

## SUBMISSION

# Weapons (Digital 3D and Printed Firearms) Amendment Bill 2014



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## **1. Introduction**

1.1 The purpose of this document is to provide information in relation to existing legislation which precludes the necessity of introducing new legislation.

1.2 Author – Jan Linsley, Secretary of SUQ Inc.

## **2. Intended Audience**

Legal Affairs & Community Safety Committee  
The Honorable Mr Jack Dempsey, Minister for Police & Emergency Services  
Members and Chair, Ministerial Advisory Panel

## **3. Background and authority to comment**

3.1 Shooters Union of Qld Inc was formed in 2005, obtaining Weapons Licensing club approval in that year.

3.2 SUQ now has a National body (Shooters Union Australia Inc) and branches in several states. Within Queensland, the organisation has grown rapidly and now holds a place as one of the largest shooting organisations in Queensland.

3.3 SUQ has been represented at several advisory groups over recent years.

## 4.1 Objective of the Bill

- To create a licensing scheme for persons who make, acquire, possess and/or distribute digital 3D firearms as well as for licensed armours (sic) involved in the manufacturing of firearms using an additive manufacturing process
- to provide transitional provisions for the licensing scheme
- to create offences and punishment provisions for persons who unlawfully make, acquire, possess and/or distribute digital 3D firearms and
- to amend the Weapons Act 1990 to include new definitions as necessary

## 4.2 Current Definitions in the Weapons Act 1990

Drawn directly from the current Weapons Act 1990, a firearm is defined as below:

*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.*

*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.*

Drawn directly from the current Weapons Act 1990, an armourer is defined as below:

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

Drawn directly from the current Weapons Act 1990

### 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.*

- (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.*

**50 A Possession of unregistered firearms**

- (1) *A licensee must not possess an unregistered firearm.  
Maximum penalty—60 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 71.15*
- (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.*

**50B Unlawful supply of weapons**

- (1) *A person must not unlawfully supply a weapon to another person.  
Maximum penalty—*
- (a) *if the person unlawfully supplies 5 or more weapons at least 1 of which is a category D, E, H or R weapon—13 years imprisonment; or*
- (b) *if paragraph (a) does not apply and the person unlawfully supplies 5 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—500 penalty units or 10 years imprisonment; or  
(ii) for a category C or E weapon—300 penalty units or 7 years imprisonment; or  
(iii) for a category A, B, or M weapon—200 penalty units or 4 years imprisonment.*
- (2) *A person does not contravene subsection (1) if the person to whom the weapon is supplied—*
- (a) *is authorised under a licence to possess weapons of the same category as the weapon supplied; or*
- (b) *is authorised to possess the weapon under section 52, 53, 54(2), 55, 55A, 70 or 116.16*

*Note—*

*If subsection (1) does not apply because subsection (2)(a) applies, the person disposing of the weapon may contravene section 36 (Sale or disposal of weapons).*

### **4.3 Research**

According to the Queensland Parliamentary Library and Research Service Research Brief on this issue:

"It appears that a 3D printed gun, capable of causing death or injury by discharge, would come within the definition of a firearm for the purposes of the Weapons Act. The creation of a 3D printed gun by a person, not a licensed armourer, is likely to be a breach of the Weapons Act."

and further

"Under the Police Powers and Responsibilities Act 2000 (Qld) police officers have the power to search a person, a vehicle or a public place without a search warrant if the police officers reasonable (sic) suspect that there may be a weapon that the person may not lawfully possess."

and again

"Finally, while our research has not revealed any offences for downloading or possessing computer files for the creation of plastic guns using 3D printers, it does indicate a 3D

printed gun, which falls within the definition of a firearm in Schedule 2 of the Weapons Act (extract above) is likely to be treated in the same way as any other firearm under the Weapons Act. As such it would be an offence to manufacture a gun, to possess a gun or supply it to another person without a licence and to possess an unregistered firearm.

#### **4.4 The Proposed Bill**

Given the definitions contained in existing legislation and the research undertaken by the Queensland Parliamentary Library and Research Service, it appears that the proposed legislation is already handled in the existing Weapons Act 1990.

Further, there is a risk with the proposal, that expanded firearms drawings which are commonly available and regularly used to source damaged or broken parts, may be unwittingly included in this legislation, should such images be digitalised as indeed, most things are, in some form or other. Certainly the capability exists for digitalising such drawings, which are a valuable and innocuous resource for the firearms community.

#### **5. Considerations**

The Minister for Police & Emergency Services, the Honourable Mr Jack Dempsey, very early in his portfolio, formed a Ministerial Advisory Panel to advise on firearms issues. This bill was not referred to the Panel prior to its presentation to Parliament and it would seem likely, was not referred to the Minister either or he would have referred it to his Ministerial advisors, in this case, the Ministerial Advisory Panel.

#### **6. Recommendation**

- 6.1 Acknowledge that existing legislation covers the manufacture, distribution and supply of 3D firearms
- 6.2 Leave existing legislation in place to handle misuse or criminal intent.
- 6.3 Enforce existing laws and penalties.
- 6.4 Decline to pass the proposed Weapons (Digital 3D and Printed Firearms) Amendment Bill 2014
- 6.5 Refer any such firearms-related Bills to the Police Minister's Advisory Panel

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