Australian Customs Notice 1996 25

**AMENDMENTS TO CUSTOMS (PROHIBITED IMPORTS) REGULATIONS. INTRODUCTION OF NEW SIMPLIFIED CONTROL STRUCTURE FOR FIREARMS IMPORTS AND ASSOCIATED PARTS AND ACCESSORIES**

Following the announcement by the Prime Minister that the Commonwealth Government would introduce a total ban on the import of automatic and semi-automatic weapons, the Customs (Prohibited Imports) Regulations were amended. These amendments were notified in Australian Customs Notice 96/19 and were Gazetted in Special Gazette S165 of 14 May 1996. The amendments had effect on and from that day.

In announcing these amendments the Minister responsible for Customs, the Hon Geoff Prosser MP, stated that the Customs regulations covering restrictions on firearms imports would be redrafted and simplified. This has now occurred and a new set of Customs (Prohibited Imports) Regulations relating to firearms comes into effect on and from 5 June 1996. Statutory Rule No. 91 refers.

An outline of the new regulations is as follows:

# Structure

The existing restrictions which are contained in six Regulations and three Schedules will be consolidated into new Regulation 4F and Schedule 6.

# Regulation 4F

Regulation 4F provides that the importation of a firearm is prohibited unless it is a firearm to which an item in Part 2 of Schedule 6 applies and importation is in accordance with the requirements set out in that Part. These requirements will fall into four broad categories or "tests"

1. the official purpose test
2. the specified purposes test
3. the specified person test; and
4. the Police authorisation test

The details of each test are set out in Part 1 of Schedule 6. Further conditions are specified in Part 3 of Schedule 6.

# Unique Serial Number

All firearms being imported will be required to bear a unique serial number which will be essential to the effective implementation of a national registration scheme

# Definition of "Firearm"

The present definition of "firearm" has been expanded to include articles which resemble a firearm (whether or not the device actually performs the functions of a firearm). This will result in such articles being subject to the same controls as the firearms they resemble and will directly address Government concerns with the increasing use of such devices in criminal activities.

# Warfare Items

The present definition of "firearm" has been modified to exclude large calibre weapons such as cannons, howitzers and mortars. The controls on such weapons will be the same as those for other warfare appliances in Schedule 2 of the Regulations.

# Firearm Parts, Firearm Accessories, Magazines and Ammunition

Regulation 4F also prohibits the importation of parts, certain firearm accessories, magazines and ammunition unless these are also objects to which an item in Part 2 of Schedule 6 applies and their importation is in accordance with the requirements set out in that Part.

# Firearm Parts

All parts are subject to the same import controls as the firearms to which the part relates.

# Firearm Magazines

Controls on magazines have been expanded to cover all magazines and devices designed to increase the capacity of a magazine.

# Firearm Accessories

The control on firearm accessories has been retained and expanded to now include a silencer designed or intended for use with a firearm; a device designed to modify a firearm so as to give it a rapid fire capability; a device capable of converting a firearm to fire in a fully automatic condition; a folding stock; and a detachable stock.

# Ammunition

The amended regulations impose new restrictions on the importation of ammunition consistent with the controls which apply to firearms.

**NEW SCHEDULE 6 OF THE REGULATIONS**

The new Schedule 6 is divided into three parts as follows:

## PART 1 - Tests

Part 1 sets out the details of each of the four importation "tests". Please note that while the official purposes test, the specified purposes test and the Police authorisation test reflect in large part previous controls, the official purposes test has been modified so that authority has been restricted to the Federal Attorney-General.

The specified persons test contains new requirements which recognise that certain persons may be allowed access to semi-automatic firearms for occupational purposes. The test will allow professional shooters to import such firearms in accordance with a permission granted by the Attorney-General but only if the shooter is also licensed by the relevant State, or Territory for that type of firearm.

## PART 2 - Specified Firearms, Firearm Parts, Firearm Accessories, Magazines and Ammunition

Part 2 of Schedule 6 is the core of the simplified structure, as it specifies each type of firearm and enables the immediate identification of the requirements with which the importation of the firearm must comply for the purposes of Regulation 4F. If the importation of a firearm is in accordance with the requirements set out in Part 2 its importation is not prohibited. But see Part 3 below for further conditions which may qualify imports.

## Additional Controlled Firearms

Two additional types of firearms have been included. These are:

single shot and repeating action paintball guns. Presently the importation of these firearms is not controlled whereas semi-automatic and automatic counterparts are prohibited absolutely. This amendment will correct this anomaly and extend import controls to these firearms

hand-guns with a fully automatic firing capability. The importation of these hand-guns is now prohibited except for official purposes.

## Firearm Parts, Firearm Accessories, Magazines and Ammunition

Part 2 also sets out the firearm parts, firearm accessories, magazines and ammunition for the purposes of Regulation 4F. Importation is not prohibited if a firearm part, or accessory, or magazine, or ammunition is referred to in Part 2, and when imported meets the requirements set out in Part 2.

## PART 3 - Conditions

Part 3 of Schedule 6 specifies further conditions to which a firearm is subject upon importation. These conditions, including safety testing, are identical to existing conditions applying to the importation of firearms.

Further information regarding the amended Regulations may be obtained from: **Canberra:**

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(J.M. Drury)

Deputy Chief Executive Officer 4 June 1996

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