), or prescribed for paragraph (d), of the definition “government service entity”.

### **3 Principles and object of Act**

(1) The principles underlying this Act are as follows—

- (a) weapon possession and use are subordinate to the need to ensure public and individual safety;
- (b) public and individual safety is improved by imposing strict controls on the possession of weapons and requiring the safe and secure storage and carriage of weapons.

(2) The object of this Act is to prevent the misuse of weapons.

### **4 How object is to be achieved for firearms**

The object of this Act is to be achieved for firearms by—

- (a) prohibiting the possession and use of all automatic and self-loading rifles and automatic and self-loading shotguns except in special circumstances; and
- (b) establishing an integrated licensing and registration scheme for all firearms; and
- (c) requiring each person who wishes to possess a firearm under a licence to demonstrate a genuine reason for possessing the firearm; and
- (d) providing strict requirements that must be satisfied for—

- (i) licences authorising possession of firearms; and
- (ii) the acquisition and sale of firearms; and
- (e) ensuring that firearms are stored and carried in a safe and secure way.

## 5 Definitions

In this Act—

**“acquire”**, a weapon, see section 35.

**“ammunition”** see the *Explosives Act 1999*, schedule 2.<sup>4</sup>

**“antique firearm”** means a firearm manufactured before 1900—

- (a) that is—
  - (i) a muzzle loading firearm; or
  - (ii) a cap and ball firearm; or
  - (ii) a firearm of a type approved as an antique firearm by an authorised officer; or
- (b) for which ammunition is not commercially available.

**“approved form”** see section 171.<sup>5</sup>

**“approved officer”** see section 152.

**“approved range”** means—

- (a) a place approved under part 4, 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.

**“armourer”** means a person who stores, manufactures, modifies or repairs weapons in the course of the person’s business.

**“authorised officer”** see section 153.

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4 *Explosives Act 1999*, schedule 2—

**“ammunition”** includes bombs, grenades, rockets, mines, projectiles and other similar devices and all types of cartridges (including blanks) used in firearms.

5 Section 171 (Approval of forms)



*Weapons Act 1990*

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**“blank-fire firearm”** means a firearm, or a replica of a firearm, that is incapable of discharging a projectile.

**“category A”** weapon see the *Weapons Categories Regulation 1997*, section 2.

**“category B”** weapon see the *Weapons Categories Regulation 1997*, section 3.

**“category C”** weapon see the *Weapons Categories Regulation 1997*, section 4.

**“category D”** weapon see the *Weapons Categories Regulation 1997*, section 5.

**“category E”** weapon see the *Weapons Categories Regulation 1997*, section 6.

**“category H”** weapon see the *Weapons Categories Regulation 1997*, section 7.

**“category R”** weapon see the *Weapons Categories Regulation 1997*, section 8.

**“collection register”** see section 81.

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

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

**“commissioned officer”** see the *Police Service Administration Act 1990*, section 1.4.<sup>6</sup>

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

**“dealer”** means a person, other than an armourer or theatrical ordnance supplier, who—

- (a) carries on the business, whether or not for reward or benefit, of acquiring, selling or otherwise disposing of weapons in any way; or

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<sup>6</sup> *Police Service Administration Act 1990*, section 1.4—

**“commissioned officer”** means a person who holds a position in the police service as a commissioned officer.

*Weapons Act 1990*

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- (b) for trade or business, displays a weapon for sale or possesses a weapon for sale.

**“domestic violence order”** means a domestic violence order under the *Domestic Violence (Family Protection) Act 1989*, section 3,<sup>7</sup> and includes an interstate domestic violence order.

**“executive officer”** see the *Police Service Administration Act 1990*, section 1.4.<sup>8</sup>

**“explosive”** see the *Explosives Act 1999*, schedule 2.<sup>9</sup>

**“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), if it were not temporarily inoperable or incomplete; or

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7 *Domestic Violence (Family Protection) Act 1989*, section 3—

**“domestic violence order”** means—

- (a) a protection order; or
- (b) a temporary protection order.

8 *Police Service Administration Act 1990*, section 1.4—

**“executive officer”** means a person who holds a position in the police service as an executive officer.

9 *Explosives Act 1999*, schedule 2—

**“explosive”** includes—

- (a) a substance or a thing containing a substance, manufactured or used with a view to produce—
  - (i) a practical effect by explosion; or
  - (ii) a pyrotechnic effect; and
- (b) a substance or thing declared under a regulation to be an explosive.

*Examples of explosives—*

Ammunition, detonators, gunpowder, nitroglycerine, pyrotechnics (including fireworks).

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- (d) a major component part of a firearm;  
but does not include—
- (e) an antique firearm, explosive tool, captive bolt humane killer, spear gun, longbow or crossbow; or
- (f) a replica of a spear gun, longbow or crossbow; or
- (g) a slingshot.

*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.

**“firearms register”** see section 49.

**“genuine reason”**, for possession of a weapon, see section 11.

**“heirloom firearm”** see section 6.

**“identifying particular”**, of a person, means a fingerprint, palm print or footprint of the person.

**“interstate domestic violence order”** means an interstate order under the *Domestic Violence (Family Protection) Act 1989*, section 3,<sup>10</sup> whether or not the interstate order is registered under that Act.

**“landowner”** means—

- (a) the owner or occupier of rural land; or
- (b) a person authorised by the owner or occupier to act on the owner’s or occupier’s behalf in the general management or control of the land.

**“licence”** means a licence continued, issued or renewed under this Act and in force at the material time, and includes a certificate under section 16(2).

**“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.

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<sup>10</sup> *Domestic Violence (Family Protection) Act 1989*, section 3—

**“interstate order”** means an order made by a court of another State, a Territory or New Zealand under a prescribed law of the other State, Territory or New Zealand.

*Weapons Act 1990*

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**“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, barrel, breechbolt, frame or top slide without which the firearm would be considered inoperative or incomplete.

**“occupier”**, of rural land, means the person entitled to possession of the land.

**“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.

**“ordnance register”** see section 117.

**“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.

**“permanently inoperable”** see section 7.

**“permit to acquire”** means a permit to acquire a weapon under this Act and in force at the material time.

**“place”** includes any vehicle.

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

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**“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.

**“psychologist”** means a person registered under the *Psychologists Registration Act 2001*.

**“public place”** means any place that the public is entitled to use, is open to the public, or used by the public, whether on payment or otherwise.

**“purchase”** means obtain under a sale.

**“range officer”** of an approved range means a person who is a range officer of the range within the meaning of section 108(2).

**“range operator”** of an approved range means the range operator of the range within the meaning of section 108(1).

**“range use register”** see section 97.

**“replacement licence”** means a licence issued in replacement of an existing licence under section 23.

**“replica”** see section 6A.

**“rural land”** includes land other than land situated in any city or town or, in the case of a shire, in any township in the shire.

**“security guard”** see section 6B.

**“security guard’s register”** see section 126A.

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

**“security organisation register”** see section 128(1)(a).

**“sell”** includes—

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- (a) sell by wholesale, retail or auction; and
- (b) supply under a lease, exchange, hiring or other commercial arrangement; and
- (c) agree to sell; and
- (d) cause or permit to be sold.

**“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 87.

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

**“slingshot”** means a device designed for use with, or a component of which is, a brace that fits or rests on a person’s forearm or another part of the person’s body to support the person’s wrist against the tension of elastic material used to propel a projectile.

*Example—*

A Saunders ‘Falcon’ Hunting Sling.

**“State”** includes Territory.

**“temporarily inoperable”** see section 8.

**“temporary protection order”** means a temporary protection order under the *Domestic Violence (Family Protection) Act 1989*, section 3, and includes an interstate domestic violence order corresponding to a temporary protection order.

**“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.

**“unloaded”** firearm, means the firearm contains no ammunition in its breech, chamber, magazine or muzzle.

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

**“weapon”** means—

- (a) a firearm; or
- (b) another thing prescribed under a regulation; or

- (c) a thing that would be a weapon mentioned in paragraph (a) or (b), if it were not temporarily inoperable or incomplete;

but does not include an antique firearm.

**“weapons register”** see section 71(1).

## **6 Meaning of “heirloom firearm”**

An **“heirloom firearm”** is a firearm, other than a category R weapon, ownership of which has passed to a person by testamentary disposition or the laws of succession.

### **6A What is a “replica”**

(1) A **“replica of a weapon”** is—

- (a) a reasonable facsimile or copy of a weapon, even if it is not capable of discharging a projectile or substance; or
- (b) a category A, B or C weapon that has been rendered permanently inoperable; or
- (c) a hand grenade that is inert.

(2) A **“replica”**—

- (a) of a particular weapon—means a reasonable facsimile or copy of the weapon, even if it is not capable of discharging a projectile or substance; or
- (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 under a regulation—means anything prescribed under a regulation to be a replica of the thing.

### **6B Meaning of “security guard”**

(1) A **“security guard”** is a person who patrols, protects, watches over or guards (**“protects”**) the person’s property or other persons or other person’s property—

- (a) in the course of carrying on a business; or
- (b) in the course of employment.

*Example—*

A jeweller transporting jewellery in the course of carrying on a business who does not engage someone else to guard the jewellery while it is being transported is a ‘security guard’.<sup>11</sup>

(2) However, the following persons are not security guards—

- (a) a person who protects property if the protection is carried out in the course of primary production;
- (b) a person, other than a security organisation, who engages someone else to protect property for the person.

## **7 How a firearm is made “permanently inoperable”**

(1) A firearm is made permanently inoperable if the firearm is modified in the way prescribed under a regulation to make it incapable of being discharged.

(2) However, a firearm is not taken to be permanently inoperable unless a licensed armourer or a person approved by the commissioner for this subsection certifies, in the approved form, the firearm as being incapable of being discharged.

(3) The commissioner may approve a person for subsection (2) only if the commissioner is satisfied the person has the necessary expertise or experience to certify that a firearm is incapable of being discharged.

## **8 How a firearm is made “temporarily inoperable”**

A firearm is made temporarily inoperable—

- (a) for a firearm designed to allow its bolt, breech block, firing pin or other integral part of the firing mechanism to be removed—if the part is removed and securely stored separately from the firearm; and
- (b) for another firearm—if the firearm’s trigger is secured by a trigger lock and the lock’s key is securely stored separately from the firearm.

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11 Section 123 provides that a person must not, in performing duties as a security guard, physically possess a weapon unless the person holds a security licence (guard).



## **PART 2—LICENCES**

### **9 Issue, renewal, endorsement and alteration of licences**

A licence may be issued, renewed, endorsed or altered only by an authorised officer.

### **10 Limitations on issue of licence**

(1) A licence may be issued only to—

- (a) an individual under subsection (2); or
- (b) a body under subsection (3).

(2) A licence may be issued to an individual only if the person—

- (a) is—
  - (i) for a licence other than a minor's licence—an adult; or
  - (ii) for a minor's licence—at least 11 years and otherwise within the age group prescribed under a regulation for the licence; and
- (b) has an adequate knowledge of safety practices for the use, storage and maintenance of the weapon or category of weapon the possession of which is to be authorised by the licence; and
- (c) has access to secure storage facilities for the weapon or category of weapon possession of which is to be authorised by the licence; and
- (d) is not prevented under this or another Act or by an order of a Magistrates Court or another court from holding the licence; and
- (e) is a fit and proper person to hold a licence; and
- (f) has a reason mentioned in section 11 to possess the weapon or category of weapon; and
- (g) resides only in Queensland.

(2A) Subsection (2)(g) does not apply to a person who—

- (a) for a person who resides in a State adjoining Queensland—

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- (i) satisfies the authorised officer that the person has a genuine reason for possessing a weapon for which a licence is required under this Act; and
    - (ii) is not disqualified from obtaining a similar licence in the adjoining State; or
  - (b) for a person who resides in a State other than an adjoining State but whose main place of residence is Queensland—is not disqualified from obtaining a similar licence in the other State.
- (2B)** Also, subsection (2)(g) does not apply to a person who—
- (a) resides outside Queensland and intends visiting Queensland to engage in an activity that is a reason for possession of a weapon under section 11; and
  - (b) is entitled by law (whether or not under a licence) to possess and use a firearm or type of firearm in the State or country where the person usually resides; and
  - (c) applies for a licence prescribed under section 12(1)(k) for visitors to Queensland.
- (3)** A licence may be issued to a body, whether incorporated or unincorporated—
- (a) for a licence to be issued to an approved shooting club, only if it is endorsed with—
    - (i) the name of an individual, who is a member of the club's governing body and satisfies the requirements of subsection (2)(a) to (e), as the club's representative in the conduct of its business or affairs; and
    - (ii) the names and addresses of the individuals who are responsible for the safekeeping of the weapons or category of weapons possession of which is to be authorised by the licence when not in use by members of that club; or
  - (b) for a licence to be issued to another body, only if—
    - (i) the body has a reason mentioned in section 11 to possess a weapon; and
    - (ii) it is endorsed with the name of an individual, who satisfies the requirements of subsection (2)(a) to (e), as the body's representative in the conduct of its business or affairs.

(4) For this section, a person has an adequate knowledge of safety practices for the use, storage and maintenance of a weapon or category of weapon if the person satisfies the commissioner the person has satisfactorily completed, within the 12 month period immediately before the day the person applies for the issue of a licence—

- (a) if possession of the weapon is to be authorised under a security licence (guard)—
  - (i) the training course approved by the commissioner for section 124;<sup>12</sup> or
  - (ii) a course in safety training for weapons conducted in another State that the commissioner is satisfied is at least equivalent to a course approved by the commissioner for section 124; or
- (b) if possession of the weapon is to be authorised under another licence—a course in safety training for weapons approved by the commissioner.

(4A) Also, if possession of the weapon is to be authorised under a licence other than a security licence (guard), it is enough for the commissioner to be satisfied that a person has an adequate knowledge of safety practices for the use, storage and maintenance of a weapon or category of weapon because—

- (a) the person is authorised to possess and use a weapon of that category in another jurisdiction; or
- (b) the person has, within the 12 month period immediately before the day the person applies for the issue of a licence, satisfactorily completed a course in safety training for weapons at least equivalent to a course approved by the commissioner under subsection (4)(b).

(5) For this section, in deciding whether a person is a fit and proper person to hold a licence an authorised officer must consider, among other things—

- (a) the mental and physical fitness of the person; and
- (b) whether a domestic violence order has been made against the person; and

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12 Section 124 (Training courses for security guards)

- (c) whether the person has stated anything in or in connection with the application for the licence the person knows is false or misleading in a material particular; and
- (d) the public interest.

(6) However, a person is not a fit and proper person to hold a licence if, in Queensland or elsewhere within the 5 year period immediately before the day the person applies for the issue of a licence—

- (a) the person has been convicted of, or discharged from custody on sentence after the person has been convicted of, any of the following offences—
  - (i) an offence relating to the misuse of drugs;
  - (ii) an offence involving the use or threatened use of violence;
  - (iii) an offence involving the use, carriage, discharge or possession of a weapon; or
- (b) a domestic violence order, other than a temporary protection order, has been made against the person.

(7) A licence enabling the licensee to carry on a business may be issued only if it is endorsed with the place at which the business is to be carried on.

(8) If the business is to be carried on at more than 1 place, a separate application for each place must be made and a separate licence for each place issued.

(9) In this section—

“**similar licence**”, for a weapon in an adjoining or other State, means a licence, permit or authority issued under the law of the other State entitling the person to possession of the weapon.

## **11 Genuine reasons for possession of a weapon**

The following are reasons for possession of a weapon—

- (a) sports or target shooting;
- (b) recreational shooting;
- (c) an occupational requirement, including an occupational requirement for rural purposes;

- (d) collection by a collector of weapons;
- (e) another reason prescribed under a regulation.

## 12 Licences

(1) Licences are of the following classes—

- (a) armourer's licence;
- (b) blank-fire firearms licence;
- (c) collector's licence (heirloom) or (weapons);
- (d) concealable firearms licence;
- (e) dealer's licence;
- (f) firearms licence;
- (g) firearms licence (instructor);
- (h) minor's licence;
- (i) security licence (organisation) or (guard);
- (j) theatrical ordnance supplier's licence;
- (k) another licence prescribed under a regulation.

(2) A licence may authorise possession of a particular weapon or a category of weapon.

(3) Subsection (2) is subject to sections 76 and 77, a regulation or condition.

## 13 Application for licence

(1) An application for a licence must be—

- (a) made in the approved form and state the applicant's reason for wishing to possess a weapon (the “**reason**”); and
- (b) made personally, in the way prescribed under a regulation, by—
  - (i) if the licence is for an individual—the person; or
  - (ii) if the licence is for a body, whether incorporated or unincorporated—an individual nominated by the body for endorsement on the licence as the body's representative in the conduct of its business or affairs; and

(c) accompanied by—

- (i) the fee prescribed under a regulation; and
- (ii) proof of identity to the satisfaction of an authorised officer; and
- (iii) other particulars prescribed under a regulation; and
- (iv) the other relevant particulars the person to whom the application is made reasonably requires.

(2) If the reason is sports or target shooting, the applicant must provide proof the applicant is a current member of an approved shooting club.

(3) If the reason is recreational shooting, the applicant must produce—

- (a) written permission from a landowner authorising the applicant to shoot on the landowner's rural land; or
- (b) proof of current membership of a body prescribed under a regulation for this subsection.

(4) A body may be prescribed for subsection (3)(b) only if—

- (a) it is a landowner of rural land; or
- (b) it holds written permission from a landowner authorising members of the body to shoot on the landowner's rural land.

(5) If the reason is an occupational requirement, the applicant must state why possession of a weapon is necessary in the conduct of the applicant's business or employment.

## **14 Inquiries into application**

(1) Before the application is decided, an officer in charge of police or authorised officer with whom an application for a licence is lodged may—

- (a) make an inquiry or investigation about the applicant or the application; and
- (b) require the applicant to give the officer further information the officer reasonably needs to be satisfied about the applicant's identity or physical or mental health including—
  - (i) in relation to the applicant's physical health—a report from a doctor about the applicant's physical health; and

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- (ii) in relation to the applicant's mental health—a report from a doctor or psychologist about the applicant's mental health; and
- (c) inspect the secure storage facilities for the weapon or category of weapon possession of which is to be authorised by the licence; and
- (d) supply, for this section, information or a document relevant to the applicant's identity to an officer or member of a State or Commonwealth police service; and
- (e) require the applicant to display an adequate knowledge of the safety practices for the use, storage and maintenance of the weapon or category of weapons the possession of which is to be authorised under the licence; and
- (f) make a report about the applicant or the application; and
- (g) make the recommendation about the application the officer thinks appropriate.

(2) If an authorised officer suspects, on reasonable grounds, that the applicant's stated identity is false, the authorised officer may require the applicant to provide an identifying particular to verify the applicant's identity.

(3) The applicant is taken to have withdrawn the application if, within a stated reasonable time, the applicant—

- (a) refuses to provide the information reasonably required under subsection (1)(b); or
- (b) refuses to allow the inspection under subsection (1)(c); or
- (c) fails to comply with a requirement under subsection (2).

(4) If information about the applicant's mental health given under subsection (1)(b) is provided in a doctor's or psychologist's report, an authorised officer may—

- (a) make information in the officer's possession available to the doctor or psychologist; and
- (b) ask the doctor or psychologist to provide a further report.

(5) The authorised officer may make the information available only if the officer considers, on reasonable grounds—

- (a) the doctor or psychologist was not aware of the information; and

(b) the information may influence the doctor's or psychologist's opinion about the applicant's mental health.

(6) The authorised officer must also advise the applicant of the information being supplied to the doctor or psychologist.

(7) The authorised officer may make the information available under subsection (4) despite the provisions of any other Act.

(8) Unless the authorised officer considers that it is currently required for the investigation of an offence, the authorised officer must, after deciding the application—

(a) return to the applicant any identifying particular obtained in the course of inquiries into the application; and

(b) destroy any record or copy of the identifying particular.

(9) Information required to be supplied under this section may be used only to decide the application or to investigate or prosecute an offence and must not be disclosed for any other purpose.

(10) In this section—

“**applicant**” includes, for a body, an individual nominated by the body for endorsement on the licence as the body's representative in the conduct of its business or affairs.

## **15 Authorised officer decides application**

(1) An authorised officer must decide an application for a licence (other than renewal of a licence) as soon as practicable after the end of the period prescribed for this section under a regulation.

(2) However, the authorised officer may decide the application within the prescribed period if the applicant is the holder of an existing licence of another class.

(3) In deciding the application, the authorised officer may consider anything at the officer's disposal.

(4) The authorised officer must—

(a) approve the application and issue the licence subject to any conditions the authorised officer may decide, including conditions limiting the use or possession of a weapon; or

(b) reject the application.



(5) A person whose application is rejected because the person is not a fit and proper person to hold a licence is not entitled to reapply for a licence—

- (a) if the person's application was rejected because the person was not a fit and proper person under section 10(6)—until the day section 10(6) stops having the effect that the person is not a fit and proper person under that subsection; or
- (b) otherwise—until the day 3 years after the day the application was rejected.

## **16 Issue of licence**

(1) A licence must be—

- (a) in the approved form; and
- (b) endorsed with—
  - (i) the weapon or category of weapon the possession of which is authorised by the licence; and
  - (ii) any conditions decided under section 15(4)(a); and
  - (iii) if the licence is an armourer's, collector's or dealer's licence or a security licence (organisation)—the place approved for the secure storage of the weapon or category of weapon possession of which is authorised by the licence.

(2) A condition or any other information to be endorsed on a licence may be endorsed on the licence, or a certificate issued for the licence, by a word that is given a meaning by a code prescribed under a regulation.

(3) A regulation may prescribe things that must be provided for on the approved form of licence.

## **17 Uses permitted under licence**

(1) A licence authorises a licensee to use a weapon or category of weapon possession of which is authorised under the licence for any lawful purpose.

(2) If use of a firearm is authorised under another Act, a licensee does not contravene this Act merely because the licensee uses the firearm in the way authorised under the other Act.

## **18 Renewal of licences**

(1) A licensee may apply for the renewal of the licence within a period of 46 days starting 60 days before the day the licence expires.

(2) An application for renewal of a licence must be—

- (a) made in the approved form; and
- (b) made personally, in the way prescribed under a regulation, by—
  - (i) for a licence issued to an individual—the licensee; or
  - (ii) for a licence issued to a body, whether incorporated or unincorporated—an individual nominated by the body for endorsement on the licence as the body’s representative in the conduct of its business or affairs; and
- (c) accompanied by the fee prescribed under a regulation.

(3) If an officer in charge of police receives the application, the officer must refer the application to an authorised officer.

(4) An authorised officer must decide the application before the licence expires.

(5) In deciding the application, the authorised officer may consider anything at the officer’s disposal.

(6) The authorised officer must—

- (a) approve the application and renew the licence subject to any conditions the authorised officer may decide; or
- (b) reject the application.

(7) A licence may be renewed by—

- (a) endorsing the existing licence; or
- (b) cancelling the licence and issuing a fresh licence.

(8) Section 10(2) to (6) applies to the renewal of a licence with any necessary changes.

## **19 Notice of rejection of application to issue or renew licence**

(1) If an authorised officer rejects an application for a licence or renewal of a licence, the authorised officer must give the applicant a notice of rejection in the approved form stating the specific reasons for the rejection.

(2) The notice may be given to the applicant by sending it to the applicant by security post at the address shown on the application.

## **20 Term of licence**

(1) A licence, other than a replacement licence, remains in force for the term, not more than 5 years, stated on the licence.

(2) A replacement licence remains in force for the unexpired term of the licence which it replaces.

(3) An existing licence stops being in force if a replacement licence is issued instead of the licence.

(4) Also, a licence, including a replacement licence, stops being in force if—

- (a) it is suspended, cancelled, revoked or surrendered; or
- (b) the licensee dies or is disqualified from holding the licence; or
- (c) for a minor's licence—the licensee turns 18.

## **21 Certain licences transferable**

(1) A licence is transferable only in the circumstances mentioned in this section.

(2) The following licences may be transferred on a sale of a business to which the licence applies—

- armourer's licence
- dealer's licence
- security licence (organisation)
- theatrical ordnance supplier's licence.

(3) The proposed purchaser of the business must apply for the appropriate licence under section 13.

(4) If an authorised officer is satisfied the proposed purchaser is otherwise entitled to be issued with the licence, the authorised officer may approve the transfer of the licence subject to the sale of a business being finalised.

(5) If an authorised officer approves the transfer, the purchaser is taken to be the holder of the licence from the time the sale is finalised until the

licence is formally transferred or a fresh licence is issued in the purchaser's name for the balance of the original licence's term.

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

A licensee must report the loss, destruction or theft of the licence to an officer in charge of police immediately after the licensee becomes aware of the loss, destruction or theft.

Maximum penalty—10 penalty units.

## **23 Replacement licence**

(1) This section applies if an authorised officer is satisfied—

- (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 an officer in charge of police.

(2) The authorised officer may issue to the licensee a licence (the “**replacement licence**”) instead of the existing licence on—

- (a) application by the licensee in the approved form; and
- (b) payment of the fee prescribed under a regulation.

## **24 Change in licensee's circumstances**

(1) It is a condition of each licence that a licensee must, within 14 days of the happening of an event mentioned in subsection (2) (the “**change**”), advise an officer in charge of police of the change and deliver the licence to the officer.

(2) The events are—

- (a) any of the following that happen to the licensee or the licensee's representative—
  - (i) a change of address;
  - (ii) a change in the licensee's or the licensee's representative's mental or physical fitness;
  - (iii) the conviction of the licensee or the licensee's representative of an offence mentioned in section 10(6)(a)(i) to (iii);

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- (iv) the making of a domestic violence order against the licensee or the licensee's representative; or
  - (b) a change in the licensee's—
    - (i) reason or need for possessing or using a weapon; or
    - (ii) access to secure storage facilities for the licensee's weapon; or
  - (c) the revocation of the licensee's permission to shoot on a landowner's rural land; or
  - (d) another event prescribed under a regulation.
- (3) The officer in charge must advise an authorised officer of the change.
- (4) The authorised officer must—
- (a) if the change is to a particular on the licence and the authorised officer is satisfied of the correctness of the change—endorse the licence with the change; or
  - (b) otherwise—take the appropriate action in relation to the licence.
- (5) In this section—

**“representative”** of a licensee means a person who is endorsed—

- (a) on the licensee's licence as the licensee's representative; or
- (b) on a permit to acquire issued to the licensee as the licensee's representative.

## **25 Authorised officer may amend licence conditions**

- (1) An authorised officer may amend the conditions of a licence—
- (a) on the licensee's application; or
  - (b) on the authorised officer's own initiative.
- (2) Before making an amendment under subsection (1)(b), the authorised officer must—
- (a) give written notice to the licensee—
    - (i) of the details of the proposed amendment; and
    - (ii) that the licensee may make written submissions to the authorised officer about the proposed amendment before a

stated day, not earlier than 21 days after the notice is given to the licensee; and

- (b) have regard to submissions made to the authorised officer by the licensee before the stated day.

(3) If an authorised officer decides to amend the conditions of a licence, the authorised officer must give written notice of the amendment to the licensee.

(4) The amendment takes effect—

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

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

## **26 Change of approved place**

(1) This section applies to an approved place endorsed on a licence under section 16(1)(b)(iii).<sup>13</sup>

(2) On application by the licensee, an authorised officer may change the approved place to another place if the authorised officer is satisfied the other place fulfils the requirements of this Act.

(3) The authorised officer may endorse the licence with the change.

## **27 Surrender of licence**

(1) A licensee may surrender the licence by—

- (a) giving written notice of surrender; and
- (b) surrendering the licence.

(2) The notice must be given and the licence surrendered to an authorised officer or officer in charge of police.

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13 Section 16 (Issue of licence)

## **28 Suspension of licence**

(1) An authorised officer may, by a suspension notice given to a licensee, suspend the licence if the authorised officer—

- (a) is satisfied that the licensee—
  - (i) has been charged with an offence against any law in force in Queensland or elsewhere—
    - (A) relating to the misuse of drugs; or
    - (B) involving the use or threatened use of violence; or
    - (C) involving the use, carriage, discharge or possession of a weapon; or
  - (ii) is temporarily unable to comply with a condition of the licence; or
- (b) considers, on reasonable grounds, that the licensee may no longer be a fit and proper person to hold a licence.

(2) The licence is suspended until—

- (a) if subsection (1)(a)(i) applies—
  - (i) the proceeding for the charge ends; or
  - (ii) the suspension is lifted by an authorised officer; or
- (b) if subsection (1)(a)(ii) applies—the authorised officer is satisfied the licensee is able to comply with the condition and lifts the suspension; or
- (c) if subsection (1)(b) applies—the earlier of the following days—
  - (i) the day the authorised officer is satisfied the person is a fit and proper person to hold a licence and lifts the suspension;
  - (ii) the day 30 days after the licence is suspended.

(3) If a licensee whose licence is suspended under this section holds a permit to acquire, the permit is also suspended.

## **29 Revocation of licence**

(1) An authorised officer may, by a revocation notice given to a licensee, revoke a licence if the authorised officer is satisfied of any of the following things—

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- (a) the licence has been obtained through fraud or deception;
- (b) the licensee has been convicted of an offence against any law in force in Queensland or elsewhere involving the use, carriage, discharge or possession of a weapon;
- (c) the licensee has contravened a condition of the licence;
- (d) the licensee is no longer a fit or proper person to hold the licence;
- (e) the licensee no longer has a reason mentioned in section 11 to possess a weapon;
- (f) for an armourer's licence, dealer's licence or theatrical ordnance supplier's licence—
  - (i) the licensed armourer, licensed dealer or licensed theatrical ordnance supplier is not in charge of the premises stated in the licence; or
  - (ii) the premises stated in the licence are no longer satisfactory for carrying out the business to which the licence applies;
- (g) for a collector's licence—
  - (i) the licensed collector is no longer a genuine collector or is not 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 safekeeping of weapons.

(2) If a licensee whose licence is revoked under this section holds a permit to acquire, the permit is also revoked.

(3) This section does not prevent an authorised officer reinstating a licence that is revoked by the authorised officer because of a mistake of fact.

*Examples for subsection (3)—*

1. J was charged with an offence and although no conviction was recorded for the offence, police records indicated a conviction had been recorded.
2. A was required to be a member of a pistol club but the club failed to tell the commissioner that A had joined the club before the revocation happened.

(4) A licence reinstated under subsection (3) is taken not to have been revoked.

(5) The licence may be reinstated by—

- (a) returning the licence; or



(b) issuing a fresh licence.

(6) The authorised officer must also ensure any entry made in the firearms register because of the revocation is corrected.

### **30 Suspension or revocation notice**

(1) A suspension or revocation notice must—

- (a) be in the approved form; and
- (b) state the specific reasons for the suspension or revocation of the licence; and
- (c) direct the licensee to surrender—
  - (i) the licence and any relevant permit to acquire to a stated police officer at a stated reasonable time and place; and
  - (ii) the weapon held by the licensee under the licence in a way prescribed under subsection (4) or (5) at, or by, a stated reasonable time.

(2) A suspension or revocation notice may have effect immediately only if it, or a copy of it, is given personally to the licensee or a person endorsed on the licence as representing the licensee.

(3) A person who is given a suspension or revocation notice must comply with the directions in the notice.

Maximum penalty—20 penalty units or 6 months imprisonment.

(4) A weapon to be surrendered under a suspension or revocation notice may be surrendered by delivering it to any police officer.

(5) A weapon may also be surrendered by—

- (a) delivering it to a licensed dealer or other person authorised under this Act to possess the weapon; and
- (b) obtaining from the person to whom the weapon is delivered a receipt in the approved form for the weapon; and
- (c) giving the receipt, within the time stated in the notice for the surrender of the weapon, to the police officer mentioned in subsection (1)(c)(i).

(6) An authorised officer may extend the time for compliance with a suspension or revocation notice (the “**compliance time**”) if the person to

whom the notice is given applies to the authorised officer for an extension before the end of the compliance time.

### **31 Licensee's representative**

(1) This section applies to—

- (a) a licensee who holds a licence to enable the licensee to carry on business; and
- (b) an applicant for a licence to enable the applicant to carry on business.

(2) The licensee or applicant may apply for the licence to be endorsed with the name of a fit and proper individual as the licensee's or applicant's representative in the conduct of its business or affairs at the place stated in the application.

(3) A licensee may apply for the licence to be endorsed with the name of a fit and proper individual instead of another person already endorsed as the licensee's representative under this or another section.

(4) An application under subsection (2) or (3) must be made in the approved form in the way prescribed under a regulation.

(5) In this section—

**“fit and proper individual”** means an individual who, if the person applied for a licence, would be a fit and proper person under section 10.

### **32 Temporary recognition of interstate licences for particular purposes**

(1) This section applies if a person who holds a licence, permit or authority issued under the law of another State entitling the person to possession of a weapon visits Queensland—

- (a) to participate in a shooting competition conducted by an approved shooting club or approved by the commissioner; or
- (b) for another purpose specified under a regulation for this section.

(2) The person's licence is taken to authorise possession and use of the weapon in accordance with this Act—

- (a) for the purpose of participating in the competition; or

- (b) for the other purpose specified under the regulation—if the person complies with any conditions specified in the regulation for the purpose.

### **33 Interstate residents moving to Queensland**

(1) This section applies if a resident of another State who is the holder of a licence under the law of the other State authorising possession of a category A, B, C, D or H weapon gives written notice to the commissioner of the person's intention to reside permanently in Queensland.

(2) The person's licence is taken to be the corresponding licence under this Act in force for the period mentioned in subsection (3) or until the day the person's application for a licence under this Act is approved or rejected, whichever is the earlier.

(3) The period is—

- (a) for a licence authorising possession of a category A or B weapon—3 months; and
- (b) for a licence authorising possession of a category C, D or H weapon—7 days.

(4) The period mentioned in subsection (3) starts on the day the person notifies the commissioner of the person's intention to reside permanently in Queensland.

(5) If the holder of a licence authorising possession of a category C, D or H weapon notifies the commissioner and makes application for a licence under this Act within the time allowed under subsection (3)(b), the person does not contravene section 50<sup>14</sup> while the person's application is being decided merely because the 7 day period has passed.

(6) In this section—

**“corresponding licence”**, to a licence held under the law of another State, means—

- (a) a licence under this Act declared under a regulation to be a corresponding licence; or
- (b) if no regulation is made under paragraph (a) or the regulation makes insufficient provision—a licence under this Act that most closely corresponds to the other licence.

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14 Section 50 (Possession of weapons)

**34 Contravention of licence condition**

(1) A licensee must not contravene a condition of the licence.

Maximum penalty—60 penalty units or 1 year's imprisonment.

(2) The penalty under subsection (1) may be imposed in addition to revocation of a licence or seizure of a weapon because of the contravention.

**PART 3—ACQUISITION, SALE AND DISPOSAL OF WEAPONS***Division 1—Preliminary***34A Definitions for pt 3**

In this section—

“**firearm**” does not include a barrel, breechbolt or top slide of a firearm.

“**weapon**” does not include a barrel, breechbolt or top slide of a firearm.

*Division 2—Acquisition, sale and disposal of weapons***35 Acquisition of weapons**

(1) A person may acquire a weapon only if—

- (a) the person is a licensed dealer; or
- (b) the person is the holder of a permit to acquire the weapon and acquires the weapon—
  - (i) from or through a licensed dealer; or
  - (ii) through a police officer in circumstances prescribed under a regulation; or
- (c) the person acquires the weapon under other lawful authority, justification or excuse.

**Maximum penalty—**

- (a) for a category D, H or R weapon—100 penalty units or 2 years imprisonment; and
- (b) for a category C or E weapon—60 penalty units or 1 year's imprisonment; and
- (c) for a category A or B weapon—20 penalty units or 6 months imprisonment.

*Example 1—*

J wishes to sell J's weapon to S. S holds an appropriate licence and a permit to acquire the weapon. J and S agree on the sale price, but the sale may only be completed through a licensed dealer who must provide certain information about the acquisition to an authorised officer under subsection (2) and is entitled to a brokerage fee under subsection (3).

*Example 2—*

J wishes to give J's weapon to S. S holds an appropriate licence and a permit to acquire the weapon. The gift of the weapon may only be made through a licensed dealer who must provide certain information about the acquisition to an authorised officer under subsection (2) and is entitled to a brokerage fee under subsection (3).

*Example 3—*

J sells J's weapon to G, a licensed dealer. G later sells the weapon to S who holds an appropriate licence and a permit to acquire the weapon. G must still provide certain information about the acquisition to an authorised officer under subsection (2), but in this case is not entitled to a brokerage fee.

*Example 4—*

J pays a deposit on a firearm J is buying from G, a licensed dealer. J has applied for a permit to acquire, but the application has not been finally decided. If J takes possession of the firearm before the permit to acquire is issued, J acquires the weapon and commits an offence against subsection (1).

**(2) If the weapon is acquired from a licensed dealer or the acquisition happens through a licensed dealer or police officer—**

- (a) the acquirer must give the dealer or police officer a copy of the permit to acquire; and
- (b) the dealer must give to an authorised officer the copy of the permit to acquire and the information prescribed under a regulation within the time and in the way prescribed under the regulation.

**Maximum penalty—20 penalty units or 6 months imprisonment.**

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(3) If the acquisition happens through a licensed dealer, the dealer is entitled to a brokerage fee from the acquirer in the amount prescribed under a regulation.

(4) The dealer is not entitled to any other payment for brokering the acquisition.

(5) If the acquisition happens under other lawful authority, justification or excuse, the acquirer must, unless the acquirer has a reasonable excuse, take immediate action—

- (a) to comply with this Act; or
- (b) to surrender the weapon under section 30(4) or (5).

Maximum penalty for subsection (5)—20 penalty units or 6 months imprisonment.

(6) This section does not apply to the acquisition of a weapon, if the acquisition consists only of a person taking possession of the weapon—

- (a) to repair it; or
- (b) to store it, if the person is an armourer storing it for someone else; or
- (c) on a temporary basis for not more than 3 months without giving consideration for the acquisition or for the weapon; or
- (d) in performing duties as a security guard under a security licence (guard); or
- (e) under section 52, 53, 54(2), 55 or 55A.<sup>15</sup>

(7) In this section—

“**acquire**”, a weapon, means purchase, accept or receive or otherwise take possession of the weapon.

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15 Section 52 (Physical possession and use of weapon sometimes allowed for the purpose of training a minor), 53 (An unlicensed person may use a weapon at an approved range), 54 (Possession or use of weapon by unlicensed person in primary production sometimes allowed), 55 (Use of weapons by particular unlicensed persons at shooting gallery allowed), or 55A (Possession of weapons supplied by theatrical ordnance supplier)

**36 Sale or disposal of weapons**

(1) A person must not sell or otherwise dispose of a weapon to anyone else unless—

- (a) the person sells or otherwise disposes of the weapon to a licensed dealer; or
- (b) the person sells or otherwise disposes of the weapon to another person who is the holder of a permit to acquire the weapon and the sale or disposal happens—
  - (i) through a licensed dealer; or
  - (ii) through a police officer in circumstances prescribed under a regulation; or
- (c) the person sells or otherwise disposes of the weapon under other lawful authority, justification or excuse.

Maximum penalty—

- (a) for a category D, H or R weapon—100 penalty units or 2 years imprisonment; and
- (b) for a category C or E weapon—60 penalty units or 1 year's imprisonment; and
- (c) for a category A or B weapon—20 penalty units or 6 months imprisonment.

(2) If the sale or disposal happens under subsection (1)(c), the person must give to an authorised officer the information prescribed under a regulation in the way and within the time prescribed under the regulation.

Maximum penalty—60 penalty units or 1 year's imprisonment.

(3) This section does not apply to the disposal of a weapon to a person, if the disposal consists only of a disposal—

- (a) for repair; or
- (b) to an armourer for storage by the armourer; or
- (c) on a temporary basis for not more than 3 months without receiving consideration for the disposal or for the weapon; or

- (d) to a person performing duties as a security guard under a security licence (guard); or
- (e) authorised under section 52, 53, 54(2), 55 or 55A.<sup>16</sup>

### **37 Advertising sale of firearms**

If a person advertises the sale of the person's firearm, the person must state in the advertisement the firearm's serial number.

Maximum penalty—10 penalty units.

### *Division 3—Permits to acquire*

### **38 Issue etc. of permits to acquire**

A permit to acquire may be issued, endorsed or altered only by an authorised officer.

### **39 Limitations on issue of permits to acquire**

(1) A permit to acquire a weapon may be issued only to—

- (a) an individual under subsection (2); or
- (b) a body under subsection (3).

(2) A permit to acquire a weapon may be issued to an individual only if the person is licensed to possess the weapon and—

- (a) is an adult; and
- (b) is not prevented under this or another Act or an order of a Magistrates Court or another court from holding a licence; and
- (c) is a fit and proper person to possess a weapon; and

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16 Section 52 (Physical possession and use of weapon sometimes allowed for the purpose of training a minor), 53 (An unlicensed person may use a weapon at an approved range), 54 (Possession or use of weapon by unlicensed person in primary production sometimes allowed), 55 (Use of weapons by particular unlicensed persons at shooting gallery allowed), or 55A (Possession of weapons supplied by theatrical ordnance supplier)



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- (d) for a category B, C, D or H weapon—has a need to possess the weapon; and
  - (e) if the weapon is an heirloom firearm—is the owner of the firearm because of a testamentary disposition or the laws of succession.
- (3) A permit to acquire a weapon may be issued to a body, whether incorporated or unincorporated—
- (a) for a permit to acquire to be issued to an approved shooting club—only if it is endorsed with the name of an individual member of the club’s governing body, who satisfies the requirements of subsection (2)(a) to (c), as the club’s representative in the conduct of its business or affairs; and
  - (b) for a permit to acquire to be issued to another body—only if—
    - (i) the body has a need to possess the weapon for which the permit to acquire is sought; and
    - (ii) it is endorsed with the name of an individual, who satisfies the requirements of subsection (2)(a) to (c), as the body’s representative in the conduct of its business or affairs.
- (4) For this section, in deciding whether a person is a fit and proper person to possess a weapon an authorised officer must consider, among other things—
- (a) the mental and physical fitness of the person; and
  - (b) whether a domestic violence order has been made against the person; and
  - (c) whether the person has stated anything in or in connection with the application for the permit to acquire the person knows is false or misleading in a material particular; and
  - (d) the public interest.
- (5) However, a person is not a fit and proper person to possess a weapon if, in Queensland or elsewhere within the 5 year period immediately before the day the person applies for the issue of a permit to acquire—
- (a) the person has been convicted of, or discharged from custody on sentence after the person has been convicted of, any of the following offences—
    - (i) an offence relating to the misuse of drugs;
    - (ii) an offence involving the use or threatened use of violence;

- (iii) an offence involving the use, carriage, discharge or possession of a weapon; or
  - (b) a domestic violence order, other than a temporary protection order, has been made against the person.
- (6)** A permit to acquire must—
- (a) be issued in the approved form for a single weapon; and
  - (b) state the name of the person from whom the weapon is to be acquired.

#### **40 Application for permit to acquire**

- (1)** An application for a permit to acquire must be—
- (a) made in the approved form; and
  - (b) made personally, in the way prescribed under a regulation, by—
    - (i) if the permit is for an individual—the person; or
    - (ii) if the permit is for a body, whether incorporated or unincorporated—the individual endorsed on the body's licence as the body's representative; and
  - (c) accompanied by—
    - (i) any fee that may be prescribed under a regulation; and
    - (ii) proof of identity to the satisfaction of an authorised officer; and
    - (iii) other particulars prescribed under a regulation; and
    - (iv) the other relevant particulars the person to whom the application is made reasonably requires.
- (2)** If the application is for a permit to acquire a category B, C, D or H weapon, the applicant must state why the applicant needs the weapon and why the need can not be satisfied in another way.
- (3)** If the application is for a permit to acquire an heirloom firearm, the application must also be accompanied by proof, to the satisfaction of an authorised officer, that the applicant is the owner of the firearm because of a testamentary disposition or the laws of succession.

**41 Inquiries into application**

(1) Before the application is decided, an officer in charge of police or authorised officer with whom an application for a permit to acquire is lodged may—

- (a) make an inquiry or investigation about the applicant or the application; and
- (b) require the applicant to give the officer further information the officer reasonably needs to be satisfied about the applicant's identity or physical or mental health including—
  - (i) in relation to the applicant's physical health—a report from a doctor about the applicant's physical health; and
  - (ii) in relation to the applicant's mental health—a report from a doctor or psychologist about the applicant's mental health; and
- (c) inspect the secure storage facilities for the weapon for which the permit to acquire is to be issued; and
- (d) supply, for this section, information or a document relevant to the applicant's identity to an officer or member of a State or Commonwealth police service; and
- (e) make a report about the applicant or the application; and
- (f) make the recommendation about the application the officer thinks appropriate.

(2) If the authorised officer suspects, on reasonable grounds, that the applicant's stated identity is false, the authorised officer may require the applicant to provide an identifying particular to verify the applicant's identity.

(3) The applicant is taken to have withdrawn the application if, within a stated reasonable time, the applicant—

- (a) refuses to provide the information reasonably required under subsection (1)(b); or
- (b) refuses to allow the inspection under subsection (1)(c); or
- (c) fails to comply with a requirement under subsection (2).

(4) If information about the applicant's mental health given under subsection (1)(b) is provided in a doctor's or psychologist's report, an authorised officer may—

- (a) make information in the officer's possession available to the doctor or psychologist; and
- (b) ask the doctor or psychologist to provide a further report.

(5) The authorised officer may make the information available only if the officer considers, on reasonable grounds—

- (a) the doctor or psychologist was not aware of the information; and
- (b) the information may influence the doctor's or psychologist's opinion about the applicant's mental health.

(6) The authorised officer must also advise the applicant of the information being supplied to the doctor or psychologist.

(7) The authorised officer may make the information available under subsection (4) despite the provisions of any other Act.

(8) Unless the authorised officer considers that it is currently required for the investigation of an offence, the authorised officer must, after deciding the application—

- (a) return to the applicant any identifying particular obtained in the course of inquiries into the application; and
- (b) destroy any record or copy of the identifying particular.

(9) Information required to be supplied under this section may be used only to decide the application or to investigate or prosecute an offence and must not be disclosed for any other purpose.

(10) For this section—

**“applicant”** includes, for a body, the individual endorsed on the body's licence as the body's representative.

## **42 Authorised officer decides application**

(1) An authorised officer must decide an application for a permit to acquire a weapon as soon as practicable after the end of any period that may be prescribed for this section under a regulation.

(2) In deciding the application, the authorised officer may consider anything at the officer's disposal.

(3) The authorised officer must consider the following things when deciding whether the applicant has a need to possess the weapon—

- (a) whether the applicant's requirements can be adequately met in a way not involving the use of a weapon or by using a weapon of another category or type;
- (b) whether the applicant possesses other weapons, and in particular other weapons of that category or type;
- (c) another thing prescribed under a regulation.

(4) To remove any doubt, a collector may have a need for a particular weapon even though the collector already possesses a weapon of the same category or type.

(5) The authorised officer must—

- (a) approve the application and issue the permit to acquire subject to any conditions the authorised officer may decide; or
- (b) reject the application.

### **43 Issue of permit to acquire**

A permit to acquire must be issued in the approved form.

### **44 Notice of rejection of application for permit to acquire**

(1) If an authorised officer rejects an application for a permit to acquire, the authorised officer must give the applicant a notice of rejection in the approved form stating the specific reasons for the rejection.

(2) The notice may be given to the applicant by sending it to the applicant by security post at the address shown on the application.

### **45 Term of permit to acquire**

(1) A permit to acquire remains in force for the term, not more than 3 months, stated on the permit.

(2) A permit to acquire stops being in force if—

- (a) it is suspended, cancelled, revoked or surrendered; or
- (b) the holder of the permit dies.

**46 Reporting loss, destruction or theft of permit to acquire**

A licensee must report the loss, destruction or theft of a permit to acquire to an officer in charge of police immediately after the licensee becomes aware of the loss, destruction or theft.

Maximum penalty—10 penalty units.

**47 Replacement permit to acquire**

(1) This section applies if an authorised officer is satisfied—

- (a) a permit to acquire is lost, destroyed or stolen; or
- (b) any writing or endorsement on a permit to acquire is illegible and the permit to acquire is surrendered to an officer in charge of police.

(2) The authorised officer may issue to the licensee a replacement permit to acquire instead of the permit to acquire on—

- (a) application by the licensee in the approved form; and
- (b) payment of the fee prescribed under a regulation.

**48 Surrender of permit to acquire**

(1) A licensee may surrender a permit to acquire by—

- (a) giving written notice of surrender; and
- (b) surrendering the permit to acquire.

(2) The notice must be given and the permit to acquire surrendered to an authorised officer or officer in charge of police.

***Division 4—Firearms register*****49 Commissioner to maintain firearms register**

(1) The commissioner must establish and maintain a record (the “**firearms register**”) of all firearms in Queensland.

(2) The firearms register must contain the following information for each firearm—

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- (a) the name and address of the firearm's owner and details of the documents relied on to establish the owner's identity and address;
- (b) the type, make, calibre, action, magazine capacity and serial number of the firearm;
- (c) details of the licence authorising possession of the firearm;
- (d) for firearms acquired after the commencement of the *Weapons Amendment Act 1996*—
  - (i) details of any permit to acquire authorising acquisition of the firearm; and
  - (ii) the name and address of the person from whom the firearm was acquired and the date it was acquired;
- (e) the place where the firearm is generally kept;
- (f) the reason given for possession of the firearm and, if appropriate, the reason why the particular firearm was needed;
- (g) other information prescribed under a regulation.

(3) The commissioner may make information in the register available to another entity, within or outside the State, only if the commissioner is satisfied to do so would assist in achieving the object of this Act.

(4) A regulation may limit the information the commissioner may make available under subsection (3).

(5) In this section—

“**firearm**” includes a category H weapon that is permanently inoperable.

## **PART 4—POSSESSION AND USE OF WEAPONS**

### *Division 1—General*

#### **50 Possession of weapons**

A person may possess a weapon only—

- (a) if the person is authorised to possess the weapon under a licence or permit to acquire; or
- (b) with other lawful authority, justification or excuse.

Maximum penalty—

- (a) for a category D, H or R weapon—100 penalty units or 2 years imprisonment; and
- (b) for a category C or E weapon—60 penalty units or 1 year's imprisonment; and
- (c) for a category A or B weapon—20 penalty units or 6 months imprisonment.

### **51 Possession of a knife in a public place**

(1) A person must not physically possess a knife in a public place, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units or 6 months imprisonment.

(2) It is a reasonable excuse for subsection (1) to physically possess a knife—

- (a) to perform a lawful activity, duty or employment; or
- (b) to participate in a lawful entertainment, recreation or sport; or
- (c) for exhibiting the knife; or
- (d) for use for a lawful purpose.

*Example for subsection (2)(a)—*

1. A person may carry a knife on his or her belt for performing work in primary production.

*Examples for subsection (2)(b)—*

1. A scout may carry a knife on his or her belt as part of the scout uniform.
2. A person may carry a knife as an accessory while playing in a pipe band.
3. A fisher may carry a knife for use while fishing.

*Example for subsection (2)(c)—*

1. A person who collects knives may exhibit them at a fete or another public gathering.



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*Examples for subsection (2)(d)—*

1. A person may use a knife to prepare or cut food at a restaurant in a public place or when having a picnic in a park.
2. A person may carry a pen knife or swiss army knife for use for its normal utility purposes.

(3) However, it is not a reasonable excuse to physically possess a knife in a public place for self-defence purposes.

(4) In deciding what is a reasonable excuse for subsection (1), regard may be had, among other things, to whether the way the knife is held in possession, or when and where it is held in possession, would cause a reasonable person concern that he or she, or someone else in the vicinity, may be threatened or harmed.

(5) In this section—

“**knife**” includes a thing with a sharpened point or blade that is reasonably capable of—

- (a) being held in 1 or both hands; and
- (b) being used to wound or threaten to wound anyone when held in 1 or both hands.

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

(1) A minor who is at least 11 years may have physical possession of and use a category A or B weapon in a place where it is lawful to physically possess and use a category A or B 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 who is at least 11 years may have physical possession of and use a category A or B weapon at an approved range for category A or B weapons if the minor is supervised—

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

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

(1) This section applies to a person who is eligible to obtain a licence that authorises the possession of a weapon of a particular category, 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 category of weapon at an approved range for the category of weapon if the physical possession and use of weapons at the range is supervised by a range officer.

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

(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 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 a weapon on the primary producer’s land, even if the person does not hold a licence for that category 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 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.

**55 Use of weapons by particular unlicensed persons at shooting gallery allowed**

(1) A person (“**customer**”) 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 category of weapon.

(2) However, a person conducting a shooting gallery must not allow the customer to physically possess and use the weapon unless the customer—

- (a) for a shooting gallery being used for paint-pellet sports—is at least 15 years; or
- (b) for a shooting gallery not being used for paint-pellet sports—is at least 11 years.

Maximum penalty for subsection (2)—20 penalty units.

### **55A Possession of weapons supplied by theatrical ordnance supplier**

A person may have physical possession of and use a weapon supplied to the person by a theatrical ordnance supplier under section 118<sup>17</sup> for use in a theatrical, film or television production if the use is personally supervised by the supplier.

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

(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 an antique firearm, spear gun, longbow, crossbow and slingshot.

(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

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17 Section 118 (Weapons may be supplied for theatre, film and television productions)

- (b) the weapon is unloaded, broken or for another reason can not be readily discharged.

Maximum penalty—20 penalty units.

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

(1) In this section—

“**weapon**” includes—

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

(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’s 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.

### **58 Dangerous conduct with weapon prohibited generally**

(1) In this section—

“**weapon**” includes—

- (a) an antique firearm, 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; and
- (e) a slingshot.

(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.

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

(1) In this section—

“**weapon**” includes—

- (a) an antique firearm, spear gun, longbow, crossbow; and
- (b) a slingshot; and
- (c) 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.

### **60 Secure storage of weapons**

A person who possesses a weapon must securely store the weapon in the way prescribed under a regulation when it is not in the person’s physical possession.

Maximum penalty—60 penalty units or 1 year’s imprisonment.

### **60A Lost or stolen weapons**

A person who owns or possesses a weapon that, while in the person’s ownership or possession, is, or apparently is, lost or stolen must report the

loss or stealing to a police officer immediately the person becomes aware of the loss or stealing.

Maximum penalty—10 penalty units.

### **61 Shortening firearms**

A person must not, without reasonable excuse—

- (a) shorten a firearm; or
- (b) possess a firearm that has been shortened; or
- (c) acquire or sell a firearm that has been shortened.

Maximum penalty—60 penalty units or 1 year's imprisonment.

### **62 Modifying construction or action of firearms**

(1) A person must not, without reasonable excuse—

- (a) modify the construction or action of a firearm; or
- (b) possess a firearm the construction or action of which has been modified; or
- (c) acquire or sell a firearm the construction or action of which has been modified.

Maximum penalty—60 penalty units or 1 year's imprisonment.

(2) A person must not, without reasonable excuse, make operable a firearm that is required to be, and has been, made permanently inoperable under this Act.

Maximum penalty—60 penalty units or 1 year's imprisonment.

### **63 Altering identification marks of weapons**

A person must not, without reasonable excuse—

- (a) deface or alter any identifying serial number or mark on a weapon; or
- (b) possess a weapon the identifying serial number or mark of which has been defaced or altered; or

- (c) acquire or sell a weapon the identifying serial number or mark of which has been defaced or altered.

Maximum penalty—60 penalty units or 1 year's imprisonment.

#### **64 Obtaining weapons by deceit**

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

Maximum penalty—60 penalty units or 1 year's imprisonment.

#### **65 Unlawful trafficking in weapons**

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 a category H or R weapon—20 years imprisonment;
- (b) if the offence relates to a category A, B, C, D or E weapon or explosives—15 years imprisonment.

#### **66 Dispatch of weapons**

A person may dispatch a weapon only in the way prescribed under a regulation.

Maximum penalty—60 penalty units or 1 year's imprisonment.

#### **67 Possessing and acquiring restricted items**

(1) A person must not, without reasonable excuse, possess or acquire a restricted item.

Maximum penalty—10 penalty units.

(2) For subsection (1), it is not a reasonable excuse to possess or acquire a restricted item for crowd or traffic control.

(3) In this section—

“**restricted item**” means an item prescribed as a restricted item under the *Weapons Categories Regulation 1997*.

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

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

(1) A person must not deal in weapons in the course of business, unless the person is a licensed dealer.

Maximum penalty—

- (a) for a category D, H or R weapon—100 penalty units or 2 years imprisonment; and
- (b) for a category C or E weapon—60 penalty units or 1 year’s imprisonment; and
- (c) for a category A or B weapon—20 penalty units or 6 months imprisonment.

(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.

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

(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.

Maximum penalty—

- (a) for a category D, H or R weapon—100 penalty units or 2 years imprisonment; and
- (b) for a category C or E weapon—60 penalty units or 1 year’s imprisonment; and
- (c) for a category A or B weapon—20 penalty units or 6 months imprisonment.

(1A) A person who is not a licensed armourer must not manufacture a weapon.



Maximum penalty—

- (a) for a category D, H or R weapon—100 penalty units or 2 years imprisonment; and
- (b) for a category C or E weapon—60 penalty units or 1 year's imprisonment; and
- (c) for a category A or B weapon—20 penalty units or 6 months imprisonment.

(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.

## **70 Employees of dealers and armourers**

(1) A licensed dealer or armourer must not employ a person who, in the course of the person's employment, will have access to weapons unless the person is a qualified weapons employee.

Maximum penalty—20 penalty units.

(2) For subsection (1), a person is a **“qualified weapons employee”** only if the person—

- (a) is at least 18 years; and
- (b) holds a licence.

(3) In the course of employment as a qualified weapons employee, a person may possess any category of weapon his or her employer is authorised to possess.

(4) Subsection (3) has effect even if the employee is not licensed to possess the category of weapon.

(5) In this section—

**“employ”** a person includes engage the person as an agent.

## **71 Licensed dealers and armourers to keep register**

(1) A licensed dealer or licensed armourer must keep at the premises stated on the licence a weapons register.

Maximum penalty—20 penalty units or 6 months imprisonment.

(2) A licensed dealer or licensed armourer must, for each transaction for the receipt, acquisition, sale or transfer of a weapon—

- (a) enter immediately in the weapons register the particulars prescribed under a regulation; and
- (b) if the transaction involves a complete or substantially complete weapon or a major component part of a firearm—within 14 days of the transaction, notify an authorised officer in the approved form.

Maximum penalty—20 penalty units or 6 months imprisonment.

(3) A person must not remove a part of the weapons register, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units or 6 months imprisonment.

(4) Subsection (3) does not prevent the correction of the weapons register in a way specified under a regulation.

(5) In this section—

“**remove**” includes make illegible or unintelligible, erase or disguise.

“**weapons register**” means—

- (a) a book in the approved form, bound in a way satisfactory to an authorised officer; or
- (b) a computer register approved by the commissioner.

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

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 weapons held in stock as at midnight on 30 June of that year.

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

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 the particulars prescribed under a regulation and if those particulars are recorded in the weapons register maintained by the dealer or armourer.

#### **74 Licensed dealer or armourer taken to be in unlawful possession**

A licensed dealer or licensed armourer who, without reasonable excuse, possesses a weapon the prescribed particulars of which have not been entered in the weapons register under section 71 is taken to contravene section 50.<sup>18</sup>

### *Division 3—Collectors*

#### **75 Collector to be licensed**

A person is not to collect weapons unless that person is a licensed collector for the category of weapons being collected.

#### **76 Collector's licence (heirloom)**

(1) A collector's licence (heirloom) authorises the licensee to possess a single heirloom firearm or a matched pair or set of heirloom firearms.

(2) However, the licence authorises the licensee to possess an heirloom firearm only if it is made permanently inoperable.

#### **77 Collector's licence (weapons)**

(1) A collector's licence (weapons) authorises the licensee to possess weapons of the category stated in the licence.

(2) However, the licence authorises the licensee to possess—

(a) category D or R weapons only if—

(i) for weapons that are firearms—the weapons are made permanently inoperable; or

(ii) for other weapons—the weapons are inert; and

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18 Section 50 (Possession of weapons)

- (b) category A, B, C or H weapons that are firearms manufactured after 1900 and of obvious and significant commemorative, historic, thematic or investment value only if the weapons are made temporarily inoperable; and
- (c) category H weapons that are permanently inoperable, whether or not of commemorative, historic, thematic or investment value.

### **78 Weapons not to be discharged or operated**

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.

### **79 Approval of arms fair**

(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.

### **80 Application for approval**

(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.

### **81 Collectors to keep register**

(1) A licensed collector must keep at the premises stated in the licence a collection register.

Maximum penalty—20 penalty units or 6 months imprisonment.

(2) A licensed collector must, for each transaction for the receipt, acquisition, sale or transfer of a weapon, enter immediately in the collection register the particulars prescribed under a regulation.

Maximum penalty—20 penalty units or 6 months imprisonment.

(3) A person must not remove a part of the collections register, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units or 6 months imprisonment.

(4) Subsection (3) does not prevent the correction of the collections register in a way specified under a regulation.

(5) In this section—

**“collection register”** means a book in the approved form bound to the satisfaction of an authorised officer.

**“remove”** includes make illegible or unintelligible, erase or disguise.

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

(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 80, 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.

### **83 Licensed collector leaving Queensland**

(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.

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

A licensed collector who, without reasonable excuse, possesses a weapon the prescribed particulars of which have not been entered in the collection register under section 81 is taken to contravene section 50.<sup>19</sup>

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19 Section 50 (Possession of weapons)

***Division 4—Approved shooting clubs*****85 Only an approved shooting club may conduct target shooting**

A person must not conduct a shooting club for the sport of target shooting unless the shooting club is an approved shooting club.

Maximum penalty—20 penalty units.

**86 Application for shooting club permit**

(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.

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

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 86; and
- (d) each individual member of the governing body of the shooting club is an appropriate person; and
- (e) if section 90 applies to the application—the section has been complied with and the person nominated under section 90(2) is an appropriate person.

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

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

**89 Conditions to apply to permit**

(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.

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

(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 92.



(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.

## **91 Duty of nominee**

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.

## **92 Change of nominee**

(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.

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

(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; and
  - (c) whether the individual is the holder of a licence.
- (2) The authorised officer may obtain—
- (a) a report from the commissioner about the criminal history of the person; or
  - (b) if the person holds or previously held in another State a relevant licence, permit, authority or position—a report from the appropriate authority in the other State.

#### **94 Authorised officer may amend permit conditions**

(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.

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

(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.

### **96 Revoking or suspending permit**

(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.

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

(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 category 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.

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

(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.

**98A Limitation on organised target shooting**

Unless otherwise authorised by this Act, a person may conduct organised target shooting only on an approved range.

Maximum penalty—20 penalty units or 6 months imprisonment.

*Division 5—Approved ranges***99 Application for range approval**

(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.

**100 Limits on approvals**

A range may be approved only if the range is conducted by—

- (a) an approved shooting club; or
- (b) an incorporated association; or
- (c) an entity conducting a training course approved by the commissioner for section 10(4) or 124.<sup>20</sup>

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

(1) The authorised officer may grant the approval if the authorised officer is satisfied—

- (a) the range will be used for—
  - (i) conducting a training course approved by the commissioner for section 10(4) or 124; or

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<sup>20</sup> Section 10 (Limitations on issue of licence) or 124 (Training courses for security guards)

- (ii) 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 section 99.
- (2) An approval must be given in the approved form.

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

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

### **103 Conditions to apply to approval**

(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.

### **104 Authorised officer may amend approval conditions**

(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.

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

(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.

### **106 Revoking or suspending approval**

(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.

### **107 Range can be dealt with in conjunction with shooting club permit**

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.



## **108 Responsibilities of range operator**

(1) In this section—

**“range operator”** means the person conducting an approved range for an approved shooting club 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 firearms licence under this Act.

(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.

## **109 Responsibilities of range officer**

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.

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

(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 52;<sup>21</sup> or

(iii) section 53;<sup>22</sup> and

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21 Section 52 (Physical possession and use of weapon sometimes allowed for the purpose of training a minor)

22 Section 53 (An unlicensed person may use a weapon at an approved range)

- (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 category 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.

(3) A person attending an approved range must comply with a direction by a range officer for the range given for the purposes of this Act or safety reasons, unless the person has a reasonable excuse.

Maximum penalty for subsection (3)—10 penalty units.

### *Division 6—Shooting galleries*

#### **111 Approval of shooting galleries**

(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 18 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.

### **112 Conditions of approval**

(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) 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;
- (c) 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) does not apply to the use of a paint-pellet gun at a shooting gallery used solely for paint-pellet sports.

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

(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 111 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 111 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) may be made to an officer in charge of police.

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

(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 112(1)(c)(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***

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

(1) Subject to this Act, a person is not to supply or have possession for the purpose of supply of any weapon or replica of a weapon 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.

### **116 Employees of theatrical ordnance suppliers**

(1) A theatrical ordnance supplier must not employ a person who, in the course of the person's employment, will have access to weapons unless the person is a qualified weapons employee.

Maximum penalty—20 penalty units.

(2) For subsection (1), a person is a **“qualified weapons employee”** only if the person—

- (a) is at least 18 years; and
- (b) holds a licence.

(3) In the course of employment as a qualified weapons employee, a person may possess any category of weapon his or her employer is authorised to possess.

(4) Subsection (3) has effect even if the employee is not licensed to possess the category of weapon.

(5) In this section—

**“employ”** a person includes engage the person as an agent.

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

(1) A licensed theatrical ordnance supplier must keep at the premises stated in the licence an ordnance register.

Maximum penalty—20 penalty units or 6 months imprisonment.

(2) A licensed theatrical ordnance supplier must, for each transaction for the acquisition, sale, supply, rental or transfer of a weapon, enter immediately in the ordnance register the particulars prescribed under a regulation.

Maximum penalty—20 penalty units or 6 months imprisonment.

(3) A person must not remove a part of the ordnance register, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units or 6 months imprisonment.

(4) Subsection (3) does not prevent the correction of the ordnance register in a way specified under a regulation.

(5) In this section—

“**ordnance register**” means a book in the approved form bound to the satisfaction of an authorised officer.

“**remove**” includes make illegible or unintelligible, erase or disguise.

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

(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.

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

(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.

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

(1) A licensed theatrical ordnance supplier is not to remove any weapon or the ordnance register 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.

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

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

## **122 Licensed theatrical ordnance supplier taken to be in unlawful possession**

A licensed theatrical ordnance supplier who, without reasonable excuse, possesses a weapon the prescribed particulars of which have not been entered in the ordnance register under section 117 is taken to contravene section 50.

***Division 8—Security guards and security organisations*****123 Armed security guard must be licensed**

A person must not, in performing duties as a security guard, physically possess a weapon unless the person holds a security licence (guard).

Maximum penalty—20 penalty units

**124 Training courses for security guards**

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

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

(3) If a person who holds a security licence (guard) 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.

**125 Control of possession and use of weapons by security guards**

A regulation may impose conditions on the possession and use of weapons by persons performing the duties of a security guard.

**126 Employed security guard must record prescribed information**

(1) A person who possesses or uses a weapon in performing duties as an employed security guard must, as prescribed by regulation, record information about the possession or use in the security organisation register 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.

(3) In this section—



**“employed”** security guard means a person who is employed as a security guard by a security organisation.

### **126A Obligation of security guard carrying on business to keep register**

(1) An individual who carries on business on the individual’s own account as a security guard must—

- (a) keep a register in the approved form (**“security guard’s register”**); and
- (b) record in the security guard’s register, as prescribed under a regulation, information about the individual’s possession or use of weapons.

Maximum penalty—10 penalty units.

(2) A person must not make an entry in the security guard’s register that is false or misleading.

Maximum penalty—10 penalty units.

(3) A regulation may prescribe—

- (a) the type of information that must be recorded in the security guard’s register; and
- (b) the time when the information must be recorded.

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

(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 a security licence (organisation).

(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.

### **128 Obligations of security organisation in relation to register**

(1) A security organisation must—

- (a) keep a security organisation register in the approved form; and
- (b) record in the security organisation register, as prescribed by regulation, information about its, and its employees', possession or use of weapons.

Maximum penalty—20 penalty units.

(2) A person must not make an entry in the security organisation register that is false or misleading.

Maximum penalty for subsection (2)—20 penalty units.

(3) A regulation may prescribe—

- (a) the type of information that must be recorded in the security organisation register; 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 security organisation register.

### **129 Obligation of members of governing body of security organisation**

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

Maximum penalty—20 penalty units.

## **PART 6—APPEALS**

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

(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 92;
- (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.

### **143 How to start appeal**

(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.

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

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

- (a) section 145; and
- (b) section 146.

### **145 Appellant may carry on business pending appeal**

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.

### **146 Stay of operation of decision**

(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.

### **147 Hearing procedures**

(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.

**148 Powers of court on appeal**

(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.

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

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

**PART 7—MISCELLANEOUS****150 Advisory council**

(1) The Minister may constitute an advisory council to advise the Minister in the administration of this Act.

(2) The advisory council is to consist of the members appointed to the council by the Minister.

**151 Disclosure by doctors and psychologists of certain information**

(1) This section applies if a doctor or psychologist is of the opinion that a patient is an unsuitable person to possess a firearm—

- (a) because of the patient's mental or physical condition; or

(b) because the patient may be a danger to the patient or another person.

(2) The doctor or psychologist may inform the commissioner of his or her opinion and give the commissioner any relevant information about the patient's condition and identity.

(3) This section applies despite any duty of confidentiality owed by the doctor or psychologist to the patient.

(4) The giving of an opinion or information by a doctor or psychologist under this section does not give rise to any criminal or civil action or remedy against the doctor or psychologist.

### **152 Approved officers**

(1) The commissioner may appoint a police officer or officer of the public service as an approved officer for this Act.

(2) However, a police officer or officer of the public service may be appointed as an approved officer only if, in the commissioner's opinion, the person has the necessary expertise or experience to be an approved officer.

### **153 Authorised officers**

(1) For this Act, the following officers are authorised officers—

- (a) the commissioner, an executive officer or commissioned officer;
- (b) a police officer appointed as an authorised officer by the commissioner.

(2) However, a police officer may be appointed as an authorised officer only if, in the commissioner's opinion, the officer has the necessary expertise or experience to be an authorised officer.

### **155 Disqualification by a court**

(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, permit to acquire 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, antique firearm, 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 or permit to acquire specified in the declaration.

(3) A disqualification under subsection (1)(b) has effect to revoke any licence, approval or permit to acquire held by the person.

### **156 Offences generally**

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.

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

(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 suspended, cancelled, revoked 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.

### **158 False or misleading information**

(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 94 or 104.<sup>23</sup>

(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.

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

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

### **161 Proceedings for offences**

(1) A proceeding for an offence against this Act, other than section 65,<sup>24</sup> may be prosecuted in a summary way under the *Justices Act 1886*.

(2) The proceeding must be commenced—

- (a) within 1 year after the commission of the offence; or

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23 Section 94 (Authorised officer may amend permit conditions) or 104 (Authorised officer may amend approval conditions)

24 Section 65 (Unlawful trafficking in weapons)



- (b) within 1 year after the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence.

(3) 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.

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

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.

### **163 Evidentiary provisions**

(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, authorised officer 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;

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- (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 authority 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 issued under this Act was subject to the terms, conditions or restrictions stated in the document; and
- (e) a document purporting to contain information extracted from the firearms register and signed by an authorised officer is evidence that the information is recorded in the firearms register; and
- (f) 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
- (g) proof of any exemption from any provision of this Act is upon the person who relies thereon; and
- (h) where the age of any person is material, the court may decide, upon its own view and judgment, 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 67.<sup>25</sup>

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

(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

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25 Section 67 (Possessing and acquiring restricted items)

- (b) if the person can not 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.

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

### **165 Liability for tort generally**

(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.

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

(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 165(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.

**167 Provision of legal representation**

(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.

**168 Landowner incurs no liability merely because permission given**

A landowner does not incur any liability merely because the landowner provides a person with written permission to shoot on the landowner's land.

**168A Particular landowners to keep permit register**

(1) This section applies to a landowner who, after the commencement of this section, provides written permission to shoot on the landowner's rural land—

- (a) to a person or body for a fee or reward; or
- (b) to more than 50 persons or bodies.

(2) The landowner must keep a register (“**permit register**”) stating—

- (a) the name and address of the person or body to whom permission was given; and
- (b) the date permission was given; and
- (c) if the permission was limited by time—the day the permission ends.

Maximum penalty—10 penalty units.

(3) The landowner must keep the permit register while—

- (a) a permission under subsection (1)(a) remains current; or
- (b) more than 50 permissions under subsection (1)(b) remain current.

Maximum penalty—10 penalty units.

(4) For subsection (1), permission given to a body allowing its members or members of another body affiliated with the body to shoot on the landowner's rural land is taken to be a single permission.

### **169 Fees and penalties**

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.

### **170 Delegations**

(1) The Minister may delegate the Minister's powers under this Act to an appropriately qualified authorised officer.

(2) In this section—

**“an appropriately qualified authorised officer”**, to whom a power under this section may be delegated, means an authorised officer who has the necessary expertise or experience to exercise the power.

### **171 Approval of forms**

The commissioner may approve forms for use under this Act.

### **172 Regulation-making power**

(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 the schedule.

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

## **PART 8—TRANSITIONAL PROVISIONS**

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

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

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

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



## **SCHEDULE**

### **SUBJECT MATTER FOR REGULATIONS**

section 172

**1 Eligibility requirements for licences**

Eligibility requirements for a licence.

**2 Authorising things under a licence**

Providing for things a licensee may or may not do under the authority of a licence.

**2A Categorising weapons**

Declaring weapons as category A, B, C, D, E, H or R weapons.

**3 Limiting or prohibiting licensing of particular weapons**

Limiting or prohibiting licensing of particular weapons or particular categories of weapons.

**4 Limiting or prohibiting use of particular weapons**

Limiting or prohibiting use of particular weapons or particular categories of weapons.

**5 Secure storage of weapons**

Requirements for the secure storage of weapons.

**6 Functions, powers and duties**

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

SCHEDULE (continued)

**7 Instruments**

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

**8 Fees etc.**

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

**9 Qualifications and appointments**

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

**10 Funds**

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

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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 3 May 2002. 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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	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
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

### 4 Table of earlier reprints

#### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 58 of 1995	23 February 1996
2	to Act No. 41 of 1996	15 January 1997
2A	to Act No. 48 of 1997	11 December 1997
2B	to Act No. 19 of 1997	8 April 1998
2C	to Act No. 19 of 1998	6 May 1998
3	to Act No. 19 of 1998	7 August 1998
3A	to Act No. 19 of 1999	12 November 1999
4	to Act No. 5 of 2000	4 August 2000
4A	to Act No. 22 of 2001	6 July 2001

## 5 Tables in earlier reprints

### TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed names and titles	1
Corrected minor errors	1, 3
Obsolete and redundant provisions	1
Renumbered provisions	1, 2

## 6 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, 144–45, 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)

amending legislation—

### **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 (as amd 1996 No. 41 pts 1, 3)**

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 commenced 15 January 1997 (see 1996 No. 41 s 2(2) and 1996 SL No. 400)

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

### **Weapons Amendment Act 1996 No. 41 pts 1–2, sch 1**

date of assent 7 November 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 15 January 1997 (1996 SL No. 400)

**Weapons and Other Legislation Amendment Act 1997 No. 48 pts 1–2, s 3 sch 2**

date of assent 29 August 1997

ss 1–4, 47 commenced on date of assent

ss 29, 39, 41–42 commenced 1 May 1998 (1997 SL No. 381)

remaining provisions commenced 14 November 1997 (1997 SL No. 381)

rep 31 December 1998 (see s 58)

**Police and Other Legislation (Miscellaneous Provisions) Act 1998 No. 19 ss 1–2, pt 6**

date of assent 26 March 1998

commenced on date of assent

**Corrective Services Legislation Amendment Act 1999 No. 9 pt 1 sch**

date of assent 30 March 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 1 May 1999 (1999 SL No. 72)

**Explosives Act 1999 No. 15 ss 1–2, 137 sch 1**

date of assent 22 April 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 11 June 1999 (SL No. 108)

**Statute Law (Miscellaneous Provisions) Act 1999 No. 19 ss 1–3 sch**

date of assent 30 April 1999

commenced on date of assent

**Police Powers and Responsibilities Act 2000 No. 5 ss 1–2, 461 (prev s 373) sch 3**

date of assent 23 March 2000

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2000 (see s 2(1), (3) and 2000 SL No. 174)

**Psychologists Registration Act 2001 No. 15 ss 1–2, 255 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 May 2002 (2002 SL No. 77)

**Police Powers and Responsibilities and Another Act Amendment Act 2001 No. 22  
s 1 pt 3**

date of assent 17 May 2001

commenced on date of assent

**Domestic Violence Legislation Amendment Act 2002 No. 6 pts 1, 4**

date of assent 13 March 2002

ss 1–2 commenced on date of assent

remaining provisions not yet proclaimed into force (see s 2)**7 List of annotations****This reprint has been renumbered—see table of renumbered provisions in endnote 9.****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; 1996 No. 41 s 4; 1997 No. 48 s 4; 1999 No. 9 s 3 sch; 2002 No. 6 s 45

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**s 3** ins 1996 No. 41 s 5

**How object is to be achieved for firearms**

**s 4** ins 1996 No. 41 s 5

**Definitions**

**prov hdg** sub 1995 No. 58 s 4 sch 1

- s 5** def “**acquire**” ins 1996 No. 41 s 6(2)  
 def “**ammunition**” sub 1997 No. 48 s 5(1)–(2); 1999 No. 15 s 137 sch 1  
 def “**antique firearm**” sub 1996 No. 41 s 6(1)–(2); 1997 No. 48 s 5(1)–(2)  
 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 officer**” ins 1996 No. 41 s 6(2)  
 def “**approved range**” ins 1994 No. 13 s 6(2)  
 def “**approved shooting club**” ins 1994 No. 13 s 6(2)  
 def “**armourer**” sub 1997 No. 48 s 5(1)–(2)  
 def “**authorised officer**” sub 1996 No. 41 s 6(1)–(2)  
 def “**blank-fire firearm**” ins 1996 No. 41 s 6(2)  
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 def “**collection register**” ins 1996 No. 41 s 6(2)  
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- def **“genuine reason”** ins 1996 No. 41 s 6(2)
- def **“heirloom firearm”** ins 1996 No. 41 s 6(2)
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- def **“interstate domestic violence order”** ins 1996 No. 41 s 6(2)  
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- def **“purchase”** ins 1997 No. 48 s 5(2)
- 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 **“range use register”** ins 1996 No. 41 s 6(2)
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- s 16      amd 1991 No. 97 s 3 sch 1; 1994 No. 13 s 3 sch  
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- s 25      amd 1994 No. 13 s 3 sch  
            sub 1996 No. 41 s 8

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- s 26      amd 1994 No. 13 s 3 sch  
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- div hdg** (prev div 2) ins 1996 No. 41 s 8  
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**Limitations on issue of permits to acquire**

- s 39** ins 1996 No. 41 s 8  
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- s 40** ins 1996 No. 41 s 8

**Inquiries into application**

- s 41** ins 1996 No. 41 s 8  
amd 1997 No. 48 s 21

**Authorised officer decides application**

- s 42** ins 1996 No. 41 s 8

**Issue of permit to acquire**

- s 43** ins 1996 No. 41 s 8

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- s 44** ins 1996 No. 41 s 8

**Term of permit to acquire**

- s 45** ins 1996 No. 41 s 8

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- s 46** ins 1996 No. 41 s 8

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- s 47** ins 1996 No. 41 s 8

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- s 48** ins 1996 No. 41 s 8

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- div hdg** (prev div 3) ins 1996 No. 41 s 8  
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s 80            amd 1994 No. 13 s 3 sch

**Collector to keep register**

s 81            sub 1996 No. 41 s 20

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

s 84            sub 1996 No. 41 s 22

**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**

s 85            sub 1994 No. 13 s 12 (as amd 1996 No. 41 s 37(1))

**Application for shooting club permit**

s 86            sub 1994 No. 13 s 12

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

s 87            sub 1994 No. 13 s 12

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

s 88            sub 1994 No. 13 s 12

**Conditions to apply to permit**

s 89            sub 1994 No. 13 s 12

**A nominee is required for some applications**

s 90            prev s 90 ins 1994 No. 13 s 12 (never proclaimed into force and om 1996  
                  No. 41 s 37(7))  
                  pres s 90 sub 1994 No. 13 s 12

**Duty of nominee**

s 91 sub 1994 No. 13 s 12

**Change of nominee**

s 92 sub 1994 No. 13 s 12

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

s 93 sub 1994 No. 13 s 12 (as amd 1996 No. 41 s 37(2)–(3))

**Authorised officer may amend permit conditions**

s 94 sub 1994 No. 13 s 12

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

s 95 ins 1994 No. 13 s 12

**Revoking or suspending permit**

s 96 ins 1994 No. 13 s 12

**Club must keep range use register book**

s 97 ins 1994 No. 13 s 12  
amd 1997 No. 48 s 3 sch 2

**Service of notice on approved shooting club**

s 98 ins 1994 No. 13 s 12

**Limitation on organised target shooting**

s 98A (prev s 51) ins 1996 No. 41 s 9  
renum and reloc 1997 No. 48 s 3 sch 2

**Division 5—Approved ranges**

div hdg ins 1994 No. 13 s 12

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s 99 ins 1994 No. 13 s 12

**Limits on approvals**

s 100 ins 1994 No. 13 s 12 (as sub 1996 No. 41 s 37(4))  
amd 1997 No. 48 s 34

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

s 101 ins 1994 No. 13 s 12 (as amd 1996 No. 41 s 37(5))  
amd 1997 No. 48 s 35

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

s 102 prev s 102 amd 1995 No. 58 s 4 sch 1  
om 1996 No. 41 s 3 sch 1  
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s 103 ins 1994 No. 13 s 12

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s 104 ins 1994 No. 13 s 12

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s 105 ins 1994 No. 13 s 12



**Revoking or suspending approval**

s 106 ins 1994 No. 13 s 12

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

s 107 ins 1994 No. 13 s 12

**Responsibilities of range operator**s 108 ins 1994 No. 13 s 12 (as amd 1996 No. 41 s 37(6))  
amd 1997 No. 48 s 36**Responsibilities of range officer**

s 109 ins 1994 No. 13 s 12

**Responsibilities of person attending an approved range**s 110 ins 1994 No. 13 s 12  
amd 1997 No. 48 s 37**Approval of shooting galleries**

s 111 amd 1991 No. 97 s 3 sch 1; 1994 No. 13 s 3 sch; 1996 No. 41 s 3 sch 1

**Conditions of approval**

s 112 amd 1994 No. 13 s 13; 1996 No. 41 s 23

**Representative of holder of approval**

s 113 amd 1994 No. 13 s 3 sch; 1996 No. 41 s 3 sch 1

**Conduct of persons resorting to shooting galleries**

s 114 amd 1994 No. 13 s 14

**Theatrical ordnance suppliers to be licensed**

s 115 amd 1997 No. 48 s 38

**Employees of theatrical ordnance suppliers**s 116 amd 1996 No. 41 s 3 sch 1  
sub 1997 No. 48 s 39**Theatrical ordnance supplier to keep register**s 117 amd 1994 No. 13 s 3 sch  
sub 1996 No. 41 s 24**Weapons may be supplied for theatre, film and television productions**

s 118 sub 1994 No. 13 s 15

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

s 119 ins 1994 No. 13 s 16

**Removal of register and weapons**

s 120 amd 1994 No. 13 s 3 sch; 1996 No. 41 s 3 sch 1

**Annual returns by licensed theatrical ordnance supplier**

s 121 amd 1994 No. 13 s 3 sch; 1996 No. 41 s 3 sch 1

**Licensed theatrical ordnance supplier taken to be in unlawful possession**

s 122 ins 1996 No. 41 s 25

**Division 8—Security guards and security organisations**

div hdg sub 1994 No. 13 s 17

**Armed security guard must be licensed**

s 123 sub 1994 No. 13 s 17 (as sub 1996 No. 41 s 38(1))

**Training courses for security guards**

s 124 sub 1994 No. 13 s 17 (as amd 1996 No. 41 s 38(2))

**Control of possession and use of weapons by security guards**

s 125 sub 1994 No. 13 s 17; 1997 No. 48 s 40

**Employed security guard must record prescribed information**

prov hdg sub 1997 No. 48 s 41(1)

s 126 amd 1994 No. 13 s 3 sch

sub 1994 No. 13 s 17 (as amd 1996 No. 41 s 38(3))

amd 1997 No. 48 s 41(2)–(3)

**Obligation of security guard carrying on business to keep register**

s 126A ins 1997 No. 48 s 42

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

s 127 ins 1994 No. 13 s 17 (as amd 1996 No. 41 s 38(4))

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

s 128 ins 1994 No. 13 s 17 (as amd 1996 No. 41 s 38(5)–(6))

amd 2000 No. 5 s 461 sch 3

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

s 129 ins 1994 No. 13 s 17

**Inspection by police officer**

s 130 ins 1994 No. 13 s 17 (as sub 1996 No. 41 s 38(7))

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**PART 5—POLICE POWERS**

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

s 132 amd 1994 No. 13 s 3 sch

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

s 133 om 2000 No. 5 s 461 sch 3

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s 134 amd 1994 No. 13 s 3 sch

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

s 136 om 2000 No. 5 s 461 sch 3

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s 137 om 2000 No. 5 s 461 sch 3

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s 138 om 2000 No. 5 s 461 sch 3

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prov hdg amd 1994 No. 13 s 3 sch

s 139 amd 1994 No. 13 s 19; 1996 No. 41 s 3 sch 1; 1998 No. 19 s 42  
om 2000 No. 5 s 461 sch 3

**Power of arrest**

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s 141 om 2000 No. 5 s 461 sch 3

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s 142 sub 1994 No. 13 s 20

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s 144 ins 1994 No. 13 s 20

**Appellant may carry on business pending appeal**

s 145 ins 1994 No. 13 s 20

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s 148 ins 1994 No. 13 s 20

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s 149 ins 1994 No. 13 s 20  
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s 151 ins 1996 No. 41 s 27

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s 152 ins 1996 No. 41 s 27

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s 153 ins 1996 No. 41 s 27

**Retention and disposal of weapons in police custody****prov hdg** amd 1994 No. 13 s 3 sch**s 154** amd 1994 No. 13 ss 21, 3 sch; 1998 No. 19 s 43; 1999 No. 15 s 137 sch 1  
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s 3 sch**Service of notice, orders etc.****s 164** amd 1994 No. 13 s 25**Landowner incurs no liability merely because permission given****s 168** ins 1996 No. 41 s 30**Particular landowners to keep permit register****s 168A** ins 1997 No. 48 s 45**Delegations****s 170** ins 1996 No. 41 s 31**Approval of forms****s 171** ins 1995 No. 58 s 4 sch 1**Regulation-making power****prov hdg** sub 1996 No. 41 s 3 sch 1**s 172** sub 1994 No. 13 s 3 sch  
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- s 173**      prev s 173 ins 1996 No. 41 s 32  
               amd 1997 No. 48 s 46  
               exp 30 September 1998 (see s 180)  
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**Existing licences continue during amnesty**

- s 174**      ins 1996 No. 41 s 32  
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- s 176**      ins 1996 No. 41 s 32  
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- s 179**      ins 1996 No. 41 s 32  
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- s 180**      ins 1996 No. 41 s 32  
               amd 1997 No. 48 s 49  
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**Saving of licences issued under Firearms and Offensive Weapons Act 1979**

- s 7.1**      ins 1994 No. 13 s 27  
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               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  
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               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—SUBJECT MATTER FOR REGULATIONS**

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## **8 List of forms**

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- Form 2 Version 1—15.01.97—Licence**  
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- Form 2a Version 1—15.01.97—Licence Conditions**  
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- Form 2b Version 1—15.01.97—Weapons List**  
pubd gaz 30 May 1997 p 476
- Form 3 Version 2—27.07.2001—Application for Replacement—Licence/Permit to Acquire**  
pubd gaz 19 October 2001 p 577
- Form 4 Version 2—27.07.2001—Application for a Change of Particulars—Business**  
pubd gaz 19 October 2001 p 577
- Form 5 Version 2—27.07.2001—Application for a Change of Particulars—Personal**  
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- Form 6 Version 3—01.04.97—Application to Renew Licence**  
pubd gaz 30 May 1997 p 476
- Form 7 Version 1—15.01.97—Suspension or Revocation Notice**  
pubd gaz 30 May 1997 p 476
- Form 8 Version 1—15.01.97—Receipt for Surrendered Weapon(s)**  
pubd gaz 30 May 1997 p 476
- Form 9 Version 1—15.01.97—Notice of Appeal**  
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- Form 10 Version 2—15.10.98—Notice of Acquisition or Disposal of a Weapon**  
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- Form 11 Version 1—20.4.97—Weapons Register—Armourer**  
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- Form 12 Version 1—21.04.97—Licence Dealers and Theatrical Suppliers Annual Return**  
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- Form 13 Version 1—15.01.97—Approval to Conduct an Arms Fair**  
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- Form 14 Version 1—15.01.97—Notice of Refusal of an Arms Fair Licence**  
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- Form 15—Version 2—09.10.2000—Application for a Permit, an Approval or Exemption**  
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- Form 16 Version 1—15.01.97—Register of Acquisitions**  
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- Form 17 Version 1—15.01.97—Complaint to Ground Issue of Warrant**  
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- Form 19 Version 1—15.01.97—Approval for Range**  
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- Form 20 Version 1—15.01.97—Range Attendance Register**  
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- Form 22 Version 1—21.4.97—Weapons Register—Government Service Entity**  
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- Form 23 Version 1—21.4.97—Employee Issue Register—Government Service Entity**  
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- Form 24 Version 1—15.01.97—Security Organisation Register**  
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- Form 25 Version 1—15.01.97—Register of Searches (Form 5 Drugs Misuse Act)**  
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- Form 26 Version 1—15.01.97—Notice to Attend and Give Evidence**  
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- Form 27 Version 1—15.01.97—Permit to Acquire**  
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- Form 28 Version 1—15.01.97—Application for Permit to Acquire**  
pubd gaz 30 May 1997 p 476
- Form 29 Version 2—12.3.99—Notice of Rejection of Application for Permit to Acquire**  
pubd gaz 12 March 1999 p 1025
- Form 30—Version 3—09.10.2000—Proof of Identity Declaration**  
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- Form 31 Version 1—14.11.97—Certificate of a Firearm/Weapon being Permanently Inoperable**  
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## 9 Tables of renumbered provisions

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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)).

**Domestic Violence Legislation Amendment Act 2002 No. 6 pt 4 reads as follows—**

### **PART 4—AMENDMENT OF WEAPONS ACT 1990**

#### **‘45 Amendment of s 2 (Application of Act)**

**(1)** Section 2(8)—

*renumber* as section 2(9).

**(2)** Section 2—

*insert—*

**‘(8)** The operation of this section is subject to the *Domestic and Family Violence Protection Act 1989*, section 23(2)<sup>26</sup>.’.

#### **‘46 Amendment of s 5 (Definitions)**

**(1)** Section 5, definitions **“domestic violence order”**, **“interstate domestic violence order”** and **“temporary protection order”**—

*omit.*

**(2)** Section 5—

*insert—*

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26 *Domestic and Family Violence Protection Act 1989*, section 23(2)—

**(2)** If the person is named as the respondent in a domestic violence order, the Weapons Act applies to the person for the duration of the order despite the Weapons Act, section 2.

‘**“domestic violence order”**’ means a domestic violence order under the *Domestic and Family Violence Protection Act 1989*,<sup>27</sup> and includes an interstate domestic violence order.

**“interstate domestic violence order”** means an interstate order under the *Domestic and Family Violence Protection Act 1989*,<sup>28</sup> whether or not the interstate order is registered under that Act.

**“protection order”** means a protection order under the *Domestic and Family Violence Protection Act 1989*, and includes an interstate domestic violence order corresponding to a protection order.

**“representative”**, of a body, for sections 27A and 28A, means the representative of a licensee that is a body, whether incorporated or unincorporated, who is endorsed —

- (a) on the licensee’s licence as the licensee’s representative; or
- (b) on a permit to acquire issued to the licensee as the licensee’s representative.

**“respondent”** means a person named in a domestic violence order as the respondent.

**“temporary protection order”** means a temporary protection order under the *Domestic and Family Violence Protection Act 1989*, and includes an interstate domestic violence order corresponding to a temporary protection order.’.

#### **‘47 Insertion of new s 27A**

After section 27—

*insert—*

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27 *Domestic and Family Violence Protection Act 1989*, section 13(2)—

(2) A **“domestic violence order”** means—

- (a) a protection order; or
- (b) a temporary protection order.

28 *Domestic and Family Violence Protection Act 1989*, the schedule—

**“interstate order”** means an order made by a court of another State, a Territory or New Zealand under a prescribed law of the other State, Territory or New Zealand.

**‘27A Suspension of licence and related matters after temporary protection order is made**

‘(1) If a person is a licensee and is named as the respondent in a temporary protection order, the licence is suspended while the temporary protection order is in force.

‘(2) If a person is a body’s representative and is named as the respondent in a temporary protection order—

- (a) any authority the respondent has to possess a weapon because the respondent is the body’s representative is ineffective while the temporary protection order is in force; and
- (b) the body’s licence is suspended 7 days after the licensee is given the temporary protection order unless, in that period, another individual is endorsed on the licence as the body’s representative in substitution for the respondent.

‘(3) Subsections (1) and (2)(a) take effect—

- (a) if the respondent is present in court when the temporary protection order is made—from the time of the order; and
- (b) otherwise—when the respondent is given the temporary protection order.

‘(4) A suspension under subsection (2)(b) ends on the earlier of the following—

- (a) when another individual is endorsed on the licence as the body’s representative in substitution for the respondent;
- (b) the temporary protection order is no longer in force.

‘(5) Subsections (1) and (2)(a) stop having effect when the temporary protection order is no longer in force.

‘(6) If the licensee of a licence suspended under subsection (1) or (2)(b) holds a permit to acquire, the permit is also suspended while the licence is suspended.

‘(7) Despite a suspension under this section, an authorised officer may suspend the licence under section 28.’

**‘48 Amendment of s 28 (Suspension of licence)**

Section 28, heading—

*omit, insert—*

**‘28 Suspension of licence by giving suspension notice’.****‘49 Insertion of new s 28A**

After section 28—

*insert—*

**‘28A Revocation or suspension of licence and related matters after protection order is made**

‘(1) If a person is a licensee and is named as the respondent in a protection order, the licence is revoked.

‘(2) If a person is a body’s representative and is named as the respondent in a protection order—

- (a) any authority the respondent has to possess a weapon because the respondent is the body’s representative is ineffective; and
- (b) the body’s licence is suspended 7 days after the day the licensee is given the protection order unless, in that period, another individual is endorsed on the licence as the body’s representative in substitution for the respondent.

‘(3) Subsections (1) and (2)(a) take effect—

- (a) if the respondent is present in court when the protection order is made—on the making of the order; or
- (b) otherwise—when the respondent is given the protection order.

‘(4) A suspension under subsection (2)(b) ends on the earlier of the following—

- (a) when another individual is endorsed on the licence as the body’s representative in substitution for the respondent;
- (b) the protection order is no longer in force.

‘(5) If the licensee of a licence revoked under subsection (1) or suspended under subsection (2)(b) holds a permit to acquire, the permit is revoked or suspended while the licence is revoked or suspended.

‘(6) Despite a suspension under subsection (2)(b), an authorised officer may suspend the licence under section 28.’.

**‘50 Amendment of s 29 (Revocation of licence)**

Section 29, heading—

*omit, insert—*

**‘29 Revocation of licence by giving revocation notice’.**

**‘51 Insertion of new ss 29A and 29B**

After section 29—

*insert—*

**‘29A Action by court if respondent has access to weapons through employment**

‘(1) This section applies if—

- (a) a person is the respondent in a domestic violence order; and
- (b) under section 27A or 28A, the respondent’s licence is suspended or revoked, or the respondent is a representative of a body and the authority to possess a weapon as the body’s representative is ineffective; and
- (c) an authorised officer reasonably considers the respondent has access to a weapon as part of the respondent’s employment.

‘(2) The authorised officer must—

- (a) consider the circumstances of the employment; and
- (b) consider the respondent’s access to the weapon; and
- (c) consider the employment arrangements and whether there is an effective individual within the employing entity to whom to give a copy of the domestic violence order to ensure the respondent does not possess a weapon as part of the respondent’s employment; and
- (d) if the authorised officer considers there is an effective individual within the employing entity—give a copy of the domestic violence order to the effective individual.

‘(3) The effective individual may disclose information about the order to another person within the employing entity to the extent necessary to ensure the respondent does not possess a weapon as part of the respondent’s employment.

‘(4) However, the effective individual must not disclose information about the order to anyone else, other than as permitted under subsection (3) or expressly permitted by a court or magistrate under the *Domestic and Family Violence Protection Act 1989*, section 82.<sup>29</sup>

Maximum penalty—40 penalty units or 1 year’s imprisonment.

‘(5) In this section—

“**effective individual within the employing entity**”, relating to a respondent, means any 1 of the following who is in a position to ensure the respondent does not possess weapons as part of the respondent’s employment—

- (a) the employer if the employer is an individual;
- (b) another partner in a partnership in which the respondent is a partner;
- (c) an individual within the entity that employs the respondent.

“**employment**”, of a respondent, includes employment by a partnership in which the respondent is a partner.

### **‘29B Arrangements for surrender of suspended or revoked licences and weapons**

‘(1) This section applies to a person whose licence is suspended under section 27A or revoked under section 28A, because a court makes a domestic violence order naming the person as the respondent.

‘(2) If the respondent is present in court when the court makes the domestic violence order and the respondent has a weapons licence or a weapon, the following applies to the respondent—

- (a) the respondent must—
  - (i) for a respondent who brought the licence to court—immediately give the licence to a police officer; or

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<sup>29</sup> *Domestic and Family Violence Protection Act 1989*, section 82 (Restriction on publication of proceedings)



- (ii) for a respondent who did not bring the licence to court—immediately arrange with a police officer to give the licence to a police officer no later than 1 day after the day the court makes its order;
- (b) the respondent must immediately arrange with a police officer to give to a police officer any weapon the respondent possesses, or to otherwise surrender the weapon, as soon as practicable, but no later than 1 day after the day the court makes its order.

Maximum penalty—10 penalty units.

‘(3) Subject to subsection (4), if a respondent is not present in court when the court makes the domestic violence order, as soon as practicable after the respondent is given a copy of the order, but no later than 1 day after the day the respondent is given the copy, the respondent must—

- (a) give any weapons licence of the respondent to a police officer; and
- (b) give any weapon the respondent possesses to a police officer or otherwise surrender the weapon.

Maximum penalty—10 penalty units.

‘(4) If a police officer personally serves the order on the respondent at the respondent’s place of residence, the respondent must immediately give the weapons licence and any weapon in the respondent’s possession to the police officer unless the respondent has a reasonable excuse for not doing so.

Maximum penalty—10 penalty units.

‘(5) Also, a respondent must immediately give the weapons licence or any weapon in the respondent’s possession to a police officer (the “**surrender officer**”) if—

- (a) a police officer made arrangements under subsection (2) with the respondent about the weapons licence or any weapon in the respondent’s possession; and
- (b) the surrender officer believes the respondent has not complied with the arrangements; and
- (c) the surrender officer asks the respondent to give the officer the weapons licence or any weapon in the respondent’s possession.

Maximum penalty—10 penalty units.

‘(6) If a weapon is given to a police officer under this section and, within 3 months of the weapon being given to the police officer, the respondent wants to otherwise surrender it, the respondent may make arrangements with a police officer for a licensed dealer or licensed armourer, in company with the respondent, to collect the weapon.

‘(7) The *Police Powers and Responsibilities Act 2000* also provides for the role of police officers, and for offences by respondents, after a domestic violence order is made.

‘(8) In this section—

“**approved receipt**” means a receipt in a form that is an approved form under section 71(2)(b).<sup>30</sup>

“**otherwise surrender**”, for a weapon, means the respondent deals with the weapon in the following way—

- (a) the respondent consigns the weapon to a licensed dealer or licensed armourer—
  - (i) for sale; or
  - (ii) for storage for a period that does not end before the period of the domestic violence order;
- (b) the respondent obtains a copy of the approved receipt for the weapon’s consignment from the licensed dealer or licensed armourer and, if the weapon is consigned for storage, the receipt states the respondent acknowledges the cost of the storage is the responsibility of the respondent;
- (c) the respondent gives the copy of the receipt to a police officer—
  - (i) immediately; or
  - (ii) within the time allowed under this section for giving the weapon to a police officer.’.

## ‘52 Insertion of new s 34AA

Part 2, after section 34—

*insert—*

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<sup>30</sup> Section 71 (Licensed dealers and armourers to keep register)

**‘34AA Effect of an appeal against a domestic violence order**

‘(1) This section applies if a domestic violence order is made naming a person as the respondent and—

- (a) the person appeals against the order to the District Court under the *Domestic and Family Violence Protection Act 1989*, section 63(1) and the court, under the *Domestic and Family Violence Protection Act 1989*, section 66 discharges the domestic violence order; or
- (b) the person appeals against the order to the Court of Appeal under the *Domestic and Family Violence Protection Act 1989*, section 63(2) and the court discharges the domestic violence order.

‘(2) For this Act, the domestic violence order is taken not to have been made.’.