



Legislative Safety Requirements

Course in Firearms Safety 11029NAT
(Approved for Firearms Licensing in Queensland)

This handbook contains the Legislative Safety Requirements

We hope that your training will be enjoyable and productive. Please let us know if you experience any difficulties during your course, so that we can take action to assist you. Our aim is for you to achieve high levels of competency and we will assist you flexibly and fairly to achieve your goals.

Please read this Legislative Safety Requirements for your course carefully.

If you have any questions after reading this Legislative Safety Requirements and the Course Information, please consult your trainer

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DEFINITION OF A FIREARM UNDER THE ACT

Definition of a firearm

Weapons Act 1990 Schedule 2 Definitions

firearm means—

- (a) a gun or other thing ordinarily described as a firearm; or
- (b) a thing ordinarily described as a weapon that, if used in the way for which it was designed or adapted, is capable of being aimed at a target and causing death or injury by discharging—
 - (i) a projectile; or
 - (ii) noxious, corrosive or irritant liquid, powder, gas, chemical or other substance; or
- (c) a thing that would be a firearm mentioned in paragraph (a) or (b), if it were not temporarily inoperable or incomplete; or
- (d) a major component part of a firearm; but does not include—
- (e) an antique firearm, explosive tool, captive bolt humane killer, spear gun, longbow or crossbow; or
- (f) a replica of a spear gun, longbow or crossbow; or
- (g) a slingshot, shanghai or sword; or
- (h) a public monument.

Example—

A replica of a gun capable of causing death or injury by discharging a projectile is a firearm.

However, a replica of a gun not capable of causing death or injury by discharging a projectile is not a firearm.

SUMMARY:

It will be noted that this definition covers a wide range of articles, which could be classed as a firearm. Persons who do not own firearms although subject to this law are not penalised as heavily as firearm owners who, in addition to the normal penalty also risk their firearms and firearms licence.

The Explosive Act 1999, schedule 2 provides

explosive includes—

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

Examples of explosives—

ammunition, detonators, gunpowder, nitro-glycerine, pyrotechnics (including fireworks)

What a concealable firearms licence authorises

Weapons Regulation 2016 Part 7 Division 1

- (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.

PROCEDURE FOR APPLYING FOR A WEAPONS ACT LICENCE

Application for licence

Weapons Act 1990, Part 2, Section 13 (1)(b) or Section 18 (2)(b)

Weapons Regulation 2016 Part 2 Section 9

- (1) An application for a licence must be—
 - (a) made in the approved form and state the applicant’s reason for wishing to possess a weapon (the **reason**); and
 - (b) made personally, in the way prescribed under a regulation, by—
 - (i) if the licence is for an individual—the person; or
 - (ii) if the licence is for a body, whether incorporated or unincorporated—an individual nominated by the body for endorsement on the licence as the body’s representative in the conduct of its business or affairs; and
 - (c) accompanied by—
 - (i) the fee prescribed under a regulation; and
 - (ii) proof of identity to the satisfaction of an authorised officer; and
 - (iii) other particulars prescribed under a regulation; and
 - (iv) the other relevant particulars the person to whom the application is made reasonably requires.
- (2) If the reason is sports or target shooting, the applicant must provide proof the applicant is a current member of an approved shooting club.
- (3) If the reason is recreational shooting, the applicant must produce—
 - (a) written permission from a landowner authorising the applicant to shoot on the landowner’s rural land; or
 - (b) proof of current membership of a body prescribed under a regulation for this subsection.
- (4) A body may be prescribed for subsection (3) (b) only if—
 - (a) it is a landowner of rural land; or
 - (b) it holds written permission from a landowner authorising members of the body to shoot on the landowner’s rural land.
- (5) If the reason is an occupational requirement, the applicant must state why possession of a weapon is necessary in the conduct of the applicant’s business or employment.

Author’s Note-

OR

An Application can also be made electronically at www.police.qld.gov.au completing all mandatory sections during the process.

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 on line

Eligibility Requirements: - Limitations on issue of licence

Weapons Act 1990 Part 2 Section 10

- (1) A licence may be issued only to—
 - (a) an individual under subsection (2); or
 - (b) a body under subsection (3).
- (2) A licence may be issued to an individual only if the person—
 - (a) is—
 - (i) for a licence other than a minor’s licence—an adult; or
 - (ii) for a minor’s licence—at least 11 years and otherwise within the age group prescribed under a regulation for the licence; and
 - (b) has, under section 10A, an adequate knowledge of safety practices for the use, storage and maintenance of the weapon or category of weapon the possession of which is to be authorised by the licence; and
 - (c) has access to secure storage facilities for the weapon or category of weapon possession of which is to be authorised by the licence; and
 - (d) is not prevented under this or another Act or by an order of a Magistrates Court or another court from holding the licence; and
 - (e) is a fit and proper person to hold a licence; and
 - (f) has a reason mentioned in section 11 to possess the weapon or category of weapon; and
 - (g) resides only in Queensland.

Waiting period before licence can be decided

Weapons Regulation 2016 Part 2, Division. 2- Section 10

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

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

Additional genuine reasons for possession of a weapon

Weapons Regulation 2016 Part 2, Division. 2- Section 7

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.

Other particulars to accompany application for licence

Weapons Regulation 2016 Part 2, Division. 2- Section 8

For section 13(1)(c)(iii) of the Act, the prescribed particulars are as follows—

- (a) the type, action, make, model, serial number and calibre of each firearm owned by the applicant;
- (b) the magazine or chamber 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.

Additional application requirements for concealable firearms licence

Weapons Act 1990 Part 2 Section 18B

- (1) If the application is for a concealable firearms licence and the applicant’s reason for possession of a weapon under that licence is sports or target shooting, the application must include a current declaration by the representative of an approved pistol club stating that—
 - (a) the applicant holds current membership with the pistol club; and
 - (b) the applicant has been a member of the pistol club for the 6 month period immediately before the declaration is made; and
 - (c) the applicant has participated in at least 3 handgun shooting competitions during that 6 month period.

REQUIREMENTS FOR TRAINING COURSES

Weapons Act 1990 Part 2 Section 10AA

Weapons Regulation 2016 Part 2, Division 2- Section 13

- (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.

Author’s Note

Selection of class of licence required.

Generally this will be either 'firearms licence' or concealable firearms licence;

Select the firearm licence category or categories required.

Generally this will be either categories A, B, or H.

APPLICATION FOR PERMIT TO ACQUIRE FIREARM

Weapons Act 1990 Part 3 Section 3 Division 3 Sections 40, 39, 43, 45, 46, 47, and 48.

Weapons Regulation 2016 Part 22 Division 1 Section 99

40 Application for permit to acquire

- (1) An application for a permit to acquire must be—
 - (a) made in the approved form; and
 - (b) made, in the way prescribed under a regulation, by—
 - (i) if the permit is for an individual—the person; or

- (ii) if the permit is for a body, whether incorporated or unincorporated—the individual endorsed on the body’s licence as the body’s representative; and
- (c) accompanied by—
 - (i) any fee that may be prescribed under a regulation; and
 - (ii) proof of identity to the satisfaction of an authorised officer; and
 - (iii) other particulars prescribed under a regulation; and
 - (iv) the other relevant particulars the person to whom the application is made reasonably requires.
- (2) If the application is for a permit to acquire a category B, C, D or H weapon, the applicant must state why the applicant needs the weapon and why the need can not be satisfied in another way.
- (3) If the application is for a permit to acquire an heirloom firearm, the application must also be accompanied by proof, to the satisfaction of an authorised officer, that the applicant is the owner of the firearm because of a testamentary disposition or the laws of succession.
- (4) If the application is for a permit to acquire a temporarily inoperable modern handgun that the applicant intends to possess under the authority of a collector’s licence (weapons), the application must include a declaration signed by an approved historical society’s representative stating that the representative is satisfied that the weapon is of obvious and significant commemorative, historic, thematic or investment value.

39 Limitations on issue of permits to acquire

- (1) A permit to acquire a weapon may be issued only to—
 - (a) an individual under subsection (2); or
 - (b) a body under subsection (3).
- (2) A permit to acquire a weapon may be issued to an individual only if—
 - (a) the person is authorised to possess the weapon or category of weapon under a licence; and
 - (b) the person is an adult; and
 - (c) for a category B, C, D, H or M weapon—the person has a need to possess the weapon; and
 - (d) if the weapon is an heirloom firearm—the person is the owner of the firearm because of a testamentary disposition or the laws of succession; and
 - (e) if the person intends to possess the weapon under the authority of a collector’s licence (weapons) and the weapon is a temporarily inoperable modern handgun—
 - (i) the person satisfies an authorised officer that the person has a prolonged and genuine interest in the study, preservation or collection of firearms; and
 - (ii) the person is a member of an approved historical society.

Note—

See section 131 (Limitation on number of concealable firearms particular licensees may acquire) for limitations on the number of category H weapons an individual who is the holder of a concealable firearms licence can possess during the first year after the holder is first licensed.

- (3) A permit to acquire a weapon may be issued to a body, whether incorporated or unincorporated—

- (a) for a permit to acquire to be issued to an approved shooting club—only if it is endorsed with the name of an individual member of the club’s governing body, who satisfies the requirements of subsection (2)(a) to (c), as the club’s representative in the conduct of its business or affairs; and
- (b) for a permit to acquire to be issued to another body—only if—
 - (i) the body has a need to possess the weapon for which the permit to acquire is sought; and
 - (ii) it is endorsed with the name of an individual, who satisfies the requirements of subsection (2)(a) to (c), as the body’s representative in the conduct of its business or affairs.
- (4) A permit to acquire must—
 - (a) be issued in the approved form for a single weapon; and
 - (b) state the name of the person from whom the weapon is to be acquired.

43 Issue of permit to acquire

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

45 Term of permit to acquire

- (1) A permit to acquire remains in force for the term, not more than 6 months, stated on the permit.
- (2) A permit to acquire stops being in force if—
 - (a) it is suspended, cancelled, revoked or surrendered; or
 - (b) the holder of the permit dies.

46 Reporting loss, destruction or theft of permit to acquire

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

Maximum penalty—10 penalty units.

47 Replacement permit to acquire

- (1) This section applies if an authorised officer is satisfied—
 - (a) a permit to acquire is lost, destroyed or stolen; or
 - (b) any writing or endorsement on a permit to acquire is illegible and the permit to acquire is surrendered to an officer in charge of police.
- (2) The authorised officer may issue to the licensee a replacement permit to acquire instead of the permit to acquire on—
 - (a) application by the licensee in the approved form; and
 - (b) payment of the fee prescribed under a regulation.

48 Surrender of permit to acquire

- (1) A licensee may surrender a permit to acquire by—
 - (a) giving written notice of surrender; and
 - (b) surrendering the permit to acquire.
- (2) The notice must be given and the permit to acquire surrendered to an authorised officer or officer in charge of police.

99 Way application for permit to acquire must be made

For section 40(1)(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.

Author's Note-

Applying for a Permit to Acquire - on line

Eligibility Requirements

To apply for a Permit to Acquire (PTA) you must:

- Be 18 years of age or over
- Have a Queensland Weapons Licence or have submitted an application for a Weapons licence
- Be eligible for the category of weapon you wish to acquire
- Have access to secure storage facilities.

Important Points

- A PTA authorises a Weapons Licence holder to purchase or acquire a weapon
- A separate PTA is required for each weapon you intend to acquire
- The PTA scheme assists QPS to track weapons movement and identify the weapons registered to a licensee and where they are stored
- A PTA is valid for a set period of time from date of issue and cannot be renewed. If you do not acquire the weapon before the PTA expires you will need to apply for a new PTA.

PROCEDURE FOR THE PURCHASE/ACQUISITION

Acquisition of weapons

Weapons Act 1990 – Part 3 Division 1 Section 34A

Weapons Act 1990 – Part 3 Division 2 Section 35

34A Definitions for Part 3

In this part—

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

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

35 Acquisition of weapons

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

Maximum penalty—

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

- (c) for a category A, B or M weapon—20 penalty units or 6 months imprisonment.

Example 1—

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

Example 2—

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

Example 3—

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

Example 4—

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

- (2) If the weapon is acquired from a licensed dealer or the acquisition happens through a licensed dealer or police officer—
- (a) the acquirer must give the dealer or police officer a copy of the permit to acquire; and
 - (b) the dealer must give to an authorised officer the copy of the permit to acquire and the information prescribed under a regulation within the time and in the way prescribed under the regulation.

Maximum penalty—20 penalty units or 6 months imprisonment.

- (3) If the acquisition happens through a licensed dealer, the dealer is entitled to a brokerage fee from the acquirer in the amount prescribed under a regulation.
- (4) The dealer is not entitled to any other payment for brokering the acquisition.
- (5) If the acquisition happens under other lawful authority, justification or excuse, the acquirer must, unless the acquirer has a reasonable excuse, take immediate action—
- (a) to comply with this Act; or
 - (b) to surrender the weapon under section 30
- (4) or (5). Maximum penalty for subsection (5)—20 penalty units or 6 months imprisonment.
- (6) This section does not apply to the acquisition of a weapon, if the acquisition consists only of a person taking possession of the weapon—
- (a) to repair it; or
 - (b) to store it, if the person is an armourer storing it for someone else; or
 - (c) on a temporary basis for not more than 3 months without giving consideration for the acquisition or for the weapon; or
 - (d) in performing duties as a security guard under a security licence (guard); or
 - (e) under section 52, 53, 54(2), 55 or 55A. (7)

In this section—

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

Acquisition of weapon through police officer

Weapons Act 1990 Part 3 Section 35(1)(b)(ii) and 36(1)(b)(ii)

Weapons Regulation 2016 Part 22, Division 2 Section 102

- (1) A person may acquire a weapon only if—
 - (a) the person is a licensed dealer; or
 - (b) the person is the holder of a permit to acquire the weapon and acquires the weapon—
 - (i) from or through a licensed dealer; or
 - (ii) through a police officer in circumstances prescribed under a regulation; or

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.

Special requirements for Category H weapons.

Weapons Regulation 2016 Part 22, Division.1- Section 100

Category H weapons—approved shooting club letter, certifying need for weapon, to accompany application for permit

- (1) This section applies to an applicant for a permit to acquire a category H weapon who relies, for the application, on a need to possess the weapon for sports or target shooting.
- (2) For section 40(1)(c)(iii) of the Act, the application must be accompanied by a letter containing the following information—
 - (a) the applicant's name and address;
 - (b) the type of weapon for which the applicant is seeking a permit to acquire;
 - (c) the number and expiry date of the licence relied on to acquire the weapon;
 - (d) the name, and approved shooting club number, of the approved shooting club of which the applicant is a member;
 - (e) a certificate that the applicant—
 - (i) is a current member of the club; and
 - (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.

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

Author’s note—

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

Online:- to weaponslicensing@police.qld.gov.au

PROCEDURES FOR CHANGE OF ANY PARTICULARS OF A LICENCE.

Weapons Act 1990, Part 2, Section 24

24 Change in licensee’s circumstances

- (1) It is a condition of each licence that a licensee must, within 14 days of the happening of an event mentioned in subsection (2) (the *change*), advise an officer in charge of police of the change and the particulars of the change the officer reasonably requires.
- (2) The events are—
 - (a) any of the following that happen to the licensee or the licensee’s representative—
 - (i) a change of address;
 - (ii) a change in the licensee’s or the licensee’s representative’s mental or physical fitness;
 - (iii) the conviction of the licensee or the licensee’s representative of an offence mentioned in section 10B(2)(a);
 - (iv) the making of a domestic violence order against the licensee or the licensee’s representative; or
 - (b) a change in the licensee’s—
 - (i) reason or need for possessing or using a weapon; or
 - (ii) access to secure storage facilities for the licensee’s weapon; or
 - (c) a change in the licensee’s name or the licensee’s representative’s name; or
 - (d) a change in the place entered in the firearms register as the place where a firearm is generally kept if the licensee is the registered owner of the firearm; or
 - (e) if the licensee is a licensed dealer, a change in the licensee’s associates; or
 - (f) the revocation of the licensee’s permission to shoot on a landowner’s rural land; or
 - (g) another event prescribed under a regulation.
- (2A) Subject to subsection (3), the advice must be given in a way prescribed by regulation.

- (3) If advice of a change in the licensee's associates is given under subsection (2)(e), the advice must be given in the approved form and include—
 - (a) the full name, occupation and residential address of each of the licensee's associates; and
 - (b) details of the associate's relevant financial interest, relevant power or relevant position in the licensee's business.
- (4) The officer in charge must advise an authorised officer of the change.
- (5) The authorised officer must—
 - (a) if the change is to a particular on the licence and the authorised officer is satisfied of the correctness of the change—endorse the licence with the change; or
 - (b) otherwise—take the appropriate action in relation to the licence.
- (6) In this section—

representative of a licensee means a person who is endorsed—

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

ADDITIONAL CHANGES IN CIRCUMSTANCES THAT MUST BE ADVISED BY LICENSEE

Weapons Regulation 2016 Part 4 Section 17

17 Additional changes in licensee's circumstances to be advised by licensee

For section 24(2)(g) of the Act, the events are—

- (a) a court order is made, or any other official act is done, in Queensland or elsewhere that adversely affects the ability of the licensee or the representative endorsed on the licence to own, possess, use, carry or deal in weapons in Queensland or elsewhere; or

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.

Editor's Note -

Now see the Mental Health Act 2000, section 546.

Examples of court orders and official acts for paragraph (a) -

1. *disqualification or suspension from obtaining a weapons licence, approval or other 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 authorisation*
4. *forfeiture, or police seizure, of a weapon*

Weapons Regulation 2016 Part 2, Division 3, Section 14

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.

Transfer of firearm between licensee's licences

Weapons Regulation 2016 Part 2, Division 4, part 15

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—
 - (i) if the application is to transfer the endorsement of a temporarily inoperable modern handgun to a collector's licence (weapons)—a declaration complying with subsection (4); and (ii) any other relevant particulars the authorised officer reasonably requires.
- (4) The declaration must—
 - (a) be signed by the representative of an approved historical society; and
 - (b) state the representative is satisfied the weapon is of obvious and significant commemorative, historic, thematic or investment value.
- (5) An authorised officer must decide the application as if it were an application for a licence of the class of the other licence.

- (6) For the purpose of subsection (5), sections 14 to 16 of the Act apply to the application as if it were an application for a licence of the class of the other licence.

PEACE AND GOOD BEHAVIOUR ACT 1982-25-05-2020

PEACE AND GOOD BEHAVIOUR REGULATION 2010-01-09-2020

An Act relating to orders to keep the peace and be of good behavior; to provide for offences in connection therewith; and for purposes subsidiary thereto.

REQUIREMENTS TO PRODUCE A WEAPONS ACT LICENCE

Power to demand production of licence etc. for weapons

Police Powers and Responsibilities Act 2000, Chapter 2, Part 1 Section 25

25 Power to demand production of licence etc. for weapons

- (1) This section applies if a person is required under the *Weapons Act 1990*—
 - (a) to be the holder of a licence or permit to acquire under that Act; or
 - (b) to have the approval of any person; or
 - (c) to keep a register or record.
- (2) A police officer may require the person to produce to a police officer for inspection at a stated reasonable place and time, within 48 hours, any of the following documents—
 - (a) the photo licence or permit to acquire;
 - (b) a certificate or other evidence of approval; (c) the register or record.
- (3) A police officer may also require the individual to produce for inspection at a stated reasonable place and time, within 48 hours, any weapon still in the individual's possession and mentioned in any of the documents.
- (4) However, if an individual has physical possession of a weapon, a police officer may require the individual to produce immediately to the police officer for inspection the weapon and the photo licence authorising possession of the weapon.
- (5) This section is in addition to, and does not limit, section 22.

SUMMARY

Police powers under the Weapons Act 1990 and Police Powers and Responsibilities Act 2000 can basically be summarized as follows-

1. A police officer may demand from any person committing or reasonably suspected of having committed or about to commit any offence against these Acts, particulars as required and evidence of the correctness thereof.
2. Failure on demand to provide particulars or evidence as required, the police officer may caution that person, and if that person persists in that failure, the police officer may arrest that person without warrant.
3. A person required to give any particular is not to -
 - 3.1. Fail to give that particular.
 - 3.2. Give any false particular.
 - 3.3. Give false evidence in respect thereto.
4. A police officer may stop, detain and search -
 - 4.1. Any vehicle upon which the officer suspects may contain any weapon liable to seizure under this Act or any other Act.
 - 4.2. Any person whom the officer suspects may be in physical possession of any weapon liable to seizure under this Act or any other Act.
5. When a police officer stops a vehicle, detains a person, or enters a place, the officer is at the first reasonable opportunity to record in a register the matters following -
 - 5.1. 5.1 In the case of the stoppage of a vehicle.
 - 5.1.1. The location where vehicle stopped and reason for stoppage.
 - 5.1.2. If vehicle or anything is searched, the date, time and place of search.
 - 5.2. In the case of the detention of a person.
 - 5.2.1. The name of the person or, a description of the person.

- 5.2.2. The place, date, time, length and reason for detention.
 - 5.3. Identification of the place, date, time, of entry and reason why a warrant was not obtained.
 - 5.4. In the case of the search of a vehicle, person or place-
 - 5.4.1. Who or what was searched and reason for search.
 - 5.4.2. Description of anything that was taken away.
 - 5.5. Name rank and number (if any) of the police officer and signature.
 6. Any entries made in the register are to be available for inspection by -
 - 6.1. Owner of vehicle or thing, the person, the occupier of the place.
 7. Failure to make entries is prima facie evidence that the stoppage, detention or entry were unlawful.
 8. In dangerous situations, a police officer, without any warrant, can enter any premises or place, detain any person, search the premises or place and every person found there and seize and detain any weapon or other thing found.
 9. Any police officer may at any reasonable time enter and remain on any premises specified in licences or approvals under this Act to establish whether the provisions of this Act are being complied with.
 10. Any police officer that has reasonable grounds to suspect that any person is contravening this Act, may use such force as is necessary to enter, search and detain.
- N.B. Every participant should read the relevant sections of the legislation carefully

FIREARMS LICENSING CONDITIONS RELATING TO THE POSSESSION OF FIREARMS

Weapons Act 1990, Part 4, Division 1, Sections 49A, 50, 50A

POSSESSION AND USE OF WEAPONS

49A Authority given by licence

- (1) A licence authorises a licensee to possess and use a weapon or category of weapon endorsed on the licence for any lawful purpose.
- (2) However, the authority to possess or use a weapon, or a category of weapon, under a licence is subject to a regulation, condition or participation condition, whether imposed by an authorised officer or prescribed under a regulation.
- (3) If a condition is prescribed under a regulation for a category of weapon—
 - (a) the condition applies to all weapons of the category, whether licensed before or after the day the condition has effect; and
 - (b) the licence is taken to have been amended to include the condition.
- (4) If use of a firearm is authorised under another Act, a licensee does not contravene this Act only because the licensee uses the firearm in the way authorised under the other Act.

50 Possession of weapons

- (1) A person must not unlawfully possess a weapon. Maximum penalty—
 - (a) if the person unlawfully possesses 10 or more weapons at least 5 of which are category D, E, H or R weapons—13 years imprisonment; or
 - (b) if paragraph (a) does not apply and the person unlawfully possesses 10 or more weapons—500 penalty units or 10 years imprisonment; or
 - (c) if paragraphs (a) and (b) do not apply—
 - (i) for a category D, H or R weapon—300 penalty units or 7 years imprisonment; or

- (ii) for a category C or E weapon—200 penalty units or 4 years imprisonment; or
- (iii) for a category A, B or M weapon—100 penalty units or 2 years imprisonment.

Minimum penalty—

- (d) for an offence, committed by an adult, to which paragraph (a), (b), (c)(i) or (c)(ii) applies—
 - (i) if the person unlawfully possesses a firearm and uses the firearm to commit an indictable offence—18 months imprisonment served wholly in a corrective services facility; or
 - (ii) if the person unlawfully possesses a firearm for the purpose of committing or facilitating the commission of an indictable offence—1 year’s imprisonment served wholly in a corrective services facility; or
 - (iii) if the person unlawfully possesses a short firearm in a public place without a reasonable excuse—1 year’s imprisonment served wholly in a corrective services facility; or
 - (e) for an offence, committed by an adult, to which paragraph (c)(iii) applies—
 - (i) if the person unlawfully possesses a firearm and uses the firearm to commit an indictable offence—9 months imprisonment served wholly in a corrective services facility; or
 - (ii) if the person unlawfully possesses a firearm for the purpose of committing or facilitating the commission of an indictable offence—6 months imprisonment served wholly in a corrective services facility.
- (1A) For the purpose of subsection (1), penalty, paragraph (d)(iii), but without limiting that provision, it is a reasonable excuse to unlawfully possess the short firearm in the public place if—
- (a) a licence was in force within the 12 months immediately before the day the person committed the offence but is no longer in force at the time of the offence; and
 - (b) the person would have been authorised under this Act to possess the short firearm in the public place at the time of the offence if the licence was still in force at that time; and
 - (c) it was not a reason for the licence being no longer in force that the licence had been surrendered, suspended or revoked under this Act.
- (1B) It is not a reasonable excuse for subsection (1), penalty, paragraph (d)(iii) to unlawfully possess the short firearm in the public place for the purpose of self-defence.
- (2) A court, in sentencing a person found guilty of an offence against subsection (1), may take into consideration whether the person stored the weapon in the way prescribed under a regulation for the weapon.
- (3) In this section—
public place includes any vehicle that is in or on a public place.

50A Possession of unregistered firearms

- (1) A licensee must not possess an unregistered firearm.
Maximum penalty—120 penalty units.

(2) A licensed dealer or licensed armourer does not contravene subsection (1) if the unregistered firearm is entered in the dealer's or armourer's weapons register under section 71.

(3) In this section—

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

unregistered firearm means a firearm for which information is not entered in the firearms register.

MINOR'S LICENCE –

Weapons Regulations Part 10 Section 36, 37, 38

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.

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 with a maximum capacity of more than 10 rounds;
 - (d) a category H weapon, designed to be used without a magazine, that has a maximum capacity of more than 10 rounds;
 - (e) a category H weapon that has a calibre of more than .38 inch.
- (2) Despite subsection (1)(e), 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—
- (a) the minor has fired a weapon at an approved range on at least 3 separate occasions; and
 - (b) no more than 6 minors, each of whom has fired a weapon at an approved range on at least 3 separate occasions, are supervised by the range officer or a range officer's appointee at the same time.
- (2) In this section—**range officer's appointee** means an adult—
- (a) appointed by the range officer to directly supervise the minor's possession or use of weapons at the range; and
 - (b) who holds a licence authorising the adult to possess and use the weapon being used by the minor at the range.

CONCEALABLE FIREARMS LICENCES

Weapons Regulations Part 7 Division 1 Section 22, & Division 3 Section 26, 27.

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.

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.

CONDITIONS FOR CONCEALABLE FIREARMS LICENCE

Weapons Act Part 5 Division 5 section 132

132 Conditions for concealable firearms licence

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

Note—

Subsection (1) does not interfere with a person's ability to hold the weapons under another appropriate licence.

- (3) It is a condition of a concealable firearms licence that the licensee must be a member of an approved pistol club.
- (4) In this section—
category H weapon does not include a black-powder pistol.

Weapons Regulations Part 28, Section 162

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

RESTRICTION ON USE

Weapons Regulations Part 7, Division 2 Section 23, 24 & Part 8 Division 2 Section 34.

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 magazine for category H weapons

- (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 magazine, with a maximum capacity of more than 10 rounds, for the weapon.

Maximum penalty—10 penalty units.

34 Prohibition on possession of magazine for particular category B weapons

- (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 magazine for the weapon—
 - (a) if the weapon has a lever action but is not a lever action shotgun, or has a pump action—with a maximum capacity of more than 10 rounds; or
 - (b) if the weapon is a repeating centre fire rifle—with a maximum capacity of more than 15 rounds.

Maximum penalty—10 penalty units.

- (3) This section does not apply if—

- (a) the holder is the registered owner of a category D or R weapon, held by the holder under another licence, in which the magazine may be lawfully used; or
- (b) a condition of the licence mentioned in subsection (1) authorises the holder to possess a magazine, for a category B weapon, with a maximum capacity of more than—
 - (i) if the weapon has a lever or pump action—10 rounds; or
 - (ii) if the weapon is a repeating centre fire rifle—15 rounds.

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

Weapons Act 1990- Part 4 Division 1 Section 52

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

- (1) A minor who is at least 11 years may have physical possession of and use a category A or B weapon or a category M crossbow in a place where it is lawful to physically possess and use a category A or B weapon or a category M crossbow if—
 - (a) the minor is under the direct and immediate supervision of a parent, guardian or another person who is acting in the place of a parent or guardian; and
 - (b) the parent, guardian or other person is licensed to possess the weapon.
- (2) A minor who is at least 11 years may have physical possession of and use a category A or B weapon or a category M crossbow at an approved range for category A or B weapons or category M crossbows if the minor is supervised—
 - (a) directly and immediately by a range officer; or
 - (b) as prescribed by regulation.

An unlicensed person may use a weapon at an approved range

Weapons Act 1990- Part 4 Division 1 Section 53 (Form 33)

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

- (1) This section applies to a person—
 - (a) who is not a licensee; or
 - (b) who is a licensee but is not authorised to possess the weapon the person proposes to physically possess and use under this section.
- (2) The person may physically possess and use a weapon at an approved range for the category of weapon if, immediately before possessing and using the weapon, the person—
 - (a) produces for the inspection of a range officer at the range photographic identification identifying the person; and

Examples of photographic identification—

- weapons licence
 - driver licence
- (b) completes and signs an approved form stating the following and gives the form to the range officer—
 - (i) the person's name, residential address and date of birth;
 - (ii) that the person is a licensee or is not an excluded person;
 - (iii) the date and time the declaration is completed.
 - (3) Before allowing the person to physically possess and use a weapon at the approved range, the range officer must sign the approved form declaring that the range officer—
 - (a) inspected the person's photographic identification; and
 - (b) if the person states in the approved form that the person is a licensee, inspected the person's licence; and
 - (c) was satisfied—
 - (i) the person signing the approved form appeared to be the person shown in the photographic identification; and
 - (ii) after inspecting the completed approved form—

- (d) that information in the completed approved form agreed with information shown on the photographic identification; and
- (e) that the person is a licensee or, on the information contained in the approved form, is not an excluded person.

Maximum penalty—20 penalty units.

- (4) It is a condition of the approved shooting club's shooting club permit that the club must keep the approved form for 3 years after the approved form is signed.
- (5) The range officer must ensure the person is supervised by the range officer or another range officer at all times when the person is in physical possession of the weapon.

Maximum penalty—20 penalty units.

- (6) For subsection (5), if the person is in physical possession of a category H weapon, the supervision of the person by a range officer must be direct, personal and exclusive supervision by the range officer at all times when that person is in physical possession of the weapon.
- (7) In this section—

excluded person means a person—

- (a) who has been convicted in Queensland or elsewhere of—
 - (i) murder or manslaughter; or
 - (ii) armed robbery; or
 - (iii) unlawful wounding; or
 - (iv) grievous bodily harm; or
 - (v) an offence involving drugs, weapons or violence prescribed under a regulation that is punishable by at least 7 years imprisonment; or
- (b) who, in the 5 year period immediately before the day the person signs the approved form under this section, has been convicted of, or discharged from custody on sentence after the person has been convicted of, any of the following offences—
 - (i) an offence relating to the misuse of drugs;
 - (ii) an offence involving the use or threatened use of violence;
 - (iii) an offence involving the use, carriage, discharge or possession of a weapon;or
- (c) who, in the 5 year period immediately before the day the person signs the approved form under this section, has been subject to a domestic violence order, other than a temporary protection order; or
- (d) who is subject to a temporary protection order, police protection notice or release conditions; or
- (e) who is prevented by another order of a Queensland court or another court outside Queensland from holding a licence or possessing a weapon unless the order permits the person to possess or use a weapon under supervision; or
- (f) who, in the 5 year period immediately before the day the person signs the approved form under this section, has been subject to an involuntary assessment order under the *Mental Health Act 2016* or a similar order under the repealed *Mental Health Act 2000*, or a similar order in another State; or

- (g) who has been refused a licence, or whose licence has been revoked, in the 5 year period immediately before the day the person signs the approved form under this section because the person is not, or is no longer, a fit and proper person to hold a licence; or
- (h) whose licence is suspended.

PARTICULAR CONDUCT INVOLVING A WEAPON IN A PUBLIC PLACE PROHIBITED

Weapons Act 1990 Part 4, Division 1 Section 57, 58, 59

57 Particular conduct involving a weapon in a public place prohibited

- (1) In this section—
 - public place** includes a vehicle that is in or on a public place.
 - weapon** includes—
 - (a) an antique firearm, spear gun, longbow or sword; and
 - (b) a replica of a weapon; and
 - (c) a replica of a thing mentioned in paragraph (a); and
 - (d) a slingshot or shanghai.
- (2) A person must not, without reasonable excuse, carry a weapon exposed to view in a public place.
Maximum penalty—40 penalty units or 6 months imprisonment.
- (3) A person must not, without reasonable excuse, carry in a public place a loaded firearm or a weapon capable of being discharged.
Maximum penalty—120 penalty units or 2 years imprisonment.
- (4) A person must not, without reasonable excuse, discharge a weapon in, into, towards, over or through a public place.
Maximum penalty—200 penalty units or 4 years imprisonment.
- (5) It is a reasonable excuse for subsection (2) to carry a sword exposed to view in a public place—
 - (a) to perform a lawful activity, duty or employment; or
 - (b) to participate in a lawful entertainment, recreation or sport; or
 - (c) to exhibit the sword; or
 - (d) for use for a lawful purpose.

Example for paragraph (a)—

A person may carry a sword for ceremonial purposes at an official function attended by the Governor.

Example for paragraph (b)—

A person may carry a sword as an accessory while playing in a pipe band.

Example for paragraph (c)—

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

Example for paragraph (d)—

A person may carry a sword as part of an official uniform the person is entitled to wear.

- (6) It is not a reasonable excuse for subsection (2) or (3) to carry a weapon in a public place for self-defence purposes.
- (7) In deciding what is a reasonable excuse for subsection (2) or (3), regard may be had, among other things, to whether the way the weapon is carried, or when and where it is carried, would cause a reasonable person concern that he or she, or someone else in the vicinity, may be threatened or harmed.

58 Dangerous conduct with weapon prohibited generally

- (1) In this section—
weapon includes—
 - (a) an antique firearm, explosive tool, captive bolt humane killer, spear gun, longbow or sword; and
 - (b) a replica of a weapon; and
 - (c) a replica of a thing mentioned in paragraph (a); and
 - (d) an explosive; and
 - (e) a slingshot or shanghai; and
 - (f) a laser pointer.
- (2) A person must not—
 - (a) without reasonable excuse; and
 - (b) by the physical possession or use of a weapon; engage in conduct, alone or with another, likely to cause—
 - (c) death or injury to a person; or
 - (d) unlawful destruction or damage to property; or
 - (e) alarm to another person.

Maximum penalty—200 penalty units or 4 years imprisonment.

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

- (1) In this section—
weapon includes—
 - (a) an antique firearm, spear gun, longbow or sword; and
 - (b) replica of a thing mentioned in paragraph (a); and
 - (c) a slingshot or shanghai; and
 - (d) an explosive.
- (2) A person must not have physical possession of or use a weapon if the person is under the influence of liquor or a drug.

Maximum penalty—40 penalty units.

SAFETY PRECAUTIONS GENERALLY

Weapons Regulations 2016 Part 21, Section 93.

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
 - (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).

PRIVATE LAND/PROPERTY

DISCHARGE OF WEAPON ON PRIVATE LAND WITHOUT OWNER'S CONSENT PROHIBITED

Weapons Act 1990, Part 4 Division 1 Section 56

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

- (1) In this section—
- owner** of private land includes the occupier of the land.
- private land** means land that is not a public place.
- weapon** includes an antique firearm, spear gun, longbow and slingshot.
- (2) A person must not, without reasonable excuse, discharge a weapon on or across private land without the express consent of the owner.
- Maximum penalty—40 penalty units or 6 months imprisonment.
- (3) A person must not carry a weapon on private land without the express consent of the owner unless—
- (a) the person has a reasonable excuse; or
 - (b) the weapon is unloaded, broken or for another reason can not be readily discharged.
- Maximum penalty—40 penalty units.

SECURE STORAGE OF WEAPONS/FIREARMS

Weapons Act 1990, Part 4 Division 1 Section 60

60 Secure storage of weapons

- (1) A licensee who has control of a weapon at a place must keep the weapon in secure storage facilities at the place when a person is not in physical possession of the weapon.
- Maximum penalty—100 penalty units or 2 years imprisonment.

- (2) The registered owner of a firearm must ensure that secure storage facilities for the firearm are available at the place shown in the firearms register as the place where the firearm is generally kept.

Maximum penalty—100 penalty units.

Author's Note -

When not in use, lock away firearms and ammunition separately. Not only is this good sense, but in Queensland there is a legal obligation on firearms owners to store firearms and ammunition in locked repositories or similar containers.

As a firearms owner, you are responsible for making absolutely sure that all the safety requirements within the home are carried out.

STORAGE OF WEAPON NOT IN LICENSEE'S PHYSICAL POSSESSION - SECURE STORAGE FACILITY

Weapons Regulations Part 21, Division. 4 Sections 94, 95, 96

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.
- (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
 - (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).

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) 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
 - (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.

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 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.

STORAGE OF EXPLOSIVES.

Explosives Regulations 2017 Part 8 Division 2 Section 97, 98, 99, 102

97 Definitions for division

In this division—

required places, for a secured area, means—

- (a) if the secured area is a drawer—on the outward facing surface of the drawer; or
- (b) if the secured area is a cabinet—on the exterior surface of the cabinet; or
- (c) if the secured area is a cupboard, room or other enclosure—at each entrance to the enclosure.

secure container means a spark-proof container that is kept closed at all times except when explosives are put into, or taken out of, the container.

secured area means any of the following places that is kept locked at all times when the place is not attended by a person—

- (a) a drawer or cabinet;
- (b) a cupboard, room or other enclosure.

98 General requirements for storing schedule 4 explosives

- (1) A person storing a schedule 4 explosive must take reasonable care in storing the explosive to—
 - (a) prevent access to the explosive by a person who is not authorised to possess the explosive; and
 - (b) store the explosive in a place that best minimises the potential consequences of an explosives incident involving the explosive.

Maximum penalty—50 penalty units.

- (2) However, subsection (1) does not apply to the person to the extent a requirement under the subsection is inconsistent with a requirement applying to the person under sections 99 to 103.

99 Requirements for storing small arms ammunition and power device cartridges

- (1) This section applies to—
 - (a) a person storing small arms ammunition, if the small arms ammunition is an explosive mentioned in schedule 4, item 1; or
 - (b) a person storing a power device cartridge.
- (2) The person—
 - (a) must store the explosive—
 - (i) in its original packaging or in packaging or containers designed to protect the explosives individually; and
 - (ii) in a secure container, or on a shelf that is inaccessible to a person who is not authorised to possess the explosive; and
 - (iii) in a secured area; and
 - (b) must not store the explosive in a secured area in which a firearm is stored unless—
 - (i) the explosive and the firearm are stored in different parts of the secured area; and
 - (ii) the key to unlock the part of the secured area in which the firearm is stored is different from the key to unlock the part of the secured area in which the explosive is stored; and

Examples—

1 A firearm and small arms ammunition are stored in a locked room in separate safes. The safes have different combination locks.

2 A firearm and small arms ammunition are stored in a locked room. The firearm is stored in a safe with a combination lock. The small arms ammunition is stored in a box in the same safe, but the box can only be opened with a padlock and key.

- (c) if the person stores more than 10,000 safety cartridges or power device cartridges in a secured area—must display, in the required places for the secured area, a classification sign for the cartridges stored in the secured area.

Maximum penalty—20 penalty units.

In this section—

key includes an electronic key.

safety cartridge has the meaning given under AS 2187, part 0.

102 Requirements for storing propellant powder

- (1) This section applies to a person storing propellant powder in a place if the propellant powder is a schedule 4 explosive.
- (2) The person—
 - (a) must store the propellant powder— (i) in its original packaging; and (ii) in a secured area; and
 - (b) must display, in the required places for the secured area—
 - (i) a sign stating the word ‘Explosives’ or the words ‘Propellant powders’; and

- (ii) a sign stating the words ‘Keep fire away’ or otherwise indicating that sources of ignition are prohibited in or near the secured area; and
- (c) if the person stores more than 15kg of propellant powder in the secured area—must display, in the required places for the secured area, a classification sign for the powder.

Maximum penalty—50 penalty unit

Schedule 4 Particular explosives exempt from section 44 of the Act

Explosives Regulation 2017 Schedule 4

Section 94, definition *schedule 4 explosive*

- (1) Small arms ammunition stored by a person who—
 - (a) holds a licence under the *Weapons Act 1990*; or
 - (b) has been granted an exemption under the *Weapons Act 1990*, for section 2(1)(m) of that Act.
- (9) Propellant powders stored by a person who holds a licence under the *Weapons Act 1990*—
 - (a) if the powders are stored on a property larger than 2ha— maximum amount 30kg; or
 - (b) otherwise—maximum amount 15kg.
 - (c)

SALE AND DISPOSAL OF WEAPONS

Weapons Act 1990, Part 3, Division 2 Section 36, 37, & Part 4, Division 1 Section 66

36 Sale or disposal of weapons

- (1) A person must not sell or otherwise dispose of a weapon unless—
 - (a) the person sells or otherwise disposes of the weapon to a licensed dealer; or
 - (b) the person sells or otherwise disposes of the weapon to another person who is the holder of a permit to acquire the weapon and the sale or disposal happens—
 - (i) through a licensed dealer; or
 - (ii) through a police officer in circumstances prescribed under a regulation; or
 - (c) the person sells or otherwise disposes of the weapon under other lawful authority, justification or excuse.

Maximum penalty—

- (a) for a category D, H or R weapon—100 penalty units or 2 years imprisonment; and
 - (b) for a category C or E weapon—60 penalty units or 1 year’s imprisonment; and
 - (c) for a category A or B weapon or a category M crossbow—20 penalty units or 6 months imprisonment.
- (2) If the sale or disposal happens under subsection (1)(c), the person must give to an authorised officer the information prescribed under a regulation in the way and within the time prescribed under the regulation.
Maximum penalty—60 penalty units or 1 year’s imprisonment.
 - (3) This section does not apply to the disposal of a weapon to a person, if the disposal consists only of a disposal—
 - (a) for repair; or

- (b) to an armourer for storage by the armourer; or
- (c) on a temporary basis for not more than 3 months without receiving consideration for the disposal or for the weapon; or
- (d) to a person performing duties as a security guard under a security licence (guard); or
- (e) authorised under section 52, 53, 54(2), 55 or 55A.

37 Advertising sale of firearms

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

Maximum penalty—10 penalty units.

66 Dispatch of weapons

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

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

RESTRICTIONS ON DISPATCHING WEAPONS

Weapons Regulations 2016, Part 21 Section 97 & Part 15 Section 60

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)(1)(i) of the Act applies for the dispatching; or

Note—

Under section 2(1)(1)(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.
- (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).

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.

CONDITIONS AFFECTING THE MODIFICATION OF ANY ATTRIBUTE OF A FIREARM

ARMOURERS TO BE LICENSED

Weapons Act 1990. Part 4, Section 69 to 71

69 Armourers to be licensed

- (1) Unless a person is a licensed dealer or licensed armourer or is otherwise authorised under this Act, that person is not to repair or store weapons in the course of business.
Maximum penalty—
 - (a) for a category D, H or R weapon—100 penalty units or 2 years imprisonment; or
 - (b) for a category C or E weapon—60 penalty units or 1 year's imprisonment; or
 - (c) for a category A or B weapon or a category M crossbow—20 penalty units or 6 months imprisonment.
- (1A) A person who is not a licensed armourer must not manufacture a weapon.
Maximum penalty—
 - (a) for a category D, H or R weapon—500 penalty units or 10 years imprisonment; or
 - (b) for a category C or E weapon—300 penalty units or 7 years imprisonment; or
 - (c) for a category A, B or M weapon—200 penalty units or 4 years imprisonment.
- (2) Subsection (1) does not apply to a person, who is not disqualified from holding a dealer's licence or an armourer's licence, whilst acting as an agent or employee of a licensed armourer.
- (3) A licensed armourer, or the agent or employee of the licensed armourer to whom subsection (2) refers, may carry, discharge, possess, repair and store weapons on the premises specified in the licence.

70 Employees of dealers and armourers

- (1) A licensed dealer or armourer must not employ a person who, in the course of the person's employment, will have access to weapons unless the person is a qualified weapons employee.
Maximum penalty—100 penalty units.
- (2) For subsection (1), a person is a *qualified weapons employee* only if the person—
 - (a) is at least 18 years; and
 - (b) holds a licence.
- (3) In the course of employment as a qualified weapons employee, a person may possess any category of weapon his or her employer is authorised to possess.
- (4) Subsection (3) has effect even if the employee is not licensed to possess the category of weapon.
In this section—
employ a person includes engage the person as an agent.

70A Obligations of armourers when modifying firearm to become different category of weapon

- (1) This section applies if a person asks a licensed armourer to modify a firearm so that the firearm becomes a different category of weapon (the *new weapons category*).
- (2) Before modifying the firearm, the licensed armourer must be satisfied the person holds a licence authorising the person to possess a firearm in the new weapons category.
Maximum penalty—100 penalty units.

71 Licensed dealers and armourers to keep register

- (1) A licensed dealer or licensed armourer must keep at the premises stated on the licence a weapons register.
Maximum penalty—20 penalty units or 6 months imprisonment.
- (2) A licensed dealer or licensed armourer must, for each transaction involving a weapon, enter immediately in the weapons register the particulars prescribed by regulation.
Maximum penalty—20 penalty units or 6 months imprisonment.
- (3) A licensed dealer or licensed armourer must notify an authorised officer in the approved form of each transaction involving a weapon within 14 days after the transaction happens.
Maximum penalty—20 penalty units or 6 months imprisonment.
- (4) A licensed armourer must, for each modification of a firearm under section 70A, enter immediately in the weapons register the particulars prescribed by regulation.
Maximum penalty—20 penalty units or 6 months imprisonment.
- (5) A licensed armourer must notify an authorised officer in the approved form of each modification of a firearm under section 70A within 14 days after the modification happens.
Maximum penalty—20 penalty units or 6 months imprisonment.
- (6) A person must not remove a part of the weapons register, unless the person has a reasonable excuse.
Maximum penalty—20 penalty units or 6 months imprisonment.
- (7) Subsection (6) does not prevent the correction of the weapons register in a way specified by regulation.
In this section—
remove includes make illegible or unintelligible, erase or disguise.
transaction means receipt, acquisition, sale or transfer.
weapons register means—
 - (a) a book in the approved form, bound in a way satisfactory to an authorised officer; or
 - (b) a computer register approved by the commissioner.

WHAT DEALER'S LICENCE AUTHORISES-

Weapons Regulations 1996, Part 14, Division 1 Sections 54 & Division 2 Sections 55

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.

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).

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. authorised officer and stated on the licence.

PARTICULARS DEALERS AND ARMOURERS MUST OBTAIN AND RECORD IN WEAPONS REGISTER BEFORE TRANSACTION-

Weapons Regulations 1996, Part 14, Division 3 Sections 56, 57, 58

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 magazine or chamber 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.

CLASSIFICATION OF FIREARMS UNDER THE ACT

CATEGORIES OF WEAPONS:

Weapons Categories Regulation 1997- Current as at 1 February 2021

Definition

In this regulation

magazine capacity, for a firearm, means the maximum number of rounds of ammunition of a particular calibre that are designed to be held in the receptacle from which rounds are fed into the chamber of the firearm

2 Category A weapons

- (1) Each of the following is a category A weapon if it has not n rendered permanently inoperable—
 - (a) a miniature cannon under 120cm in barrel length that is a black powder and muzzle loading cannon, depicting a scale model of an historical artillery piece or naval gun;
 - (b) an air rifle;
 - (c) a rim-fire rifle (other than a self-loading rim-fire rifle);
 - (d) a shotgun other than a lever action shotgun, pump action shotgun or self-loading shotgun;
 - (e) a powerhead;
 - (f) a break action shotgun and rim-fire rifle combination;
 - (g) an air gun;
 - (h) a weapon mentioned in any of paragraphs (a) to (g) that is a blank-fire firearm.
- (2) A conversion unit is also a category A weapon. (3) In this section—**air gun** means a firearm designed to discharge a projectile (including, for example, an arrow) by compressed air, or other compressed gas, not generated by an explosive.
- (3) **conversion unit** means a unit or device or barrel that is capable of being used for converting a category A weapon that is a firearm from one calibre to another calibre.

3 Category B weapons

- (1) Each of the following is a category B weapon if it has not n rendered permanently inoperable—
 - (a) a muzzle-loading firearm;
 - (b) a single shot centre-fire rifle;
 - (c) a double barrel centre-fire rifle;
 - (d) a repeating centre-fire rifle;
 - (e) a break action shotgun and centre-fire rifle combination;
 - (f) a lever action shotgun with a magazine capacity of not more than 5 rounds;
 - (g) a weapon mentioned in any of paragraphs (a) to (f) that is a blank-fire firearm.
- (2) A conversion unit is also a category B weapon.
- (3) In this section—**conversion unit** means a unit or device or barrel that is capable of being used for converting a category B weapon that is a firearm from one calibre to another calibre.

4 Category C weapons

- (1) Each of the following is a category C weapon if it has not been rendered permanently inoperable—
 - (a) a semiautomatic rim-fire rifle with a magazine capacity of not more than 10 rounds;
 - (b) a semiautomatic shotgun with a magazine capacity of not more than 5 rounds;
 - (c) a pump action shotgun with a magazine capacity of not more than 5 rounds;
 - (d) a weapon mentioned in any of paragraphs (a) to (c) that is a blank-fire firearm.

5 Category D weapons

- (1) Each of the following is a category D weapon—
 - (a) a self-loading centre-fire rifle designed or adapted for military purposes or a firearm that substantially duplicates a rifle of that type in design, function or appearance;
 - (b) a non-military style self-loading centre-fire rifle;
 - (c) a self-loading shotgun with a magazine capacity of more than 5 rounds;
 - (d) a pump action shotgun with a magazine capacity of more than 5 rounds;
 - (e) a self-loading rim-fire rifle with a magazine capacity of more than 10 rounds;
 - (f) a lever action shotgun with a magazine capacity of more than 5 rounds;
 - (g) a weapon mentioned in any of paragraphs (a) to (f) that is a blank-fire firearm.
- (2) Subsection (1) applies to a weapon mentioned in the subsection even if the weapon is permanently inoperable.

6 Category E weapons

- (1) A bulletproof vest or protective body vest or body armour designed to prevent the penetration of small arms projectiles is a category E weapon.
- (2) In this section—

body armour—

 - (a) means an article designed for anti-ballistic purposes that is designed to be worn on a part of the body; and
 - (b) does not include a helmet, or other article, designed for sight or hearing protection.

7 Category H weapons

- (1) A firearm, including an air pistol and a blank-fire firearm, under 75cm in length, other than a powerhead, is a category H weapon, regardless of whether it has been rendered permanently inoperable.
- (2) A conversion unit is also a category H weapon.
- (3) This section does not apply to a powerhead or category C, D or R weapon.
- (4) In this section—

conversion unit means a unit or device or barrel that is capable of being used for converting a category H weapon that is a firearm from one calibre to another calibre.

7AA Category H weapon classes

For schedule 2 of the Act, each of the following comprises a class of category H weapon—

Editor's note—

Schedule 2 (Dictionary) of the Act

- (a) an air pistol;
- (b) a centre-fire pistol with a calibre of not more than .38 inch or a black-powder pistol;
- (c) a centre-fire pistol with a calibre of more than .38 inch but not more than .45 inch;
- (d) a rim-fire pistol.

7A Category M weapons

- (1) Each of the following is a category M weapon—
 - (a) any clothing, apparel, adornment, accessory or other thing—
 - (i) designed to disguise any weapon or other cutting or piercing instrument capable of causing bodily harm; or

Examples—

a bowen knife belt, a credit card knife

- (ii) designed for use as a weapon or a cutting or piercing instrument capable of causing bodily harm;
 - (b) any knife so designed or constructed so as to be used as a weapon that while the knife is held in 1 hand, the blade may be released by that hand;
 - (c) a ballistic knife that propels or releases a knife-like blade of any material by any means other than an explosive;
 - (d) a butterfly knife, a knife known as a ‘balisong’, a pantographic knife, or a similar device that consists of a single-edged or multi-edged blade or spike that fits within 2 handles attached to the blade or spike by transverse pivot pins or pantographic linkage and is capable of being opened by gravity or centrifugal force;
 - (e) a flick knife, or a similar device of any material that has a blade folded or recessed into the handle that opens automatically by gravity or centrifugal force or if pressure is applied to a button, spring or device in or attached to the handle of the device;
 - (f) a push knife, or a similar device designed as a weapon that consists of a single-edged or multi-edged blade or spike and allows the blade or spike to be supported by the palm of the hand so that stabbing blows or slashes can be inflicted by a punching or pushing action;
 - (g) a sheath knife, or a similar device of any material that has a sheath which withdraws into its handle by gravity or centrifugal force or if pressure is applied to a button, spring or device attached to or forming part of the sheath, handle or blade of the device;
 - (h) a star knife, or a similar device that consists of at least 2 angular points, blades or spikes, of any material, disposed outwardly about a central axis point and that are designed to spin around the central axis point in flight when thrown at a target;
 - (i) a trench knife, or a similar device that consists of a single-edged or multi-edged blade or spike of any material that is fitted with a handle made of any hard substance that is designed to be fitted over the knuckles of the hand of the user to protect the knuckles and increase the effect of a punch or blow;
 - (j) a riding crop that contains, conceals or disguises a knife, stiletto or any other single-edged or multi-edged blade or spike of any length or of any material;

- (k) a walking stick or cane that contains, conceals or disguises a sword or any other single-edged or multi-edged blade, knife or spike of any length or of any material;
- (l) any incendiary or inflammable device containing any substance capable of causing bodily harm or damage to property that is primarily designed for vegetation management;
- (m) any pistol crossbow designed to be discharged by the use of 1 hand (that is not a toy pistol crossbow) that when discharged is capable of causing damage or injury to property or capable of causing bodily harm;
- (n) any crossbow designed to be discharged by the use of 2 hands that, when discharged, is capable of causing damage or injury to property or capable of causing bodily harm;
- (o) a chinese throwing iron that is a hard non-flexible plate having 3 or more radiating points with 1 or more sharp edges in the shape of a polygon, trefoil, cross, star, diamond or geometric shape and constructed or designed to be thrown as a weapon;
- (p) a flail or similar device constructed and designed as a weapon consisting of in part a striking head and which, if used offensively against a person, is capable of causing bodily harm;
- (q) a device known as a ‘manrikiguisari’ or ‘kusari’, consisting of a length of rope, cord, wire or chain fastened at each end to a geometrically shaped weight or handgrip and constructed or designed for use as a weapon;
- (r) a device known as a knuckleduster or any device made or adapted for use as a knuckleduster and which, if used offensively against a person, is capable of causing bodily harm;
- (s) a weighted glove designed or constructed to be used as a weapon;
- (t) a mace or any similar article (other than a ceremonial mace made for and used solely as a symbol of authority on ceremonial occasions);
- (u) any device, not a toy, constructed or designed as a telescopic baton, the extension of which is actuated by the operation of a mechanical trigger.

8 Category R weapons

- (1) Each of the following is a category R weapon—
 - (a) a machine gun or submachine gun that—
 - (i) is fully automatic in its operation and actuated by energy developed when it is being fired; or
 - (ii) has multiple revolving barrels;
 - (aa) a replica or facsimile of a machine gun or submachine gun that is a firearm;
 - (b) a unit or device that is capable of being used for converting any firearm to a weapon mentioned in paragraph (a);
 - (ba) a device designed to attach to a firearm that uses recoil generated by the firearm to increase the firearm’s rate of fire;

Example—

- a bump stock
- (c) a firearm capable of firing 50 calibre BMG cartridge ammunition;

- (d) an antipersonnel gas, and an antipersonnel substance, of a corrosive, noxious or irritant nature or that is capable of causing bodily harm, and any weapon capable of discharging the gas or substance by any means, other than a gas or substance and any weapon capable of discharging the gas or substance that is primarily designed for the control of native or feral animals;
- (e) an acoustical antipersonnel device of an intensity that is capable of causing bodily harm;
- (f) an electric antipersonnel device;

Examples of electric antipersonnel devices—

a stun gun, a stun baton or a device made or adapted for use as an electric antipersonnel device

Examples of electric devices that are not antipersonnel devices—

an electric cattle prod or electric medical equipment

- (g) a hand grenade, other than an inert hand grenade, and an antipersonnel mine;
 - (h) a silencer or other device or contrivance made or used, or capable of being used or intended to be used, for reducing the sound caused by discharging a firearm;
 - (i) a rocket launcher, recoilless rifle, antitank rifle, a bazooka or a rocket propelled grenade type launcher;
 - (j) a mortar, all artillery and any incendiary or inflammable device containing any substance capable of causing bodily harm or damage to property, other than an incendiary or inflammable device primarily designed for vegetation management;
 - (k) a weapon mentioned in any of paragraphs (a) to (j) that is a blank-fire firearm.
- (2) A weapon mentioned in subsection (1)(a), (aa), (c), (i) or (j) is a category R weapon even if the weapon is permanently inoperable.
- (3) However, a thing mentioned in subsection (1)(a), (c), (i) or (j) is not a category R weapon if it is a public monument.

9 Restricted items—Act, s 67

The following items are restricted items for section 67 of the Act—

Editor's note—

Section 67 (Possessing and acquiring restricted items) of the Act

- (a) handcuffs, thumbcuffs or other similar restraints;
- (b) nunchaku or kung-fu sticks or any similar device which consists of 2 hard non-flexible sticks, clubs, pipes or rods connected by a length of rope, cord, wire or chain constructed or designed to be used in connection with the practice of a system of self-defence and which if used offensively against a person is or are capable of causing bodily harm;
- (c) a billy club, a baton or any device constructed or designed as a telescopic baton, not being a toy or a category M weapon, that if used is capable of causing bodily harm;
- (d) any studded glove which if used offensively against a person is capable of causing bodily harm;
- (e) a laser pointer;
- (f) a replica of a firearm, other than a replica of a firearm that—

- (i) is a firearm; or
 - (ii) is authorised to be possessed and used under a blank-fire firearms licence; or
 - (iii) is authorised to be possessed, supplied and used under a theatrical ordnance supplier's licence;
- (g) a weapon that—
- (i) is permanently inoperable; and
 - (ii) would be, if it were not permanently inoperable, a category A, B or C weapon.

10 Recognised astronomical organisations—Act, s 67

- (1) Each of the following is prescribed for section 67(8) of the Act, definition *recognised astronomical organisation*, paragraph (a)—
- (a) Astronomical Association of Queensland ABN 95 717 067 440;
 - (b) Astronomy Connect Inc.;
 - (c) Townsville Astronomy Group Inc.;
 - (d) South East Queensland Astronomical Society Inc.

11 Recognised occupations—Act, s 67

The following occupations are prescribed for section 67(8) of the Act, definition *recognised occupation*, paragraph (a)—

- (a) search and rescue helicopter pilot;
- (b) search and rescue helicopter crew member.

SCHEDULE 2 DICTIONARY

Definitions as per Weapons Act 1990; Weapons Regulations 1996 and Explosives Act 1999

accredited event means a handgun shooting competition prescribed under a regulation to be an accredited event.

acquire, a weapon, see section 35.

ammunition see the *Explosives Act 1999*, schedule 2.

amnesty period, for part 8, division 2, see section 174.

anniversary day, for a licence, means the date in each year that is the anniversary of the issue of the licence.

antique firearm means a thing, mentioned in paragraph (a), (b)(i), (c) or (d) of the definition *firearm* and manufactured before 1 January 1901, that is one of the following—

- (a) a muzzle loading firearm;
- (b) a cap and ball firearm;
- (c) a firearm in relation to which an authorised officer decides under section 154 that ammunition is not commercially available.

antique handgun means an antique firearm, other than a pre-percussion handgun, that is less than 75cm in length.

approved form see section 171.

approved historical society means a body, whether incorporated or unincorporated, of a kind prescribed under a regulation that is granted approval by an authorised officer under a regulation as an approved historical society.

approved officer see section 152.

approved pistol club means an approved shooting club that has, as a purpose endorsed on the shooting club's shooting club permit, the conduct of sports or target shooting using category H weapons.

approved range means—

- (a) a place approved under part 4, division 5; or
- (b) a place approved under a Commonwealth Act for use in the sport of target shooting.

approved safety training course (general) means a course approved under section 10AA(1).

approved safety training course (security guard) means a course approved under section 10AA(2).

approved shooting club means a shooting club that holds a shooting club permit.

approved training course means—

- (a) an approved safety training course (general); or
- (b) an approved safety training course (security guard).

armourer means a person who stores, manufactures, modifies or repairs weapons in the course of the person's business.

associate, of a licensed dealer or an applicant for a dealer's licence, means a person, other than a financial institution, who—

- (a) holds or will hold a relevant financial interest in the business or proposed business of the licensed dealer or applicant; or
- (b) is or may be entitled to exercise a relevant power, whether in the person's own right or for someone else, in the business or proposed business of the licensed dealer or applicant; or
- (c) holds or will hold a relevant position, whether in the person's own right or for someone else, in the business or proposed business of the licensed dealer or applicant.

authorised officer see section 153.

black-powder pistol has the meaning prescribed under a regulation.

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

business means the business carried on under the authority of a licence.

category, of weapon, means a category prescribed under the *Weapons Categories Regulation 1997*.

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

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

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

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

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

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

category M weapon see the *Weapons Categories Regulation 1997*, section 7A.

category M crossbow means a crossbow that is a category M weapon under the *Weapons Categories Regulation 1997*, section 7A(n).

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

class, in relation to a category H weapon, means a class prescribed under a regulation for the weapon.

club organised shoot means—

- (a) a practice shoot organised by an approved pistol club; or
- (b) a handgun shooting competition.

collection register see section 81.

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

commissioned officer see the *Police Service Administration Act 1990*, section 1.4.

Editor's note—

Police Service Administration Act 1990, section 1.4

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

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

corrective services facility see the *Corrective Services Act 2006*, schedule 4.

court means the Magistrates Court.

criminal history, of a person, means the convictions, other than spent convictions, recorded against the person for offences, in Queensland or elsewhere, whether before or after the commencement of this Act.

criminal intelligence, in relation to a person, means any information about the person's connection with or involvement in criminal activity.

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

- (a) carries on the business, whether or not for reward or benefit, of acquiring, selling or otherwise disposing of weapons in any way; or
- (b) for trade or business, displays a weapon for sale or possesses a weapon for sale.

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

detachable magazine, in relation to a weapon, means a receptacle for holding ammunition, that can be detached from the weapon, from which ammunition is loaded into the chamber of the weapon.

domestic violence order means a domestic violence order under the *Domestic and Family Violence Protection Act 2012*, and includes an interstate domestic violence order.

and includes an interstate domestic violence order.

executive officer see the *Police Service Administration Act 1990*, section 1.4.

Editor's note—

Police Service Administration Act 1990, section 1.4

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

explosive see the *Explosives Act 1999*, schedule 2.

firearm means—

- (a) a gun or other thing ordinarily described as a firearm; or
 - (b) a thing ordinarily described as a weapon that, if used in the way for which it was designed or adapted, is capable of being aimed at a target and causing death or injury by discharging—
 - (i) a projectile; or
 - (ii) noxious, corrosive or irritant liquid, powder, gas, chemical or other substance; or
 - (c) a thing that would be a firearm mentioned in paragraph (a) or (b), if it were not temporarily inoperable or incomplete; or
 - (d) a major component part of a firearm;
- but does not include—
- (e) an antique firearm, explosive tool, captive bolt humane killer, spear gun, longbow or crossbow; or
 - (f) a replica of a spear gun, longbow or crossbow; or
 - (g) a slingshot, shanghai or sword; or
 - (h) a public monument.

Example—

A replica of a gun capable of causing death or injury by discharging a projectile is a firearm.

However, a replica of a gun not capable of causing death or injury by discharging a projectile is not a firearm.

firearms register see section 49.

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

handgun shooting competition means a shooting competition

that includes using a category H weapon at a place where the weapon may lawfully be used.

Note—

Particular handgun shooting competitions may be prescribed under a regulation to be accredited events. See the definition *accredited event*.

heirloom firearm see section 6.

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

integral magazine, in relation to a weapon, means a receptacle for holding ammunition, that can not be easily removed from the weapon, from which ammunition is loaded into the chamber of the weapon.

interstate domestic violence order means an interstate order or registered foreign order under the *Domestic and Family Violence Protection Act 2012*, part 6, whether or not the order is a recognised interstate order under that Act.

landowner means—

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

laser pointer means a hand-held battery-operated device, with a power output of more than 1 milliwatt, that is designed to emit a laser beam and may be used for aiming, pointing or targeting.

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

licensed armourer means the person in whose name an armourer’s licence, in force at the material time, has been issued.

licensed collector means the person in whose name a collector’s licence, in force at the material time, has been issued.

licensed dealer means the person in whose name a dealer’s licence, in force at the material time, has been issued.

licensed theatrical ordnance supplier means the person in whose name a theatrical ordnance supplier’s licence, in force at a material time, has been issued.

licensee means a person in whose name a licence, in force at the material time, has been issued.

magazine, in relation to a weapon, means—

- (a) a detachable magazine; or
- (b) an integral magazine.

magazine capacity, of a weapon, means the maximum number of rounds of ammunition of a particular calibre that are designed to be held in—

- (a) if the weapon has an integral magazine—the integral magazine; and
- (b) if the weapon has a detachable magazine—the detachable magazine.

major component part of a firearm includes a part such as the receiver, body, barrel, breechbolt, frame or top slide without which the firearm would be considered inoperative or incomplete.

modern handgun means a category H weapon manufactured on or after 1 January 1947.

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

officer in charge of police includes a police officer of whatever rank or grade who is for the time being in charge of a police establishment.

ordnance register see section 117.

paint-pellet gun means a weapon that discharges paint-pellet projectiles.

paint-pellet sports means games in which persons use paint-pellet guns to discharge paint-pellet projectiles at other persons or things.

participation condition means a condition stated in section 133(1) or (3).

participation record see section 134.

part of a prohibited handgun, for part 8, division 2, see section 174.

permanently inoperable see section 7.

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

physically possess, a weapon, means physically hold or have an immediate ability to physically hold the weapon.

place includes any vehicle.

police establishment means a police establishment for the purposes of the *Police Service Administration Act 1990*.

police protection notice means a police protection notice under the *Domestic and Family Violence Protection Act 2012*, and includes an interstate domestic violence order issued by a police officer.

possession includes in relation to any thing—

- (a) having the thing in one's custody; and
- (b) having the thing under one's control in any place, whether or not another has custody of the thing; and
- (c) having an ability to obtain custody of the thing at will; and
- (d) having a claim to custody of the thing which the claimant has committed to the custody of another, notwithstanding that the thing is temporarily not in the control of the person having such claim.

pre-percussion handgun means—

- (a) an antique firearm less than 75cm in length that is a muzzle loading firearm activated by a fuse, matchlock, wheel lock, snaphaunce, flintlock or miquelet lock; or
- (b) an antique firearm less than 75cm in length approved as an antique pre-percussion firearm by an authorised officer under section 154.

primary producer means a person (not being a person engaged in primary production as an employee on wages or piecework rates) primarily engaged in the occupation of—

- (a) dairy farmer; or
- (b) wheat, maize, or cereal grower; or
- (c) cane grower; or
- (d) fruit grower; or
- (e) grazier; or
- (f) farmer, whether engaged in general or mixed farming, cotton, potato, or vegetable growing, or poultry or pig raising; and includes a person prescribed by regulation.

prohibited handgun, for part 8, division 2, see section 174.

prohibited person means a person convicted in Queensland or elsewhere of 1 or more of the following—

- (a) murder or manslaughter;
- (b) armed robbery;
- (c) unlawful wounding;
- (d) grievous bodily harm;
- (e) an offence involving drugs, weapons or violence prescribed under a regulation that is punishable by imprisonment for 7 years or more.

protection order means a protection order under the *Domestic and Family Violence Protection Act 2012*, and includes an interstate domestic violence order corresponding to a protection order.

psychologist means a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession, other than as a student.

public monument sees section 6C.

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

purchase means obtain under a sale.

QCAT information notice means a notice complying with the QCAT Act, section 157(2).

QPS website means the website used by the commissioner to provide public access to information about matters relating to this Act.

Editor's note—

The QPS website is at www.police.qld.gov.au.

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

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

range use register see section 97.

reasonably believes means believes on reasonable grounds. **refuse**, an application, includes reject the application.

registered owner, of a firearm, means the owner of the firearm as entered in the firearms register.

reject, an application, includes refuse an application.

release conditions see the *Domestic and Family Violence Protection Act 2012*.

relevant financial interest, in relation to a business, means—

- (a) any interest in the capital or assets of the business; or
- (b) any entitlement to receive any income derived from the business, whether the entitlement arises at law, in equity or otherwise.

relevant position, in relation to the business or proposed business of a licensed dealer or an applicant for a dealer's licence, means a position that entitles the holder of the position to participate in the management of the business whether as director, manager, secretary or in any other capacity.

relevant power, in relation to the business or proposed business of a licensed dealer or an applicant for a dealer's licence, means a power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others—

- (a) to participate in any managerial or executive decision of the business or proposed business; or
- (b) to elect or appoint a person to a relevant position in the business or proposed business.

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

replica see section 6A.

representative, of a body, for sections 27A, 28A and 140, means the representative of a licensee that is a body, whether incorporated or unincorporated, who is endorsed—

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

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

restricted item see section 67(8).

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

security guard see section 6B.

security guard's register see section 126A.

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

security organisation register see section 128(1) (a).

sell includes—

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

shanghai means a Y-shaped device that—

- (a) has something with elastic properties fixed to it; and
- (b) is capable of being used to propel a projectile.

shooting club means a club or other organisation that conducts the sport of target shooting, whether or not involving the use of a category M crossbow.

shooting club permit means a shooting club permit issued under section 87.

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

short firearm means—

- (a) a category H weapon that is a firearm; or
- (b) a category C, D or R weapon that is a firearm under 75cm in length.

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

Example—

a Saunders 'Falcon' Hunting Sling

special condition means a special condition under section 134(1).

spent conviction means a conviction—

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11 of that Act.

State includes Territory.

supply includes—

- (a) give, distribute, sell, administer or transport; and
- (b) offer to supply; and
- (c) do an act preparatory to, or to further, or for the purpose of, supply.

sword means a thing consisting of a long, straight or curved blade, fixed in a hilt or handle, the blade of which is either—

- (a) pointed; or
- (b) sharp-edged on one or both sides.

Examples—

- a rapier
- a broadsword

temporarily inoperable see section 8.

temporary protection order means a temporary protection order under the *Domestic and Family Violence Protection Act 2012*, and includes an interstate domestic violence order corresponding to a temporary protection order.

theatrical ordnance supplier means a person who, wholly or partly, carries on the business, whether or not for reward or benefit, of supplying on a temporary basis weapons for use in theatrical, film or television productions where the supplying involves no change in the ownership of the weapons.

unlawful means without lawful justification or excuse.

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

vehicle includes any aircraft or vessel.

weapon—

(a) means—

(i) a firearm; or

(ii) another thing prescribed under a regulation to be a weapon or within a category of weapon;
or

(iii) a thing that would be a weapon mentioned in subparagraph (i) or (ii), if it were not temporarily inoperable or incomplete; and

(b) does not include a public monument.

weapons register see section 71(1).

REFERENCES

Weapons Act 1990 Current as at 1 April 2021

Weapons Regulation 2016 Current as at 1 March 2018

Weapons Categories Regulation 1997 Current as at 1 February 2021

Police Powers and Responsibilities Act 2000 Current as at 13 September 2017

Peace and Good Behaviour Regulation 2010 under the Peace and Good Behaviour Act 1982

Explosives Regulation 2017 Current as at 28 August 2020

Explosives Act 1999 Current as at 1 October 2014