

# Weapons Amendment Regulation 2022

Explanatory notes for SL 2022 No. 14

made under the

*Weapons Act 1990*

## General Outline

### Short title

*Weapons Amendment Regulation 2022*

### Authorising law

Sections 35, 36 and 172 of the *Weapons Act 1990* (the Act)

### Policy objectives and the reasons for them

Part 3 of the Act sets out requirements for the acquisition, sale and disposal of weapons in Queensland. Section 35(2) of the Act requires that, if a weapon is acquired from a licensed dealer or the acquisition happens through a licensed dealer or police officer, the acquirer must give the dealer or police officer a copy of the permit to acquire. Further, 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.

Section 36(2) of the Act requires that, if the sale or disposal of a weapon happens under a lawful authority, justification or excuse (other than through a licensed dealer or police officer), 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.

Section 103 and 104 of the *Weapons Regulation 2016* (the Regulation) prescribes, for sections 35(2) and 36(2) of the Act, the information that must be provided. Such information includes the dealer's name and licence number, the type and make of the weapon, the details of person disposing of the weapons and the date of the acquisition or sale of the weapon.

Sections 103(3) and 104(3) of the Regulation require this information to be sent by registered post to the Commissioner within 14 days of the acquisition of weapons and an editor's note provides the address that the information is to be posted to.

The Queensland Police Service (QPS) continues to develop and update online and ICT systems to streamline processes and make the management and administration of weapons more efficient and effective. Consequently, the provision of information on the acquisition, sale or disposal of weapons has been identified as a process which could be appropriately managed through an electronic or online method. This will dispense with the cost and administrative expense associated with providing this information by registered post.

The objective of the *Weapons Amendment Regulation 2022* (the Amendment Regulation) is to modify the Regulation to allow the Commissioner to decide and publish on the QPS website, the way a licensed dealer or particular person is to give prescribed information to an authorised officer about the acquisition, sale or disposal of weapons.

The method will be decided by the Commissioner and options could include the use of online forms or other electronic communications. Similar methods are being used successfully to receive information about licence applications, licence renewals and applications for permits to acquire under the Act.

## **Achievement of policy objectives**

The Amendment Regulation achieves its objectives by allowing the Commissioner to decide the way information can be provided to authorised officers about the acquisition, sale or disposal of weapons. The Amendment Regulation requires the method of transmitting this information to be published on the QPS website so that dealers and particular persons will be aware of their obligations when providing information to an authorised officer about the acquisition, sale or disposal of weapons.

There are no changes being made to the nature of the information required to be provided under sections 103 or 104 of the Regulation, nor are there any changes to the timeframes for the provision of such information.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the objective of the authorising Act which is to prevent the misuse of weapons. It helps achieve this objective by providing strict requirements that must be satisfied for the acquisition and sale of firearms.

## **Inconsistency with policy objectives of other legislation**

No inconsistencies with the policy objectives of other legislation have been identified.

## **Alternative ways of achieving policy objectives**

There are no alternative ways of achieving the policy objective.

## **Benefits and costs of implementation**

The Amendment Regulation provides for flexibility regarding the ways particular persons and dealers are required to give information to an authorised officer about the sale, disposal and acquisition of weapons. The Amendment Regulation will enable the Commissioner to decide and publish on the QPS website a broader range of ways this information can be provided, including electronic notification or online. The Amendment Regulation enhances consistency with similar provisions across the Regulation.

There may be cost savings and efficiency benefits for the QPS, particular persons and dealers as a result of implementing online or other electronic methods for the provision of the required information under the Regulation.

The costs associated with implementation of the Amendment Regulation will be met within existing resources.

## **Consistency with fundamental legislative principles**

The Amendment Regulation has been drafted with regard to the fundamental legislative principles defined in section 4 of the *Legislative Standards Act 1992*. A fundamental legislative principle that may be impacted through the Amendment Regulation is whether sufficient regard has been given to the institution of Parliament.

The Amendment Regulation appropriately limits the power to decide the ways the information required to be provided on the acquisition, sale or disposal of weapons is given to an authorised officer to the Commissioner. The Commissioner is also required to publish this method on the QPS website which will ensure particular persons and dealers are aware of how to meet their obligations.

The Regulation contains other similar sections, such as section 9 (How application for licence or licence renewal must be made personally) and section 99 (Way application for permit to acquire must be made) where the Commissioner can decide and publish on the QPS website how these applications can be made.

## **Consultation**

The Regulation was self-assessed by QPS in accordance with the *Queensland Government Guide to Better Regulation* and determined to be excluded from regulatory impact assessment under exclusion category (j) *Regulatory proposals relating to police powers and administration, general criminal laws, the administration of courts and tribunals and corrective services*.

The Queensland Firearms Dealers Association was regularly consulted by the QPS Weapons Licensing Branch in early to mid-2021. The Queensland Firearms Dealers Association has consistently expressed support for improvements which modernise and provide efficiencies in the way dealers can comply with their requirements under the *Weapons Act 1990*.

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