

Legal Affairs and Community Safety Committee

Subordinate legislation tabled between 6 September 2017 and 10 October 2017

Report No. 3, 56th Parliament

1 Aim of this report

This report summarises the committee's findings following its examination of the subordinate legislation within its portfolio areas tabled between 6 September 2017 and 10 October 2017. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles (FLPs) and lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992*.

2 Subordinate legislation examined

The committee examined the subordinate legislation listed in the table below.

No.	Subordinate legislation	Date tabled	Disallowance date
183	Fair Trading (Fuel Price Board) Regulation 2017	10 October 2017	22 March 2018
189	Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment (Postponement) Regulation 2017	10 October 2017	22 March 2018
191	Civil Partnerships (Corresponding Laws) Amendment Regulation 2017	10 October 2017	22 March 2018
192	Domestic and Family Violence Protection Amendment Rule 2017	10 October 2017	22 March 2018
200	Police Powers and Responsibilities (Commonwealth Games) Amendment Regulation 2017	10 October 2017	22 March 2018
205	Proclamation made under the <i>Court and Civil Legislation Amendment Act 2017</i>	10 October 2017	22 March 2018
206	Uniform Civil Procedure (Notice of Intention to Apply for Grant) Amendment Rule 2017	10 October 2017	22 March 2018
212	Weapons Legislation (Lever Action Shotguns) Amendment Regulation 2017	10 October 2017	22 March 2018

3 Committee consideration of the subordinate legislation

No significant issues regarding policy, consistency with fundamental legislative principles or the lawfulness of the subordinate legislation were identified in respect of subordinate legislation Nos 183, 189, 191, 192, 200, 205 or 206.

In respect of subordinate legislation No. 212 of 2017 (discussed below), the committee identified a potential issue of FLP, but also noted that a motion of disallowance in relation to the Regulation was resolved in the negative when considered by the Legislative Assembly on 11 October 2017.¹

4 Weapons Legislation (Lever Action Shotguns) Amendment Regulation 2017

The Weapons Legislation (Lever Action Shotguns) Amendment Regulation 2017 re-classified lever action shotguns to higher, more restrictive categories, in keeping with amendments made to the National Firearms Agreement and ratified by all jurisdictions in February 2017. The Regulation also defined 'air gun' for the *Weapons Categories Regulation 1997* to regulate their use (typically in the sport of Airsoft) for community safety purposes.

The movement of low capacity lever action shotguns (those with a magazine capacity of five rounds or less) from Category A to Category B weapons means that a person seeking to obtain such a weapon must provide a 'need' to possess the weapon prior to being granted the necessary 'Permit to Acquire'.

The movement of high capacity lever action shotguns (those with a magazine capacity of more than five rounds) from Category A to Category D restricts their lawful possession to persons who hold a Category D licence for a specific reason, such as agricultural culling. While the Regulation makes provision to enable the continued ownership of these firearms by current owners, any intending purchaser would need to hold a Category D weapons licence to take lawful possession. Currently, relatively few people possess such a licence. Consequently, this may make selling the weapon difficult. The explanatory notes for the Regulation acknowledged this problem, but advised:

It is also noted that only a small number of firearms owners are impacted by this change and that, while the available market for the sale of the weapons may be reduced, provision has been made to enable the firearms to be left through succession without those inheriting being required to hold a Category D licence.²

In light of the comparatively small number of firearms owners likely to be impacted by these amendments, Queensland's commitment to the National Firearms Agreement, and overarching community safety concerns, the committee considers that the requirement that persons seeking to acquire a high capacity lever action shotgun must hold a Category D weapons licence to take lawful possession to be a reasonable balance between the competing rights of the community to limit the ownership of high powered weapons to persons with a genuine need to possess them (eg. farmers for agricultural culling) and the rights of current gun owners to sell or otherwise dispose of their weapons. Accordingly, the committee considers that any potential FLP breach is justified in the circumstances.

5 Explanatory Notes

The explanatory notes tabled with the regulations comply with the requirements of s 24 of the *Legislative Standards Act 1992*.

¹ Queensland Parliament, Record of Proceedings, 11 October 2017, pp 3050-3071.

² Explanatory notes, p.4.

6 Recommendation

The committee recommends that the House notes this report.



Peter Russo MP
Chair

March 2018

Legal Affairs and Community Safety Committee

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