

Queensland



**POLICE POWERS AND
RESPONSIBILITIES AND
ANOTHER ACT
AMENDMENT BILL 2000**

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POLICE POWERS AND RESPONSIBILITIES AND ANOTHER ACT AMENDMENT BILL 2000

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2000

A BILL

FOR

**An Act to amend the *Police Powers and Responsibilities Act 2000* and
the *Weapons Act 1990***

*Police Powers and Responsibilities and
Another Act Amendment*

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

Clause **1.** This Act may be cited as the *Police Powers and Responsibilities and Another Act Amendment Act 2000*.

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Commencement

6

Clause **2.(1)** Part 2 is taken to have commenced on 1 July 2000, immediately after the commencement of the provisions of the *Police Powers and Responsibilities Act 2000* that commenced on that day.

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(2) Part 3 commences on a day to be fixed by proclamation.

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**PART 2—AMENDMENT OF POLICE POWERS AND
RESPONSIBILITIES ACT 2000**

11

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Act amended in pt 2

13

Clause **3.** This part amends the *Police Powers and Responsibilities Act 2000*.

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Amendment of s 144 (Powers under surveillance warrants)

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Clause **4.** Section 144(d), ‘to use reasonable force’—
 omit.

16

17

*Police Powers and Responsibilities and
Another Act Amendment*

Amendment of s 152 (What covert search warrant must state)

Clause	5. Section 152(a)—	2
	<i>omit, insert—</i>	3
	‘(a) that a police officer may enter the place and exercise covert search powers under the warrant;’.	4
		5

Replacement of s 375 (Power to use force—exercise of certain powers)

Clause	6. Section 375—	7
	<i>omit, insert—</i>	8
	‘Power to use force—exercise of certain powers	9
	‘375.(1) It is lawful for a police officer, and anyone helping the police officer, to use reasonably necessary force when exercising or attempting to exercise a power under—	10
		11
	(a) this Act, including, for example, surveillance powers under a surveillance warrant or covert search powers under a covert search warrant; or	13
		14
		15
	(b) another Act.	16
	<i>Examples—</i>	17
	1. Forced entry may be necessary to execute a search warrant and seize items.	18
	2. Forced entry may be needed for covert entry to a place to install a surveillance device.	19
		20
	3. Force may be used to stop vehicles.	21
	‘(2) This section does not apply to the use of force against an individual. ¹ ’.	22
		23

¹ See section 376 (Power to use force against individuals).

*Police Powers and Responsibilities and
Another Act Amendment*

PART 3—AMENDMENT OF WEAPONS ACT 1990

	1
Act amended in pt 3	2
Clause 7. This part amends the <i>Weapons Act 1990</i> .	3
Amendment of s 5 (Definitions)	4
Clause 8. Section 5, definition “collector”, from ‘weapons—’—	5
<i>omit, insert—</i>	6
‘weapons for their commemorative, historic, thematic or investment	7
value.’.	8
Amendment of s 6A (What is a “replica”)	9
Clause 9. Section 6A(1)(b), ‘, C or H’—	10
<i>omit, insert—</i>	11
‘ or C’.	12
Amendment of s 49 (Commissioner to maintain firearms register)	13
Clause 10. Section 49—	14
<i>insert—</i>	15
‘(5) In this section—	16
“firearm” includes a category H weapon that is permanently inoperable.’.	17
Amendment of s 77 (Collector’s licence (weapons))	18
Clause 11.(1) Section 77(2)(b), after ‘1990’—	19
<i>insert—</i>	20
‘and of obvious and significant commemorative, historic, thematic or	21
investment value’.	22
(2) Section 77(2)—	23

*Police Powers and Responsibilities and
Another Act Amendment*

insert—

‘(c) category H weapons that are permanently inoperable, whether or not of commemorative, historic, thematic or investment value.’.

Insertion of new pt 8

Clause 12. After section 172—

insert—

‘PART 8—TRANSITIONAL PROVISIONS

**‘Transitional provision for Police Powers and Responsibilities and
Another Act Amendment Act 2000**

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

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

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