



Queensland

# **Weapons (Digital 3D and Printed Firearms) Amendment Bill 2014**





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# Weapons (Digital 3D and Printed Firearms) Amendment Bill 2014

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**2014**

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**A Bill**

for

**An Act to amend the *Weapons Act 1990* for particular purposes**

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	<b>The Parliament of Queensland enacts—</b>	1
<b>Clause 1</b>	<b>Short title</b>	2
	This Act may be cited as the <i>Weapons (Digital 3D and Printed Firearms) Amendment Act 2014</i> .	3 4
<b>Clause 2</b>	<b>Act amended</b>	5
	This Act amends the <i>Weapons Act 1990</i> .	6
<b>Clause 3</b>	<b>Insertion of new s 69A</b>	7
	After section 69—	8
	<i>insert—</i>	9
	<b>69A Licensed armourers may manufacture firearms using additive manufacturing process only if authorised</b>	10 11 12
	An armourer licensed to manufacture a firearm may manufacture the firearm using an additive manufacturing process only if authorised to do so under a condition of the armourer’s licence.	13 14 15 16
	Maximum penalty—	17
	(a) if the firearm is a category A or B weapon—20 penalty units; or	18 19
	(b) if the firearm is a category C weapon—60 penalty units; or	20 21
	(c) if the firearm is a category D, H or R weapon—100 penalty units.	22 23
<b>Clause 4</b>	<b>Insertion of new pt 5A</b>	24
	After section 141B—	25
	<i>insert—</i>	26

<b>Part 5A</b>	<b>Digital 3D firearms</b>	1
<b>Division 1</b>	<b>Preliminary</b>	2
<b>141C Application of pt 5A</b>		3
	This part does not apply to—	4
	(a) a licensed armourer authorised by a condition of the armourer’s licence to manufacture firearms using an additive manufacturing process; or	5 6 7 8
	(b) a person mentioned in section 2(a) to (e), in relation to the person acquiring, distributing, possessing or making digital 3D firearms as part of performing the duties or functions mentioned in that section; or	9 10 11 12 13
	(c) a person engaged in the manufacture or assembly of digital 3D firearms for or on behalf of the Government of the Commonwealth or a State; or	14 15 16 17
	(d) a person engaged in scientific or experimental work relating to digital 3D firearms under an authority granted by the Minister.	18 19 20 21
	<i>Note—</i>	22
	The commissioner of the police service may also grant a person an exemption from the provisions of this part—see section 2(1)(m).	23 24 25
<b>141D Definitions for pt 5A</b>		26
	In this part—	27
	<i>acquire</i> , for a digital 3D firearm, includes accept, obtain, purchase or receive or otherwise take possession of the digital 3D firearm.	28 29 30
	<i>approved purpose</i> means any of the following—	31

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- (a) conducting a business providing digital 3D design and modelling services; 1  
2
  - (b) conducting, for an educational institution prescribed by regulation, scientific or technical research relating to digital 3D models or additive manufacturing processes; 3  
4  
5  
6
  - (c) providing, for an educational institution prescribed by regulation, educational or teaching services relating to digital 3D models or additive manufacturing processes; 7  
8  
9  
10
  - (d) another purpose prescribed by regulation. 11
- distribute*, for a digital 3D firearm, includes— 12
- (a) send, supply or transmit the digital 3D firearm, or a document that includes the digital 3D firearm, to another person, whether or not for reward; or 13  
14  
15  
16
  - (b) publish the digital 3D firearm, or a document that includes the digital 3D firearm, to the public, including publish the digital 3D firearm or document on the internet. 17  
18  
19  
20  
21
- make*, for a digital 3D firearm, includes create, design or produce the digital 3D firearm. 22  
23
- senior manager*, of a corporation, means a person who makes, or participates in making, decisions that affect the whole or a substantial part of the corporation’s business, whether or not the person is a director or secretary of the corporation. 24  
25  
26  
27  
28  
29

**Division 2            Digital firearm licences** 30

**141E Digital firearm licences** 31

A digital firearm licence authorises the holder of the licence to do each of the following activities stated in 32  
33

- 
- the licence— 1
- (a) acquire a digital 3D firearm; 2
  - (b) distribute a digital 3D firearm; 3
  - (c) possess a digital 3D firearm; 4
  - (d) make a digital 3D firearm. 5

### **141F Digital firearm licence applications** 6

An application for a digital firearm licence must— 7

- (a) be made in writing to an authorised officer; 8  
and 9
- (b) state— 10
  - (i) which of the activities mentioned in 11  
section 141E(a) to (d) the applicant 12  
proposes to undertake; and 13
  - (ii) the purposes for which the applicant 14  
proposes to undertake them; and 15
- (c) if the applicant is an individual—be 16  
accompanied by proof of the applicant's 17  
identity; and 18
- (d) if the applicant is a corporation— 19
  - (i) state the name of an individual who is a 20  
senior manager of the corporation (the 21  
*corporation's nominee*) whom the 22  
corporation nominates as its 23  
representative; and 24
  - (ii) be accompanied by proof of the 25  
identity of the corporation's nominee 26  
and the position the nominee holds 27  
within the corporation. 28

### **141G Deciding digital licence applications** 29

- (1) An authorised officer who receives a digital 30  
licence application must decide whether to grant 31

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- or refuse the application within 28 days (the *decision period*) after receiving it. 1  
2
- (2) During the decision period, the authorised officer 3  
may give the applicant a written notice requiring 4  
the applicant to provide documents or 5  
information the authorised officer reasonably 6  
considers necessary to decide the application. 7
- (3) If the applicant fails to comply with a 8  
requirement under subsection (2) within the 9  
decision period, the applicant is taken to have 10  
withdrawn the application when the decision 11  
period ends. 12
- (4) The authorised officer must not grant the 13  
application unless the officer is satisfied that— 14
- (a) the purpose for which the applicant 15  
proposes to undertake each activity 16  
mentioned in the application is an approved 17  
purpose; and 18
- (b) the applicant, or if the applicant is a 19  
corporation, the corporation’s nominee— 20
- (i) is an adult who is a fit and proper 21  
person to hold a digital firearm licence, 22  
having regard to the matters mentioned 23  
in section 10B(1)(a) to (d); and 24
- (ii) has not been convicted of an offence 25  
mentioned in subsection 10B(2)(a); 26  
and 27
- (iii) is not a person against whom a 28  
domestic violence order has been 29  
made; and 30
- (c) for an applicant that is a corporation—none 31  
of the senior managers of the corporation— 32
- (i) have been convicted of an offence 33  
mentioned in section 10B(2)(a); or 34
- (ii) are a person against whom a domestic 35  
violence order has been made. 36

- 
- (5) The authorised officer may grant the application 1  
subject to a condition the officer reasonably 2  
considers appropriate. 3

**141H Notice of decisions** 4

- (1) The authorised officer must give the applicant 5  
written notice of the officer's decision to grant or 6  
refuse the application within 10 days after the 7  
decision period for the application ends. 8
- (2) If the authorised officer refuses the application, 9  
the notice must state the reasons for the refusal. 10

**141I Issue of digital firearm licences** 11

- (1) If the authorised officer decides to grant the 12  
application, the officer must issue a digital 3D 13  
firearm licence to the applicant. 14
- (2) A digital firearm licence must— 15
- (a) be issued in the approved form; and 16
- (b) state the name of the holder of the licence; 17  
and 18
- (c) state the activities for which the licence is 19  
issued; and 20
- (d) state any conditions imposed on the licence; 21  
and 22
- (e) state the term of the licence, which must not 23  
be more than 5 years. 24

**141J Renewal of digital firearm licences** 25

- (1) The holder a digital firearm licence (the *licensee*) 26  
may apply to renew the licence. 27
- (2) The application for renewal (the *renewal* 28  
*application*) must— 29

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- (a) be made in writing to an authorised officer;  
and
- (b) be made at least 60, but not more than 90,  
days before the day the licence expires.
- (3) The authorised officer must decide whether to  
grant or refuse the renewal application within 30  
days (the *decision period*) after receiving it.
- (4) During the decision period, the authorised officer  
may give the licensee a written notice requiring  
the licensee to provide documents or information  
the officer reasonably considers necessary to  
decide the application.
- (5) If the licensee fails to comply with a notice under  
subsection (4) within the decision period, the  
licensee is taken to have withdrawn the renewal  
application when the decision period for the  
renewal application ends.
- (6) The authorised officer must not grant the renewal  
application unless the officer is satisfied, for the  
licensee, of the matters mentioned in section  
141G(4).
- (7) Within 10 days after the decision period ends, the  
authorised officer must give the licensee a written  
notice stating—
  - (a) the officer’s decision; and
  - (b) if the renewal application is granted—any  
condition imposed on the renewed licence;  
and
  - (c) if the renewal application is refused—the  
reasons for the refusal.
- (8) If the authorised officer grants the renewal  
application, the officer must issue a new licence  
under section 141I.

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**141K Revocation of digital firearm licences**

- |   |    |
|---|----|
|   | 1  |
| (1) The holder of a digital firearm licence (the          | 2  |
| <i>licensee</i> ) must give an authorised officer written | 3  |
| notice within 7 days after either of the following        | 4  |
| events happens—   | 5  |
| (a) the licensee ceases to undertake the                  | 6  |
| activities the licensee is authorised to                  | 7  |
| undertake under the conditions of the                     | 8  |
| licence;  | 9  |
| (b) the licensee, or if the licensee is a                 | 10 |
| corporation, the corporation’s nominee or a               | 11 |
| senior manager of the corporation—                        | 12 |
| (i) is convicted of an offence mentioned in               | 13 |
| section 10B(2)(a); or                                     | 14 |
| (ii) becomes a person against whom a                      | 15 |
| domestic violence order has been                          | 16 |
| made.   | 17 |
| (2) Within 7 days after the authorised officer receives   | 18 |
| the notice mentioned in subsection (1), the officer       | 19 |
| must give the licensee a written notice (the <i>show</i>  | 20 |
| <i>cause notice</i> ) requiring the licensee to show      | 21 |
| cause why the licence should not be revoked.              | 22 |
| (3) The show cause notice must state a period (the        | 23 |
| <i>show cause period</i> ), of at least 30 days, within   | 24 |
| which the licensee may show cause why the                 | 25 |
| licence should not be revoked.                            | 26 |
| (4) At the end of the show cause period, the              | 27 |
| authorised officer must revoke the licensee’s             | 28 |
| licence unless the officer is reasonably satisfied        | 29 |
| the licensee has shown cause why the licence              | 30 |
| should not be revoked.                                    | 31 |

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<b>Division 3</b>	<b>Offences relating to digital 3D firearms</b>	1 2
<b>141L Making of digital 3D firearms</b>		3
A person must not make a digital 3D firearm unless the person is authorised to do so under a digital firearm licence.		4 5 6
Maximum penalty—		7
(a) if the digital 3D firearm is a digital 3D model of a firearm that is a category A or B weapon—20 penalty units or 6 months imprisonment; or		8 9 10 11
(b) if the digital 3D firearm is a digital 3D model of a firearm that is a category C weapon—60 penalty units or 1 year’s imprisonment; or		12 13 14 15
(c) if the digital 3D firearm is a digital 3D model of a firearm that is a category D, H or R weapon—100 penalty units or 2 years imprisonment.		16 17 18 19
<b>141M Acquisition and possession of digital 3D firearms</b>		20 21
A person must not knowingly acquire, or knowingly have possession of, a digital 3D firearm unless the person is authorised to do so under a digital firearm licence.		22 23 24 25
Maximum penalty—		26
(a) if the digital 3D firearm is a digital 3D model of a firearm that is a category A or B weapon—20 penalty units or 6 months imprisonment; or		27 28 29 30
(b) if the digital 3D firearm is a digital 3D model of a firearm that is a category C		31 32

	weapon—60 penalty units or 1 year's imprisonment; or	1 2
	(c) if the digital 3D firearm is a digital 3D model of a firearm that is a category D, H or R weapon—100 penalty units or 2 years imprisonment.	3 4 5 6
	<b>141N Distribution of digital 3D firearms</b>	7
	A person must not knowingly distribute a digital 3D firearm unless the person is authorised to do so under a digital firearm licence.	8 9 10
	Maximum penalty—	11
	(a) if the digital 3D firearm is a digital 3D model of a firearm that is a category A or B weapon—60 penalty units or 1 year's imprisonment; or	12 13 14 15
	(b) if the digital 3D firearm is a digital 3D model of a firearm that is a category C weapon—100 penalty units or 2 years imprisonment; or	16 17 18 19
	(c) if the digital 3D firearm is a digital 3D model of a firearm that is a category D, H or R weapon—200 penalty units or 3 years imprisonment.	20 21 22 23
<b>Clause 5</b>	<b>Amendment of s 142 (Right to apply for review of decisions)</b>	24 25
	Section 142(1)—	26
	<i>insert—</i>	27
	(g) a decision refusing an application for a digital firearm licence;	28 29
	(h) a decision refusing an application for renewal of a digital firearm licence;	30 31
	(i) a decision revoking a digital firearm licence.	32

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<b>Clause 6</b>	<b>Insertion of new pt 8, div 6</b>	1
	Part 8—	2
	<i>insert—</i>	3
	<b>Division 6</b>	4
	<b>Transitional provision for</b>	5
	<b>Weapons (Digital 3D and</b>	6
	<b>Printed Firearms)</b>	7
	<b>Amendment Act 2014</b>	7
	<b>192 Existing manufacture of firearms using</b>	8
	<b>additive manufacturing process</b>	9
	(1) This section applies if, before the	10
	commencement—	11
	(a) an armourer (the <i>licensed armourer</i> )	12
	licensed to manufacture firearms was	13
	manufacturing firearms using an additive	14
	manufacturing process; and	15
	(b) there was no condition of the licensed	16
	armourer’s licence that authorised the	17
	armourer to manufacture firearms in the way	18
	described in paragraph (a).	19
	(2) Within 3 months after the commencement, the	20
	licensed armourer must apply to amend the	21
	conditions of the armourer’s licence to include a	22
	condition authorising the armourer to	23
	manufacture firearms in the way described in	24
	subsection (1)(a).	25
	(3) Despite section 69A, a licensed armourer who	26
	complies with subsection (2) does not commit an	27
	offence if the armourer continues to manufacture	28
	firearms using an additive manufacturing process	29
	during the period—	30
	(a) starting on the commencement; and	31
	(b) ending on the day the application is decided.	32
	(4) In this section—	33

	<i>commencement</i> means the day this section commences.	1 2
<b>Clause 7</b>	<b>Amendment of sch 2 (Dictionary)</b>	3
(1)	Schedule 2, definition <i>acquire</i> — <i>omit</i> .	4 5
(2)	Schedule 2— <i>insert</i> —	6 7
	<i>acquire</i> , for part 5A—see section 141D.	8
	<i>additive manufacturing process</i> —	9
	(a) means a process by which a physical object or thing is created, usually in a series of layers, from a digital 3D model; and	10 11 12
	(b) includes 3D printing.	13
	<i>approved purpose</i> , for part 5A, see section 141D.	14
	<i>digital 3D firearm</i> means a digital 3D model of a firearm from which a physical version of the firearm can be manufactured using an additive manufacturing process.	15 16 17 18
	<i>digital 3D model</i> means a digital mathematical representation of a 3D object or thing.	19 20
	<i>distribute</i> , for a digital 3D firearm, for part 5A, see section 141D.	21 22
	<i>digital firearm licence</i> see section 141E.	23
	<i>make</i> , for a digital 3D firearm, see section 141D.	24
	<i>senior manager</i> , of a corporation, for part 5A, see section 141D.	25 26