



Queensland

Weapons and Other Legislation Amendment Bill 2012



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2012

A Bill

for

**An Act to amend the *Weapons Act 1990* for particular purposes
and to make consequential amendments to the *Corrective
Services Act 2006* and the *Penalties and Sentences Act 1992***

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Weapons and Other Legislation
Amendment Act 2012*. 4
5

Clause 2 Commencement 6

(1) Parts 2 and 3, and sections 15 to 17, 23 and 24(1) (to the
extent it inserts definitions *corrective services facility* and
short firearm) commence on 1 February 2013. 7
8
9

(2) Sections 10, 11, 14, 21 and 22 commence on a date to be fixed
by proclamation. 10
11

**Part 2 Amendment of Corrective
Services Act 2006** 12
13

Clause 3 Act amended 14

This part amends the *Corrective Services Act 2006*. 15

Clause 4 Insertion of new s 185B 16

After section 185A— 17

insert— 18

‘185B Parole eligibility date for prisoner serving term of imprisonment for an offence against <i>Weapons Act 1990</i>, section 50, 50B or 65	1 2 3
‘(1) This section applies if—	4
(a) a prisoner is serving a term of imprisonment for an offence against the <i>Weapons Act 1990</i> , section 50, 50B or 65; and	5 6 7
(b) a minimum penalty applies to the offence under the following provisions of that Act—	8 9
(i) section 50(1), penalty, paragraph (d) or (e);	10
(ii) section 50B(1), penalty, paragraph (d) or (e);	11
(iii) section 65(1), penalty, paragraph (c) or (d); and	12
(c) apart from this section, the prisoner would be eligible for parole under this subdivision before the prisoner has served a term of imprisonment that is the minimum penalty for the offence.	13 14 15 16
‘(2) The prisoner’s parole eligibility date is the day after the day on which the prisoner has served a term of imprisonment that is the minimum penalty for the offence.’	17 18 19
Clause 5 Amendment of s 194 (Types of parole orders granted by parole board)	20 21
Section 194(5), definition <i>eligible prisoner</i> , paragraph (b), ‘or 185’—	22 23
<i>omit, insert—</i>	24
‘, 185 or 185B’.	25

[s 6]

Part 3	Amendment of Penalties and Sentences Act 1992	1 2
Clause 6	Act amended	3
	This part amends the <i>Penalties and Sentences Act 1992</i> .	4
Clause 7	Amendment of s 160A (Application of ss 160B–160D)	5
	Section 160A(5)(a), ‘182(2)(a) or (b) or 183(2)’—	6
	<i>omit, insert—</i>	7
	‘182(2)(a) or (b), 183(2) or 185B’.	8
Part 4	Amendment of Weapons Act 1990	9 10
Clause 8	Act amended	11
	This part amends the <i>Weapons Act 1990</i> .	12
Clause 9	Amendment of s 10A (Adequate knowledge of weapon)	13
	(1) Section 10A(1), ‘(2) or (3)’.	14
	<i>omit, insert—</i>	15
	‘(2), (3) or (4)’.	16
	(2) Section 10A(3)(a), ‘the 6 months’—	17
	<i>omit, insert—</i>	18
	‘1 year’.	19
	(3) Section 10A—	20
	<i>insert—</i>	21

-
- ‘(4) The person complies with this subsection if the person is the holder of a current licence, equivalent to the new licence, issued under the law of another State or country.’

Clause 10 Insertion of new s 18D

After section 18C—

insert—

‘18D Delegation by representative

- ‘(1) A representative of a body or club may delegate the representative’s power to make a declaration under section 18A or 18B to an appropriate person.
- ‘(2) An authorised officer may, by written notice given to the body or club, revoke the delegation if the authorised officer reasonably suspects the person to whom power is delegated under subsection (1) is not, or is no longer, an appropriate person.
- ‘(3) The revocation of a delegation under subsection (2) does not affect the validity of a licence issued or renewed before the delegation was revoked.
- ‘(4) In this section—
appropriate person, to whom a power may be delegated by a representative of a body or club, means a person who is a member of the governing body of the body or club.’

Clause 11 Amendment of s 20 (Term of licence)

Section 20(1)—

omit, insert—

- ‘(1) A licence, other than a replacement licence, remains in force for the term stated on the licence which must not be more than—
- (a) if the licence is for a category A or B weapon—10 years; or

[s 12]

- (b) if the licence is for a weapon other than a category A or B weapon—5 years.’. 1
2

Clause 12 Amendment of s 24 (Change in licensee’s circumstances) 3

- (1) Section 24(1), ‘and deliver the licence to the officer’— 4
omit. 5

- (2) Section 24— 6
insert— 7

- ‘(2A) Subject to subsection (3), the advice must be given in a way 8
prescribed by regulation.’. 9

Clause 13 Amendment of s 40 (Application for permit to acquire) 10

- Section 40(1)(b), ‘made personally,’— 11
omit, insert— 12

‘made,’. 13

Clause 14 Amendment of s 45 (Term of permit to acquire) 14

- Section 45(1), ‘3 months’ — 15
omit, insert— 16

‘6 months’. 17

Clause 15 Amendment of s 50 (Possession of weapons) 18

- (1) Section 50(1), penalty— 19
insert— 20

‘Minimum penalty— 21

- (d) for an offence, committed by an adult, to which 22
paragraph (a), (b), (c)(i) or (c)(ii) applies— 23

- (i) if the person unlawfully possesses a firearm and 24
uses the firearm to commit an indictable 25

-
- 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.’.
- (2) Section 50—
insert—
- ‘(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
-

[s 16]

(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. 1
2
3

‘(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.’. 4
5
6

(3) Section 50— 7
insert— 8

‘(3) In this section— 9
public place includes any vehicle that is in or on a public place.’. 10
11

Clause 16 Amendment of s 50B (Unlawful supply of weapons) 12

(1) Section 50B(1), penalty— 13
insert— 14

‘Minimum penalty— 15

(d) for an offence, committed by an adult, to which paragraph (a) applies, if at least 1 of the weapons unlawfully supplied is a short firearm and the person does not have a reasonable excuse for unlawfully supplying the weapons—3 years imprisonment served wholly in a corrective services facility; or 16
17
18
19
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(e) for an offence, committed by an adult, to which paragraph (c)(i) applies, if the weapon is a short firearm and the person does not have a reasonable excuse for unlawfully supplying the weapon—2½ years imprisonment served wholly in a corrective services facility.’. 22
23
24
25
26
27

(2) Section 50B— 28
insert— 29

‘(1A) For the purpose of subsection (1), penalty, paragraph (d) or (e), but without limiting those provisions, it is a reasonable excuse to unlawfully supply the weapon if— 30
31
32

-
- (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 supply the weapon 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.’.

Clause 17 Amendment of s 65 (Unlawful trafficking in weapons)

- (1) Section 65, penalty—
 - insert—*
 - ‘Minimum penalty—
 - (c) for an offence, committed by an adult, to which paragraph (a) applies, if at least 1 of the weapons that the offence relates to is a firearm and the person does not have a reasonable excuse for unlawfully carrying on the business—5 years imprisonment served wholly in a corrective services facility; or
 - (d) for an offence, committed by an adult, to which paragraph (b) applies, if at least 1 of the weapons that the offence relates to is a firearm and the person does not have a reasonable excuse for unlawfully carrying on the business—3½ years imprisonment served wholly in a corrective services facility.’.
- (2) Section 65—
 - insert—*
 - ‘(2) For the purpose of subsection (1), penalty, paragraph (c) or (d), but without limiting those provisions, it is a reasonable excuse to unlawfully carry on the business of trafficking in weapons or explosives if—
 - (a) a dealer’s licence was in force within the 12 months immediately before the day the person committed the

[s 18]

	offence but is no longer in force at the time of the offence; and	1 2
	(b) the person would have been authorised under this Act to carry on the business at the time of the offence if the licence was still in force at that time; and	3 4 5
	(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.’.	6 7 8
Clause 18	Replacement of s 72 (Annual returns by licensed dealers)	9
	Section 72—	10
	<i>omit, insert—</i>	11
‘72	Annual returns by licensed dealers	12
	‘(1) Each year, a licensed dealer must, within the time determined under subsection (2), give an authorised officer particulars, in the approved form, of all weapons held in stock by the licensed dealer as at the beginning of the anniversary day for the licensed dealer’s licence.	13 14 15 16 17
	Maximum penalty—60 penalty units.	18
	‘(2) The licensed dealer must give the particulars to an authorised officer within 2 months after the anniversary day or any extended time allowed under subsection (3).	19 20 21
	‘(3) An authorised officer may extend the time within which the licensed dealer is required to give the particulars for a particular year if—	22 23 24
	(a) the licensed dealer asks the authorised officer, in writing, for an extension within 2 months after the anniversary day for the licensed dealer’s licence; and	25 26 27
	(b) the authorised officer is satisfied there are reasonable grounds for the request.’.	28 29

Clause 19	Replacement of s 121 (Annual returns by licensed theatrical ordnance supplier)	1 2
	Section 121—	3
	<i>omit, insert—</i>	4
'121	Annual returns by licensed theatrical ordnance supplier	5
	'(1) Each year, a licensed theatrical ordnance supplier must, within the time determined under subsection (2), give an authorised officer particulars, in the approved form, of all weapons held in stock by the licensed theatrical ordnance supplier as at the beginning of the anniversary day for the licensed theatrical ordnance supplier's licence.	6 7 8 9 10 11
	Maximum penalty—60 penalty units.	12
	'(2) The licensed theatrical ordnance supplier must give the particulars to an authorised officer within 2 months after the anniversary day or any extended time allowed under subsection (3).	13 14 15 16
	'(3) An authorised officer may extend the time within which the licensed theatrical ordnance supplier is required to give the particulars for a particular year if—	17 18 19
	(a) the licensed theatrical ordnance supplier asks the authorised officer, in writing, for an extension within 2 months after the anniversary day for the licensed theatrical ordnance supplier's licence; and	20 21 22 23
	(b) the authorised officer is satisfied there are reasonable grounds for the request.'	24 25
Clause 20	Amendment of s 140 (Approved pistol club to give annual report)	26 27
	(1) Section 140, heading—	28
	<i>omit, insert—</i>	29
'140	Approved pistol club to give report about members'	30
	(2) Section 140(2)—	31
	<i>renumber</i> as section 140(3).	32

[s 21]

- (3) Section 140(1)— 1
omit, insert— 2
- ‘(1) An authorised officer may, by written notice given to the 3
representative of an approved pistol club, require the 4
representative to give the authorised officer a report under this 5
section. 6
- ‘(2) The representative must comply with the requirement within 7
28 days after receiving the notice.’. 8

Clause 21 Amendment of s 141 (Show cause notice) 9

Section 140(1), from ‘an authorised officer’ to ‘as required’— 10
omit, insert— 11

‘a representative of an approved pistol club fails to comply 12
with a requirement’. 13

**Clause 22 Amendment of s 142 (Right to apply for review of 14
decisions) 15**

Section 142(1)— 16
insert— 17

‘(f) a decision, under section 18D(2), revoking a 18
delegation.’. 19

Clause 23 Amendment of s 168B (Amnesty declaration) 20

Section 168B(3), after ‘section 50’— 21
insert— 22

‘or 50A’. 23

Clause 24 Amendment of sch 2 (Dictionary) 24

(1) Schedule 2— 25
insert— 26

- ‘anniversary day*, for a licence, means the date in each year
that is the anniversary of the issue of the licence. 1
2
- corrective services facility* see the *Corrective Services Act*
2006, schedule 4. 3
4
- short firearm* means— 5
- (a) a category H weapon that is a firearm; or 6
- (b) a category C, D or R weapon that is a firearm under
75cm in length.’. 7
8
- (2) Schedule 2, definition *representative*, ‘sections 27A and
28A’— 9
10
- omit, insert*— 11
- ‘sections 27A, 28A and 140’. 12