



## Firearms

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## Introduction

The possession and use of firearms and dangerous weapons in Queensland is controlled by the *Weapons Act 1990* (Qld) (Weapons Act). The overriding objective of the Weapons Act is to secure public and individual safety by controlling weapons possession and storage, and preventing their misuse. The Weapons Act:

- prohibits the possession and use of automatic and semi-automatic weapons, except in special circumstances
- establishes a licensing and registration system for firearms
- requires people to have genuine reasons for owning or using firearms
- regulates the sale of firearms
- establishes a system for safe storage and carriage of firearms.

The controls on weapons in the Weapons Act do not apply to members of the armed forces, customs and corrective services, the Australian Protective Service, or state or federal police officers. Some exemptions also apply to primary producers.

## What is a Weapon?

All firearms are weapons.

The *Weapons Categories Regulation 1997* (Qld) contains an extensive list of objects and devices classed as weapons for the purposes of the Weapons Act. The definition of 'weapon' is very broad. It encompasses things such as air rifles, replicas of firearms, flick knives, protective vests, telescopic batons, knuckle dusters, martial arts weapons, silencers and antipersonnel gases, as well as anything designed to disguise anything defined as a weapon, including, for example, a walking stick which has an edged weapon within it.

Owning a handgun is subject to greater restrictions than other weapons, particularly for target shooters and collectors.

## Weapon Licences

The possession of any weapon without an appropriate licence is unlawful (s 50 Weapons Act). A range of penalties applies depending on the category and number of weapons involved (e.g. up to a maximum of 13 years imprisonment for unlawful possession of 10 or more weapons where at least five are category D, E, H or R weapons). The Queensland Police Service Weapons Licensing branch is the administering agency covering the range of licences that can be sought under pt 2 of the Weapons Act. The Weapons Act includes minimum penalties. For example, where an unlawfully possessed weapon of certain categories is used in the commission of an indictable offence, the penalty is 18 months actual custody. The unlawful possession of a short firearm in a public place also attracts a one-year penalty to be served wholly in prison.

Licensed weapon holders will still commit an offence if they carry or discharge a weapon in a public place without reasonable excuse, fail to keep a weapon in secure storage or have

physical possession of a weapon whilst under the influence of alcohol or other drugs. Shortening firearms is also an offence.

Since the sale of a weapon to an unlicensed person is illegal, a licence must be obtained before acquiring a weapon. Most licences are not transferable, though some are (e.g. those which are attached to a business which is being sold (s 21 Weapons Act)).

## Who May Apply for a Weapon Licence

Only people with a genuine reason for possessing a weapon may obtain a licence to possess one. Such people may include recreational shooters, a member of a shooting club, those who require a weapon for their work and firearm collectors.

Licences may only be issued to adults, although minors who are at least 11 years of age may be granted a minor's licence, which allows the use of firearms under the supervision of someone licensed to possess the weapon.

Under the Weapons Act, applicants for a licence must:

- be a fit and proper person to possess a weapon including not be prevented by a court order from obtaining a licence (s 10B)
- have (and be able to demonstrate) a genuine reason for possessing a firearm (e.g. recreational shooters, and sports and target shooters who are currently members of a recognised shooting club or collecting, preserving or studying weapons (s 11))
- demonstrate an adequate knowledge of safety practices for the use, storage and maintenance of the weapon to be possessed (s 10A)
- have secure storage facilities (s 60).

## Types of licences

Categories of licences include collector, dealer, armourer, shooting gallery, shooting club, theatrical ordnance supplier, minor, visitor and security guard licences (s 12 Weapons Act).

## Factors in considering an application for a licence

When a person applies for a licence, the police must determine if the applicant is a fit and proper person, and police may make enquiries about the applicant to ascertain:

- the mental and physical fitness of the applicant
- any convictions for criminal offences, including those involving the misuse of drugs, or use or threatened use of violence
- whether any part of the application contains material which the applicant knows to be false or misleading
- whether any domestic violence orders have been taken out against the applicant
- whether the applicant is a risk to public safety
- whether it would be contrary to the public interest for the person to have a licence.

The licence will state the categories of weapons the licensed person is permitted to possess and any conditions which have been imposed (s 16 Weapons Act).

While particular issues about applying for a firearm licence should be discussed with a solicitor, for more detailed information on particular matters about applying for a licence, the various types of licences available and many other aspects of owning a firearm licence see the *Weapons Regulation 2016* (Qld).

## Police Powers Investigating a Firearm Offence

Under the *Police Powers and Responsibilities Act 2000* (Qld), a police officer investigating a firearm offence can:

- demand the name and address of any person suspected of committing the offence, and the name and address of any person accompanying the suspect. Proof of the names and addresses supplied to the police officer may be required. It is an offence to fail to provide a name and address or to give a false name and address
- require the production of any licence issued under the Weapons Act
- stop, detain and search any person, vehicle or premises they suspect may conceal a firearm, ammunition or dangerous article that is subject to seizure
- arrest without warrant any person suspected of committing an offence if it is reasonably necessary (including to obtain or preserve evidence, and preserve the safety or welfare of any person).

If a person is threatening to use a firearm or other dangerous articles in a way that may cause death or injury, a police officer can, without a warrant:

- enter any premises
- detain any person there until it is established whether an offence has been committed
- search the premises and persons found on the premises
- seize any firearms, dangerous articles or ammunition.

# Legal Notices

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