

Queensland



Explanatory Notes for SL 2001 No. 187

Weapons Act 1990

WEAPONS AMENDMENT REGULATION (No. 1) 2001

Short title

Weapons Amendment Regulation (No. 1) 2001.

Authorising law

The legislation is authorised under *Weapons Act 1990*. The regulation is consistent with the authorising law. The regulation is not inconsistent with any other legislation.

Objectives of the legislation

The objectives underlying this regulation are to:

- (1) provide sufficient funding to meet additional costs associated with the forthcoming weapons re-licensing requirement;
- (2) ensure that persons licensed under weapons legislation make a fair and equitable contribution to the costs of administering weapons licensing systems in Queensland; and
- (3) ensure that Queensland's weapons licensing fees are reasonable and are not excessive when compared with those of other jurisdictions

Reasons for the legislation

During the initial weapons licensing period in 1996/97, 165,868 five year licences were progressively issued. Since that time, the total number of holders of weapons licences has increased by approximately 3% per

annum and at the end of the 2000/01 financial year was 191,109. The five-year maximum life of a licence introduces the need for a continuous process of re-licensing. This will commence in January 2002 and the first phase of renewals will peak over the following three to four years. In addition, the approval of new license applications will result in continuous growth in the overall re-licensing workload liability. The effect of these factors will be a significant and permanent increase in the annual weapons re-licensing work load of the Queensland Police Service from January 2002. This workload can only be managed by a significant increase of staffing and systems of the Weapons Licensing Branch.

Weapons licensees have been offered substantial support over many years, that is:

- (a) since the introduction of the *Weapons Act* in 1990, there has been no increase in weapons licensing fees;
- (b) when licensees were transferred to the new licensing system in 1997/98 no new licence fees were applied;
- (c) despite increasing costs for weapons licensing services, there has been no increase in fees; and
- (d) under current arrangements, administration of the *Weapons Act* is fully supported by Government appropriation, recognising the modest revenue from the current fee structure.

There are no alternative funding sources or offsetting savings that the Queensland Police Service can use to fund the re-licensing program.

Way in which policy objectives will be achieved

The consequence of the regulation will increase all weapons licensing fees by 25% of the existing annual fee, with the exception of the following:

- (a) a higher increase in the annual Security Licence (Guard) fee from \$8 to \$20 per annum (a 150% increase); and
- (b) no change the annual brokerage fee, which will remain at \$10 per transaction.

Security licences (guard) fees will be increased from \$8 to \$20 per annum to fairly reflect the additional administrative and licensing checks required for these business-related licences.

Business-related fees are subject to licensing fee increases based on:

- (a) equity — it would be seen to be fair that the fee increase apply to business as well as individual weapons holders;
- (b) tax deductibility — business-related fees are tax deductible; and
- (c) full cost recovery — the increase would allow the QPS to move closer to full cost recovery in the area of weapons licensing.

The licence categories considered to be business related include:

- (a) Armourer's licence;
- (b) Concealable firearms licence;
- (c) Dealer's licence;
- (d) Firearms licence (instructor);
- (e) Security licence (organisation);
- (f) Security licence (guard employed/business);
- (g) Theatrical ordnance supplier's licence;
- (h) Shooting gallery approval;
- (i) Shooting club permit; and
- (j) Range approval.

The regulation provides an appropriate level of weapons licensing services, with the introduction of the re-licensing program, and ensures that persons licensed under the *Weapons Act* make a fair and equitable contribution to the costs of weapons licensing administration an increase to weapons licensing fees is necessary.

Cost of implementation

The cost of the implementation of the re-licensing will be \$1.592 M for the 2001/02 financial year. These costs provide for the additional 27 staff and associated operating costs and for associated equity requirements. These costs will reduce to \$1M annually after four years of operation.

Fundamental legislative principles

The regulation does not alter existing or establish new rights, liberties or obligations of persons already licensed under the Act. The regulation imposes a new obligation on persons seeking a new licence under the *Weapons Act* by imposing a one-off application fee.

Consultation

Community

Following Cabinet approval, the Regulatory Impact Statement was released for public comment on Wednesday, 5 September 2001. Consultation was undertaken with the following weapons special interest groups:

- (a) Sporting Shooters of Australia;
- (b) Queensland Shooting Association;
- (c) Arms Collectors Guild, Queensland;
- (d) Queensland Military Rifle Association;
- (e) Queensland Small Bore Air Rifle Association;
- (f) Queensland Amateur Pistol Shooting Association;
- (g) Queensland Firearms Dealers Association;
- (h) Queensland Security Industry Regulatory Council; and
- (i) Agforce, Queensland.

Government

Consultation has occurred with the following Government agencies—

- (a) Department of Employment Training and Industrial Relations;
- (b) Queensland Treasury;
- (c) Department of the Premier and Cabinet;
- (d) Department of State Development; and
- (e) Department of Primary Industries.

Results of Consultation

Community

The general community has not expressed concerns associated with the proposed amendment regulation.

Weapons special interest groups oppose the introduction of the new \$30 licence application fee and to a lesser extent the proposed licence fee increases. Reasons for the opposition are that this additional cost will

contribute to the existing level of non-compliance with the Act and will push people out of shooting. Further, it was suggested that the increase was a "stop gap" measure that does not overcome the cumbersome administrative processes currently in place.

There is limited agreement that in order to allow for the continuous growth to the overall weapons licensing workload liability (through a continuous process of re-licensing and the approval of new licence applications) there is an unavoidable need for a significant expansion of staffing and systems at the Weapons Licensing Branch to met the additional re-licensing demands. No areas of concerns were identified by the Security Industry Regulatory Council or Agforce.

Government

The regulation was supported by all Government agencies.

Notes on clauses

Clause 1—provides the title of the amendment regulation.

Clause 2—sets out the commencement of the amendment regulation.

Clause 3—provides that the amendment regulation amends the *Weapons Regulation 1996*.

Clause 4—Omits the existing Schedule 1 of the *Weapons Regulation* and inserts a new Schedule 1, which sets out the new licensing fees.

ENDNOTES

1. Laid before the Legislative Assembly on . . .
2. The administering agency is the Department of Police.