

Weapons and Other Legislation Amendment Bill 2012

Explanatory Notes

Short title

The short title of the Bill is the Weapons and Other Legislation Amendment Bill 2012

Policy objectives and the reasons for them

The objective of the Bill is to amend the *Weapons Act 1990* (the Act), the *Corrective Services Act 2006* (CSA) and the *Penalties and Sentences Act 1992* (PSA) to impose mandatory minimum periods of imprisonment where the offences of unlawful possession (s 50), unlawful supply (s 50B) and unlawful trafficking (s 65) of weapons are committed in certain circumstances.

The mandatory penalties imposed by the Bill will apply to adults who unlawfully:

- carry on the business of trafficking in weapons without a reasonable excuse, where at least one of the weapons is a firearm;
- supply weapons without a reasonable excuse, where at least one of the weapons is a short firearm;
- possess a firearm where the firearm is used in the commission of an indictable offence;
- possess a firearm where the possession of the firearm is for the purpose of committing or facilitating an indictable offence; and
- possess a short firearm in a public place without a reasonable excuse.

On 30 April 2012, the Premier announced the Government's intention to introduce mandatory minimum penalties for weapons offences in an effort to address the unlawful use of firearms. That announcement was made in the context of growing concern about criminal activity involving the use of firearms both in Queensland and nationally.

The possession and use of firearms by persons engaged in criminal activity poses a risk to community safety. The Bill addresses that risk by ensuring that the penalties imposed meet community expectations and provide adequate deterrence against such conduct.

Furthermore, where a person is convicted of an offence in circumstances attracting a mandatory period of imprisonment, any date for parole release or eligibility that is imposed under the PSA and any parole eligibility date under the CSA does not fall before the expiry of the applicable mandatory minimum term of imprisonment.

The Bill also amends the Act to ensure that both unlicensed persons in possession of firearms and licensed persons in possession of unregistered firearms may be afforded protection against prosecution when surrendering weapons in compliance with an amnesty declared under s 168B of the Act.

The Bill is not intended to erode the rights of licensed firearms owners or people otherwise authorised to use firearms under the Act.

Additionally, the Bill gives effect to the Government's commitment to reduce red tape and the regulatory burden associated with time consuming and non-essential rules, forms, regulations and procedures. Accordingly, the Bill reduces the red tape associated with legitimate firearms ownership. Eighteen initiatives were identified through a review of the Act and subordinate legislation. Nine initiatives have been included in the Bill with a further nine to be addressed through policy and subordinate legislation. The Bill:

- extends the term of category A and B licenses from five years to a term of not more than 10 years;
- removes the obligation for an approved pistol club to provide an annual participation report to an authorised officer;
- extends the reporting time for a licensed dealer to give an annual return to an authorised officer;
- extends the reporting time for a theatrical ordnance supplier to give an annual return to an authorised officer;
- allows a shooting club representative to delegate functions;
- extends the term of a Permit to Acquire (PTA) from three months to six months;

- allows a licensee to report a change in circumstances in a manner prescribed by Regulation;
- recognises an interstate or international firearms licence as adequate knowledge of a weapon for the purposes of obtaining a Queensland firearms licence; and
- extends the time frames under which a licensee with an expired licence is required to demonstrate an adequate knowledge of weapon from six months to 12 months.

Achievement of policy objectives

The new penalty regime aims to reduce the current rate at which firearms are being unlawfully possessed and used by creating a greater deterrence through the imposition of mandatory periods of imprisonment.

The Bill removes the discretion of sentencing courts to partly or wholly suspend the mandatory minimum period required to be imposed. The Bill will not however, alter the current operation of s 159A of the PSA with respect to the declaration of time spent in pre-sentence custody.

Similarly, the Bill amends the CSA to ensure that a person sentenced under the new regime will not be eligible for parole until the minimum sentence has been completed. The Bill does not however, prevent the making of an exceptional circumstances parole order prior to the completion of a mandatory minimum period.

To support the policy objectives of the Bill, a firearms amnesty will be declared under s 168B of the Act. The Bill amends s 168B of the Act to ensure that licensees in possession of unregistered firearms can surrender those firearms under the cover of an amnesty.

A review of the Act and subordinate legislation identified a total of 18 red tape reduction initiatives, nine of which are reflected in the Bill. The remaining nine initiatives will be addressed through policy and subordinate legislation.

Extend the term of a category A and B firearms licence to up to ten years

The Bill amends s 20 of the Act doubling the current term of a firearms licence for a category A and a category B firearm from five years to up to ten years. The term of five years originates from the (then) Australian Police Ministers Council (APMC) Special Firearms meeting held on 10

May 1996. Resolution 4 (Basic licence requirements) prescribed that a firearms licence be issued for a period of no more than 5 years.

There are currently 144,000 firearms licenses issued for the 551,535 category A and category B firearms registered in Queensland. Extending the term of category A and B licences from five years to a period of up ten years is expected to result in processing efficiencies and financial benefits to licensees.

To safeguard against the prolonged possession of category A and B firearms, the Queensland Police Service (QPS) has introduced a number of policing practice initiatives such as real time probity, assessment of licensees upon application for a PTA and state-wide random auditing of weapons storage facilities.

Remove the obligation for an approved pistol club to provide an annual report

Section 140 of the Act is amended by the Bill to remove the requirement for pistol clubs to provide an annual participation report to the authorised officer before 31 August of each year. The current requirement under s 140 is onerous and time consuming particularly where a club has extensive membership.

The Bill removes the legislative requirement to provide an annual report to the authorised officer. This requirement will be replaced with random and targeted auditing by the QPS Weapons Licensing Branch (WLB). This amendment maintains a licensee's obligation to keep individual participation reports under s 135 of the Act, and to provide that information annually to each pistol club of which the person is a member.

Extend the reporting time for licensed dealers to provide an annual return

The Bill amends s 72 to allow a licensed dealer to give the authorised officer an annual return of all weapons held in stock no later than two months after the anniversary date of the licence. Currently the Act requires an annual return to be given to the authorised officer before 31 July each year.

Where a licensed dealer cannot meet these timeframes, the Bill allows the licensed dealer to apply to the authorised officer for alternative date for that year.

Extend the reporting time for theatrical ordnance suppliers to provide an annual return

In a manner similar to licensed dealers, the Bill amends s 121 to allow a theatrical ordnance supplier to give the authorised officer an annual return of all weapons held in stock no later than two months after the anniversary date of the licence. Currently the Act requires an annual return to be given to the authorised officer before 31 July each year.

Where a theatrical ordnance supplier cannot meet these timeframes, the Bill allows the theatrical ordnance supplier to apply to the authorised officer for an alternative date for that year.

Club representative to delegate functions

Section 90 of the Act requires that an application for a shooting club permit must nominate an adult to be the shooting club's representative. The person nominated by the shooting club to be the club's representative is responsible for the conduct of the activities of the club and is obligated to exercise all reasonable diligence to ensure the club complies with the Act. Given that some shooting clubs have an extensive membership, the impost of this obligation on a single person is significant.

To reduce the impost on a club's representative, the Bill introduces a power of delegation. The delegation under s 18D will apply to declarations required for new and renewal firearms licence applications in circumstances where the function is delegated to a member of the club's governing body or board.

Extend the term of a Permit to Acquire (PTA) to six months

The Bill amends s 45 by extending the current term of a PTA application from three months to six months. This amendment recognises that circumstances arise where the transaction of acquiring the weapon cannot be completed within the three month period. Irrespective of the reasons for the delay in acquiring the weapon, current legislation prevents the authorised officer from extending the PTA past three months.

Extending the term of a PTA to six months will address delays associated with the importation of weapons, remote locations, unavailability of particular weapons, employment obligations or loss of a PTA.

Reporting a change in circumstances to the authorised officer

Section 24(1) of the Act requires a licensee to advise the officer in charge of police of any changes in the licensee's circumstance. The licensee must

also deliver the licence to the officer in charge of police when advising of the changes.

It is recognised that some of changes to a licensee's circumstances may still necessitate the delivery of the licence to the officer in charge of police, for example, where the person's licence has been suspended, revoked or cancelled. However, other changes such as changes to name and address could be more efficiently notified by the use of electronic media forwarded directly to the WLB.

Accordingly, the Bill amends s 24 removing the obligation on licensees to automatically deliver their firearms licence to the officer in charge of police when a change in circumstance occurs. The licensee will instead have a range of options available prescribed by Regulation.

Recognising an interstate and international licence as adequate knowledge of a weapon

Currently, s 10A of the Act sets out the criteria to be used when deciding whether a person has an adequate knowledge of firearm safety for the purposes of determining a new licence application. A minor technical amendment made in 2011 to s 10A imposes an unintended obligation on interstate and international licence holders to complete an approved safety course before licensing can occur in Queensland. The Bill remedies this by allowing an interstate or international weapons licence to be used as a criterion in deciding whether an applicant has an adequate knowledge of a firearm

Extend the term under which a licensee with an expired licence is required to demonstrate an adequate knowledge of a weapon

The Bill will amend the Act to address an inconsistency in s 10A which fails to recognise an application for a renewal licence in the same way as an application for a new licence. Currently, an applicant for a new firearms licence must undertake an appropriate safety training course within 12 months of making an application for a firearms licence.

In comparison, an experienced firearms licensee must undertake a safety training course if an application for a renewal licence occurs six months after the licence has expired. This inconsistency unnecessarily disadvantages licensees who may have a valid reason for failing to make a licence application within the six month time frame.

The Bill will double the time available to a person with an expired licence from six months to twelve months, consistent with new licence applications.

Alternative ways of achieving policy objectives

The policy objectives cannot be achieved without legislative amendment.

Estimated cost for government implementation

The amendments have potential cost implications for the Department of Community Safety and the Department of Justice and Attorney-General. Any costs arising out of the amendments will be met from existing budgets.

Consistency with fundamental legislative principles

The Bill has the potential to infringe on the rights and liberties of individuals. The imposition of mandatory minimum penalties may have the practical effect of rendering offenders liable to a greater punishment than they would have received under the previous law. However, any such infringement is justified with reference to the potential harm associated with the criminal misuse of firearms and the resultant need to denounce and deter such offending.

The Bill limits the application of mandatory penalties to the trafficking of firearms, the supply of short firearms, the possession of short firearms in a public place and the possession of a firearm that is used in, or possessed for the purpose of facilitating an indictable offence. The Bill's targeted focus on serious criminal conduct with firearms limits the potential impact of the Bill on the rights and liberties of individuals.

Further, the Bill employs a tiered approach to sentencing that ensures that the mandatory period imposed is reflective of the type and number of weapons possessed, supplied or trafficked. This approach ensures that penalties imposed reflect the seriousness of the conduct involved and further ensures that any impacts on the rights and liberties of individuals is justified in the context of the gravity of the offending conduct.

The Bill's potential impact on rights and liberties is further constrained by the operation of a reasonable excuse defence. Where a reasonable excuse exists, a person will not be liable to the mandatory minimum penalties that apply for trafficking, supply or possession of a firearm in a public place.

However, the fact that a reasonable excuse is successfully raised does not mitigate a person's liability for the substantive offence. For example, where a court hears an offence to which a mandatory minimum penalty applies, and is satisfied that all the elements of the offence are made out, but is also satisfied that the defendant has a reasonable excuse, the court will not apply the minimum penalties but will still sentence the offender appropriately, applying judicial discretion to the circumstances of each individual case.

Limiting the application of mandatory minimum penalties to those offenders, who cannot make out a reasonable excuse, further reduces the scope for unjustified infringement on the rights of individuals who do have a reasonable excuse and seeks to strike a balance between such rights and community safety.

Consultation

The following stakeholders provided comment during consultation on the draft Bill:

- Queensland Law Society;
- Sporting Shooters Association of Queensland;
- Queensland Shooters Association;
- International Coalition for Women in Shooting and Hunting;
- Historical Arms Collectors Incorporated;
- Firearms Dealer's Association of Queensland;
- Halls Firearms;
- Shooters Union of Queensland Incorporated;
- AV Ballistics; and
- The Queensland Police Union of Employees.

These stakeholders with the exception of the Queensland Law Society, Historical Arms Collectors Incorporated and AV Ballistics, constituted a Ministerial Advisory Panel (WAP), tasked with assisting the Minister for Police and Community Safety identify red tape reduction initiatives associated with legitimate firearms ownership.

The WAP met on 18 September 2012 and 24 October 2012 to consider the Bill and any further red tape reduction initiatives. A number of minor

amendments were identified by the WAP with regards to the effect of clauses 13, 18 and 19. In this regard, the WAP recommended that a minor amendment to clause 13 to remove the requirement for a person to make an application for a PTA *personally* streamlines the application process and creates greater consistency between the Act and Regulations. Further, a minor amendment to clauses 18 and 19 of the Bill extends the annual reporting obligations for licensed dealers and theatrical ordnance suppliers.

Due to the timing of the Bill, additional red tape reduction strategies identified by the WAP will be used to inform a second phase of a review of the legislation.

The members of the Panel were also consulted individually on the contents of the Bill. Regarding mandatory minimum sentencing provisions, the majority of stakeholders supported the move toward harsher penalties for the criminal misuse of firearms. The Shooters Union of Queensland raised some concerns that the mandatory sentencing provisions had the potential to capture law abiding citizens and should be only be applied in circumstances where a firearm has actually been used in a crime or where there is a manifestation of criminal intent.

Similarly, the Firearm Dealers Association of Queensland considered that the mandatory sentencing had the potential to unintentionally capture legitimate firearms owners.

The Queensland Law Society did not support the mandatory minimum sentencing provisions. The Queensland Law Society attested that fettering judicial discretion in sentencing is unfair, unworkable and contrary to Australia's international treaty obligations. The Queensland Law Society further contended that:

- there is an insufficient empirical evidence to support the introduction of mandatory sentencing;
- research indicates, that when properly informed, the public is supportive of sentences imposed by the judiciary;
- there are costs associated with increased rates of imprisonment and increases in the number of matters proceeding to trials; and
- mandatory sentencing provisions have a disproportionate impact on marginalised members of society.

Whilst mandatory minimum sentencing interferes with the rights and liberties of individuals, the scheme will only apply to offending that poses a substantial risk to community safety. Furthermore, the Bill applies

safeguards to moderate the risk of unjustified infringement on the rights of individuals, including a reasonable excuse defence. A firearms amnesty will afford individuals an opportunity to surrender or register illegal firearms without the fear of prosecution.

Consistency with legislation of other jurisdictions

The Bill is unique to the State of Queensland, and is neither uniform with nor complementary to legislation of the Commonwealth or another State.

Notes on provisions

Part 1 Preliminary

1. Short title

Clause 1 states that when enacted the Bill will be cited as the *Weapons and Other Legislation Amendment Act 2012*.

2. Commencement

Clause 2 states that Parts 2 and 3, and sections 15 to 17, 23 and 24(1) (to the extent it inserts definitions of *corrective services facility* and *short firearm*) of the *Weapons and Other Legislation Amendment Act 2012* will commence on 1 February 2013. Sections 10, 11, 14, 21 and 22 will commence on a date to fixed by proclamation.

The remaining provisions of the *Weapons and Other Legislation Amendment Act 2012* will commence on assent that is sections, 9 12, 13, 18 – 20 and 24(2).

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

3. Act amended

Clause 3 provides that Part 2 amends the *Corrective Services Act 2006*.

4. Insertion of new s 185B Parole eligibility date for prisoner serving term of imprisonment for an offence against *Weapons Act 1990* section 50, 50B or 65

Clause 4 inserts a provision to explicitly state that a person who is serving a term of imprisonment for an offence under ss 50(1)(d) or (e), 50B(1)(d) or (e) and 65(1)(c) or (d) of the *Weapons Act 1990*, for which a mandatory minimum sentence applies, will not be eligible for parole until the day after the mandatory minimum sentence for the offence ends.

5. Amendment of s 194 (Types of parole orders granted by parole board)

Clause 5 amends s 194(5) of the *Corrective Services Act 2006* to provide that a person subject to a mandatory minimum sentence will only become an *eligible prisoner* for parole at conclusion of the minimum period.

Part 3 **Amendment of Penalties and Sentences Act 1992**

6. Act amendment

Clause 6 states that Part 3 amends the *Penalties and Sentences Act 1992*.

7. Amendment of s 160A (Application of ss 160B – 160D)

Clause 7 clarifies the operation of ss 160B to 160D with respect to the new mandatory minimum periods. The amendment will clarify that a court cannot fix a date for parole eligibility or parole release under ss 160B to 160D which will reduce the mandatory minimum period that an offender must serve under a relevant provision.

Part 4 Amendment of Weapons Act 1990

8. Act amended

Clause 8 states that Part 4 amends the *Weapons Act 1990*.

9. Amendment of s 10A (Adequate knowledge of weapon)

Clause 9 amends s 10A(1) to reflect a new subsection (4). The new subsection (4) recognises an interstate or international firearms licence as a criterion to determine whether a person has an adequate knowledge of a firearm for the purposes of applying for a new Queensland firearms licence.

The clause also amends s 10A(3) to extend the time frames available for a licensee to renew an expired firearms licence from six months to one year.

10. Insertion of new s 18D (Delegation by representative)

Clause 10 inserts s 18D which allows a representative of a body or club to delegate his or her power to make a declaration for new and renewal firearms licenses. The declaration may only be made to an appropriate person.

The new s 18D empowers the authorised officer to revoke a delegation if the authorised officer reasonably suspects the person to whom the delegation has been made is no longer an appropriate person to exercise that function. The authorised officer revoking the delegation must do so by written notice. A revocation by the authorised officer does not affect the validity of a licence that was issued or renewed before the delegation was revoked.

11. Amendment to s 20 (Term of licence)

Clause 11 amends s 20 to extend the term of a licence for a category A and category B firearms from five years to up to ten years.

12. Amendment of s 24 (Change in licensee's circumstances)

Clause 12 amends s 24 to remove the obligation on a licensee to automatically deliver a licence to the officer in charge of police each time the licensee's circumstances change. A licensee must still advise that a change has occurred and the particulars of the change. However the manner in which the licensee advises of change will be in a way prescribed by Regulation.

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

Clause 13 amends s 40(1)(b) by removing the term '*made personally*' as it applies to an application for a Permit to Acquire.

The manner in which an application for a Permit to Acquire is to be made is provided in s 55 of the Regulation.

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

Clause 14 amends s 45 by extending the term of a Permit to Acquire from three months to six months.

15. Amendment of s 50 (Possession of weapons)

Clause 15 amends s 50(1) to include mandatory minimum penalties for an offence of unlawfully possessing a firearm. A new subsection (d) imposes a mandatory minimum penalty of:

- (i) 18 months imprisonment served wholly in a corrective services facility where an adult unlawfully possess a firearm and uses the firearm to commit an indictable offence in circumstances where the unlawful possession is related to:
 - 10 or more weapons where at least five of which are category D, E, H or R weapons; or
 - 10 or more weapons; or
 - a category D, H or R weapon; or
 - a category C or E weapon.
- (ii) 1 year imprisonment in a corrective services facility where an adult unlawfully possess a firearm for the purpose of committing or

facilitating the commission of an indictable offence in circumstances where the unlawful possession is related to:

- 10 or more weapons where at least five of which are category D, E, H or R weapons; or
 - 10 or more weapons; or
 - a category D, H or R weapon; or
 - a category C or E weapon.
- (iii) 1 year imprisonment served wholly in a corrective services facility where an adult unlawfully possess a short firearm in a public place without a reasonable excuse in circumstances where the unlawful possession is related to
- 10 or more weapons where at least five of which are category D, E, H or R weapons; or
 - 10 or more weapons; or
 - a category D, H or R weapon; or
 - a category C or E weapon.

A new subsection (e) imposes a mandatory minimum penalty of:

- (i) nine months imprisonment served wholly in a corrective services facility where an adult unlawfully possess a category A or B firearm and uses the firearm to commit an indictable offence; or
- (ii) six months imprisonment served wholly in a corrective services facility where an adult unlawfully possesses a category A or B firearms for the purposes of committing or facilitating the commission of an indictable offence.

Clause 15(2) inserts a new subsection 1A. This subsection expressly provides that without limiting the provision, a person will have a reasonable excuse for the purposes of determining the applicability of the mandatory minimum penalties relating to possession of a short firearm in a public place if:

- (a) a licence was in force within 12 months immediately before the day the person committed the offence but was not in force at the time of the offence; and

- (b) the person would have been authorised under the Act to possess a short firearm in the public place at the time of the offence if the licence was still in force; 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 the Act.

Clause 15(2) inserts a new subsection 1B to specifically exclude self defence as a reasonable excuse to possess a short firearm in a public place.

Clause 15(3) inserts a definition of '*public place*' for the purposes of possession of a short firearm in a public place. For the purpose of s 50 a '*public place*' includes any vehicle that is in or on a public place.

16. Amendment of s 50B (Unlawful supply of weapons)

Clause 16(1) amends s 50B to introduce mandatory minimum penalties to apply for an offence of unlawfully supplying a firearm.

A new subsection (d) provides that an adult who unlawfully supplies 5 or more weapons where at least one of the weapons supplied is a short firearm, without a reasonable excuse, is liable to 3 years imprisonment served wholly in a corrective services facility.

Additionally, a new subsection (e) states that an adult who unlawfully supplies less than 5 weapons, where at least one of the weapons supplied is a short firearm, without a reasonable excuse, is liable to 2½ years imprisonment served wholly in a corrective services facility.

Without limiting what constitutes a reasonable excuse, clause 16(2) inserts a new subsection 1A that expressly provides that a person has a reasonable excuse if:

- (a) a licence was in force within the 12 months immediately before the day the person committed the offence and the licence is no longer in force; and
- (b) the person would have been authorised under the Act to supply the weapon at the time of the offence if the licence was still in force; 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 the Act.

17. Replacement of s 65 (Unlawful trafficking in weapons)

Clause 17 amends s 65 to introduce mandatory minimum penalties to apply for an offence of unlawfully trafficking.

A new subsection (1)(c) provides that an adult who unlawfully traffics in category H or R weapons, without a reasonable excuse and at least one of the weapons is a firearm is liable to 5 years imprisonment, served wholly in a corrective services facility.

Additionally, a new subsection (1)(d) provides that an adult who unlawfully traffics in category A, B, C, D or E weapons, a category M crossbow or explosives without a reasonable excuse and at least one of the weapons is a firearm, is liable to 3½ years imprisonment served wholly in a corrective services facility.

Without limiting what constitutes a reasonable excuse, clause 17(2) to expressly provides that a person has a reasonable excuse if:

- (a) a dealer's 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 carry on the business at the time of the offence if the licence was still in force; 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 the Act.

18. Replacement of s 72 (Annual returns by licensed dealers)

Clause 18 replaces s 72 and removes the onus on licensed dealers to provide an annual return to the authorised officer by 31 July of each year.

Clause 18 inserts a new subsection (1) which provides that a licensed dealer must give the authorised officer, within the time determined under subsection (2), the particulars of all weapons held in stock as at 12am on the anniversary date of the licensed dealer's licence. The maximum penalty for failing to comply with this requirement is 60 penalty units.

Subsection (2) sets out the time frames for giving the particulars of all weapons held in stock to the authorised officer required under subsection (1).

Subsection (2) provides that the licensed dealer must give the particulars of the return no later than 2 months after the anniversary date of the licensed dealers licence.

Where a licensed dealer is unable to meet date set under subsection (2), subsection (3) allows the authorised officer to extend the time within which licensed dealer is required to give the authorised officer an annual return. Subsection (3) requires that the request for a new date be made by the licensed dealer to the authorised officer in writing and within 2 months after the anniversary date of licensed dealer's licence. The authorised officer may extend the date for the annual return if the authorised officer is satisfied there are reasonable grounds for the request.

19. Replacement of s 121 (Annual returns by licensed theatrical ordnance supplier)

Clause 19 replaces s 121 and removes the onus on theatrical ordnance suppliers to provide an annual return to the authorised officer by 31 July of each year.

Clause 19 inserts a new subsection (1) which provides that a theatrical ordnance supplier must give the authorised officer, within the time determined under subsection (2), the particulars of all weapons held in stock as at 12am on the anniversary date of the theatrical ordnance supplier's licence. The maximum penalty for failing to comply with this requirement is 60 penalty units.

Subsection (2) provides that the licensed theatrical ordnance supplier must give the particulars of the return no later than 2 months after the anniversary date of the licensed theatrical ordnance supplier's licence.

Where a licensed theatrical ordnance supplier is unable to meet date set under subsection (2), subsection (3) allows the authorised officer to extend the time within which licensed theatrical ordnance supplier is required to give the authorised officer an annual return. Subsection (3) requires that the request for a new date be made by the licensed theatrical ordnance supplier to the authorised officer in writing and within 2 months after the anniversary date of licensed theatrical ordnance supplier's licence. The authorised officer may extend the date for the annual return if the authorised officer is satisfied there are reasonable grounds for the request.

20. Replacement of s 140 (Approved pistol club to give annual report)

Clause 20 replaces s 140 and renames it *Approved pistol club to give report about members* to better reflect the new nature of the section. Clause 20 removes the onus on approved pistol clubs to provide an annual report to the authorised officer.

The new s 140 provides that an authorised officer may give written notice to an approved pistol club to provide particulars of all weapons held in stock by the licensed dealer as at 12 am on the day the notice was given. An approved pistol club has 28 days to comply with a requirement of the authorised officer under s 140(1).

Clause 20 inserts a maximum penalty for failing to comply with a written notice. The maximum penalty is 60 penalty units. This penalty is consistent with the previous penalty.

21. Amendment of s 141 (Show cause notice)

Clause 21 amends s 141(1) to provide that where a representative of an approved pistol club fails to comply with a requirement under s 140, the authorised officer may give the approved pistol club a show cause notice.

This amendment is a machinery amendment to support the amendment in clause 20.

22. Amendment of s 142 (Right to apply for review of decisions)

Clause 22 amends s 142(1) of the Act to provide that a decision made under s 18D(2) by an authorised officer to revoke a delegation is able to be reviewed.

23. Amendment of s 168B (Amnesty declaration)

Clause 23 amends s 168B(3) to extend the protection under a firearms amnesty declared under s 168B to a person committing an offence under s 50A (Possession of unregistered firearms) where the person is acting within the scope of, and in compliance with the terms of an amnesty declaration.

24. Amendment of sch 2 (Dictionary)

Clause 24 amends schedule 2 (Dictionary) to include a definition of '*corrective services facility*' and '*short firearm*'

A '*corrective services facility*' has the meaning of a corrective services facility under the *Corrective Services Act 2006*, schedule 4.

A '*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.

Clause 24 amends the current definition of '*representative*' to allow the definition to apply to s 140.