



*Weapons Act 1990*

# **Weapons Regulation 2016**

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## Queensland

# Weapons Regulation 2016

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# Weapons Regulation 2016

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Weapons Regulation 2016*.

### 2 Commencement

This regulation commences on 1 September 2016.

### 3 Definitions

The dictionary in schedule 5 defines particular words used in this regulation.

## Part 2 Licences generally

### Division 1 General limitations on possession or use of weapons

#### 4 Possession or use of weapon, or category of weapon, unlawful to extent another class of licence is needed to authorise the possession or use

- (1) For section 49A(2) of the Act, the possession or use of a weapon, or category of weapon, under a licence of a particular class is unlawful to the extent a licence of another class is needed to authorise the possession or use.

*Example—*

X holds a firearms licence that on its face authorises X to possess and use any category A or B firearm.

However, X must not possess or use a category A or B weapon—

[s 5]

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- (a) as part of a collection of weapons (a collector's licence (heirloom) or collector's licence (weapons) is needed); or
  - (b) in performing duties as a security guard (a security licence (guard) is needed); or
  - (c) as a security organisation (a security licence (organisation) is needed); or
  - (d) to store, manufacture, modify or repair the weapon in the course of the licensee's business of storing, manufacturing, modifying or repairing weapons (an armourers licence is needed); or
  - (e) for the purpose of dealing in weapons (a dealer's licence is needed); or
  - (f) for the purpose of supplying the weapon, without a change in its ownership, on a temporary basis for use in a theatrical, film or television production (a theatrical ordnance supplier's licence is needed); or
  - (g) to provide an approved training course (a firearms licence (instructor) is needed).
- (2) A licence issued after the commencement must contain a copy of subsection (1).
- (3) Failure to comply with subsection (2) does not invalidate a proceeding for an offence.

## **5 Possession of weapon for transport not authorised unless necessarily incidental to licence activities**

- (1) For section 49A(2) of the Act, a licence does not authorise possession of a weapon for or during its transportation unless the transportation is necessarily incidental to engaging in an activity for which the weapon may be used under the licence.

*Examples of transportation for which possession of a weapon is authorised—*

- 1 transportation of a weapon to or from a range for use in target shooting
  - 2 transportation of a weapon to or from a licensee's secure storage facilities to a licensed armourer or licensed dealer
- (2) This section does not apply to the holder of a minor's licence who physically possesses a category A, B or H weapon under the licence—



- (a) to transport the weapon to or from an approved range for the category of weapon; or
- (b) to transport the weapon in Queensland as part of transporting it to or from a firearms range in another State.

## **6 Limitation on weapons' physical possession and use under licence held by a body**

- (1) Despite any other provision of this regulation, a licence held by a body for a weapon does not authorise the body to physically possess the weapon, other than by its representative endorsed on the licence.
- (2) A licence held by a body for a weapon authorises the body's representative endorsed on the licence to physically possess and use the weapon for the purposes of the body that are authorised by the licence, if this regulation does not already give the authorisation.

## **Division 2 Particular matters about applying for licence**

### **7 Additional reasons for possession of weapon**

For section 11(e) of the Act, each of the following is a reason for possession of a weapon—

- (a) a military or medieval re-enactment or a historical demonstration;
- (b) for a sporting organisation to possess a firearm to start sporting events;
- (c) for a theatrical organisation to possess a firearm for a theatrical production;
- (d) paint-pellet sports.

## **8 Additional particulars to accompany application for licence**

For section 13(1)(c)(iii) of the Act, the following particulars for each firearm owned by the applicant are prescribed—

- (a) the type, action, make, model, serial number and calibre of the firearm;
- (b) the chamber capacity and magazine capacity of the firearm;
- (c) if the application relates to proposed recreational shooting—enough information about the location, area and surrounding features of the rural land on which the shooting is to be done to enable the land’s suitability for recreational shooting to be assessed.

## **9 How application for licence or licence renewal must be made personally**

For section 13(1)(b) or 18(2)(b) of the Act, the prescribed way is—

- (a) at a police station or police establishment; or
- (b) in a way, decided by the commissioner, and published on the QPS website including, for example, by submitting the application online.

## **10 Waiting period before application for licence can be decided**

For section 15(1) of the Act, the period is—

- (a) for an application for a licence other than a visitor’s licence—
  - (i) until the end of the 28th day after the application was lodged; or
  - (ii) if an authorised officer is satisfied there are exceptional circumstances—until the end of the day the application was lodged; or

- (b) for an application for a visitor's licence—until the end of the day the application was lodged.

**11 Declaration in application for concealable firearms licence—period within which applicant was resident of another country**

For section 18B(2)(b) of the Act, the period prescribed for section 18B of the Act is 1 year immediately before the declaration under that section was made.

**12 Recreational shooting—prescribed body for membership by licence applicant—Act s 13(3)(b)**

A recreational shooting club that is an approved weapons club is prescribed for section 13(3) of the Act.

**13 Requirements for safety training courses**

- (1) For section 10AA(1)(b) of the Act, the requirements for a safety training course (general) are—
  - (a) the course will give each person who completes the course the knowledge required to ensure the safe use, storage and maintenance of each weapon to which the course relates; and
  - (b) the method of assessment for the course can determine whether the person has that knowledge.
- (2) For section 10AA(2)(b) of the Act, the requirements for a safety training course (security guard) are—
  - (a) the course will give each person who completes the course the knowledge required to ensure the safe use, storage and maintenance of each weapon, or restricted item, to which the course relates; and
  - (b) the method of assessment for the course can determine whether the person has that knowledge.

### **Division 3                   Licence conditions—codes on licence**

#### **14       Licence conditions—codes on licence**

- (1) A condition may be stated on a licence by a code.
- (2) A code mentioned in schedule 2 that is stated on a licence is taken to be the corresponding condition mentioned in schedule 2.

### **Division 4                   Transfer of endorsement for firearm between licences of licensee who is an individual**

#### **15       Transfer of endorsement**

- (1) This section applies if a licensee—
  - (a) who is an individual holds more than 1 licence; and
  - (b) wants to transfer the endorsement of a firearm on 1 of the licences to another licence held by the licensee (the *other licence*).
- (2) The licensee must apply to an authorised officer to transfer the endorsement to the other licence.
- (3) The application must—
  - (a) be in the approved form; and
  - (b) if the endorsement is for a category B, C, D or H weapon, state—
    - (i) the licensee's reason for needing to transfer the endorsement to the other licence; and
    - (ii) why the need can not be satisfied in another way; and
  - (c) be accompanied by—



*Examples of a court order, or other official act, for paragraph (a)—*

- 1 disqualification or suspension from holding or obtaining a weapons licence, approval or other weapons authorisation or from being a licensee's representative
  - 2 disqualification or suspension from owning, possessing, using, carrying or dealing in a weapon
  - 3 revocation of a weapons licence, approval or other weapon's authorisation
  - 4 forfeiture, or police seizure, of a weapon
- (b) the licensee or representative—
- (i) is refused, outside Queensland, an official authorisation to own, possess, use, carry or deal in weapons; or
  - (ii) becomes subject to an order under the *Peace and Good Behaviour Act 1982*, part 2 or similar provisions of an Act of another State; or
  - (iii) becomes subject to a recommendation for assessment under the *Mental Health Act 2016*, or another order, however described, made under a law of another State that provides for similar matters to a recommendation for assessment.

## **18 Way licensee must give advice of change in licensee's circumstances**

For section 24(2A) of the Act, the way a licensee must give an officer in charge of police advice under section 24(1) of the Act is as follows—

- (a) if the advice is only about a change of address—
  - (i) at a police station or police establishment; or
  - (ii) by using the QPS website;
- (b) otherwise—at a police station or police establishment.

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## Part 5 Particular interstate licences or other authorities

### 19 Temporary recognition of particular interstate authorities—additional purposes for visiting Queensland

For section 32 of the Act, each of the following is a purpose for visiting Queensland—

- (a) to undertake recreational shooting on rural land with permission, given before the visit, from the landowner to shoot on the land;
- (b) to satisfy an occupational requirement to shoot on rural land for a rural purpose;
- (c) to participate in a shooting competition conducted by a club that is, or is affiliated with, an organisation recognised by the commissioner as being—
  - (i) a State or national archery organisation; or
  - (ii) a State, national or international historical organisation or military re-enactment organisation; or
  - (iii) a historical organisation, or military re-enactment organisation, that gives training in the use of category M weapons that are crossbows.

### 20 Queensland licence declared to be a corresponding licence

- (1) For section 33(6) of the Act, definition *corresponding licence*, paragraph (a), a Queensland licence that satisfies each of the following is declared to be a corresponding licence—
  - (a) the Queensland licence authorises possession or use of a weapon, but only to the extent allowed under an interstate licence, that is available under a Queensland licence;

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- (b) the Queensland licence is of the class that is the narrowest available in Queensland to authorise the possession or use;
  - (c) the Queensland licence is subject to—
    - (i) any conditions, limitations, restrictions or prohibitions applying under the interstate licence, with necessary changes to adapt them to Queensland; and
    - (ii) any limitations or restrictions applying to that class of Queensland licence.
- (2) In this section—

*interstate licence* means a licence held under the law of another State.

## Part 6                      Blank-fire firearms licence

### 21      What blank-fire firearms licence authorises

- (1) A blank-fire firearms licence may be issued to—
  - (a) an individual; or
  - (b) a theatrical organisation; or
  - (c) an athletic or other sporting organisation.
- (2) A blank-fire firearms licence held by an individual authorises the licensee to physically possess and use, for an authorised purpose, any weapon of the category endorsed on the licence that is a blank-fire firearm and is owned by the licensee.
- (3) A blank-fire firearms licence held by an organisation—
  - (a) authorises the licensee to non-physically possess, for an authorised purpose, any weapon of the category endorsed on the licence that is a blank-fire firearm and is owned by the licensee; and
  - (b) authorises the licensee's representative endorsed on the licence to physically possess and use, for an authorised



purpose, any weapon of the category endorsed on the licence that is a blank-fire firearm and is owned by the licensee; and

- (c) authorises any eligible member of the licensee, with the permission, and under the instruction, of its representative endorsed on the licence, to possess and use, for an authorised purpose, any weapon of the category endorsed on the licence that is a blank-fire firearm and is and owned by the licensee.

(4) In this section—

***authorised purpose*** means—

- (a) for an individual who applied for the licence for theatrical productions—for use in theatrical productions; or
- (b) for a theatrical organisation—for use in theatrical productions in the conduct of the organisation's activities; or
- (c) for an individual who applied for the licence to start sporting events—for starting sporting events; or
- (d) for a sporting organisation—for starting sporting events in the conduct of the organisation's activities.

***eligible member*** means a member eligible to hold a licence.

## **Part 7**                      **Concealable firearms licence and duty of all persons about wearing category H weapon that is a firearm**

### **Division 1**                **What concealable firearms licence authorises**

#### **22**      **What concealable firearms licence authorises**

- (1) A concealable firearms licence authorises the licensee to possess and use any pistol, that is not a category R weapon, for the purpose stated on the licence.
- (2) However, a concealable firearms licence does not authorise the possession or use of a weapon for recreational shooting.

### **Division 2**                **Particular duties of holder of concealable firearms licence**

#### **23**      **Restriction on use of category H weapon**

- (1) The holder of a concealable firearms licence for sports or target shooting must not use a category H weapon held under the licence in a handgun shooting competition that is not an accredited event, if the weapon has a calibre of more than .38 inch.

Maximum penalty—10 penalty units.

- (2) In this section—  
*category H weapon* does not include a black-powder pistol.

## 24 Prohibition on possession of particular detachable magazines

- (1) This section applies to the holder of a concealable firearms licence for sports or target shooting who is the registered owner of a category H weapon held under the licence.
- (2) The holder must not possess a detachable magazine for the weapon that is capable of holding more than 10 rounds of ammunition.

Maximum penalty—10 penalty units.

## 25 Information participation record is to contain

- (1) For section 134(3) of the Act, the following information is prescribed—
  - (a) the date and place of each handgun shooting competition, or club organised shoot, in which the licensee participated;
  - (b) for each handgun shooting competition or club organised shoot—
    - (i) the types of events in which the licensee participated; and
    - (ii) the class of category H weapon used by the licensee; and

*Note—*  
See the *Weapons Categories Regulation 1997*, section 7AA for the classes of category H weapons.

  - (iii) the name and the firearms licence number of the range officer who supervised the licensee;
- (c) for each handgun shooting competition, or club organised shoot, the licensee participated in outside Queensland, including outside Australia—the name and the firearms licence number, or driver licence number, of the official supervising the competition.

- (2) In this section—

*driver licence* means—

- (a) a driver licence under the *Transport Operations (Road Use Management Act 1995*; or
- (b) a driver licence, or similar authorisation to drive, issued under a law of another State or country.

### **Division 3                      Establishing barrel length of category H weapon, including power to require weapon's production**

#### **26                      Production of category H weapons to establish barrel length**

- (1) This section applies to the holder of a concealable firearms licence for sports or target shooting.
- (2) To establish the barrel length of each category H weapon, of which the licensee is the registered owner, held under the licence, an authorised officer may require the licensee to produce each weapon to an authorised officer at a stated reasonable time and place.
- (3) The licensee must comply with the requirement, unless the license has a reasonable excuse.

Maximum penalty—10 penalty units.

#### **27                      How to establish barrel length of category H weapon**

- (1) The barrel length of a category H weapon is established by measuring the distance from the muzzle to—
  - (a) for a revolver—the breech end immediately in front of the cylinder; or
  - (b) for any other category H weapon—
    - (i) if the weapon has a breech bolt—the breech face, with the breech bolt in the closed position; or

- (ii) if the weapon has a top slide—the breech face, with the top slide forward; or
  - (iii) if the weapon does not have a breech bolt or top slide—the breech face, with the break action closed.
- (2) However, if a device is attached to the barrel of the weapon and the device is not readily detachable, the barrel length of the weapon includes the length the device adds to the barrel.

*Example of a device that is not readily detachable—*

a device that can not be detached by removing a screw or by unscrewing the device by hand

- (3) In establishing the barrel length of the weapon, any manufacturer’s specification for the weapon stated on the barrel may be considered.
- (4) In this section—

***breech face*** of a category H weapon includes the weapon’s chamber.

## **Division 4                      Duty of all persons about wearing category H weapon that is a firearm**

### **28            When and how category H weapon that is a firearm may be worn**

- (1) A person may wear a category H weapon that is a firearm only if the person has an occupational requirement to wear it.

Maximum penalty—10 penalty units.

*Note—*

This section applies to category H weapons that are firearms, whether or not held under a concealable firearms licence, for example, those worn by security guards.

- (2) A person wearing a category H weapon that is a firearm must comply with subsections (3) to (7).

Maximum penalty—10 penalty units.

- (3) The firearm must be carried in a holster that is consistent with the shape and size of the firearm.
- (4) The holster must—
  - (a) have a retention device that is integrated with the holster, and the device must be engaged; and
  - (b) be designed so that the trigger is not exposed.
- (5) However, subsection (4) does not apply if—
  - (a) the person is using the firearm for sports or target shooting at an approved range; and
  - (b) compliance with the subsection is impractical because of the type of sports or target shooting.
- (6) If the holster is worn in conjunction with a belt, the holster must be securely attached to the belt.
- (7) The person's clothes must conceal the holster and firearm.
- (8) However, subsection (7) does not apply if the person—
  - (a) is performing duties under a security licence (guard) and is wearing clothing that readily identifies the person as a security guard; or
  - (b) is using the firearm on rural land while engaged in primary production; or
  - (c) is using the firearm for sports or target shooting at an approved range; or
  - (d) is actually performing in—
    - (i) a theatrical production; or
    - (ii) a military re-enactment; or
    - (iii) a historical demonstration.
- (9) In this section—

***retention device***, for a holster, means a device designed to secure the firearm in the holster while the device is engaged.

*Examples—*

safety strap, thumb break, trigger guard lock

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## Part 8                      Firearms licence

### Division 1                      What firearms licence authorises

#### 29                      Firearms licence—category A or B weapons

Other than as provided in section 30, 31, 32, 33, 174 or 175, a firearms licence—

- (a) may be issued only for a category A or B weapon; and
- (b) authorises the licensee to possess and use any weapon of the category endorsed on the licence.

*Note—*

For transitional provisions about particular lever action shotguns with a magazine capacity of more than 5 rounds, see part 31, division 2.

#### 30                      Firearms licence—category C shotguns for clay target shooting

- (1) A member of an approved shooting club that takes part in, or is affiliated with a body that takes part in, national and international clay target shooting competition (the *member's club*) may apply for a firearms licence with an endorsement for category C shotguns.
- (2) The applicant must, because of a lack of strength or dexterity, have a physical need for a category C shotgun to enable the applicant to take part in clay target shooting.
- (3) A document supporting the existence of that physical need because of a medical condition, signed by a doctor, must be lodged with the application.
- (4) Subsections (2) and (3) do not apply to an applicant who, on 14 November 1996—
  - (a) owned a category C shotgun; and
  - (b) was a member of an approved shooting club that takes part in, or is affiliated with a body that takes part in,

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national and international clay target shooting competition.

- (5) The licence authorises the licensee to use any category C shotgun, at an approved range, for each purpose as follows, and to possess any category C shotgun for that purpose—
  - (a) a clay target shooting competition approved by the member's club;
  - (b) a training program associated with the competition.
- (6) The licensee must not load or allow anyone else to load more than 2 rounds of ammunition into a weapon to which the licence relates.

Maximum penalty—10 penalty units.

### **31 Firearms licence—category C rifle or category C shotgun for occupational rural purpose on rural land**

- (1) A person who, in the conduct of the person's business or employment on rural land, has a need for 1 category C rifle or 1 category C shotgun (or both) for a rural purpose, may apply for a firearms licence with an endorsement for 1 category C rifle or 1 category C shotgun or both.
- (2) A person who, in the conduct of the person's business or employment on rural land, has a need for more than 1 category C rifle and more than 1 category C shotgun for a rural purpose, may apply for a firearms licence with an endorsement for more than 1 category C rifle and more than 1 category C shotgun.
- (3) However, a person may apply for a firearms licence under subsection (2) only if the person's need mentioned in the subsection is because of the area or location of the rural land to which the need relates.
- (4) An authorised officer may issue a licence endorsed under subsection (1) or (2) if the authorised officer is satisfied the person's need mentioned in the subsection can not be satisfied in another way.



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- (5) A licence endorsed under subsection (1) authorises the licensee to possess and use 1 of the following endorsed on the licence, to satisfy the need stated on the licence—
    - (a) 1 category C rifle;
    - (b) 1 category C shotgun;
    - (c) 1 category C rifle and 1 category C shotgun.
  - (6) For subsection (2), an authorised officer may endorse the licence with the number of category C rifles or category C shotguns the authorised officer decides is reasonably necessary to satisfy the person's need mentioned in the subsection.
  - (7) A licence endorsed under subsection (2) authorises the licensee to possess and use the number of category C rifles and category C shotguns endorsed on the licence, to satisfy the need stated on the licence.

## **32 Firearms licence—1 category C weapon for occupational fisher**

- (1) A person who, in the conduct of the person's business as, or employment by, a commercial fisher has a need on a particular vessel for 1 category C weapon may apply for a firearms licence with an endorsement for the weapon.
- (2) An authorised officer may issue a licence endorsed under subsection (1) if the authorised officer is satisfied the person's need mentioned in the subsection can not be satisfied in another way.
- (3) The licence authorises the licensee to possess and use the single category C weapon endorsed on the licence, to satisfy the need stated on the licence.
- (4) In this section—

***commercial fisher*** means the holder of a commercial fisher licence under the *Fisheries Act 1994*.

**33 Firearms licence—category D weapons for occupational culling of animals**

- (1) A person who, in the conduct of the person's business or employment (whether or not in primary production), has a need for a category D weapon to cull animals may apply for a firearms licence with an endorsement for no more than 2 category D weapons.
- (2) An authorised officer may endorse the licence with the number of category D weapons the authorised officer decides is reasonably necessary to satisfy the person's need mentioned in subsection (1).
- (3) The licence authorises the licensee to possess and use the number of category D weapons endorsed on the licence, to satisfy the need stated on the licence.
- (4) The licence must state the area where the weapon may be used.

**Division 2 Prohibition on holder of firearms licence on possessing particular magazines**

**34 Prohibition on possession of particular detachable magazines**

- (1) This section applies to the holder of a firearms licence who is the registered owner of a category B weapon held under the licence.
- (2) The holder must not possess a detachable magazine for the weapon that is capable of holding more than—
  - (a) for a weapon that has a lever action but is not a lever action shotgun, or has a pump action—10 rounds of ammunition; or
  - (b) for a weapon that is a repeating centre fire rifle—15 rounds of ammunition.

Maximum penalty—10 penalty units.



## **Part 10**

# **Minor's licence and supervision of particular minors at approved range**

### **36 What minor's licence authorises**

- (1) A minor's licence may be issued for 1 or more of the following purposes—
  - (a) to authorise the licensee to physically possess any category A, B or H weapon—
    - (i) to transport the weapon to or from an approved range for the category of weapon; or
    - (ii) to transport the weapon in Queensland as part of transporting it to or from a firearms range in another State;
  - (b) to authorise the licensee to physically possess and use any category A, B or H weapon at an approved range for the category of weapon under the supervision of a range officer of the range;
  - (c) to authorise the licensee to physically possess and use any category A or B weapon in primary production on rural land in the conduct of the licensee's business or employment;
  - (d) to authorise the same possession and use of a weapon by the licensee as is available to an adult under section 30, 31 or 32.
- (2) However, a minor's licence may be issued for a category C weapon only if the applicant would be entitled to a firearms licence endorsed under section 30, 31 or 32 with the weapon if the applicant were an adult.
- (3) A minor's licence authorises the licensee to possess and use any weapon of the category or type endorsed on the licence for the purpose stated on the licence.

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**37 Conditions of minor's licence**

- (1) It is a condition of a minor's licence that the licensee must not possess any of the following category H weapons under the authority of the licence—
  - (a) a category H weapon that—
    - (i) is semi-automatic; and
    - (ii) has a barrel length of less than 120mm, unless it has an overall length of at least 250mm measured parallel to the barrel;
  - (b) a category H weapon that—
    - (i) is not semi-automatic; and
    - (ii) has a barrel length of less than 100mm, unless it has an overall length of at least 250mm measured parallel to the barrel;
  - (c) a category H weapon with a magazine capacity of more than 10 rounds;
  - (d) a category H weapon that has a calibre of more than .38 inch.
- (2) Despite subsection (1)(d), an authorised officer may, by a condition endorsed on the licence, authorise the licensee to possess and use a category H weapon, that has a calibre of more than .38 inch, if the authorised officer is satisfied the applicant is to possess the weapon for use in an accredited event.
- (3) In this section—

*category H weapon* does not include a black-powder pistol.

**38 Supervision of experienced minor who is at least 11 years for particular weapons at approved range**

- (1) For section 52(2)(b) of the Act, the prescribed way for a minor who is at least 11 years to be supervised is directly by a range officer of the approved range or a range officer's appointee, if—



- (c) any replica of a weapon.
- (2) The licence also authorises the licensee to use the weapons or replicas to which the licence relates, for the purpose mentioned in subsection (1).
- (3) The licence must state the effect of subsection (2).

#### **40 Particulars to be entered in ordnance register kept by theatrical ordnance supplier**

- (1) For section 117(2) of the Act, the prescribed particulars are as follows—
  - (a) the name, residential address and licence number of the other party to the transaction;
  - (b) the date and time of each occasion on which physical possession of the weapon was parted with by the licensee or was returned to the licensee;
  - (c) the type, action, make, model, serial number and calibre of the weapon.
- (2) An entry in the ordnance register may be corrected by putting a line through the incorrect words, without making the words illegible, and writing the correct words in a suitable place in the register.

## **Part 12 Miscellaneous weapons licence**

### **Division 1 Weapons for licence and what licence authorises**

#### **41 Weapons for miscellaneous weapons licence**

A miscellaneous weapons licence may be issued for 1 or more of the following weapons—

- (a) a category E weapon;

- (b) a category M weapon that is a crossbow;
- (c) a category M weapon mentioned in the *Weapons Categories Regulation 1997*, section 7A(o) or (q) (a *martial arts weapon*);
- (d) a category M weapon mentioned in section 7A(p) or (t) of that regulation (a *historical or military weapon*);
- (e) a category M weapon mentioned in section 7A(a), (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k) of that regulation (a *category M knife*).

## 42 Category E weapons

- (1) A miscellaneous weapons licence may be issued for a category E weapon only if an authorised officer is satisfied the applicant for the licence has—
  - (a) a special occupational need for the weapon; or
  - (b) an exceptional need for the weapon for self-preservation that can not be satisfied in another way.
- (2) If the applicant applied for a miscellaneous weapons licence for a category E weapon, the licence authorises the licensee to possess and use the type of category E weapon endorsed on the licence, to satisfy the need stated on the licence.

## 43 Category M weapon that is a crossbow

- (1) A miscellaneous weapons licence may be issued for a category M weapon that is a crossbow only if an authorised officer is satisfied the applicant for the licence—
  - (a) has a landowner's written permission to engage in recreational shooting on the landowner's land; or
  - (b) is, or is affiliated with, an organisation recognised by the commissioner as being—
    - (i) a State or national archery organisation; or
    - (ii) a State, national or international historical organisation; or



- (iii) a State, national or international military re-enactment organisation; or
  - (iv) a historical organisation, or military re-enactment organisation, that gives training in the use of category M weapons that are crossbows.
- (2) An organisation mentioned in subsection (1)(b)(i), (ii), (iii), or (iv) that is an approved weapons club is taken to be an organisation recognised by the commissioner as mentioned in subsection (1)(b).
- (3) If the applicant applied for a miscellaneous weapons licence for a category M weapon that is a crossbow, the licence authorises the licensee to possess and use the type of category M weapon that is a crossbow stated on the licence, for the purpose stated on the licence.

#### **44 Historical or military weapon**

- (1) A miscellaneous weapons licence may be issued for a historical or military weapon only if an authorised officer is satisfied the applicant is a current member of a club that—
  - (a) is, or is affiliated with, a State, national or international historical organisation or military re-enactment organisation; or
  - (b) is a historical organisation, or military re-enactment organisation, that gives training in the use of a historical or military weapon of the type to which the licence relates.
- (2) If the applicant applied for a miscellaneous weapons licence for a historical or military weapon, the licence authorises the licensee to possess and use the type of historical or military weapon stated on the licence, to engage in the activities of the club.

#### **45 Martial arts weapon**

- (1) A miscellaneous weapons licence may be issued for a martial arts weapon only if an authorised officer is satisfied the applicant is a current member of a club that—
  - (a) is, or is affiliated with, a State, national or international martial arts organisation; or
  - (b) is a martial arts training organisation that gives training in the use of a martial arts weapon of the type to which the licence relates.
- (2) If the applicant applied for a miscellaneous weapons licence for a martial arts weapon, the licence authorises the licensee to possess and use the type of martial arts weapon stated on the licence, to engage in the activities of the club.

#### **46 Category M knife**

- (1) A miscellaneous weapons licence may be issued for a category M knife only if an authorised officer is satisfied the applicant for the licence has a special occupational need for the knife.
- (2) If the applicant applied for a miscellaneous weapons licence for a category M knife, the licence authorises the licensee to possess and use the type of category M knife stated on the licence, to satisfy the need stated on the licence.

### **Division 2                      Holder of miscellaneous weapons licence to take precautions about access to weapon**

#### **47 Precautions to be taken about access to weapons**

The holder of a miscellaneous weapons licence must take reasonable precautions to ensure each weapon to which the licence relates is not accessible to persons who are not lawfully entitled to physically possess the weapon.

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Maximum penalty—10 penalty units.

## **Part 13                      Group licence**

### **Division 1                      Who may be issued group licence and weapons for licence**

#### **48                      Who may be issued group licence and weapons for licence**

- (1) A group licence may be issued to—
  - (a) an individual or body to satisfy an occupational need of the individual or body to possess a weapon; or
  - (b) a body that is a sports or target shooting club to satisfy its needs in sports or target shooting to possess a weapon.
- (2) A group licence may be issued for a weapon or category or type of weapon that may be possessed under any of the following licences, for the purpose for which the licence may be issued—
  - (a) a firearms licence;
  - (b) a firearms licence (instructor);
  - (c) a concealable firearms licence;
  - (d) a miscellaneous weapons licence.
- (3) However, a group licence can not be issued to authorise anything that may only be authorised under a security licence (organisation) or security licence (guard).

#### **49                      Application for group licence is taken to be an application for each appropriate class of licence**

An application for a group licence is taken to be an application for each class of licence mentioned in

section 48(2) that is appropriate to the weapons proposed to be endorsed on the licence, including for an endorsement under section 30, 31, 32 or 33.

## **Division 2                    What group licence authorises**

### **50            What group licence held by individual authorises**

A group licence held by an individual authorises—

- (a) the licensee to possess and use the weapons or category or type of weapons endorsed on the licence, for the purpose stated on the licence; and
- (b) the licensee's employees to physically possess and use the weapons or category or type of weapons, for the purpose stated on the licence.

### **51            What group licence held by body authorises**

(1) A group licence held by a body to satisfy an occupational need of the body to possess a weapon—

- (a) authorises the non-physical possession by the licensee of the weapons or category or type of weapons endorsed on the licence, for the purpose stated on the licence; and
- (b) subject to subsections (4) and (5), authorises the licensee's officers and employees to physically possess and use the weapons or category or type of weapons, for the purpose stated on the licence.

(2) A group licence held by a body that is a sports or target shooting club—

- (a) authorises the non-physical possession by the licensee of the weapons or category or type of weapons endorsed on the licence, for the purpose stated on the licence; and
- (b) subject to subsections (4) and (5), authorises the licensee's members, officers and employees to physically possess and use the weapons or category or

type of weapons to engage in the club's lawful shooting activities; and

- (c) authorises the licensee to allow an unlicensed person to physically possess and use the weapons or category or type of weapons, at an approved range, for the purpose of that physical possession and use under section 53 of the Act.
- (3) For subsections (2)(c), an *unlicensed person* is a person who—
- (a) is not a licensee; or
  - (b) is a licensee but is not authorised to possess the weapon or category or type of weapon the person proposes to physically possess and use under subsection (2)(c) at the range.
- (4) A group licence held by a body does not authorise a member, officer or employee of the body to possess or use a weapon or category or type of weapon unless he or she—
- (a) is an individual who holds a licence giving him or her the right to possess and use the weapon or category or type of weapon that may be possessed or used under the group licence; or
  - (b) is a range officer of an approved range who holds a licence.
- (5) A group licence held by a body authorises a person who is a member, officer or employee of the body to possess or use a weapon or category or type of weapons only for the specific purpose for which the weapon was issued to the person by the body.

### **Division 3                      Weapon physically possessed under body's group licence to be returned to its secure storage facilities**

#### **52            Weapon to be returned to body's secure storage facilities**

As soon as practicable after a person who has physical possession of a weapon under a group licence held by a body has finished engaging in the specific activity for which the weapon was issued to the person by the body, the person must return the weapon to the body's secure storage facilities.

Maximum penalty—10 penalty units.

### **Division 4                      Holder of group licence to keep register**

#### **53            Holder of group licence to keep register about weapons held by holder under licence**

- (1) The holder of a group licence must keep a register containing the following information about each weapon held under the licence—
  - (a) the name and licence number of each person to whom a weapon was issued under the licence;
  - (b) the weapon's serial number;
  - (c) if the holder is a sports or target shooting club—
    - (i) the date each person took physical possession of the weapon; and
    - (ii) the date the weapon was returned to the holder's secure storage facilities;
  - (d) if the holder is not a sports or target shooting club—
    - (i) the date and time each person took physical possession of the weapon; and

- (ii) the date and time the weapon was returned to the holder's secure storage facilities.
- (2) If the information is about—
  - (a) the issue of the weapon to a person—the information must be entered in the register when the weapon is issued; or
  - (b) otherwise—the information must be entered in the register when the weapon is returned to the holder's secure storage facilities.

## **Part 14                      Dealer's licence and armourer's licence**

### **Division 1                      What dealer's licence authorises**

#### **54                      What dealer's licence authorises**

- (1) A dealer's licence authorises the licensee to carry on the business of—
  - (a) buying, selling, transferring or brokering any weapons (other than category R weapons or restricted category M weapons) stated on the licence; and
  - (b) brokering the acquisition of—
    - (i) any permanently inoperable, or blank-fire, weapons in category R by the holder of a theatrical ordnance supplier's licence; or
    - (ii) any permanently inoperable weapons in category R by the holder of a collector's licence (weapons); and
  - (c) receiving, dispatching, repairing or storing any weapons.

*Example for paragraph (c)—*

receiving a weapon delivered to the dealer under section 30(5) or 137(2)(b) of the Act

- (2) However, a weapon held under the licence must be stored at the approved place endorsed on the licence for the secure storage of weapons.
- (3) Also, the licence does not authorise the supply by the licensee on a temporary basis of a weapon for use in a theatrical, film or television production if the supply involves no change in ownership of the weapon.
- (4) In this section—

*restricted category M weapon* means a weapon described in the *Weapons Categories Regulation 1997*, section 7A(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (m), (q), (r) or (t).

## **Division 2                      What armourer's licence authorises**

### **55            What armourer's licence authorises**

- (1) An armourer's licence authorises the licensee to store, manufacture, modify or repair any weapon in the course of the licensee's business of storing, manufacturing, modifying or repairing weapons.
- (2) However, the licence authorises the manufacture or modification of a weapon only at premises approved by an authorised officer and stated on the licence.



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## **Division 3                      Duties relating to both licensed dealers and licensed armourers**

### **56            Particulars dealer, armourer or other trader must obtain and record in weapons register before transaction**

For section 73(a) of the Act, the particulars are the name, residential address and licence number of the other party to the proposed transaction.

*Note—*

Under section 73 of the Act, a trader is a licensed dealer, licensed armourer, agent, employee or representative of the dealer or armourer.

### **57            Other particulars licensed dealer or licensed armourer to enter in weapons register**

- (1) For section 71(2) of the Act, the particulars for each transaction involving a weapon are as follows—
  - (a) the date of the receipt, acquisition, sale or transfer of the weapon;
  - (b) the type, action, make, model, serial number and calibre of the weapon;
  - (c) the chamber capacity and magazine capacity of the weapon.
- (2) An entry in the weapons register may be corrected by putting a line through the incorrect words, without making the words illegible, and writing the correct words in a suitable place in the register.

### **58            Duty of licensed dealer or licensed armourer if weapons register is a computer register**

- (1) This section applies to a licensed armourer or licensed armourer who keeps a weapons register that is a computer register.

- (2) The armourer or dealer must, no later than the seventh day of each month—
  - (a) produce a print-out of the part of the register that records information about transactions that took place in the previous month; and
  - (b) include in the print-out a statement identifying all weapons held under the licence as at the end of the previous month by their type, action, make, model, serial number, calibre or magazine capacity; and
  - (c) bind the print-out in book form with all other print-outs produced under this section for the licence.

Maximum penalty—10 penalty units.

## **Part 15                      Collector's licence**

### **59            Particulars to be entered in collection register kept by licensed collector**

- (1) For section 81(2) of the Act, the particulars are as follows—
  - (a) the name, residential address and licence number of each party to the transaction;
  - (b) the type, action, make, model, serial number and calibre of the weapon;
  - (c) the chamber capacity and magazine capacity of the weapon;
  - (d) the date of receipt, acquisition, sale or transfer of the weapon.
- (2) An entry in the collection register may be corrected by putting a line through the incorrect words, without making the words illegible, and writing the correct words in a suitable place in the register.

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**60 Licensed collector who wants to move weapons to a place outside Queensland**

- (1) This section applies if a licensed collector wants to move weapons to which the licence relates from the premises specified in the licence to a place outside Queensland.
- (2) For section 83(2) of the Act, the collector must apply to an authorised officer for a decision that an authorised officer is satisfied that the way of transporting the weapons ensures their safekeeping whilst in Queensland.

**Part 16 Security licence (guard) and security guards**

**Division 1 Who may be issued licence, weapons and term for licence, and training**

**61 Who may be issued security licence (guard), and weapons for licence**

- (1) A security licence (guard) may be issued to either of the following persons only if the person holds the appropriate licence under the *Security Providers Act 1993* for carrying out the functions of a security officer—
  - (a) an employed security guard;
  - (b) a security guard who is applying for the licence to guard his or her own property or another person's property.
- (2) A security licence (guard) may be issued for a category C or H weapon that may be carried by a security guard under section 65 or a category E weapon.

**62 Maximum term of security licence (guard)**

The maximum term for which a security licence (guard) may be issued is 1 year.

**63 Applicant for renewal of security licence (guard) to complete approved safety training course (security guard) annually**

For section 124(2) of the Act, an applicant for renewal of a security licence (guard) must complete an approved safety training course (security guard) within the 60 day period immediately before the day of the application.

**Division 2 What security licence (guard) authorises**

**64 What security licence (guard) authorises**

- (1) A security licence (guard) authorises the licensee—
  - (a) if the licensee is an employee of the holder of a security licence (organisation)—to physically possess and use any weapon of the category endorsed on the licence in performing duties as a security guard for the employer; or
  - (b) to possess and use any weapon of the type endorsed on the licence in performing duties—
    - (i) as a security guard in a business in which the licensee is the only person who performs security guard duties; and
    - (ii) that are not performed under a contract or other arrangement with a security organisation.
- (2) However, the licence does not authorise the licensee to possess or use a weapon—
  - (a) at a place if the reason or part of the reason the licensee is at the place is to maintain order at the place; or
  - (b) for private inquiry work; or
  - (c) for process serving or debt collection.
- (3) Also, the licence does not authorise the licensee to physically possess a weapon unless the licensee is actually performing

security guard duties that reasonably necessitate the weapon's physical possession by the licensee.

*Example of security guard duties that reasonably necessitate physical possession of a weapon—*

escorting cash or valuables

- (4) Further, if the duties as a security guard are performed as an employee, the licence only authorises the licensee to physically possess and use a weapon issued to the licensee by the employer during a shift worked by the licensee for the employer.

### **Division 3                      Restrictions on weapons and ammunition security guard may carry**

#### **65                      Restrictions on number, category and calibre of weapons security guard may carry**

- (1) A person who is protecting another person's property as a security guard must not carry a weapon other than—
- (a) 1 category C shotgun of 12, 16 or 20 gauge; or
  - (b) 1 category H weapon of at least .22 calibre but not more than .40 calibre; or
  - (c) 1 weapon mentioned in paragraph (a) and 1 weapon mentioned in paragraph (b).

Maximum penalty—10 penalty units.

- (2) A person who is protecting the person's own property as a security guard must not carry a weapon other than 1 category H weapon of at least .22 calibre but not more than .40 calibre.

Maximum penalty—10 penalty units.

**66 Restrictions on type of ammunition person performing duties as security guard may use**

- (1) A person performing duties as a security guard must not use ammunition other than—
  - (a) for a category H weapon—factory loaded semi-wad cutter or hollow point projectiles or Glaser safety cartridges; or
  - (b) for a category C shotgun—factory loaded cartridges with a pellet size not less than that of bird shot and not more than that of SSG.

Maximum penalty—10 penalty units.

- (2) A person performing duties as a security guard, other than as an employee, must not use ammunition unless—
  - (a) the person purchased the ammunition new no more than 1 year before the day the duties are performed; or
  - (b) otherwise—the person is reasonably satisfied the ammunition was purchased new no more than 1 year before the day the duties are performed.

Maximum penalty—10 penalty units.

- (3) An employer must not allow an employee, of the employer, performing duties as a security guard to use ammunition unless the employer issued the ammunition to the employee and—
  - (a) the employer purchased the ammunition new no more than 1 year before the day the duties are performed; or
  - (b) otherwise—the employer is reasonably satisfied the ammunition was purchased new no more than 1 year before the day the duties are performed.

Maximum penalty—10 penalty units.

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## **Division 4                    Particular duties of security guard    about weapons**

### **Subdivision 1            Employed security guard**

#### **67            Employed security guard to return weapon to employer at                  or before end of shift**

- (1) This section applies if—
  - (a) a person performs duties as a security guard as an employee during a shift worked by the guard for the employer; and
  - (b) the employer issued the guard with a weapon during the shift.
- (2) At or before the end of the shift, the guard must return the weapon to the employer at the premises where the employer issued the weapon to the guard.

Maximum penalty—10 penalty units.

- (3) However, subsection (4) applies—
  - (a) if the employer required the guard to perform security guard duties at a place at least 250km from the premises (*remote guard duties*); and
  - (b) the guard went to the place to perform the remote guard duties; and
  - (c) the guard is no longer required by the employer to perform the remote guard duties, for example, because the duties are finished.
- (4) The shift is taken to end at the earliest practicable time at which the guard can return the weapon to the employer after the guard is no longer required by the employer to perform the remote guard duties.

**68 Information employed security guard to record in security organisation register kept by employer**

- (1) The information an employed security guard must record, in the security organisation register, under section 126 of the Act is as follows—
  - (a) the guard's name and licence number;
  - (b) the weapon's serial number;
  - (c) the date and time the guard took physical possession of the weapon;
  - (d) the date and time the guard returned the weapon to the security organisation;
  - (e) if the weapon was fired while in the guard's physical possession—the name of the person (if known) at whom, or the thing at which, the weapon was fired and the reason for firing;
  - (f) if the weapon left the guard's physical possession before being returned to the security organisation—
    - (i) how the weapon came to leave the guard's physical possession; and
    - (ii) any information the guard has about the weapon's possession or use while out of the guard's physical possession.
- (2) If the information is about—
  - (a) the issue of the weapon to the guard—the information must be recorded when the weapon is issued to the guard; or
  - (b) anything else—the information must be recorded when the weapon is returned by the guard to the security organisation.



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## **Subdivision 2 Individual who carries on business on own account as security guard**

### **69 Weapons to be placed in guard's secure storage facilities when guard duties stop**

- (1) This section applies if an individual—
  - (a) carries on business on the individual's own account as a security guard; and
  - (b) physically possesses a weapon in actually performing security guard duties that reasonably necessitate that physical possession.
- (2) The individual must place the weapon in the individual's secure storage facilities as soon as practicable after the individual stops performing the duties.

Maximum penalty—10 penalty units.

### **70 Information security guard to record in security guard's register**

- (1) The information a security guard must record, in the security guard's register, under section 126A of the Act is as follows—
  - (a) the guard's name and licence number;
  - (b) the weapon's serial number;
  - (c) the date and time the guard took physical possession of the weapon;
  - (d) the date and time the guard placed the weapon in the guard's secure storage facilities;
  - (e) if the weapon was fired while in the guard's physical possession—the name of the person (if known) at whom, or the thing at which, the weapon was fired, and the reason for firing;
  - (f) if the weapon left the guard's physical possession during the time the weapon was away from the guard's secure storage facilities—

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- (i) how the weapon came to leave the guard's physical possession; and
  - (ii) any information the guard has about the weapon's possession or use while out of the guard's physical possession.
- (2) If the information is about—
- (a) taking physical possession of the weapon—the information must be recorded when the guard takes physical possession of the weapon; or
  - (b) anything else—the information must be recorded as soon as practicable after the guard stops performing the security guard duties that reasonably necessitated the weapon's physical possession by the guard.

## **Part 17                      Security licence (organisation) and security organisations**

### **71            Definition for part**

In this part—

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

### **72            Organisation that may be issued security licence (organisation), and weapons for licence**

A security licence (organisation) may be issued—

- (a) to an organisation that holds a security firm licence under the *Security Providers Act 1993*; and
- (b) for a category C or H weapon that may be carried by a security guard under section 65 or a category E weapon.

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## **73 What security licence (organisation) authorises**

- (1) A security licence (organisation) authorises—
  - (a) the licensee to possess and use any weapon of the category endorsed on the licence, in the course of the licensee’s conduct as a security organisation; and
  - (b) the licensee’s representative endorsed on the licence to physically possess the weapon (other than to perform duties as a security guard) in the course of the licensee’s conduct as a security organisation; and
  - (c) the licensee to allow its employees to physically possess the weapon in the course of the licensee’s conduct as a security organisation.
- (2) However, the licensee may allow the employee to physically possess the weapon in the course of the licensee’s conduct as a security organisation only if the employee holds—
  - (a) a security licence (guard); or
  - (b) a firearms licence (instructor).
- (3) Further, the employee may physically possess the weapon for either or both of the following purposes only if the weapon was issued to the employee by the licensee during a shift worked by the employee for the licensee—
  - (a) to perform a security guard duty;
  - (b) for security guard training.
- (4) Further, the licence does not authorise a person to physically possess or use the weapon, or authorise the licensee to allow an employee of the licensee to physically possess the weapon—
  - (a) at a place if the reason or part of the reason the person or employee is at the place is to maintain order at the place; or
  - (b) for private inquiry work; or
  - (c) for process serving or debt collection.

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- (5) Further, the licence does not authorise a person to physically possess the weapon unless the person is actually performing security guard duties that reasonably necessitate the person's physical possession of the weapon.

*Example of security guard duties that reasonably necessitate physical possession of a weapon—*

escorting cash or valuables

## **74 Information security organisation to record in security organisation register**

- (1) The information a security organisation must record in the security organisation register kept by it under section 128(1) of the Act is as follows—
- (a) for each occasion, that under section 126 of the Act, a security guard employed by the security organisation records information in the register—whether or not the person making the entry in the register on behalf of the security organisation believes each entry made by the security guard is correct;
  - (b) if the person making the entry on behalf the organisation believes an entry is incorrect—the reasons for the belief;
  - (c) the name of the person making the entry in the register on behalf of the organisation.
- (2) The security organisation's entry must be made—
- (a) immediately after the security guard records the information in the register; and
  - (b) by a person other than the security guard, unless the security guard is the security organisation's representative endorsed on the security licence (organisation) held by the security organisation.
- (3) A police officer may require the security organisation to immediately produce the register to the police officer for inspection.

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**75 Storage of particular weapons not in physical possession of security licence (organisation)**

- (1) A weapon possessed under a security licence (organisation) that is not in the licensee's physical possession must be stored unloaded on the premises stated in the licence in a locked safe or locked vault.
- (2) The vault must be made of concrete or concrete blocks filled with concrete.
- (3) The vault door must—
  - (a) be made of steel and have steel door jambs; and
  - (b) have a combination lock or built-in deadlock; and
  - (c) have hinges that are welded to the door and door jamb.
- (4) The safe must be made of steel and—
  - (a) weigh at least 150kg; or
  - (b) be fixed to the premises by welding or hardened steel bolts at least 10mm in diameter.
- (5) This section does not apply while a weapon is in the physical possession of a body's representative endorsed on the licence, or another individual, under the authority of a licence held by the body.

**76 Other security precautions to be taken by holder of security licence (organisation)**

The holder of a security licence (organisation) must take reasonable precautions to ensure each weapon held under the licence is not accessible to a person other than—

- (a) the licensee's representative endorsed on the licence; or
- (b) an employee of the licensee who holds a security licence (guard) or a firearms licence (instructor).

Maximum penalty—10 penalty units.

## Part 18 Visitor's licence

### 77 Visitor's licence—Act, s 12(k)

- (1) A visitor's licence may be issued to an adult 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 of the Act; 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 adult usually resides.
- (2) A visitor's licence may be issued—
  - (a) for an activity that is a reason for possession of a weapon under section 11 of the Act; and
  - (b) for a firearm or type of firearm—
    - (i) the licensee is entitled to possess and use in the State or country where the licensee usually resides; and
    - (ii) for which the licensee could obtain a Queensland licence, other than a visitor's licence, authorising possession and use of the firearm or type of firearm, to the extent and for the activity stated on the licence.
- (3) A visitor's licence authorises the licensee to possess and use a firearm, or type of firearm, endorsed on the licence, to the extent and for the activity stated on the licence.
- (4) The maximum term for which a visitor's licence may be issued is 3 months.
- (5) In this section—

*firearm* includes a category M weapon that is a crossbow.

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## **Part 19**                      **Storage measures for licensed armourers, licensed dealers and licensed theatrical ordnance suppliers**

### **Division 1**                      **How and where weapons must be stored**

#### **78**                      **How and where weapons must be stored**

- (1) This section applies to a weapon that—
  - (a) is possessed under an armourer’s licence, dealer’s licence or theatrical ordnance supplier’s licence; and
  - (b) is not in the licensee’s physical possession.
- (2) The weapon must be stored unloaded in any of the following in premises complying with division 2—
  - (a) a locked vault complying with division 3;
  - (b) a locked safe complying with division 3;
  - (c) a locked gun rack complying with division 4.
- (3) However, a licensed dealer who has no more than a total of 20 weapons of category A, B or M at the premises need only store the weapons unloaded in a locked safe, or locked vault, complying with division 3.
- (4) Subsection (2) does not apply while the weapon is in the physical possession of a body’s representative endorsed on the licence, or another individual, under the authority of a licence held by the body.

## **Division 2**                    **Requirements premises must comply with**

### **79**     **Floor**

The floor of the premises must—

- (a) be made of concrete at least 100mm thick; or
- (b) be made of any other material and have steel security rails fitted around the base of the premises that prevent under-floor access to the premises.

### **80**     **Walls**

The walls of the premises must be made of—

- (a) brick, concrete or solid timber; or
- (b) if the person starts or started business at the premises after 30 September 1997—brick or concrete.

### **81**     **Ceiling**

(1) If the ceiling of the premises is not made of concrete, steel mesh made of steel rods must be securely fixed into position to prevent access through the ceiling from above.

(2) The steel rods must—

- (a) be at least 5mm in diameter; and
- (b) be arranged in a square, or rectangle, of which no side is over 200mm long.

### **82**     **Window able to give access into premises**

Each window able to give access into the premises must have a grille complying with section 84.



**83 Door able to give access into premises**

- (1) This section applies to each door able to give access into the premises.
- (2) The door must have—
  - (a) 1 padbolt fitted within 300mm of the top of the door and 1 padbolt fitted within 300mm of the bottom of the door; and
  - (b) a built-in deadlock.
- (3) If the padbolt is on the outside of the door, the padbolt must have a sturdy padlock.
- (4) The deadlock and padlock must always be locked (other than for the time necessary to have the premises open for a proper purpose).
- (5) The pins inside the door hinges must be incapable of ready removal.
- (6) Unless the door is a glass shopfront door, the door must be made of steel or solid timber and have steel door jambs.
- (7) If the door is a glass shopfront door, it must—
  - (a) be made of laminated glass in a metal frame; and
  - (b) have metal door jambs; and
  - (c) have a grille complying with section 84.

**84 Grille for window, or glass shopfront door, able to give access into premises**

- (1) The grille for a window, or glass shopfront door, able to give access into the premises must—
  - (a) have steel bars at least 15mm square or in diameter that cover the whole window or door; and
  - (b) if the construction of the premises allows—be fitted between the glass and the interior of the premises.

*Note—*

The requirement in paragraph (b) is so the glass must be broken before getting at the grille.

- (2) The grille must also be bolted to the premises by hardened steel bolts at least 10mm in diameter with each bolt or its nut welded to the grille.
- (3) The centre-line of the bars must be no more than 150mm apart.
- (4) The grille must also have pieces of steel that—
  - (a) are at intervals of no more than 500mm; and
  - (b) are fitted at right angles to the bars; and
  - (c) prevent the bars from being spread.

## **85 Burglar alarm system for premises**

- (1) The premises must have a burglar alarm system able to—
  - (a) detect any entry into the premises by any means; and
  - (b) also detect the breakage of any glass door, or glass window, of the premises; and
  - (c) instantly activate—
    - (i) a loud siren outside the premises; and
    - (ii) a remote alarm at the place where the alarm is monitored by a security service under subsection (2) or is connected under subsection (3).
- (2) The remote alarm must always be monitored by a security service.
- (3) However, if the monitoring is not available, the remote alarm must always be connected to the ordinary place of residence of the armourer, dealer or theatrical ordnance supplier.
- (4) The siren must have a flashing blue strobe light and its own self-contained power source.



- (3) Not more than 10 guns may be kept in the gun rack.

## Part 20                      Storage measures for collectors

### 88            How and where weapons must be stored

- (1) A weapon possessed under a collector's licence (weapons) that is not in the licensee's physical possession must be stored, at a single location, unloaded in—
- (a) a locked vault complying with section 90; or
  - (b) any of the following in a locked room (the *storeroom*) complying with section 89—
    - (i) a locked gun rack complying with section 91; or
    - (ii) a locked container complying with section 92.
- (2) However, a person need not comply with subsection (1) if—
- (a) for a category H weapon that is a firearm made permanently inoperable—the weapon is stored in a container complying with section 94(5) and (6); or
  - (b) for a category H weapon that is a firearm made temporarily inoperable—
    - (i) there are no more than 30 weapons at the premises where the weapon is stored; and
    - (ii) the weapon is stored unloaded in a container complying with section 94(5) and (6); and
    - (iii) the disabling item for the weapon is stored in a separate secure place that is locked; or
  - (c) for any other weapon—
    - (i) there are no more than 30 weapons at the premises where the weapon is stored; and
    - (ii) the way the weapon is stored complies with section 94(2).

(3) Subsection (1) does not apply while the weapon is in the physical possession of a body's representative endorsed on the licence, or another individual, under the authority of a licence held by the body.

(4) In this section—

*disabling item*, for a category H weapon that is a firearm made temporarily inoperable, means—

- (a) if the firearm is designed to allow its bolt, breech block, firing pin or other integral part of the firing mechanism to be removed—the bolt, breech block, firing pin or other integral part of the firing mechanism that is removed to make the firearm temporarily inoperable; or
- (b) otherwise—the key for the trigger lock that makes the firearm temporarily inoperable.

*separate secure place*, in relation to storing a disabling item for a category H weapon that is a firearm made temporarily inoperable, means—

- (a) if the container in which the weapon is stored has 1 or more lockable internal compartments—a lockable internal compartment of the container other than the compartment in which the weapon is stored; or
- (b) otherwise—a secure place other than the container in which the weapon is stored.

## 89 Storeroom

- (1) The storeroom must be, or be part of, a permanent building.
- (2) Each external wall of the storeroom must be made of brick, concrete or solid timber.
- (3) Each window able to give access into the storeroom must be completely covered by a securely fixed steel or aluminium security screen.
- (4) Each door able to give access to the storeroom must—
  - (a) be made of solid metal or solid timber; and

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- (b) have a built-in deadlock; and
  - (c) have 1 padbolt fitted within 300mm of the top of the door and 1 padbolt fitted within 300mm of the bottom of the door.
- (5) If the padbolt is on the outside of the door, the padbolt must have a sturdy padlock.
- (6) If the door hinge is accessible from outside, each pin inside the hinge must be made incapable, by welding or otherwise, of removal.

## **90 Vault**

- (1) The vault must be made of concrete or concrete blocks filled with concrete.
- (2) The vault door must be made of steel and have—
- (a) steel door jambs; and
  - (b) a combination lock or built-in deadlock; and
  - (c) hinges that are welded to the door and door jamb.

## **91 Gun rack**

- (1) The gun rack must have sturdy metal bars, grilles or chains, to secure the weapons, locked in place by a sturdy keyed lock or keyed padlock.
- (2) The gun rack must be fixed to the premises by welding or hardened steel bolts at least 10mm in diameter.
- (3) Not more than 10 guns may be kept in the gun rack.

## **92 Container**

- (1) The container must—
- (a) for a category D, H or R weapon—be made of solid steel and be bolted to the frame or floor of the building; or

- (b) for any other weapon—
  - (i) be made of solid steel or solid timber; and
  - (ii) if the container weighs less than 150kg—be securely fixed to the frame or floor of the building.
- (2) The container must also—
  - (a) have a sturdy combination lock, keyed lock or keyed padlock; and
  - (b) always be locked (other than for the time necessary to insert or remove a weapon, or something else, for a proper purpose).

## Part 21 Safety precautions generally

### 93 Firearms to be kept unloaded other than when being used to shoot

- (1) A person who has a firearm under the person's control (whether or not another person has custody of it) must ensure the firearm is unloaded, other than when it is being used to shoot.

*Example of what is, or is not, using a firearm to shoot—*

To go hunting, X travels with 2 rifles in a car. X does not hunt from the moving car. Before and during the travel, X is not using the rifles to shoot.

At the hunt site, X loads the rifles at the start of the hunt. X hunts with 1 rifle in hand and the other in reserve. X takes an afternoon tea break from the hunt and then continues to hunt until dark. No prey is spotted, so no shots are fired.

Both rifles were being used to shoot when they were being loaded and afterwards until dark (other than during the afternoon tea break).

Maximum penalty—10 penalty units.

- (2) However, this section does not apply—
  - (a) if the firearm is under the person's control under a security licence (guard); or

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- (b) while the weapon is loaded for the purpose of repairing it; or
- (c) if the person is doing an approved training course under the supervision of the holder of a firearms licence (instructor).

**94 Storage of particular weapons not in person's physical possession—secure storage facilities**

- (1) This section does not apply—
  - (a) to the extent this regulation otherwise provides; or
  - (b) to a weapon possessed under—
    - (i) an armourer's licence, collector's licence, dealer's licence or theatrical ordnance supplier's licence; or
    - (ii) a security licence (organisation); or
  - (c) to a weapon to which section 95 applies; or
  - (d) to a weapon in or on a vehicle if—
    - (i) section 95 does not apply to the weapon; and
    - (ii) section 96 is complied with for the weapon.
- (2) A person who possesses a weapon must, when the weapon is not in the person's physical possession, store it unloaded in a locked container complying with subsections (5) and (6), with the weapon's bolt removed or its action broken.

*Note—*

See section 60 of the Act for obligations relating to secure storage facilities.

- (3) However, the person must, when the weapon is not in the person's physical possession, store it in the same way that a weapon to which part 20 applies must be stored under that part, if at the premises where the weapon is, there are more than—
  - (a) for category A, B, C or D weapons—a total of 30 of any of those weapons; or



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- (b) 30 category H weapons.
- (4) Subsection (2) does not apply while a weapon is in the physical possession of a body's representative endorsed on the licence, or another individual, under the authority of a licence held by the body.
- (5) For subsection (2), the container must—
- (a) for a category D, H or R weapon—be a rigid structure made of solid steel and be bolted to the frame or floor of a permanent building; or
  - (b) for any other weapon—
    - (i) be a rigid structure made of solid steel or solid timber; and
    - (ii) if the container weighs less than 150kg—be securely fixed to the frame or floor of a permanent building.
- (6) Also for subsection (2), the container must also—
- (a) have a sturdy combination lock, keyed lock or keyed padlock; and
  - (b) always be locked (other than for the time necessary to insert or remove a weapon, or something else, for a proper purpose).
- (7) A person to whom subsection (2) applies must take reasonable precautions to ensure—
- (a) if the container has a keyed lock or padlock—
    - (i) the key for the lock or padlock is not lost or stolen; and
    - (ii) the key for the lock or padlock is not accessible to persons who are not lawfully entitled to possess the weapon; or
  - (b) if the container has a combination lock—the combination for the lock is not accessible to persons who are not lawfully entitled to possess the weapon.

Maximum penalty for subsection (7)—10 penalty units.

**95 Storage of weapon not in person's physical possession if away from secure storage facilities or visitor to Queensland—secure storage**

- (1) This section applies to a weapon in the possession of a person who—
  - (a) is a visitor to Queensland to whom section 32(1) of the Act applies; or
  - (b) holds a visitor's licence; or
  - (c) is any other person, if—
    - (i) the person is away from the person's secure storage facilities; and
    - (ii) it is unreasonable for the person to have to go to the facilities to store the weapon.
- (2) The person must, when the weapon is not in the person's physical possession, store it unloaded in—
  - (a) a securely closed container, with—
    - (i) the bolt of the weapon removed; or
    - (ii) a trigger lock fitted to the weapon; or
  - (b) a locked container.

*Example—*

When culling animals, X moves, with a rifle, between paddocks and crosses public roads dividing the paddocks. While the rifle is in X's physical possession during the cull subsection (2) does not apply to X.

*Notes—*

- 1 See section 57 of the Act for prohibitions on particular conduct, involving a weapon, in a public place.
- 2 See section 58 of the Act for prohibitions on dangerous conduct involving a weapon.
- 3 See section 60 of the Act for obligations relating to secure storage facilities.

- (3) The container must be—
  - (a) out of sight in a locked room of a permanent building; or
  - (b) locked in the boot of a vehicle; or

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- (c) out of sight, locked in a vehicle that does not have a boot.
  - (4) Subsection (2) does not prevent the person placing the weapon in the person's secure storage facilities when the weapon is not in the person's physical possession.
  - (5) The person must take reasonable precautions to ensure—
    - (a) for a trigger lock mentioned in subsection (2)(a)(ii), or a container mentioned in subsection (2)(b), that has a keyed lock—
      - (i) the key for the lock is not lost or stolen; and
      - (ii) the key for the lock is not accessible to persons who are not lawfully entitled to possess the weapon; or
    - (b) for a trigger lock mentioned in subsection (2)(a)(ii), or a container mentioned in subsection (2)(b), that has a combination lock—the combination for the lock is not accessible to persons who are not lawfully entitled to possess the weapon.

Maximum penalty for subsection (5)—10 penalty units.

## **96 Safety precautions for weapons in or on vehicle**

- (1) This section applies to person in control of a weapon (whether or not the person has custody of it) other than a weapon to which section 95 applies.
- (2) The person must ensure the weapon is not placed in or on a vehicle unless—
  - (a) if the vehicle has a lockable boot—the weapon is locked in the boot; or
  - (b) otherwise—
    - (i) the weapon is in a securely closed container that is out of sight in the vehicle; or
    - (ii) the weapon is locked in a metal container fixed to the vehicle, and the metal container and anything

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on or attached to it does not suggest a weapon is inside the metal container.

*Note—*

See section 97(6) for examples of things that may suggest a weapon is inside a container.

Maximum penalty—10 penalty units.

- (3) A person in control of a weapon (whether or not the person has custody of it) must ensure the weapon is not left in an unlocked vehicle if the vehicle is not being attended by someone licensed to possess the weapon.

Maximum penalty—10 penalty units.

## **97 Restrictions on dispatching weapons**

- (1) For section 66 of the Act, this section prescribes the way to despatch a weapon.
- (2) A weapon may be dispatched only if it is unloaded.
- (3) A person who is not a licensed dealer or licensed armourer may dispatch a weapon only to—
- (a) a licensed dealer or licensed armourer; or
  - (b) a police officer acting in the police officer's official capacity.
- (4) A weapon may be dispatched—
- (a) by a licensed dealer—only by registered post or by using a person to whom section 2(1)(l)(i) of the Act applies for the dispatching; or

*Note—*

Under section 2(1)(l)(i) of the Act, the Act does not apply to a person actually engaged in the warehousing or transport under consignment of merchandise for or on behalf of a licensed dealer.

- (b) otherwise—only by registered post.
- (5) A weapon may be dispatched only inside a sturdy, securely closed container.

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- (6) The container, and anything on or attached to it (other than an address), must not suggest a weapon is inside the container.

*Examples of how a container, or something on or attached to it, may suggest a weapon is inside the container—*

- 1 The container's shape or other features is like a weapon.
- 2 A mark or label on the container mentions weapons, ammunition or X's Gun Shop (other than as part of an address).

## **98 Authorised officer may approve safe storage measures at least equivalent to those required under this regulation**

- (1) An authorised officer may, on written application, give the applicant written approval to take a particular safety or security measure for the safe storage of a weapon or relevant restricted item instead of a measure the applicant is required to take under this regulation for the weapon or relevant restricted item.
- (2) The authorised officer may give the approval if satisfied—
  - (a) the proposed safety or security measure gives at least the same level of safety and security as the replaced measure; or
  - (b) for a licensed dealer who stocks a maximum of 20 firearms—the proposed safety or security measure is adequate to ensure the safety and security of the firearms.
- (3) Compliance by the applicant with a safety or security measure approved under subsection (1) is taken to be compliance with the replaced measure.
- (4) In this section—

*relevant restricted item* means an item mentioned in the *Weapons Categories Regulation 1997*, section 9(f) or (g).



- (ii) needs to use the weapon to engage in shooting activities as a member of the club, or in shooting activities of an approved shooting club affiliated with the club.
- (3) The letter must be signed by the applicant, and the certificate must—
- (a) be signed for the approved shooting club mentioned in subsection (2)(d) by a member of the governing body of that club; and
  - (b) state that fact.

## **101 Waiting period for decision on application for permit to acquire**

- (1) This section prescribes the period for section 42 of the Act.
- (2) The period is 28 days after the day the applicant lodged the application for the permit to acquire the weapon.
- (3) However, the period is the remainder of the day on which the applicant lodged the application for the permit, if—
  - (a) the applicant already holds a firearm under a licence; or
  - (b) an authorised officer is satisfied there are exceptional circumstances.

## **Division 2 When weapon may be acquired or disposed of through police officer**

### **102 Circumstances in which weapon may be acquired, or sold or otherwise disposed of, through police officer**

- (1) For section 35(1)(b)(ii) of the Act, the prescribed circumstances are—
  - (a) the nearest licensed dealer is more than 100km from the usual place of residence of the person acquiring the weapon; and

- (b) the police officer is acting in the police officer's official capacity.
- (2) For section 36(1)(b)(ii) of the Act, the prescribed circumstances are—
  - (a) the nearest licensed dealer is more than 100km from the usual place of residence of the person selling or otherwise disposing of the weapon; and
  - (b) the police officer is acting in the police officer's official capacity.

### **Division 3                      Information to be given by persons involved in particular acquisitions or disposals of weapons**

#### **103      Information licensed dealer involved in acquisition of weapon to give to authorised officer**

- (1) For section 35(2)(b) of the Act, the following information is prescribed—
  - (a) the dealer's name and licence number;
  - (b) the name, address and licence number of the person disposing of the weapon;
  - (c) the date of the acquisition or sale of the weapon;
  - (d) the type, action, make, model, serial number and calibre of the weapon;
  - (e) the chamber capacity and magazine capacity of the weapon.
- (2) The information must be signed by or for the acquirer, and—
  - (a) if the acquirer holds a permit to acquire the weapon—be written on the copy of the permit; or
  - (b) otherwise—be given in writing.



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- (3) The information must be sent by registered post to the commissioner to reach the commissioner within 14 days of the acquisition.

*Editor's note—*

The address is Weapons Licensing Branch, GPO Box 892, Brisbane, 4001.

#### **104 Information particular persons who have sold or otherwise disposed of weapon to give authorised officer**

- (1) For section 36(2) of the Act, the information is as follows—
- (a) the name, address and licence number of the acquirer of the weapon;
  - (b) the name, address and licence number of the person disposing of the weapon;
  - (c) the date of the acquisition or sale or other disposal;
  - (d) the type, action, make, model, serial number and calibre of the weapon;
  - (e) the chamber capacity and magazine capacity of the weapon;
  - (f) details of the lawful authority, justification or excuse.
- (2) The information must be signed by or for the acquirer, and—
- (a) if the acquirer holds a permit to acquire the weapon—be written on the copy of the permit; or
  - (b) otherwise—be given in writing.
- (3) The information must be sent by registered post to the commissioner to reach the commissioner within 14 days of the acquisition.

*Editor's note—*

The address is Weapons Licensing Branch, GPO Box 892, Brisbane, 4001.

## 105 Notice of acquisition of antique handgun

- (1) A person who acquires an antique handgun must give the commissioner written notice, within 14 days after acquiring the handgun, of the following information—
- (a) the person's name and address;
  - (b) the type, make, calibre, action, magazine capacity and any serial number of the handgun;
  - (c) the place where the handgun is generally kept.

Maximum penalty—10 penalty units.

- (2) However, this section does not apply to the acquisition of an antique handgun, if the acquisition consists only of a person taking possession of the handgun—
- (a) to repair it; or
  - (b) to store it, if the person is a licensed 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 handgun.
- (3) In this section—

*acquire* an antique handgun means purchase, accept or receive or otherwise take possession of the antique handgun.

## Part 23 Particular approvals and related matters

*Note—*

For the term of all approvals under the Act, see section 171.

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## **Division 1                      Approval to conduct an arms fair**

### **106      Application for approval to conduct an arms fair—where to make application**

An application for approval to conduct an arms fair must be made at or sent to a police station or police establishment.

*Note—*

For other requirements for making the application, including that it be in or to the effect of the approved form, see section 80 of the Act.

### **107      How arms fair to be approved**

- (1) For section 80(2) of the Act, this section prescribes the way an authorised officer may approve an application for approval to conduct an arms fair.
- (2) The authorised officer must act, as far as possible and with all necessary changes, in the same way as for approving an application for a licence.
- (3) However—
  - (a) a time period relating to an application for a licence does not apply to an application for approval to conduct an arms fair; and
  - (b) an approval to conduct an arms fair may be written instead of in the approved form.

## **Division 2                      Approval of body as an approved historical society**

### **108      Application for approval**

- (1) A body, whether incorporated or unincorporated, whose primary purpose is the study, preservation or collection of firearms is prescribed for schedule 2 of the Act, definition *approved historical society*.

- (2) The body may apply to an authorised officer to grant approval to the body as an approved historical society.
- (3) The application must—
  - (a) be in the approved form; and
  - (b) provide the further particulars reasonably required by the authorised officer.

### **109 When authorised officer may grant body approval**

An authorised officer may grant a body approval as an approved historical society if satisfied—

- (a) the body's primary purpose is the study, preservation or collection of firearms; and
- (b) the application complies with section 108(3); and
- (c) each member of the body's governing body who is an individual is an appropriate person under section 116; and
- (d) if the body is unincorporated—
  - (i) section 110 has been complied with for the application; and
  - (ii) the adult nominated under section 110(2) for the application is an appropriate person under section 116.

### **110 Historical society's representative required if body is unincorporated**

- (1) This section applies if—
  - (a) an application is made to an authorised officer to grant approval to a body as an approved historical society; and
  - (b) the body is unincorporated.
- (2) The application must nominate an adult to be the body's representative if the approval is granted.

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- (3) The adult must hold the position, in the body, in which the adult is charged with responsibility for the conduct of the activities of the body (the *responsible position*).
  - (4) If a historical society permit is granted on the application, the adult is taken to be the historical society's representative for the purpose of the permit (the *representative*), until the adult stops being the representative under section 115(1).

*Notes—*

- 1 For a duty of the representative, see section 114.
  - 2 For a change of the representative, see section 115.
- (5) The approved historical society must ensure that, at all times while the permit is in effect, it maintains an adult who is an appropriate person under section 116 in the responsible position.

## **111 Conditions of approval**

- (1) If the authorised officer grants the body approval as an approved historical society, the authorised officer may impose conditions on the approval.
- (2) In deciding whether to impose a condition, or the type of condition, the authorised officer must have regard to the need to—
  - (a) protect persons from death or injury; and
  - (b) protect property from unlawful destruction or damage.
- (3) The conditions must be stated—
  - (a) in the historical society permit; or
  - (b) in a written notice given to the approved historical society.
- (4) Without limiting the conditions that may be imposed on a historical society permit, the permit may authorise the historical society to conduct up to 2 society events in each year.

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- (5) In deciding whether to impose a condition, or the type of condition, authorising the conduct of a society event, the authorised officer must consider at least the following—
  - (a) the nature of the event, including, for example, the historical significance of the event;
  - (b) the types of weapons to be discharged in the event.
- (6) The provisions of this division relating to conditions on a historical society permit apply to a condition imposed under subsection (4).

### **112 Historical society permit to be given to body granted approval**

If the authorised officer decides to grant the body approval as an approved historical society, the authorised officer must give the body a permit (*historical society permit*) in relation to the approval.

### **113 Refusal to grant approval and reasons for refusal**

If the authorised officer is not satisfied, for the application, about a matter mentioned in section 109, the authorised officer must—

- (a) refuse to grant the body approval as an approved historical society; and
- (b) give the body a written notice of the refusal, that also states the reasons for the refusal.

### **114 Duty of representative**

The representative must exercise all reasonable diligence to ensure the approved historical society and its members comply with this division.

Maximum penalty—10 penalty units.

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## 115 Change of representative

- (1) A person stops being the representative of an approved historical society if the person stops holding the society's responsible position.
- (2) If a person stops being the representative of an approved historical society, the person must give an authorised officer written notice that the person has stopped being the representative, within 28 days after person stops being the representative.

Maximum penalty—10 penalty units.

- (3) The next person to hold an approved historical society's responsible position after another person stops being the society's representative must give written notice (the *representative notice*) of that fact to an authorised officer within 28 days after becoming the holder of the responsible position.
- (4) The authorised officer may accept a representative notice from a person if the authorised officer is satisfied the person—
  - (a) holds the society's responsible position; and
  - (b) is an appropriate person under section 116.
- (5) If the authorised officer accepts a representative notice from a person—
  - (a) the person becomes the society's representative; and
  - (b) the authorised officer must give written notice of the acceptance to the representative.
- (6) If the authorised officer decides to refuse to accept a representative notice from a person, the authorised officer must give the person written notice of the refusal, that also states the reasons for the refusal.

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

- (1) In deciding whether an individual is an appropriate person for a provision 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 historical society and the individual's position or proposed position to which the provision relates; and
  - (b) whether the individual is of good repute; and
  - (c) whether the individual holds a licence.
- (2) The authorised officer may ask the commissioner for a report about the criminal history of the individual.
- (3) The commissioner must give the report to the authorised officer.
- (4) However, the report is required to contain only criminal history in the commissioner's possession or to which the commissioner has access.
- (5) If the individual's criminal history is or includes a conviction recorded against the individual, the commissioner's report must be written.
- (6) If the individual holds or has held in another State a relevant licence, permit, authority or position, the authorised officer may obtain a report from the appropriate authority in the other State.

**117 Authorised officer may amend conditions of approval**

- (1) An authorised officer may amend the conditions of a body's approval as an approved historical society—
  - (a) on the application of the body; or
  - (b) on the initiative of the authorised officer.



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- (2) In deciding whether to make an amendment under subsection (1), or the type of amendment, the authorised officer must have regard to the need to—
    - (a) protect persons from death or injury; and
    - (b) protect property from unlawful destruction or damage.
  - (3) Before amending a condition, on his or her initiative, the authorised officer must—
    - (a) give written notice to the society—
      - (i) of the proposed amendment; and
      - (ii) that the society 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 society; and
    - (b) have regard to submissions made to the authorised officer by the society before the stated day.
  - (4) An authorised officer may make an amendment under subsection (1) by written notice to the society, that also states the reasons for the amendment.
  - (5) The amendment takes effect on the day the notice of the amendment is given to the society or, if a later day is stated in the notice, the stated day.
  - (6) An authorised officer may refuse to amend a condition on the application of the society, by written notice to the society, that also states the reasons for the refusal.

## **118 Authorised officer may make temporary amendment of conditions of approval**

- (1) An authorised officer may make a temporary amendment of the conditions of a body's approval as an approved historical society if the authorised officer reasonably considers it is necessary to make the amendment to—
  - (a) protect persons from death or injury; or
  - (b) protect property from unlawful destruction or damage.

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- (2) An authorised officer may make an amendment under subsection (1) by written notice to the society, that also states the reasons for the amendment.
- (3) The amendment takes effect on the day the notice is given to the society or, if a later day is stated in the notice, the stated day.
- (4) The amendment has effect for 28 days unless—
  - (a) the notice states a shorter period; or
  - (b) the authorised officer extends the term of the amendment for a single further stated period of not longer than 28 days.
- (5) An authorised officer may, for subsection (4)(b), extend the term of the amendment by written notice to the society, that also states the reasons for the extension.

## **119 Revoking or suspending historical society permit**

- (1) An authorised officer may revoke or suspend the historical society permit of an approved historical society if—
  - (a) the society contravenes a condition of the permit; or
  - (b) the society otherwise contravenes the Act; or
  - (c) the authorised officer reasonably believes it is likely a member of the society 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 society.
- (3) The notice must state—
  - (a) the reasons for the revocation or suspension; and
  - (b) if the permit has been suspended—the day the suspension ends.
- (4) The revocation or suspension takes effect on the day the notice is given to the society or, if a later day is stated in the notice, the stated day.

- (5) A historical society permit that is suspended has no effect until the suspension ends.
- (6) If a historical society permit is suspended, the approval of the body as an approved historical society is suspended.
- (7) If a historical society permit is revoked, the approval of the body as an approved historical society is revoked.

### **120 How notices under this division may be given to approved historical society**

- (1) A notice required or permitted by this division to be given to an approved historical society may be given to the society's representative.
- (2) Subsection (1) does not affect the operation of any other law authorising the giving of the notice in any other way.

## **Division 3 Approval of range for weapons target shooting**

### **121 Condition applying to range approval may be imposed to report injury or property damage at range**

- (1) For section 103(2)(b) of the Act, an authorised officer may impose a condition, stated in subsection (2), applying to an approval of a range for weapons target shooting.
- (2) The condition is that the holder of the approval must give an authorised officer, within 14 days after the holder becomes aware, or suspects, that a prescribed thing has happened at the range, written notice of the prescribed thing.
- (3) The notice may relate only to injury or damage caused by a firearm used at the range, other than damage to a target or a thing designed as a bullet barrier.
- (4) In this section—

*prescribed thing* means an injury to a person, or damage to property, at or in the vicinity of the range.

## **Division 4                      Approval to conduct a shooting gallery**

### **122      Application for approval to conduct a shooting gallery—approved form and where to make application**

An application for approval to conduct a shooting gallery must be in the approved form and made at or sent to a police station or police establishment.

*Note—*

For other requirements about the application, see section 111 of the Act.

## **Division 5                      Approval of weapons club and offence to conduct unapproved weapons club**

### **123      Definitions for division**

In this division—

*crossbow club* means—

- (a) an archery organisation; or
- (b) a historical organisation, or military re-enactment organisation, that demonstrates, or gives training in, the use of category M weapons that are crossbows.

*weapons club* means a crossbow club or a recreational shooting club.

### **124      Weapons club not to be conducted unless approved by authorised officer**

A person must not conduct a weapons club unless it is approved by an authorised officer (an *approved weapons club*).

Maximum penalty—20 penalty units.

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## **125 Application for weapons club approval**

- (1) Application may be made to an authorised officer to approve a weapons club.
- (2) The application must—
  - (a) be in the approved form; and
  - (b) provide the further particulars reasonably required by the authorised officer.

## **126 When authorised officer may approve weapons club**

An authorised officer may approve a weapons club if satisfied—

- (a) the primary purpose of the club is—
  - (i) for a crossbow club—
    - (A) to conduct the sport of target shooting using category M weapons that are crossbows; or
    - (B) the study, preservation or collection of category M weapons that are crossbows; or
    - (C) to give training in the use of category M weapons that are crossbows; or
  - (ii) for a recreational shooting club—recreational shooting; and
- (b) the application complies with section 125(2); and
- (c) each member of the governing body of the club who is an individual is an appropriate person under section 133; and
- (d) if the applicant is an unincorporated body or association of persons—
  - (i) section 127 has been complied with for the application; and
  - (ii) the adult nominated under section 127(2) for the application is an appropriate person under section 133; and

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- (e) for a club that conducts a shooting range—the location, construction and equipment of each shooting range, or proposed shooting range, conducted or to be conducted by the club is appropriate having regard to the need to—
  - (i) protect persons from death or injury; and
  - (ii) protect property from unlawful destruction or damage.

## **127 Club’s representative required if club is an unincorporated body or association of persons**

- (1) This section applies if an application to approve a weapons club is made by an unincorporated body or association of persons.
- (2) The application must nominate an adult to be the club’s representative if the approval is granted.
- (3) The adult must hold the position in the club in which the adult is charged with responsibility for the conduct of the activities of the club (the *responsible position*).
- (4) If the approval is granted, the adult is taken to be the club’s representative for the purpose of the approval (the *representative*) until the adult stops being the representative under section 132(1).

*Notes—*

- 1 For a duty of the representative, see section 131.
  - 2 For a change of the representative, see section 132.
- (5) The club must ensure that, at all times while the approval is in effect, the club maintains an adult who is an appropriate person under section 133 in the responsible position.

Maximum penalty for subsection (5)—20 penalty units.

## **128 Conditions of approval**

- (1) If the authorised officer grants the weapons club approval, the authorised officer may impose conditions on the approval.

- (2) In deciding whether to impose a condition, or the type of condition, the authorised officer must have regard to the need to—
  - (a) protect persons from death or injury; and
  - (b) protect property from unlawful destruction or damage.
- (3) The conditions must be stated—
  - (a) in the approval given to the applicant under section 129; or
  - (b) in a written notice given to the applicant.

### **129 Approval of weapons club**

If the authorised officer decides to grant the approval, the authorised officer must give the club a written approval of the weapons club.

### **130 Refusal to grant approval and reasons for refusal**

If the authorised officer is not satisfied, for the application, about a matter mentioned in section 126, the authorised officer must—

- (a) refuse to grant approval of the weapons club; and
- (b) give the club written notice of the refusal, that also states the reasons for the refusal.

### **131 Duty of representative**

The representative must exercise all reasonable diligence to ensure the approved weapons club and its members comply with this division.

Maximum penalty—20 penalty units.

## **132 Change of representative**

- (1) A person stops being the representative of an approved weapons club if the person stops holding the club's responsible position.
- (2) If a person stops being the representative of an approved weapons club, the person must give written notice, that the person has stopped being the representative, to an authorised officer within 28 days after the person stops being the representative.

Maximum penalty—20 penalty units.

- (3) The next person to hold an approved weapons club's responsible position after another person stops being the club's representative must give written notice (the *representative notice*) of that fact to an authorised officer within 28 days after becoming the holder of the responsible position.

Maximum penalty—20 penalty units.

- (4) The authorised officer may accept a representative notice from a person if the authorised officer is satisfied the person—
  - (a) holds the club's responsible position; and
  - (b) is an appropriate person under section 133.
- (5) If the authorised officer accepts a representative notice from a person—
  - (a) the person becomes the club's representative; and
  - (b) the authorised officer must give written notice of the acceptance to the representative.
- (6) If the authorised officer decides to refuse to accept a representative notice from a person, the authorised officer must give the person written notice of the refusal, that also states the reasons for the refusal.



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

- (1) In deciding whether an individual is an appropriate person for a provision 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 weapons club and the individual's position or proposed position to which the provision relates; and
  - (b) whether the individual is of good repute; and
  - (c) whether the individual holds a licence.
- (2) The authorised officer may ask the commissioner for a report about the criminal history of the individual.
- (3) The commissioner must give the report to the authorised officer.
- (4) However, the report is required to contain only criminal history in the commissioner's possession or to which the commissioner has access.
- (5) If the individual's criminal history is or includes a conviction recorded against the individual, the commissioner's report must be written.
- (6) If the individual holds or has held in another State a relevant licence, permit, authority or position, the authorised officer may obtain a report from the appropriate authority in the other State.

**134 Authorised officer may amend conditions of approval**

- (1) An authorised officer may amend the conditions of a weapons club approval—
  - (a) on the application of the club; or
  - (b) on the initiative of the authorised officer.

- (2) In deciding whether to amend a condition of the approval, or the type of amendment, the authorised officer must have regard to the need to—
  - (a) protect persons from death or injury; and
  - (b) protect property from unlawful destruction or damage.
- (3) Before amending a condition on his or her initiative, the authorised officer must—
  - (a) give the club written notice—
    - (i) of the proposed amendment; and
    - (ii) that the club 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 club; and
  - (b) have regard to submissions made to the authorised officer by the club before the stated day.
- (4) An authorised officer may make an amendment under subsection (1) by written notice to the club, that also states the reasons for the amendment.
- (5) The amendment takes effect on the day the notice of the amendment is given to the club or, if a later day is stated in the notice, the stated day.
- (6) An authorised officer may refuse to amend a condition on the application of the club, by written notice to the club, that also states the reasons for the refusal.

### **135 Authorised officer may make temporary amendment of conditions of approval**

- (1) An authorised officer may make a temporary amendment of the conditions of a weapons club's approval if the authorised officer reasonably considers it is necessary to make the amendment to—
  - (a) protect persons from death or injury; or
  - (b) protect property from unlawful destruction or damage.

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- (2) An authorised officer may make an amendment under subsection (1) by written notice to the club, that also states the reasons for the amendment.
  - (3) The amendment takes effect on the day the notice is given to the club or, if a later day is stated in the notice, the stated day.
  - (4) The amendment has effect for 28 days unless—
    - (a) the notice states a shorter period; or
    - (b) the authorised officer extends the term of the amendment for a single further stated period of not longer than 28 days.
  - (5) An authorised officer may, for subsection (4)(b), extend the term of the amendment by written notice to the club, that also states the reasons for the extension.

### **136 Suspending or cancelling approval**

- (1) An authorised officer may suspend or cancel a weapons club's approval if—
  - (a) the club contravenes a condition of the approval; or
  - (b) the club otherwise contravenes the Act; or
  - (c) the authorised officer reasonably believes it is likely a member of the club or the public will suffer injury or loss if the approval is not suspended or cancelled.
- (2) The authorised officer must give written notice of the suspension or cancellation to the club.
- (3) The notice must also state—
  - (a) the reasons for the suspension or cancellation; and
  - (b) if the approval has been suspended—the day on which the suspension ends.
- (4) The suspension or cancellation takes effect on—
  - (a) the day the notice is given to the club; or
  - (b) if a later day is stated in the notice—the stated day.

- (5) A weapons club's approval that is suspended has no effect until the suspension ends.

**137 Approved weapons club that is a crossbow club and conducts shooting range to keep range use register book**

- (1) If an approved weapons club is a crossbow club and conducts a shooting range, it is a condition of the club's approval that the club must—
  - (a) keep a register of range use, complying with subsection (3); and
  - (b) ensure the register is available at all times when the range is being conducted by the club.
- (2) On each occasion a person attends the range to discharge a weapon, the person must, before discharging a weapon at the range—
  - (a) if the person is a licensee—produce the person's licence to a range officer at the range; and
  - (b) enter in the register the details provided for under subsection (3).

Maximum penalty—20 penalty units.

- (3) The register must be in book form and include provision for the following details—
  - (a) the person's name;
  - (b) the serial number of each category M weapon the person is to discharge at the range.
- (4) It is also a condition of the crossbow club's approval that the club ensure that, before it allows the person to use the range, a range officer of the club—
  - (a) inspects the entry made by the person in the register; and
  - (b) endorses the entry as correct.
- (5) The endorsement of the entry must clearly identify the person who makes the endorsement.

- (6) Subsections (2)(a) and (4) do not apply to a range officer of the club who discharges a weapon at the range.

### **138 How notices under this division may be given to approved weapons club**

- (1) A notice required or permitted by this division to be given to an approved weapons club may be given to the club's representative.
- (2) Subsection (1) does not affect the operation of any other law authorising the giving of the notice in any other way.

## **Part 24 Application for shooting club permit, and additional details for range use register kept by approved shooting club**

### **139 Application for shooting club permit—where to make application**

An application for a shooting club permit must be made at or sent to a police station or police establishment.

*Note—*

For other requirements for making the application, including that it be in the approved form, see section 86 of the Act.

### **140 Condition applying to shooting club permit may be imposed to report injury or property damage at range**

- (1) For section 89(2)(c) of the Act, an authorised officer may impose a condition, stated in subsection (2), applying to a shooting club permit held by an approved shooting club.
- (2) The condition is that the holder of the permit must give an authorised officer, within 14 days after the holder becomes aware, or suspects, that a prescribed thing has happened at a

shooting range used by the club, written notice of the prescribed thing.

- (3) The notice may relate only to injury or damage caused by a firearm used at the range, other than damage to a target or a thing designed as a bullet barrier.

- (4) In this section—

*prescribed thing* means an injury to a person, or damage to property, at or in the vicinity of the range.

#### **141 Additional details for which range use register kept by approved shooting club is to make provision**

For section 97(3)(c) of the Act, the following details are prescribed—

- (a) the date and place of each handgun shooting competition, or club organised shoot, in which the person entering the details in the range use register is to participate in at the range;
- (b) for each handgun shooting competition or club organised shoot—
- (i) the types of events in which the person is to participate; and
- (ii) the class of category H weapon to be used by the person; and

*Note—*

See the *Weapons Categories Regulation 1997*, section 7AA for the classes of category H weapons.

- (iii) the name and any firearms licence number of the range officer who is to supervise the person.

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## Part 25                      Restricted items

### 142      **Storage measures and other precautions about access to restricted items**

- (1) A person who possesses a restricted item must, when the item is not in the person's physical possession, store it in a locked container.

Maximum penalty—10 penalty units.

- (2) A person who possesses a restricted item must take reasonable precautions to ensure the item is not accessible to persons who are not lawfully entitled to possess the item.

Maximum penalty—10 penalty units.

### 143      **How handcuffs or baton must be worn**

- (1) A person must not wear handcuffs or a telescopic baton unless the handcuffs or baton are fully concealed in a closed pouch.

Maximum penalty—10 penalty units.

- (2) A person must not wear a baton (other than a telescopic baton) unless it is secured in a suitable holder that is securely attached to a belt around the person's waist.

Maximum penalty—10 penalty units.

- (3) In this section—

*wear* does not include wear during—

- (a) a performance or re-enactment; or  
(b) a demonstration of the handcuffs or baton.

## Part 25A                      Magazines

### 143A    **Prohibition on possession of detachable magazines without licence**

- (1) A person must not possess a detachable magazine for a category A or B weapon unless—
- (a) the person is authorised under a licence to possess and use a category A or B weapon; or
  - (b) the person has a reasonable excuse.

Maximum penalty—10 penalty units.

- (2) A person must not possess a detachable magazine for a category C, D, H or R weapon unless—
- (a) the person is authorised under a licence to possess and use a category C, D, H or R weapon; or
  - (b) the person has other lawful authority, justification or excuse.

Maximum penalty—10 penalty units.

## Part 26                                      Exemptions by commissioner from application of particular provisions of Act

### Division 1                      General

#### 144    **Prescribed way to grant commissioner's exemption**

This part prescribes the way for the commissioner to grant an exemption for section 2(1)(m) of the Act (a *commissioner's exemption*).



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**145 Conditions of commissioner's exemption and offence not to comply with conditions**

- (1) The commissioner may state conditions of a commissioner's exemption in a notice under section 148(2) or 154(2) to the holder of the exemption.
- (2) The holder must comply with the conditions.

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

**146 Commissioner may request additional information about application for commissioner's exemption under div 2**

- (1) The commissioner may ask the applicant for a commissioner's exemption under division 2 to give the commissioner additional information about the application.
- (2) The request must—
  - (a) be in writing; and
  - (b) state the date (not less than 28 days after the request) by which the additional information is to be given.
- (3) Subsection (4) applies if—
  - (a) the commissioner makes a request of the applicant under subsection (2); and
  - (b) the applicant does not give the commissioner the additional information by the date stated in the request.
- (4) The commissioner may give the applicant written notice that the application is taken to have been withdrawn because the applicant did not give the commissioner the additional information by the stated date.
- (5) The commissioner may make more than 1 request for additional information under this section for an application.

**147 Term of commissioner's exemption**

A commissioner's exemption is—

- (a) for the term stated on any written notice, by the commissioner, granting the exemption; or
- (b) otherwise—for 5 years.

#### **148 Deciding application for commissioner’s exemption and notice of grant of exemption or refusal of application**

- (1) The commissioner must decide each application for a commissioner’s exemption.
- (2) If the commissioner decides to grant the exemption, the commissioner must give the applicant a written notice—
  - (a) granting the exemption; and
  - (b) stating any conditions of the exemption.
- (3) If the commissioner decides to refuse the application, the commissioner must give the applicant a written notice stating—
  - (a) the commissioner refuses the application; and
  - (b) the reasons for the refusal.

#### **149 Amending or cancelling commissioner’s exemption**

- (1) The commissioner may amend a commissioner’s exemption (including any conditions of the exemption), or cancel the exemption, by written notice to the holder of the exemption.
- (2) Each of the following is a ground for cancelling the exemption—
  - (a) the exemption was issued in error;
  - (b) the exemption was obtained because of a document or representation that is false or misleading or obtained or made in another improper way;
  - (c) the holder of the exemption contravenes a condition of the exemption.
- (3) Before making an amendment of the exemption, the commissioner must—

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- (a) give the holder written notice—
    - (i) of the proposed amendment; and
    - (ii) that the holder may make written submissions to the commissioner about the proposed amendment before a stated day, not earlier than 21 days after the notice is given to the holder; and
  - (b) have regard to submissions made to the commissioner by the holder before the stated day.
- (4) The amendment or cancellation takes effect on the day the notice amending or cancelling the exemption is given to the holder or, if a later day is stated in the notice, on the stated day.

## **Division 2**

### **Commissioner's exemptions other than exemptions under division 3 or 4**

#### **150 How to apply for a commissioner's exemption other than an exemption under division 3 or 4**

- (1) A person may apply in writing to the commissioner for a commissioner's exemption, other than an exemption under division 3 or 4.
- (2) The application must—
  - (a) be accompanied by the application fee stated in schedule 1 for the exemption; and
  - (b) be made at or sent to a police station or police establishment.

### **Division 3**

### **Commissioner's exemption from provision requiring visitor's licence applicant to make application personally—overseas adult**

#### **151 Meaning of *eligible person* for this div**

For this division, a person is an *eligible person* if—

- (a) the person is an adult; and
- (b) the person is overseas; and
- (c) the person wants to apply for a visitor's licence to engage in an activity that is a reason for possession of a weapon under section 11 of the Act; and
- (d) it is unreasonable to require an application by the person for a visitor's licence relating to engaging in the activity to be made personally by the person.

#### **152 Seeking exemption**

- (1) A person who is an eligible person for this division may seek an exemption from the commissioner—
  - (a) from the application of section 13(1)(b) of the Act to the extent the section requires an application for a visitor's licence to be made personally by the person, in the way prescribed by regulation; and
  - (b) that applies for the application by the person for a visitor's licence relating to engaging in the activity.
- (2) The exemption may be sought—
  - (a) by the person individually; or
  - (b) by a class of persons, or a body (whether incorporated or unincorporated), for some or all of its adult members.
- (3) No fee is payable by a person, class of persons or body in relation to the exemption.

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**153 When commissioner may grant exemption**

The commissioner may grant the exemption if satisfied—

- (a) section 152(2) has been complied with for seeking the exemption; and
- (b) the person seeking the exemption is an eligible person for this division.

**154 Notice of grant of exemption or refusal to grant exemption**

- (1) If the commissioner decides to grant the exemption, the commissioner must give oral or written notice to either of the following (the *entity to be notified*) granting the exemption and stating any conditions of the exemption—
  - (a) if the person sought the exemption individually—the person;
  - (b) if the person is a member of the class of persons, or the body, that sought the exemption for the person—the class of persons or the body.
- (2) However, the notice must be written if it includes conditions of the exemption.
- (3) If the commissioner decides to refuse to grant the exemption, the commissioner must give oral or written notice to the entity to be notified stating—
  - (a) the commissioner refuses to grant the exemption; and
  - (b) the reasons for the refusal.

## **Division 4                      Commissioner's exemptions from provision requiring permit to acquire**

### **Subdivision 1                Exemption for swapping like firearms and replacement under warranty**

#### **154A    How standing exemption works**

- (1) An exemption made by the commissioner under section 154B—
  - (a) does not require a person to apply for an exemption; and
  - (b) applies automatically to exempt a person from the requirement to hold a permit to acquire in the circumstances mentioned in section 154B(2) and stated in the exemption.
- (2) The exemption does not remove the requirement, under section 35(1)(b) of the Act, for the licensee to acquire a firearm—
  - (a) from or through a licensed dealer; or
  - (b) through a police officer in circumstances prescribed under a regulation.

*Note—*

See section 102(1) for the prescribed circumstances.

- (3) No fee is payable by the licensee in relation to the exemption.

#### **154B    Grant of standing exemption by commissioner**

- (1) The commissioner may grant an exemption—
  - (a) from the application of section 35(1)(b) of the Act to the extent that section requires a person to hold a permit to acquire a firearm; and

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- (b) that applies generally to persons in the circumstances mentioned in subsection (2).
- (2) The circumstances are—
- (a) the person (the *licensee*) possesses a firearm (the *old firearm*) under a licence; and
- (b) the licensee is the registered owner of the old firearm; and
- (c) the licensee either—
- (i) swaps the old firearm for a new firearm; or
- (ii) replaces the old firearm, under a warranty (however called) by the manufacturer of the old firearm, with a new firearm; and
- Example of a warranty—*
- an oral, written, statutory or implied warranty
- (d) the licensee may possess the new firearm under the licence; and
- (e) the new firearm—
- (i) is of the same category of weapon as the old firearm; and
- (ii) has the same action and cartridge as the old firearm; and
- (iii) has the same calibre as the calibre, recorded in the firearms register, of the old firearm; and
- (f) the licensee will not, as a result of the swap, add to the number of firearms held under the licence.
- (3) The exemption must be granted by written notice and published on the QPS website.
- (4) For subsection (2)(c)(ii), there does not need to be a contract or other arrangement between the licensee and the manufacturer in relation to the warranty, but the licensee must, under the warranty, replace the old firearm with the new firearm.

## **Subdivision 2      Replacement of firearm reported stolen with like firearm**

### **154C    Meaning of *eligible licensee* for subdivision**

For this subdivision, the licensee of a licence under which a firearm may be possessed is an *eligible licensee* if the licensee—

- (a) possessed a firearm (the *old firearm*) under the licence; and
- (b) is the registered owner of the old firearm; and
- (c) has reported that the old firearm has been stolen to a police officer.

### **154D    Application for exemption**

- (1) An eligible licensee may apply to the commissioner for an exemption from the application of section 35(1)(b) of the Act—
  - (a) to acquire a firearm (the *new firearm*) to replace the old firearm; and
  - (b) to the extent that section requires the licensee to hold a permit to acquire the new firearm.
- (2) An application under subsection (1) must be—
  - (a) for a single exemption—
    - (i) in relation to 1 act or episode of stealing reported to a police officer by the licensee; and
    - (ii) for the acquisition of 1 or more new firearms to replace 1 or more old firearms; and
  - (b) in the approved form; and
  - (c) made at, or sent to, a police station or police establishment.
- (3) No fee is payable by the licensee in relation to the exemption.



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**154E Granting exemption**

The commissioner may grant the exemption if satisfied—

- (a) section 154D(2) has been complied with for the application; and
- (b) the applicant is an eligible licensee; and
- (c) the applicant may possess the new firearm under the licence; and
- (d) the new firearm—
  - (i) is of the same category of weapon as the old firearm; and
  - (ii) has the same action and cartridge as the old firearm; and
  - (iii) has the same calibre as the calibre, recorded in the firearms register, of the old firearm; and
- (e) the licensee will not, as a result of acquiring the new firearm, add to the number of firearms possessed under the licence.

**Subdivision 3      Weapon disposed of to beneficiary  
by a will****154F Meaning of *eligible licensee* for subdivision**

For this subdivision, a licensee is an *eligible licensee* if—

- (a) the licensee is the beneficiary of a weapon under the will of a person who died; and
- (b) the person who died, when he or she died, possessed the weapon under a licence and, for a firearm, was its registered owner; and
- (c) the licensee holds a licence under which the licensee may possess the weapon.

### **154G Application for exemption**

- (1) An eligible licensee may apply to the commissioner for an exemption from the application of section 35(1)(b) of the Act—
  - (a) to acquire the weapon as a beneficiary under the will of the person who died; and
  - (b) to the extent that section requires the licensee to hold a permit to acquire the weapon.
- (2) The application must be—
  - (a) in the approved form; and
  - (b) made at, or sent to, a police station or police establishment; and
  - (c) accompanied by a copy of the document the applicant believes is the will of the person who died; and
  - (d) accompanied by an original or a copy of—
    - (i) a cause of death certificate issued under the *Births, Deaths and Marriages Registration Act 2003* for the person who died; or
    - (ii) a certificate or other document, issued under a law of this or another State, the Commonwealth or another country, that officially evidences the person's death.
- (3) The commissioner may grant the exemption if satisfied—
  - (a) subsection (2) has been complied with for the application; and
  - (b) the applicant is an eligible licensee.
- (4) No fee is payable by the licensee in relation to the exemption.

### **154H Commissioner may accept and rely on copy of will without checking**

The commissioner may accept, and without checking, rely on a copy of a will given to the commissioner for the application

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by the applicant (whether or not it accompanied the application).

## **Subdivision 4      Weapon to which person is entitled on an intestacy**

### **154I    Meaning of *eligible licensee* for subdivision**

For this subdivision, a licensee is an *eligible licensee* if—

- (a) the licensee is entitled, under the *Succession Act 1981*, part 3, division 2, to a weapon from the estate of a person who died; and
- (b) the person who died, when he or she died, possessed the weapon under a licence and, for a firearm, was its registered owner; and
- (c) the licensee holds a licence under which the licensee may possess the weapon.

### **154J    Application for exemption**

- (1) An eligible licensee may apply to the commissioner for an exemption from the application of section 35(1)(b) of the Act—
  - (a) to acquire the weapon as the person entitled to the weapon under the *Succession Act 1981*, part 3, division 2; and
  - (b) to the extent that section requires the licensee to hold a permit to acquire the weapon.
- (2) The application must be—
  - (a) in the approved form; and
  - (b) made at, or sent to, a police station or police establishment; and
  - (c) accompanied by a copy of the document, if any, the applicant believes is the will of the person who died; and



- (2) An authorised officer who becomes aware that the concealable firearms licence held by a member of an approved pistol club has expired and not been renewed must disclose that fact to the club.

#### **156 Disclosure of particular licence information to approved weapons club**

- (1) An authorised officer who has revoked or suspended the miscellaneous weapons licence for a category M weapon that is crossbow held by a member of an approved weapons club must disclose that fact to the club.
- (2) An authorised officer who becomes aware that a miscellaneous weapons licence for a category M weapon that is a crossbow held by a member of an approved weapons club has expired and not been renewed must disclose that fact to the club.

#### **157 Disclosure of particular licence information to approved historical society**

- (1) An authorised officer who has revoked or suspended the collector's licence (weapons) held by a member of an approved historical society must disclose that fact to the society.
- (2) An authorised officer who becomes aware that the collector's licence (weapons) held by a member of an approved historical society has expired and not been renewed must disclose that fact to the society.

## Part 28                      Other matters prescribed for Act

### 158      **Minimum age to possess safety equipment for boat, ship or aircraft**

For section 2(1)(k) of the Act, the prescribed age is exactly 17 years.

### 159      **Modifying firearm to make it permanently inoperable**

- (1) For section 7(1) of the Act, the way to modify a firearm to make it incapable of being discharged is—
  - (a) the way mentioned in schedule 4 for the firearm; or
  - (b) the way approved under subsection (2) for—
    - (i) the firearm; or
    - (ii) the type of firearm the firearm is.
- (2) An authorised officer may, on written application, give the applicant written approval to make a particular firearm or type of firearm incapable of being discharged, in a stated way.
- (3) However, the authorised officer must be satisfied the way proposed to be approved gives at least the same level of inoperability as compliance with schedule 4 would give for the firearm or type of firearm.
- (4) Despite subsection (1), if a warfare firearm has been imported under the *Customs Act 1901* (Cwlth), the way to make the warfare firearm permanently inoperable is the way required under that Act to have enabled the Minister under that Act to give written permission for the importation of the warfare firearm on the grounds the importation complied with the collectors and non-government museum test.
- (5) In this section—

***collectors and non-government museum test*** see the *Customs (Prohibited Imports) Regulations 1956* (Cwlth), schedule 13, part 1, item 7.

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***warfare firearm*** means—

- (a) a rifle that has a calibre of more than .50; or
- (b) a machine gun that has a calibre of more than .50; or
- (c) a field gun, mortar or launcher mentioned in schedule 4, section 14A(1); or
- (d) a flamethrower.

## 160 Health services and professional carers

- (1) For section 151(4) of the Act, definition *health services*, each of the following services is prescribed—
  - (a) hospital or nursing home services;
  - (b) medical, pharmaceutical, paramedical or mental health services;
  - (c) ambulance services;
  - (d) community welfare services that are government funded.
- (2) For section 151(4) of the Act, definition *professional carer*, paragraph (d), each of the following persons is prescribed—
  - (a) a social worker who is engaged in providing a service mentioned in subsection (1);
  - (b) a professional counsellor who is engaged in providing a service mentioned in the subsection.
- (3) In this section—

***government funded*** means funded or partly funded by a State or the Commonwealth.

***professional counsellor*** means a person employed, under a contract of service or a contract for services, as a counsellor.

***social worker*** means a person employed, under a contract of service or a contract for services, as a social worker.

### **160A Condition for amnesty for firearms and prescribed things**

For section 168B(1)(b) of the Act, it is a condition for a person who is surrendering a firearm or prescribed thing by taking it to an approved licensed dealer or police station that, unless the person has a reasonable excuse, the person must notify the approved licensed dealer or a police officer at the police station before taking it to the approved licensed dealer or police station.

### **161 Handgun shooting competition that is prescribed to be an accredited event**

For schedule 2 of the Act, definition *accredited event*, a handgun shooting competition is prescribed to be an accredited event if the competition—

- (a) is for a weapon that has a calibre of .45 inch or less, with a magazine capacity of 10 rounds or less; and
- (b) is a metallic silhouette competition or a single-action competition.

*Note—*

See also section 132 of the Act, which is about conditions for a concealable firearms licence.

### **162 Meaning of *black-powder pistol***

For schedule 2 of the Act, definition *black-powder pistol*, black-powder pistol means a firearm that—

- (a) is less than 75cm in length; and
- (b) is a muzzle loading firearm or a cap and ball firearm; and
- (c) does not accept cartridge ammunition.

### **163 Additional government service entities and their functions and employees' functions**

Schedule 3 prescribes the following—



- 
- (a) each entity for section 2(9) of the Act, definition *government service entity*, paragraph (c);
  - (b) the functions of the entity for section 2(2)(b) of the Act;
  - (c) the functions of an employee of the entity for section 2(2)(b) of the Act.

**164 Persons prescribed for Act, sch 2, definition primary producer**

For schedule 2 of the Act, definition *primary producer*, the holder of a commercial fishers licence under the *Fisheries Act 1994* is prescribed.

## **Part 29 Fees**

**165 Fees generally**

- (1) This part and schedule 1 state the fees payable under the Act.
- (2) This part also states any fee exemption or refund applying to the fees.
- (3) Section 170 states the brokerage fee payable under section 35(3) of the Act.

**166 Fee for group licence**

The fee for a group licence is the total of the application fees for each class of licence mentioned in section 48(2) that is appropriate to the weapons to which the application relates.

**167 Fee for particular applicants for licences**

- (1) This section applies if—
  - (a) the holder of a licence (the *existing licence*) applies for a licence, of the same class as the existing licence, with an endorsement for weapons additional to those already endorsed on the licence; and

- (b) the licence applied for will expire on the same day as the existing licence.
- (2) The application fee for the licence is \$8.35.

**168 Fee exemption for particular applicants for visitor's licences**

An applicant for a visitor's licence is exempt from the fee for the licence if the applicant—

- (a) resides in another country; and
- (b) intends visiting Queensland to participate in an internationally recognised shooting competition.

**169 Partial refund of application fee or other fee if particular applications are refused**

- (1) This section applies if—
- (a) a person paid any of the following—
    - (i) the application fee for a licence;
    - (ii) the fee, for renewal of a licence, accompanying an application for renewal of the licence;
    - (iii) the application fee for an approval, or permit, under the Act;
    - (iv) the application fee for a commissioner's exemption; and
  - (b) the application is refused.
- (2) The fee less \$20.80 for administration must be refunded to the person.

**170 Brokerage fee payable by acquirer of weapon to licensed dealer if acquisition happens through the dealer**

For section 35(3) of the Act, the brokerage fee is \$10.

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## **Part 30**                      **Miscellaneous**

### **171**    **Term of approvals**

Each approval under the Act is—

- (a) for the term stated on the approval; or
- (b) if no term is term is stated on the approval—for 5 years.

## **Part 31**                      **Transitional provisions**

### **Division 1**                      **Transitional provision for Weapons Legislation Amendment Regulation (No. 1) 2017**

#### **172**    **Undecided application for particular blank-fire firearms licence**

- (1) This section applies if—
  - (a) before the commencement, a person applied for a blank-fire firearms licence for a category A weapon and the application had not been decided; and
  - (b) on the commencement, under the amended categories regulation, the category of the weapon changed from category A to category B, C, D or R.
- (2) To the extent the application relates to the weapon, the application is taken to relate to the weapon as a weapon of the category it is under the amended categories regulation.
- (3) The application must be read with the changes necessary to make it consistent with the weapon being of the category it is under the amended categories regulation.
- (4) In this section—

*amended categories regulation* means the *Weapons Categories Regulation 1997* as amended by the *Weapons Legislation Amendment Regulation (No. 1) 2017*.

## **Division 2                      Transitional provisions for Weapons Legislation (Lever Action Shotguns) Amendment Regulation 2017**

### **173      Definition for division**

In this division—

*magazine capacity* see the *Weapons Categories Regulation 1997*, section 1A.

### **174      Firearms licence—lever action shotgun changed from category A weapon to category D weapon on commencement**

(1) This section applies if—

(a) immediately before the *Weapons Legislation (Lever Action Shotguns) Amendment Regulation 2017* was notified—

(i) a person possessed a lever action shotgun, with a magazine capacity of more than 5 rounds, under a firearms licence; and

(ii) the shotgun's magazine capacity—

(A) recorded in the firearms register was more than 5 rounds; or

(B) was more than 5 rounds because of a lawful modification of the shotgun; and

*Note—*

The *Acts Interpretation Act 1954*, schedule 1 defines *notified*.

(b) at the commencement the person—

(i) continues to hold the firearms licence; and

- 
- (ii) is the registered owner of the shotgun.
- (2) An authorised officer must endorse the firearms licence with authorisation of the licensee to possess and use the shotgun.
  - (3) The endorsement is in addition to any other endorsement on the licence.
  - (4) Subsection (5) applies if, immediately before the commencement, the firearms licence was subject to a condition applying to the shotgun.
  - (5) The condition continues to apply, with necessary changes, to the firearms licence if the licence is endorsed under subsection (2).
  - (6) This section applies despite the shotgun being a category D weapon.

**175 Firearms licence—inheritor of lever action shotgun changed from category A weapon to category D weapon on commencement**

- (1) This section applies if—
  - (a) a person (the *inheritor*) inherits a lever action shotgun with a magazine capacity of more than 5 rounds from a person who died; and
  - (b) the person who died, when he or she died—
    - (i) possessed the shotgun under a firearms licence endorsed under section 174(2) or 177(1); and
    - (ii) was the registered owner of the shotgun; and
  - (c) the inheritor holds a firearms licence (the *inheritor's licence*).
- (2) The inheritor may apply, under section 176, to an authorised officer to endorse the inheritor's licence with authorisation of the licensee to possess and use the shotgun.
- (3) The endorsement is in addition to any other endorsement on the inheritor's licence.

- (4) This section applies despite the shotgun being a category D weapon.
- (5) No fee is payable by the inheritor in relation to the application or obtaining the endorsement.
- (6) In this section—
  - inherit*, a lever action shotgun from a person who died, means become entitled to the shotgun—
    - (a) under the will of the person who died; or
    - (b) under the *Succession Act 1981*, part 3, division 2 from the estate of the person who died.

## 176 How to apply for the endorsement

For section 175(2), the application must—

- (a) be in the approved form; and
- (b) be made at, or sent to, a police station or police establishment; and
- (c) if the applicant became entitled to the shotgun—
  - (i) under the will—be accompanied by a copy of the document the applicant believes is the will of the person who died; or
  - (ii) under the *Succession Act 1981*, part 3, division 2 from the estate of the person who died—be accompanied by a copy of the document, if any, the applicant believes is the will of the person who died; and
- (d) be accompanied by an original or a copy of—
  - (i) a cause of death certificate issued under the *Births, Deaths and Marriages Registration Act 2003* for the person who died; or
  - (ii) a certificate or other document, issued under a law of this or another State, the Commonwealth or another country, that officially evidences the person's death.

## **177 Deciding application for the endorsement**

- (1) An authorised officer may make the endorsement if the authorised officer is satisfied sections 175(1) and 176 are complied with for the application.
- (2) The commissioner may accept, and without checking, rely on a copy of a will given to the commissioner for the application by the applicant (whether or not it accompanied the application).
- (3) If an authorised officer decides to make the endorsement, the officer must—
  - (a) make the endorsement; and
  - (b) give the applicant a written notice that the endorsement has been made.
- (4) If an authorised officer decides to refuse to make the endorsement, the officer must give the applicant a written notice stating—
  - (a) the authorised officer refuses to make the endorsement; and
  - (b) the reasons for the refusal.

## Schedule 1 Fees

section 165(1)

*Note—*

See also part 29 for other fees and the exemptions or refunds applying to particular fees stated in this schedule.

	\$
1 Application fee for a licence (Act, s 13(1)(c)(i))	109.10
2 Licence fee for an application under section 13 of the Act, or fee for renewal of a licence (Act, s 18(2)(c)), for each year of the licence—	
(a) armourer’s licence	104.40
(b) blank-fire firearms licence	16.55
(c) collector’s licence (heirloom)	16.55
(d) collector’s licence (weapons)	16.55
(e) concealable firearms licence—	
(i) for an approved pistol club member	25.00
(ii) for anyone else	62.60
(f) dealer’s licence—	
(i) for a licence endorsed with only category A, B or M weapons	209.65
(ii) for a licence endorsed with only category C, D, E, H or R weapons	209.65
(iii) for any other licence	418.95
(g) firearms licence	36.05
(h) firearms licence (instructor)	62.60
(i) minor’s licence	16.55
(j) security licence (guard)	33.00
(k) security licence (organisation)	418.95



	\$
(l) theatrical ordnance supplier's licence	418.95
(m) miscellaneous weapons licence	15.75
3 Fee for issue of visitor's licence under section 77	52.35
4 Application fee for approval to transfer a transferable licence under section 21 of the Act	209.65
5 Application fee for a replacement licence (Act, s 23(2)(b))	41.60
6 Application fee for a permit to acquire (Act, s 40(1)(c)(i))	41.25
7 Application fee for approval to conduct an arms fair (Act, s 80(1)(d)(i))	209.65
8 Application fee for a shooting club permit, for each year of the permit (Act, s 86(3)(c))	62.60
9 Application fee for an amendment of conditions applying to a shooting club permit under section 94(1)(a) of the Act	41.60
10 Application fee for approval of a range for weapons target shooting (Act, s 99(2)(c))	314.15
11 Application fee for an amendment of conditions applying to an approval of a range for weapons target shooting under section 104(1)(a) of the Act—	
(a) for an amendment that allows alteration of the actual firing range, or butts of the firing line, in a material way	314.15
(b) for any other amendment	41.60
12 Application fee for approval to conduct a shooting gallery under section 111 of the Act, for each year of the approval	314.15
13 Application fee for a decision by an authorised officer relating to the transport of a weapon under section 60(2)	104.40
14 Application fee for a commissioner's exemption other than an exemption under part 26, division 3 or 4 (s 150(2)(a))	83.35

## Schedule 2      Licence conditions—codes

section 14

<b>Code</b>	<b>Condition</b>
AR1	<p>The licensee is authorised to possess and use registered weapons of the category endorsed on this licence for the business of storing, manufacturing, modifying or repairing weapons.</p> <p>The licensee is authorised to conduct the business at the premises specified in this licence.</p> <p>The weapons must be securely stored, unless otherwise authorised, justified or excused by law.</p> <p>The weapons register must remain at those premises, unless the licensee first obtains the written consent of an authorised officer.</p>
AR2	<p>The licensee may remove up to 5 weapons from the premises specified in this licence to test them at an approved shooting range.</p> <p>However, the licensee must not test the weapons at an approved shooting range when the range is being used by an approved shooting club.</p>
CO4	<p>The licensee is authorised to possess—</p> <ul style="list-style-type: none"><li>(a) registered category A, B or C weapons, of the category endorsed on this licence, that are collectable firearms made temporarily inoperable in the way required by section 8 of the Act; and</li><li>(b) registered category D, H, M or R firearms that are made permanently inoperable; and</li><li>(c) any other registered category M or R weapon that is inert.</li></ul>

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<b>Code</b>	<b>Condition</b>
	The weapons must be securely stored, unless otherwise authorised, justified or excused by law.
DEA	<p>The licensee is authorised to possess and use registered weapons of the category endorsed on this licence for the business of buying, selling, transferring, brokering, repairing or storing weapons.</p> <p>The licensee is authorised to conduct the business at the premises specified in this licence.</p> <p>The weapons register must remain at those premises, unless the licensee first obtains the written consent of an authorised officer.</p>
DE2	<p>The weapons must be securely stored, unless otherwise authorised, justified or excused by law.</p> <p>The licensee must give an authorised officer written notice of the change of the category of, or the rendering inoperable of, a weapon within 14 days of the change.</p> <p>The licensee may remove up to 5 weapons from the premises specified in this licence to demonstrate or test them at an approved shooting range.</p> <p>However, the licensee must not demonstrate or test the weapons at an approved shooting range when the range is being used by an approved shooting club.</p>
MI1	<p>The licensee is authorised to possess and use registered weapons of the category endorsed on this licence at an approved shooting range.</p> <p>The licensee must be a financial member of an approved shooting club and regularly participate in the sport of target shooting as a member of the club.</p> <p>The weapons must be securely stored, unless otherwise authorised, justified or excused by law.</p>
NO1	This licence does not authorise the licensee to purchase or acquire a weapon.

<b>Code</b>	<b>Condition</b>
PC1	<p>The licensee is authorised to possess and use registered category H weapons at an approved shooting range.</p> <p>The category H weapons must be of a type that are approved for use at an approved shooting range.</p> <p>The licensee must be a financial member of an approved shooting club and regularly participate in the sport of target shooting as a member of the club.</p> <p>The weapons must be securely stored, unless otherwise authorised, justified or excused by law.</p>
PP1	<p>The licensee is authorised to possess and use registered category H weapons for primary production activities on rural land that is owned, managed or used by the licensee or the licensee's employer.</p> <p>The category H weapons must be of a type that is approved for use on the rural land.</p> <p>The weapons must be securely stored, unless otherwise authorised, justified or excused by law.</p>
PSA	<p>The licensee is authorised to possess 1 registered category H semi-automatic pistol.</p> <p>The pistol must be securely stored, unless otherwise authorised, justified or excused by law.</p>
RE1 Recreational	<p>The licensee is authorised to possess and use registered category A and B weapons for recreational shooting on rural land with the express consent of the owner of the land.</p> <p>The weapons must be securely stored, unless otherwise authorised, justified or excused by law.</p>
REV	<p>The licensee is authorised to possess 1 registered category H revolver.</p> <p>The revolver must be securely stored, unless otherwise authorised, justified or excused by law.</p>

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<b>Code</b>	<b>Condition</b>
SC1 Club	<p>The licensee is authorised to possess and use registered category A and B weapons for sports or target shooting at an approved shooting range.</p> <p>The weapons must be securely stored, unless otherwise authorised, justified or excused by law.</p>
SO1	<p>The licensee must not adopt, operate under, or use any name or title other than that which appears on the licence.</p> <p>The licensee must securely store the weapon at the stated premises, unless otherwise authorised, justified or excused by law.</p>
SG3	<p>The licensee is authorised to possess a weapon if—</p> <ul style="list-style-type: none"><li>(a) the weapon is provided by a licensed security organisation that is authorised to possess the weapon; and</li><li>(b) the licensee is employed by that organisation; and</li><li>(c) the licensee is performing duties of a security guard that necessitate possession of the weapon.</li></ul> <p>The licensee must not possess a firearm when performing private inquiry work, process serving, crowd control or door person duties.</p> <p>If the licensee is performing duties in clothing that does not readily identify the licensee as a security guard, the licensee must not possess a category C shotgun that is exposed to view in a public place, unless the licensee has a reasonable excuse.</p>
TR2	<p>The licensee is authorised to possess and use registered weapons of the category endorsed on the licence to provide an approved training course.</p>

**Code**

**Condition**

The licensee must provide the course as, or for, a registered training organisation under the *National Vocational Education and Training Regulator Act 2011* (Cwlth).

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## Schedule 3      **Additional government service entities and their functions and employees' functions**

section 163

### **1      Queensland Corrective Services**

- (1) The part of a department known as Queensland Corrective Services (*QCS*) is prescribed for section 2(9) of the Act, definition *government service entity*, paragraph (c).
- (2) QCS's prescribed functions for section 2(2)(b) of the Act are the functions that QCS is authorised to perform under the *Corrective Services Act 2006*.
- (3) The prescribed functions of a QCS employee for section 2(2)(b) of the Act are the functions of a corrective services officer that the employee performs for QCS when QCS is performing its prescribed functions.

### **2      GEO Group Australia Pty Ltd**

- (1) The GEO Group Australia Pty Ltd ABN 24 051 130 600 (*GEO*) is prescribed for that paragraph.
- (2) GEO's prescribed functions for section 2(2)(b) of the Act are the functions that GEO is authorised, by the chief executive (corrective services), to perform under the *Corrective Services Act 2006*, section 272.
- (3) The prescribed functions of a GEO employee for section 2(2)(b) of the Act are the functions of a corrective services officer that the employee performs for GEO when GEO is performing its prescribed functions.

### **3      Serco Australia Pty Ltd**

- (1) Serco Australia Pty Ltd ABN 44 003 677 352 (*SA*) is prescribed for that paragraph.

- (2) SA's prescribed functions for section 2(2)(b) of the Act are the functions that SA is authorised, by the chief executive (corrective services), to perform under the *Corrective Services Act 2006*, section 272.
- (3) The prescribed functions of a SA employee for section 2(2)(b) of the Act are the functions of a corrective services officer that the employee performs for SA when SA is performing its prescribed functions.

#### **4 Queensland Fire and Emergency Service**

- (1) Queensland Fire and Emergency Service (*QFES*) is prescribed for that paragraph only for the purposes of acquiring, possessing and using incendiary devices that are category M weapons.
- (2) QFES's prescribed functions for section 2(2)(b) of the Act are its functions under an Act that necessitate the acquisition, possession or use of an incendiary device that is a category M weapon to prevent and control fires.
- (3) The prescribed functions of a QFES employee for section 2(2)(b) of the Act are the functions the employee performs when QFES is performing its prescribed functions.

#### **5 Public Safety Business Agency**

- (1) The Public Safety Business Agency (the *PSBA*) is prescribed for that paragraph.
- (2) The PSBA's prescribed functions for section 2(2)(b) of the Act are the functions the PSBA has under the *Public Safety Business Agency Act 2014*.
- (3) The prescribed functions of a PSBA employee for section 2(2)(b) of the Act are the functions the employee performs for the PSBA when the PSBA is performing its prescribed functions.



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## Schedule 4      **Ways of modifying firearms to make them permanently incapable of being discharged**

section 159(1)(a)

### Part 1                      **General**

#### 1A      **Definition for schedule**

In this schedule—

*deactivating guide* means the document titled ‘Guide on Deactivating Warfare Items’ published by the Australian Government.

#### 1      **Methods**

- (1) A firearm may be modified to make it permanently incapable of being discharged by—
  - (a) fusion welding under part 2; or
  - (b) sectioning under part 3.
- (2) However, a firearm made of plastic or light alloy may be modified to make it permanently incapable of being discharged only by sectioning under part 3.

#### 2      **Purpose of fusion welding or sectioning**

- (1) The purpose of fusion welding is—
  - (a) to weld material into the barrel of a firearm; and
  - (b) to weld all major parts of the firearm in a way that can not be reversed.
- (2) The purpose of sectioning is—

- (a) to machine or mill all major parts of a firearm in a way that can not be reversed; and
- (b) to expose the internal mechanism of the firearm to enable it to be used for display or instructional purposes.

## **Part 2                      Fusion welding**

### **3                      Bolt action rifle**

- (1) A bolt action rifle that has a calibre of .50 or less may be modified to make it permanently incapable of being discharged by doing all of the following—
  - (a) boring a calibre size hole in the chamber;
  - (b) inserting a close fitting steel rod, extending from the muzzle to the breech, in the barrel and welding at the muzzle and breech;
  - (c) completely breaking off, grinding off or removing the firing pin;
  - (d) welding the trigger to the receiver;
  - (e) welding the bolt to the receiver either—
    - (i) through the magazine well or the ejection port; or
    - (ii) along the exposed surface of the bolt for at least 80% of the bolt's length;
  - (f) cutting off the magazine lips and removing the spring and follower;
  - (g) if the rifle has a quick detachable barrel—welding the barrel to the receiver;
  - (h) if the rifle has a tube type magazine—cutting off the crimped end of the guide, if any, and removing the spring and follower.
- (2) A bolt action rifle that has a calibre of more than .50 may be modified to make it permanently incapable of being discharged by welding it in accordance with the deactivating guide.

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#### **4 Self-loading rifle**

- (1) A self-loading rifle that has a calibre of .50 or less may be modified to make it permanently incapable of being discharged by doing all of the following—
  - (a) boring a calibre size hole in the chamber;
  - (b) inserting a close fitting steel rod, in the barrel, extending from the muzzle to the breech, and welding at the muzzle and breech;
  - (c) completely breaking off, grinding off or removing the firing pin;
  - (d) welding the trigger to the receiver;
  - (e) welding the bolt to the receiver either—
    - (i) through the magazine well or the ejection port; or
    - (ii) along the exposed surface of the bolt for at least 80% of the bolt's length;
  - (f) cutting off the magazine lips and removing the spring and follower;
  - (g) if the rifle has a quick detachable barrel—welding the barrel to the receiver;
  - (h) if the rifle has a tube type magazine—cutting off the crimped end of the guide, if any, and removing the spring and follower;
  - (i) if the rifle has a gas piston—removing the gas piston and spring, if any, and filling the gas block with weld.
- (2) A self-loading rifle that has a calibre of more than .50 may be modified to make it permanently incapable of being discharged by welding it in accordance with the deactivating guide.

#### **5 Pump action rifle**

- (1) A pump action rifle that has a calibre of .50 or less may be modified to make it permanently incapable of being discharged by doing all of the following—

- (a) boring a calibre size hole in the chamber;
  - (b) inserting a close fitting steel rod, extending from the muzzle to the breech, in the barrel and welding at the muzzle and breech;
  - (c) completely breaking off, grinding off or removing the firing pin;
  - (d) welding the trigger to the receiver;
  - (e) welding the bolt to the receiver either—
    - (i) through the magazine well or the ejection port; or
    - (ii) along the exposed surface of the bolt for at least 80% of the bolt's length;
  - (f) welding the action arm to the receiver or barrel;
  - (g) if the rifle has a quick detachable barrel—welding the barrel to the receiver;
  - (h) if the rifle has a tube type magazine—cutting off the crimped end of the guide, if any, and removing the spring and follower.
- (2) A pump action rifle that has a calibre of more than .50 may be modified to make it permanently incapable of being discharged by welding it in accordance with the deactivating guide.

## **6 Lever action rifle**

- (1) A lever action rifle that has a calibre of .50 or less may be modified to make it permanently incapable of being discharged by doing all of the following—
- (a) boring a calibre size hole in the chamber;
  - (b) inserting a close fitting steel rod, extending from the muzzle to the breech, in the barrel and welding at the muzzle and breech;
  - (c) completely breaking off, grinding off or removing the firing pin;
  - (d) welding the trigger to the receiver;

- 
- (e) welding the bolt to the receiver either—
    - (i) through the magazine well or the ejection port; or
    - (ii) along the exposed surface of the bolt for at least 80% of the bolt's length;
  - (f) welding the lever or link to the receiver;
  - (g) if the rifle has a quick detachable barrel—welding the barrel to the receiver;
  - (h) if the rifle has a tube type magazine—cutting off the crimped end of the guide, if any, and removing the spring and follower.
- (2) A lever action rifle that has a calibre of more than .50 may be modified to make it permanently incapable of being discharged by welding it in accordance with the deactivating guide.

## **7 Muzzle loading rifle**

A muzzle loading rifle may be modified to make it permanently incapable of being discharged by doing all of the following—

- (a) boring a calibre size hole in the chamber;
- (b) inserting a close fitting steel rod, extending from the muzzle to the breech, in the barrel and welding at the muzzle;
- (c) welding the flash hole closed;
- (d) welding the trigger to the receiver;
- (e) welding the hammer to the receiver.

## **8 Single or double barrel shotgun**

A single or double barrel shotgun may be modified to make it permanently incapable of being discharged by doing all of the following—

- (a) boring a hole, approximately 60% of the bore size, just forward of the chamber (or chambers);

- (b) inserting a close fitting steel plug of the length of the chamber in the chamber (or chambers) and welding at the breech;
- (c) completely breaking off, grinding off or removing the firing pins, or welding them to the receiver;
- (d) welding the trigger to the receiver;
- (e) welding the breech lever to the receiver;
- (f) welding the barrel or the barrel lug, with a substantial weld, to the receiver to prevent the barrel opening;
- (g) if the shotgun has exposed hammers—welding the hammers to the side plates or the receiver.

## **9 Pump action shotgun**

A pump action shotgun may be modified to make it permanently incapable of being discharged by doing all of the following—

- (a) boring a hole, approximately 60% of the bore size, just forward of the chamber;
- (b) inserting a close fitting steel plug of the length of the chamber in the chamber and welding at the breech;
- (c) completely breaking off, grinding off or removing the firing pin;
- (d) welding the trigger and hammer to the receiver;
- (e) welding the bolt to the receiver either—
  - (i) through the magazine well or the ejection port; or
  - (ii) along the exposed surface of the bolt for at least 80% of the bolt's length;
- (f) welding the action arm to the receiver or barrel;
- (g) cutting off the magazine lips and removing the spring and follower;
- (h) if the shotgun has a quick detachable barrel—welding the barrel to the receiver;

- (i) if the shotgun has a tube type magazine—cutting off the crimped end of the guide, if any, and removing the spring and follower.

## 10 Self-loading shotgun

A self-loading shotgun may be modified to make it permanently incapable of being discharged by doing all of the following—

- (a) boring a hole, approximately 60% of the bore size, just forward of the chamber;
- (b) inserting a close fitting steel plug of the length of the chamber in the chamber and welding at the breech;
- (c) completely breaking off, grinding off or removing the firing pin;
- (d) welding the trigger and hammer to the receiver;
- (e) welding the bolt to the receiver either—
  - (i) through the magazine well or the ejection port; or
  - (ii) along the exposed surface of the bolt for at least 80% of the bolt's length;
- (f) cutting off the magazine lips and removing the spring and follower;
- (g) if the shotgun has a quick detachable barrel—welding the barrel to the receiver;
- (h) if the shotgun has a tube type magazine—cutting off the crimped end of the guide, if any, and removing the spring and follower;
- (i) if the shotgun has a gas piston—removing the gas piston and spring, if any, and filling the gas block with weld.

## 11 Revolver

A revolver may be modified to make it permanently incapable of being discharged by doing all of the following—

- (a) boring a calibre size hole in the barrel as close to the forcing cone as possible;
- (b) inserting a close fitting steel rod in the barrel and cylinder and welding at the muzzle;
- (c) welding the trigger and hammer to the frame;
- (d) welding the cylinder to the frame;
- (e) if the remover is a break type—welding the top strap closed.

## **12 Self-loading pistol**

A self-loading pistol may be modified to make it permanently incapable of being discharged by doing all of the following—

- (a) boring a calibre size hole in the chamber;
- (b) inserting a close fitting steel rod, extending from the muzzle to the breech, in the barrel and welding at the muzzle;
- (c) welding the trigger to the receiver;
- (d) cutting off the magazine lips and removing the spring;
- (e) welding the barrel to the slide;
- (f) welding the slide with a substantial weld to the frame;
- (g) if the pistol has an exposed hammer—welding the hammer to the frame;
- (h) filling the top of the magazine well with weld.

## **13 Submachine gun or select fire assault rifle**

- (1) A submachine gun or select fire assault rifle that has a calibre of .50 or less may be modified to make it permanently incapable of being discharged by doing all of the following—
  - (a) boring a calibre size hole in the chamber;
  - (b) inserting a close fitting steel rod, extending from the muzzle to the breech, in the barrel and welding at the muzzle and breech;



- 
- (c) completely breaking off, grinding off or removing the firing pin;
  - (d) welding the bolt to the receiver either—
    - (i) through the magazine well or the ejection port; or
    - (ii) along the exposed surface of the bolt for at least 80% of the bolt's length;
  - (e) cutting off the magazine lips and removing the spring and follower;
  - (f) filling the magazine with weld;
  - (g) welding the trigger to the receiver;
  - (h) removing all internal working parts that can not be seen from the outside.
- (2) A select fire assault rifle that has a calibre of more than .50 may be modified to make it permanently incapable of being discharged by welding it in accordance with the deactivating guide.

## 14 Machine gun

- (1) A machine gun that has a calibre of .50 or less may be modified to make it permanently incapable of being discharged by doing all of the following—
- (a) boring a calibre size hole in the chamber;
  - (b) inserting a close fitting steel rod, extending from the muzzle to the breech, in the barrel and welding at the muzzle and breech;
  - (c) completely breaking off, grinding off or removing the firing pin;
  - (d) welding the bolt to the receiver either—
    - (i) through the magazine well or the ejection port; or
    - (ii) along the exposed surface of the bolt for at least 80% of the bolt's length;
  - (e) cutting off the magazine lips and removing the spring and follower;

- (f) filling the magazine with weld;
  - (g) welding the trigger to the receiver;
  - (h) removing all internal working parts that can not be seen from the outside;
  - (i) filling all internal recesses with weld;
  - (j) if the machine gun has a feed cover—welding the feed cover to the receiver.
- (2) A machine gun that has a calibre of more than .50 may be modified to make it permanently incapable of being discharged by welding it in accordance with the deactivating guide.

#### **14A Field gun, mortar and launcher**

- (1) This section applies to the following firearms—
- (a) a field gun that has a calibre of at least .70, including—
    - (i) a self-propelled gun; and
    - (ii) a cannon, including, for example, an aircraft cannon or other automatic shell firing cannon; and
    - (iii) a howitzer or recoilless rifle;
  - (b) a mortar, rocket launcher or other projectile launcher.
- (2) The firearm may be modified to make it permanently incapable of being discharged by welding it in accordance with the deactivating guide.

#### **14B Flamethrower**

A flamethrower may be modified to make it permanently incapable of being discharged by welding it in accordance with the deactivating guide.

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## Part 3                      Sectioning

### 15      Firearm, other than a pistol, with a calibre of .50 or less

A firearm that has a calibre of .50 or less, other than a pistol, may be modified to make it permanently incapable of being discharged by doing all of the following—

- (a) in relation to the bolt—
  - (i) machining away 1 side of the bolt face with a 45 degree backward facing cut to allow enough remaining material to hold the firing pin, extractor and ejector; and
  - (ii) ensuring the cut breaks through the side of the bolt; and
  - (iii) removing at least 50% of the locking surface to a depth of at least 4mm; and
  - (iv) shortening the firing pin so that it does not protrude beyond the bolt face;
- (b) in relation to the barrel—
  - (i) machining away the chamber for at least 80% of its length, ensuring the cut—
    - (A) is of a width of at least 1/3 of the chamber's diameter; or
    - (B) removes a section of the chamber, that is at least a 1/4 section of the chamber; and
  - (ii) from the point where the barrel extends from the chamber, machining away at least 15mm of the barrel, ensuring the cut—
    - (A) is of a width of at least 1/3 of the barrel's diameter; or
    - (B) removes at least a 1/4 section of the barrel;
- (c) in relation to the gas system, if any—

- (i) machining a flat surface along the length of the piston head, ensuring the cut removes at least  $\frac{1}{3}$  of the diameter of the piston head; and
  - (ii) making a cut in the cylinder that is equal in width to the lesser of the following—
    - (A)  $\frac{1}{2}$  of the diameter of the inside cylinder for the distance of the piston travel;
    - (B) 10mm; and
  - (iii) machining a slot to remove at least  $\frac{1}{2}$  of the diameter of the gas port for a distance of at least  $\frac{1}{2}$  of its length;
- (d) in relation to the receiver—
- (i) making a cut in the ring to match a cut in the chamber; and
  - (ii) making another cut that removes at least 50% of the locking surface to a depth of at least 4mm (or, if there is a removable locking shoulder, through the locking shoulder and at least 4mm into the supporting material); and
  - (iii) making a cut that removes the greater of the following—
    - (A) 50% of the left or right side of the receiver;
    - (B) an area of the left or right side of the receiver that is 35mm<sup>2</sup>; and
  - (iv) ensuring the cut mentioned in subparagraph (iii) is in the area of the locking surface or between the locking surface and the breech face (the cut does not need to be exposed); and
  - (v) if the firearm has an upper and a lower receiver—
    - (A) sectioning both receivers; and
    - (B) sectioning the hinge point on the lower receiver by removing a  $\frac{1}{4}$  section across it; and

- (vi) weakening the rear locking pin by machining away at least 50% of its cross section;
- (e) in relation to the hammer, trigger and sear, either—
  - (i) machining a slot 2mm deep across the face of the hammer so that the hammer can not make contact with the firing pin; or
  - (ii) weakening the trigger or the sear by making a cut of a minimum width of 5mm through 50% of its thickness or width;
- (f) if the firearm is a belt-fed type—weakening the feed pawls and actuating arms by making a cut of at least 5mm through at least 50% of its thickness or width.

## 16 Pistol

A pistol may be modified to make it permanently incapable of being discharged by doing all of the following—

- (a) making a cut, that is the same size as the pistol's calibre, for the full length of the chamber;
- (b) removing at least 50% of the thickness of the barrel lug where it makes contact with the locking surface, or takedown pin, in the frame;
- (c) removing at least 1/2 of the breech face for a distance of at least 20mm;
- (d) removing at least 1/2 of 1 side of the slide rail;
- (e) removing at least 2/3 of the opposite corner of the frame rail;
- (f) machining away at least 1/2 of the locking shoulders of the barrel, slide and frame;
- (g) sectioning halfway through the sears;
- (h) removing at least 3mm of the hammer face;
- (i) removing at least 5mm from the nose of the firing pin.

**17 Rifle with a calibre of more than .50**

A rifle that has a calibre of more than .50 may be modified to make it permanently incapable of being discharged by sectioning it in accordance with the deactivating guide.

**18 Machine gun with a calibre of more than .50**

A machine gun that has a calibre of more than .50 may be modified to make it permanently incapable of being discharged by sectioning it in accordance with the deactivating guide.

**19 Flamethrower**

A flamethrower may be modified to make it permanently incapable of being discharged by sectioning it in accordance with the deactivating guide.

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## Schedule 5 Dictionary

## section 3

*approved weapons club* see section 124.

*commissioner's exemption* see section 144.

*crossbow club*, for part 23, division 5, see section 123.

*eligible licensee*—

- (a) for part 26, division 4, subdivision 2, see section 154C;  
or
- (b) for part 26, division 4, subdivision 3, see section 154F;  
or
- (c) for part 26, division 4, subdivision 4, see section 154I.

*eligible person*, for part 26, division 3, see section 151.

*employee*, for part 17, see section 71.

*historical society permit*, for part 23, division 2, see section 112.

*licensee*, for part 26, division 4, subdivision 1, see section 154B(2)(a).

*new firearm*, for part 26, division 4, subdivision 2, see section 154D(1)(b).

*old firearm*—

- (a) for part 26, division 4, subdivision 1, see section 154B(2)(a); or
- (b) for part 26, division 4, subdivision 2, see section 154C(a).

*Queensland licence* means a licence issued under the Act.

*recreational shooting club* means a club that—

- (a) owns rural land on which the club's members shoot; or

- (b) has written permission from an owner of rural land authorising members of the club to shoot on the land.

***representative***—

- (a) of an approved historical society see sections 110(4) and 115(5)(a); or
- (b) of an approved weapons club see sections 127(4) and 132(5)(a).

***representative endorsed on the licence***, of a body, means the person who is endorsed on the body's licence as the licensee's representative.

***representative notice***, in relation to—

- (a) an approved historical society, see section 115(3); or
- (b) an approved weapons club, see section 132(3).

***responsible position***—

- (a) for part 23, division 2, see section 110(3); or
- (b) for part 23, division 5, see section 127(3).

***society event*** means an event that involves the discharge of category H weapons by members of an approved historical society, including, for example, in a re-enactment of a historical event.

***start***, a sporting event, includes end an event, and mark a stage or other happening of official significance to the event.

***weapons club***, for part 23, division 5, see section 123.

***will*** see the *Succession Act 1981*, section 5.