



Queensland

Weapons Legislation (Lever Action Shotguns) Amendment Regulation 2017

Subordinate Legislation 2017 No. 212

made under the

Weapons Act 1990

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Weapons Legislation (Lever Action Shotguns) Amendment Regulation 2017*.

2 Commencement

This regulation commences on 1 March 2018.

Part 2 Amendment of Weapons Categories Regulation 1997

3 Regulation amended

This part amends the *Weapons Categories Regulation 1997*.

4 Insertion of new s 1A

After section 1—

insert—

1A Definition

In this regulation—

magazine capacity, for a firearm, means the maximum number of rounds of ammunition of a particular calibre that are designed to be held in the receptacle from which rounds are fed into the chamber of the firearm.

5 Amendment of s 2 (Category A weapons)

(1) Section 2(1)(d), after ‘than a’—

insert—

[s 6]

lever action shotgun,

(2) Section 2(1)—

insert—

(fa) an air gun;

(3) Section 2(1)(g), ‘(f)’—

omit, insert—

(g)

(4) Section 2(1)(fa) and (g)—

renumber as section 2(1)(g) and (h).

(5) Section 2(3)—

insert—

air gun means a firearm designed to discharge a projectile (including, for example, an arrow) by compressed air, or other compressed gas, not generated by an explosive.

6 Amendment of s 3 (Category B weapons)

(1) Section 3(1)—

insert—

(ea) a lever action shotgun with a magazine capacity of not greater than 5 rounds;

(2) Section 3(1)(f), ‘(e)’—

omit, insert—

(f)

(3) Section 3(1)(ea) and (f)—

renumber as section 3(1)(f) and (g).

7 Amendment of s 5 (Category D weapons)

(1) Section 5(1)(b) and (c)—

[s 10]

insert—

Note—

For transitional provisions about particular lever action shotguns with a magazine capacity of more than 5 rounds, see part 31, division 2.

10 Amendment of s 34 (Prohibition on possession of magazine for particular category B weapons)

Section 34(2)(a), ‘lever or’—

omit, insert—

lever action but is not a lever action shotgun, or has a

11 Amendment of s 154F (Meaning of *eligible licensee* for subdivision)

Section 154F(b), after ‘the person who died’—

insert—

, when he or she died,

12 Amendment of s 154G (Application for exemption)

Section 154G(2)(d)(ii), after ‘State’—

omit, insert—

, the Commonwealth

13 Amendment of s 154I (Meaning of *eligible licensee* for subdivision)

Section 154I(b), after ‘the person who died’—

insert—

, when he or she died,

14 Amendment of s 154J (Application for exemption)

Section 154J(2)(d)(ii), ‘the State,’—

omit, insert—

this or

15 Replacement of pt 31, hdg (Transitional provision for Weapons Legislation Amendment Regulation (No. 1) 2017)

Part 31, heading—

omit, insert—

Part 31 Transitional provisions

Division 1 Transitional provision for Weapons Legislation Amendment Regulation (No. 1) 2017

16 Insertion of new pt 31, div 2

Part 31—

insert—

Division 2 Transitional provisions for Weapons Legislation (Lever Action Shotguns) Amendment Regulation 2017

173 Definition for division

In this division—

magazine capacity see the *Weapons Categories*

[s 16]

Regulation 1997, section 1A.

**174 Firearms licence—lever action shotgun
changed from category A weapon to category
D weapon on commencement**

- (1) This section applies if—
 - (a) immediately before the *Weapons Legislation (Lever Action Shotguns) Amendment Regulation 2017* was notified—
 - (i) a person possessed a lever action shotgun, with a magazine capacity of more than 5 rounds, under a firearms licence; and
 - (ii) the shotgun's magazine capacity—
 - (A) recorded in the firearms register was more than 5 rounds; or
 - (B) was more than 5 rounds because of a lawful modification of the shotgun; and

Note—

The *Acts Interpretation Act 1954*, schedule 1 defines *notified*.

- (b) at the commencement the person—
 - (i) continues to hold the firearms licence; and
 - (ii) is the registered owner of the shotgun.
- (2) An authorised officer must endorse the firearms licence with authorisation of the licensee to possess and use the shotgun.
- (3) The endorsement is in addition to any other endorsement on the licence.
- (4) Subsection (5) applies if, immediately before the commencement, the firearms licence was subject

to a condition applying to the shotgun.

- (5) The condition continues to apply, with necessary changes, to the firearms licence if the licence is endorsed under subsection (2).
- (6) This section applies despite the shotgun being a category D weapon.

175 Firearms licence—inheritor of lever action shotgun changed from category A weapon to category D weapon on commencement

- (1) This section applies if—
 - (a) a person (the *inheritor*) inherits a lever action shotgun with a magazine capacity of more than 5 rounds from a person who died; and
 - (b) the person who died, when he or she died—
 - (i) possessed the shotgun under a firearms licence endorsed under section 174(2) or 177(1); and
 - (ii) was the registered owner of the shotgun; and
 - (c) the inheritor holds a firearms licence (the *inheritor's licence*).
- (2) The inheritor may apply, under section 176, to an authorised officer to endorse the inheritor's licence with authorisation of the licensee to possess and use the shotgun.
- (3) The endorsement is in addition to any other endorsement on the inheritor's licence.
- (4) This section applies despite the shotgun being a category D weapon.
- (5) No fee is payable by the inheritor in relation to the application or obtaining the endorsement.

[s 16]

(6) In this section—

inherit, a lever action shotgun from a person who died, means become entitled to the shotgun—

- (a) under the will of the person who died; or
- (b) under the *Succession Act 1981*, part 3, division 2 from the estate of the person who died.

176 How to apply for the endorsement

For section 175(2), the application must—

- (a) be in the approved form; and
- (b) be made at, or sent to, a police station or police establishment; and
- (c) if the applicant became entitled to the shotgun—
 - (i) under the will—be accompanied by a copy of the document the applicant believes is the will of the person who died; or
 - (ii) under the *Succession Act 1981*, part 3, division 2 from the estate of the person who died—be accompanied by a copy of the document, if any, the applicant believes is the will of the person who died; and
- (d) be accompanied by an original or a copy of—
 - (i) a cause of death certificate issued under the *Births, Deaths and Marriages Registration Act 2003* for the person who died; or
 - (ii) a certificate or other document, issued under a law of this or another State, the Commonwealth or another country,

that officially evidences the person's death.

177 Deciding application for the endorsement

- (1) An authorised officer may make the endorsement if the authorised officer is satisfied sections 175(1) and 176 are complied with for the application.
- (2) The commissioner may accept, and without checking, rely on a copy of a will given to the commissioner for the application by the applicant (whether or not it accompanied the application).
- (3) If an authorised officer decides to make the endorsement, the officer must—
 - (a) make the endorsement; and
 - (b) give the applicant a written notice that the endorsement has been made.
- (4) If an authorised officer decides to refuse to make the endorsement, the officer must give the applicant a written notice stating—
 - (a) the authorised officer refuses to make the endorsement; and
 - (b) the reasons for the refusal.

Endnotes

ENDNOTES

- 1 Made by the Governor in Council on 10 October 2017.
- 2 Notified on the Queensland legislation website on 10 October 2017.
- 3 The administering agency is the Queensland Police Service.

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