



Australian Government
**Australian Customs and
Border Protection Service**

**REGULATION IMPACT STATEMENT -
CONSULTATION PAPER:**

**‘SHARPENING OUR APPROACH TO
WEAPONS CONTROLS’**

**Proposed amendments to the
*Customs (Prohibited Imports)
Regulations 1956***

May 2011

This paper has been developed by the Australian Customs and Border Protection Service (Customs and Border Protection) in consultation with the Firearms and Weapons Policy Working Group (which includes representatives from all State and Territory Police forces), and the Attorney-General's Department.

These three bodies have primary responsibility for policy and operational matters relating to the regulation of firearms and weapons in Australia.

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Index

Index	3
Purpose	4
The Election Commitment	4
Existing Regulatory arrangements for weapons	5
State and Territory Regulation	5
Commonwealth regulation	5
Flow chart: Current process for importing a weapon listed in the PI Regulations.	6
The Government’s proposal for change	7
New requirement: evidence of legitimate end-use	7
Why change the existing arrangements?	7
Use of weapons in violent crime	7
Availability of weapons	8
Administrative issues.....	9
Implementation	9
Impact analysis	10
Impact on the community	10
Impact on business	11
Impact on government administration / regulation.	12
Consultation questions	13
How do I have my say?	15
Submitter data	16
Election Commitment:	17
Sharpening our approach to Weapons Controls	17
State and Territory Regulation	18
Process for applying for import permission	20
Permission Forms:	21
Sample import permit:	24
Proposed ‘Prohibited Weapons’:	25
Weapons imported with permission:	26

Purpose

In the lead up to the Federal Election 2010, the Government announced that it would implement tougher weapons controls across all States and Territories.

The purpose of this consultation paper is to seek input from a range of stakeholders on the implementation of the Government's election commitment.

Submissions in response to this consultation paper are invited from importers, brokers, retailers of weapons and other interested community groups.

Submitters should note that, as part of its election commitment, the Government has clearly stated its intention to amend existing controls on the importation of weapons – the consultation process is designed to seek feedback on implementation of this policy, not to debate the policy itself.

Submitters should also note that the scope of this consultation does not extend to arrangements for the regulation of firearms, firearms parts, accessories or ammunition. To avoid doubt, all references to 'weapons' in this document should be taken to refer to non-firearm weapons and includes large calibre ammunition above .50 calibre.

The Election Commitment

On 29 July 2010, the Minister for Home Affairs, the Hon Brendan O'Connor announced that, if the Australian Labor Party was re-elected, stricter controls would be imposed on the importation of a range of weapons (such as flick knives, electronic shock devices and some warfare items) that have no legitimate domestic or commercial use in Australia. In the future, individuals wishing to import these items will have to demonstrate a legitimate use for them, before they will be allowed to bring them into Australia.

In addition, in early July 2010, all State and Territory Police Ministers agreed to review existing weapons legislation, with a view to ensuring Australia has nationally consistent legislation in place to ensure only legitimate end-users can possess and use certain weapons. A copy of the press release announcing the Government's policy is at [Attachment A](#).

In announcing the Government's intention to strengthen Australia's controls on weapons, the Minister, the Hon Brendan O'Connor MP stated:

"Stopping dangerous weapons from entering our community is a serious business....."

"Under the new approach, stricter controls will be imposed on a range of weapons with no legitimate domestic or commercial use in Australia...."

Existing Regulatory arrangements for weapons

In Australia, responsibility for weapons matters is shared between the Commonwealth, State and Territory Governments.

The Commonwealth is responsible for matters relating to the import and export of weapons, while State and Territory Governments have responsibility for all matters relating to the possession and licensing of weapons, within their jurisdictions.

Currently, importers go through a two step process to get permission to bring weapons into Australia:

- First, they must provide Customs and Border Protection with evidence from the relevant State or Territory Police force that they are permitted to *possess* the weapon.
- Once they have Police permission to possess the item, they must also apply to Customs and Border Protection, for permission to *import* the weapon.

State and Territory Regulation

All States and Territories have legislation governing the possession of weapons in the community. These controls vary across jurisdictions and can require a person to be licensed; to have obtained an approval or permit from the relevant Police Commissioner or in some cases to simply have a lawful excuse to possess and use the prescribed weapons.

Further information on the relevant legislation for each State and Territory is provided at [Attachment B](#).

Commonwealth regulation

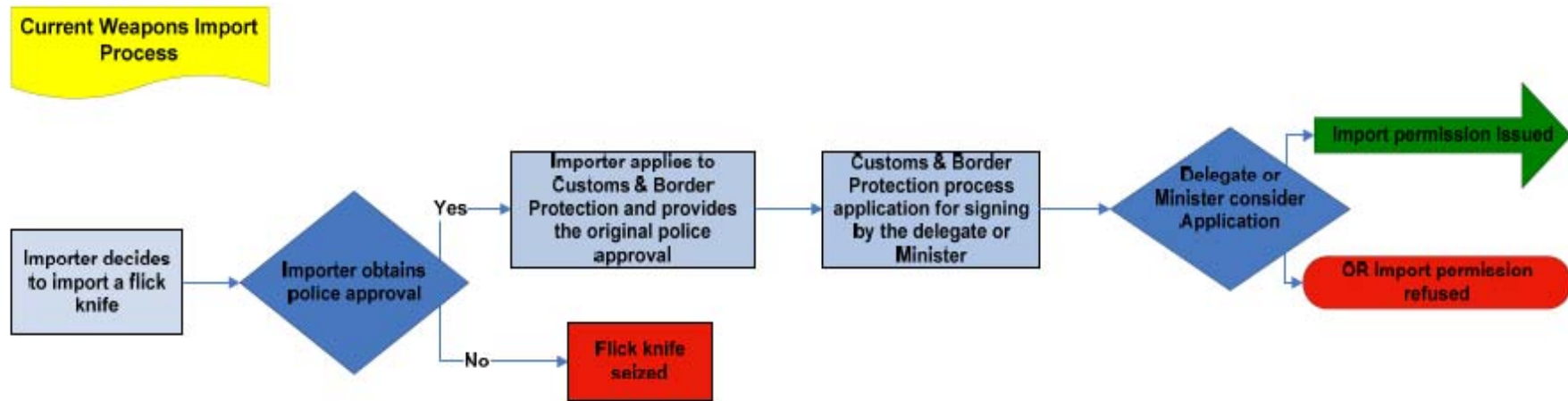
The *Customs (Prohibited Imports) Regulations 1956*¹ (the PI Regulations) prescribe that certain types of weapons can only be imported with the permission of the Minister for Home Affairs (or an authorised person). Currently, the power to give import permission is delegated to specific officials in the Australian Customs and Border Protection Service (Customs and Border Protection).

The PI Regulations cover goods such as warfare items, various bladed weapons, hand to hand combat and martial arts weapons, incapacitation devices, concealable weapons, projectile devices, and security/law enforcement equipment.

A flow chart showing the current process for importing weapons listed in the PI Regulations is provided on the following page. Further details on the existing process for applying for import permission and relevant forms are provided at [Attachment C](#).

¹ Schedules 2 and 3 of the *Customs (Prohibited Imports) Regulations 1956* refer.

Flow chart: Current process for importing a weapon listed in the PI Regulations.



The Government's proposal for change

The Government has announced that it will be adopting a more stringent approach to import controls for weapons. Police Ministers in all States and Territories have agreed to this approach, and to review existing weapons legislation.

It is expected that amendments to the PI Regulations will be required to give effect to the Government's election commitment.

New requirement: evidence of legitimate end-use

Evidence of legitimate end-use will now be required before permission will be granted to possess or import some weapons, including knuckle dusters, certain items of warfare, electronic shock devices, flick knives and high powered laser pointers. A list of the weapons subject to the new arrangements is provided at [Attachment D](#). It is proposed that these weapons will be known as '*Prohibited weapons*'.

The intention is that these '*Prohibited weapons*' will only be able to be imported and possessed by organisations or persons who can demonstrate legitimate end-use, such as the Australian Defence Force and law enforcement agencies, or State owned and operated or other 'recognised' museums, legitimate weapons manufacturers and other specified end-users. For example, permission to import body armour would only be granted to the Australian Defence Force, law enforcement agencies and other specified persons such as Australian journalists required to report in conflict zones and security officers allowed to possess these articles within their jurisdiction.

Why change the existing arrangements?

Use of weapons in violent crime

Increasing reports of knife attacks have generated significant community concern about the availability of weapons, and their use in crime in our society. Media articles commonly suggest that Australia is developing an emerging knife culture, with growing numbers of people carrying knives and other weapons on their person.

A wide range of official and other publications provide information on the incidence of violent crime in our community.

In 2008, the Australian Institute of Criminology (AIC) presented data that Australians are more likely to be murdered with a knife than a gun.² Weapons are not only used in homicides. The Australian Bureau of Statistics (ABS) provides data on the use of weapons in a range of recorded crimes.³ In 2009, a weapon was used in 77% of

² 'See *Homicide in Australia 2006-07 National Homicide Monitoring annual report* Australian Institute of Criminology at p.21.

³ ABS Statistics "Recorded Crime – Victims, Australia 2009 (Cat No 4510.0)"

attempted murders, with a knife the most common type of weapon used in several other types of serious offences.⁴

ABS data indicates that a significant number of offences (such as robberies or assault) go unreported. Accordingly, the actual incidence of crime involving a weapon could be considerably higher than official statistics suggest.

While the data on the use of weapons in crime may vary from report to report, and data integrity and comprehensiveness remains an ongoing challenge, there appears to be a clear consensus that most violent crime is more likely to involve the use of a weapon, than a firearm. Australia is not alone in this respect, with a similar trend being reported by the UK Home Affairs Committee.⁵

Given the increasing incidence of the use of weapons (particularly knives) in violent crime, the Government has decided that it will change the existing regulatory arrangements to:

- reduce the number and availability of weapons in our community that have no legitimate end use;
- reduce the capacity to obtain weapons that can be easily concealed; and
- reduce the level of violent crime using a weapon.

Availability of weapons

While the use of weapons in violent crime is of growing concern, the Government has also indicated it is concerned about the ready availability of weapons in Australia.

Attachment E provides data on the number of weapons for which importers provided a valid Police approval to Customs and Border Protection, and for which import permits were granted to allow these weapons to be *legally* imported into Australia during 2008 and 2009.

Data on the total pool of weapons available in Australia (that is, subject to both domestic and import control) is not readily available. Given the lack of information on weapons already in the community, it is not possible to give a clear indication of the 'accessibility' of these weapons (eg number of weapons per head of adult population).

One study that does shed some light on weapons availability is the 2006 Australian Institute of Criminology (AIC) report on the Australian experience with weapons, drugs and crime, using data collected as part of the Drug Use Monitoring in Australia (DUMA) program.⁶ The AIC examined the extent to which police detainees self-reported whether and why they owned particular weapons, where they obtained their weapons, and their use of weapons in crime.

⁴ Ibid

⁵ <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmhaff/112/11205.htm>

⁶ The DUMA program data was derived from a survey across seven sites in Australia, with surveys undertaken on a quarterly basis, over a number of years. An addendum concerning weapons was administered in 2001, 2002 and 2004. While some of the questions varied across the three surveys, they were generally consistent. Of the 3,291 adult detainees approached for interview, 2,323 provided responses to survey addendum questions about weapons (a response rate of 71%).

Across all sites, 40% of respondents reported that they had at some time in their lives, owned or possessed a knife as a weapon. The majority of detainees who reported owning weapons in the year prior to the survey indicated they had bought them mostly through illegitimate sources. Other weapons were obtained through inheritance, or as a gift.⁷

Administrative issues

The current arrangements for the importation of weapons also raise a number of other issues, as follows:

- They require importers to obtain separate permissions from both the Police and Customs and Border Protection. As a result, it can take over a month to obtain permission to import a weapon. More complex applications can take significantly longer to process, and in some cases, may take up to three (3) months to resolve. For example, where importers of warfare items are required to provide evidence of the de-activation or sectioning of the item, to ensure they cannot be recommissioned.
- The delays associated with obtaining Police and import permission prior to an object being imported to Australia can have stock management and cash flow implications for businesses that retail weapons, or for importers of weapons who supply to military or law enforcement programs. For example, Customs and Border Protection regularly receives urgent requests to process import permits for weapons being procured for existing military platforms, or in preparation for overseas military deployments.
- The current process can result in uncertainty for importers; in some cases weapons offered for sale overseas may be taken off the market or sold elsewhere, given the timeframes involved in obtaining Police and Customs and Border Protection permission, prior to import.
- In 2009-10 Customs and Border Protection processed over 1300 applications to import weapons into Australia. This results in a significant administrative impost on the public, industry, the Police and Government.

Implementation

The Australian Government has made a clear statement that it intends to strengthen existing weapons controls.

It is proposed to introduce amendments to the *Customs (Prohibited Imports) Regulations 1956*, to incorporate end-user tests that would have to be satisfied prior to import permission being granted (that is, evidence of legitimate end use prior to being able to import would be enshrined in legislation). It is proposed that under these amendments, importers would no longer require evidence of Police Confirmation. Instead, when applying to the Minister for Home Affairs (or delegate) for permission to import a prohibited weapon, the importer would be required to demonstrate that they meet a statutory test, as set out in legislation.

This is similar to the approach currently applied for the importation of higher-risk firearms, such as semi-automatic or military style firearms. In the case of the

⁷ Weapons, drugs and crime: the Australian experience, Australian Government Institute of Criminology, Trends and Issues in crime and criminal justice, May 2006, No.312, pp.

firearms legislation, permission to import these higher-risk items is strictly limited to circumstances where the item is being imported for use by:

- military or law enforcement purposes; and
- specified end-users, such as film armourers, professional shooters and primary producers.⁸

Under this statutory approach stringent end-use requirements would be specified in legislation for prohibited weapons.

The key difference between this approach and existing arrangements for processing weapons permits is that the test of whether an applicant had demonstrated evidence of legitimate end use would be prescribed by legislation. If an importer is unable to meet these tests, import permission would not be granted.

Impact analysis

The information provided below summarises the likely impact the implementation of the Government's policy on 'Strengthening Weapons Controls' is likely to have on our community, business and on Government administration.

Impact on the community

Imposing appropriate statutory tests will ensure that only members of the community that have a legitimate use will obtain permission to import prohibited weapons into Australia.

The imposition of strict statutory tests offers less discretion to the Minister (or delegate) when considering whether permission to import a 'prohibited weapon' would be granted.

This approach means there is less potential for 'discretionary' approvals eroding the intent of the Government's policy over time, and any amendments to the legislation would be subject to Parliamentary scrutiny.

Conversely, it may take some time to alter the legislation, in the event of unforeseen or exceptional circumstances that might warrant an urgent import permission being granted.

To address this concern, consideration might be given to incorporating a discretionary provision into the legislation, so that the Minister (or a senior delegate) may personally approve an application to import a prohibited weapon in exceptional circumstances, where the importer would not otherwise be able to meet statutory requirements for demonstrating 'legitimate end-use'.

⁸ Schedule 6 to the *Customs (Prohibited Imports) Regulations 1956* refers.

Impact on business

The changes to the requirements for 'prohibited weapons' will apply across the importing community – the test for obtaining permission to import these items will no longer relate to whether it is legally permissible to possess and/or use an item. Instead, it will relate to whether the item is being imported as a result of a legitimate end-use for that item.

What will be considered as 'adequate evidence' of legitimate end-use would depend on the type of weapon being imported but may include a contract for supply to the Australian Defence Force or evidence that the weapon will be used in a film production. In many cases, it may be necessary to demonstrate that the goods are being supplied to a third party that has a proven legitimate end-use for the item.

However, suppliers of certain types of weapons (eg electronic shock devices and body armour) to law enforcement agencies and the military are already required (under an administrative arrangement) to provide evidence of legitimate end-use in order to obtain import permission.⁹ Accordingly, the introduction of a 'legitimate end-use test' is not a novel approach, and the statutory tests would be informed by extensive prior experience in dealing with these types of weapons, and the rules currently applying to the importation of certain types of firearms.

A key concern for some businesses is that they will no longer be able to retail or supply certain types of weapons (particularly bladed weapons such as flick knives and similar devices) to the general community.

Customs and Border Protection data indicates that there were a total of 351 importers of bladed weapons in the 2009 calendar year. Of these, 53 private importers and 22 re-sellers¹⁰ would have been affected by the proposed, tightened controls. During 2009, the 53 private importers brought 377 bladed weapons into Australia, that would fall within the Government's proposed 'prohibited weapons' list (for example, flick or push knives). That is, had the Government's election commitment been in place prior to 2009, it is unlikely that these importers would have been granted permission to import 377 bladed weapons, as the data indicates they would not meet the 'legitimate end-use' requirement that is now proposed.

The 22 re-sellers imported a combined total of 121,231 bladed weapons that would fall within the proposed 'prohibited weapons' category. Under the Government's proposed policy, these items will no longer be able to be imported unless there is appropriate evidence that the bladed weapons are being supplied for legitimate end-use purposes.

With respect to warfare items, in 2009, there were a total of 175 importers of warfare or crowd control¹¹ items. Ninety-six (96) of these importers supplied warfare or crowd control items for official purposes¹².

⁹ Schedule 2 of the *Customs (Prohibited Imports) Regulations 1956* refers.

¹⁰ A re-seller is defined as a business or known individual that imports items in commercial quantities for re-sale purposes.

¹¹ Such as body armour and extendible batons. These figures do not include importation of items such as anti-personnel sprays, grenades and canisters, which are listed on Schedule 3 of the *Customs (Prohibited Imports) Regulations 1956*.

The remaining 79 importers were private collectors, who brought a total of 817 warfare or crowd control items into Australia. These importers would no longer be able to import these types of items under the Government's strengthened weapons controls, unless they could demonstrate that the items were being imported for legitimate end-use.

Impact on government administration / regulation

The Government's proposal also has implications for administrators and regulators of its policies.

Consistent with existing requirements, it is proposed that Police forces would continue to have responsibility for processing applications for permission to possess or use weapons not included on the 'prohibited weapons' list. However, with the introduction of strict statutory tests for 'prohibited weapons', the need to obtain a Police approval would be eliminated for these items.

Based on 2009 data, this will remove the requirement for Police to issue a significant number of Police Confirmations (B709B forms – Attachment C refers). Each year, Police forces across Australia issue an estimated 1,300 to 2,000 police permissions to possess various kinds of weapons (both controlled and prohibited), which are then presented to Customs and Border Protection as part of an application to import weaponry.

Customs and Border Protection already processes approximately 1300 applications per annum to import a wide range of weapons, with some weapons already subject to 'legitimate end-use' tests, such as electric shock devices and body armour. Customs and Border Protection anticipates that there would be an increase in the workload associated with import applications in the initial stage of implementing the policy, but that this would reduce significantly, over time.

There will be a need to develop clear policy guidelines on what constitutes 'legitimate end-use' for prohibited weapons, to inform the development of appropriate legislative requirements. This would include binding policy guidance on how any express discretionary provision was intended to operate.

Some community or industry groups may have concerns that the introduction of stricter controls on certain weapons will drive trade 'underground' and increase the likelihood of these types of weapons being smuggled into Australia.

Customs and Border Protection takes its community protection role very seriously. We have a range of strategies in place to prevent undeclared weapons from entering Australia, including:

- first port boarding of ships arriving in Australia;
- reporting of all air and sea cargo;
- screening of international mail parcels and articles;

¹² Official purposes includes, for example, importers that supply or on-sell to law enforcement agencies or the military, or who import for the purpose of supplying items for other legitimate purposes such as on-sale to the security industry, correctional facilities, and journalists travelling to conflict zones.

- interventions with arriving passengers and their baggage at international airports;
- screening of shipping containers and closed circuit television (CCTV) in all Australian international sea ports; and
- border control activities at all major international airports.

In addition, international passengers, crew and vessels are subject to risk assessment before they enter Australia.

In the 2009 -10 financial year, Customs and Border Protection detained 36,849 weapons. These weapons are only released if the importer can provide evidence that they have permission to import them, and penalties for non-compliance are severe. For example, importing a flick knife or other weapon without permission can attract a penalty of up to \$275,000 and 10 years imprisonment.

Some groups will also argue that the more stringent approach does nothing to address the existing pool of 'prohibited weapons' already available in the community.

While there would be no change to the existing domestic stock of weapons classified as 'prohibited weapons' on import in the short term; it could be expected that the total pool of available weapons will reduce over time, as fewer items are able to be imported without legitimate use.

Police Ministers from all jurisdictions have agreed to review existing, domestic controls on weapons; the current availability of 'prohibited weapons' will be considered in that context.

Consultation questions

We would like your feedback on your views in respect of the Government's proposal. In particular, you may wish to provide input on the following questions:

- Are there other situations or circumstances where the importation of a prohibited weapon should be considered legitimate end-use? What are they?
- What should constitute adequate 'evidence' to support a claim of legitimate end-use when applying for permission to import a 'prohibited weapon'? What sort of documentation should be required to establish legitimate end-use, when goods are being imported for supply to a third party?
- What organisations, situations or circumstances should be considered 'legitimate end-use' for the purpose of education, exhibition or display of weapons? What documentation should be required to support an application to import a 'prohibited weapon' for educational, exhibition or display purposes?
- What criteria should be applied when considering what constitutes a 'recognised museum', and why?
- What requirements should apply to the secure storage of 'prohibited weapons' after their import, and why?

- Are the statutory tests currently applied to the importation of some firearms also appropriate for “prohibited weapons”? Why, or why not? Are there additional statutory tests that should be considered? If so, what are they?
- Are there any other matters that should be taken into consideration when determining whether to grant import permission for a ‘prohibited weapon’? What are they, and why are they relevant or important?
- What impact is implementation of strict statutory tests for prohibited weapons likely to have on the community and why?
- What other impact is implementation of strict statutory tests for prohibited weapons to have on business and why?
- What other impact is implementation of strict statutory tests for prohibited weapons likely to have on regulatory agencies, and why?
- Do you have any evidence to support your claims regarding impact? If so, please provide it with your submission.
- Do you have any other comments you wish to make about the implementation of the Government’s election commitment (please attach).

How do I have my say?

You can submit your comments in response to this consultation paper in a number of ways:



Written submissions should be forwarded to the following address:

National Manager
Trade Policy and Regulation Branch
Australian Customs and Border Protection Service
Customs House, 5 Constitution Avenue
CANBERRA ACT 2601

Confirmation of receipt of written submissions will be provided where a return address is supplied.



Email submissions will also be accepted. They should be sent to the following address: weaponspolicy@customs.gov.au Receipt of emailed submissions will be confirmed via return email.



Submissions can also be faxed to the following number:
(02) 6275 6699

RETURNS WILL BE ACCEPTED UP TO THE CLOSE OF BUSINESS 11 JULY 2011

Anonymous submissions will not be accepted.

However, submitters may indicate whether they wish their comments to be treated confidentially. You should note that any comments provided, even those supplied in confidence, may be used to inform advice to Government on the response to this Consultation Paper. Wherever possible, comments should be supported by evidence.

Please complete the short survey on the following page and attach it to your submission.

Submitter data....

To help improve our understanding of the Government's proposal on the community, business and other stakeholders, it would be appreciated if you would complete the following, short questionnaire, and submit it with your comments.

1. What interest or stakeholder group do you represent?

(Tick all relevant boxes)

- | | |
|--|--|
| <input type="checkbox"/> Member of the community | <input type="checkbox"/> Regulatory authority (Police, Govt) |
| <input type="checkbox"/> Weapons owner | <input type="checkbox"/> Military end-user |
| <input type="checkbox"/> Weapons importer | <input type="checkbox"/> enforcement end-user |
| <input type="checkbox"/> Weapons retailer | <input type="checkbox"/> Weapons Collector |
| <input type="checkbox"/> Sporting/recreational user | |
| <input type="checkbox"/> Other (Please specify)..... | |

2. If you are a weapons retailer, please indicate the size of your business:¹³

- Micro business - businesses employing less than 5 people, including sole proprietorships and partnerships without employees;
- Other small business - businesses employing 5 or more people, but less than 20 people;
- Medium business - businesses employing 20 or more people, but less than 200 people; and
- Large business - businesses employing 200 or more people.

3. If you are a weapons importer, please indicate the frequency with which you import weapons.

- Weekly Monthly Quarterly
- Once or twice a year Less than once per year

4. What proportion of your business involves weapons?

.....

5. If you are a weapons importer, please indicate whether you would be willing for a Customs and Border Protection officer to contact you to discuss your comments in further detail.

Yes/No **Contact Name and Number:**
(Circle One) (During Business Hours)

¹³ <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/1321.0Main+Features12001?OpenDocument>

Election Commitment:

Sharpening our approach to Weapons Controls

[Brendan O'Connor](#) posted Thursday, 29 July 2010

A Federal Labor Government will introduce tougher weapons controls across all States and Territories to combat dangerous weapons-related crimes on our streets.

“Stopping dangerous weapons from entering our community is a serious business. In 2009, Customs and Border Protection detected more than 16,700 bladed weapons at the border,” Minister for Home Affairs, Brendan O’Connor said.

Customs and Border Protection currently controls the importation of prohibited weapons and will implement a more stringent approach to weapons importations.

“Under the new approach, stricter controls will be imposed on a range of weapons with no legitimate domestic or commercial use in Australia – for example, knuckledusters, certain items adapted for warfare, electronic shock devices and flick knives.”

“This will mean that individuals wishing to import such items will need to demonstrate the weapons have a legitimate use.”

In addition to tightening the controls on weapons coming into Australia, all State and Territory Police Ministers have also agreed to review existing weapons legislation with a view to meeting minimum standards for prohibited weapons and ensuring nationally consistent definitions of these weapons.

This was agreed at the Ministerial Council for Police and Emergency Management held on 2 July 2010 to ensure that dangerous weapons with no lawful domestic uses are prevented from entering the Australian community,” Mr O’Connor said.

“A uniform approach to weapons across the jurisdictions would strengthen the effectiveness of border controls and ensure that a restriction that applies in one State, will also apply in another.

Under the current system, people who want to import a prohibited weapon need to obtain written permission to possess the item, from State or Territory Police, and then apply to Customs and Border Protection for an import permit. The new approach would require importers to demonstrate legitimate end use to Customs and Border Protection before import permission will be granted.

Mr O’Connor said: “This important reform is something the Federal Labor Government has been pursuing for some time and is committed to delivering to reduce the number of dangerous weapons entering Australia.”

“We call on the Liberal-National Coalition to support these important reforms which will restrict the availability of dangerous weapons on local Australian streets.”

Attachment B

State and Territory Regulation

A brief summary of the relevant legislation in each State and Territory is provided below.

Victoria

In Victoria, the *Control of Weapons Act 1990* provides the framework for governing the sale, possession, transportation and use of non-firearm weapons and body armour. The Act divides weapons into four basic categories: 'prohibited weapons' such as flick knives, crossbows and knuckledusters; controlled weapons such as a baton, bayonet or knife (other than a prohibited weapon); dangerous articles; and body armour.

Individuals, groups of people, or classes of weapon may be able to receive special dispensations to possess, sell and use weapons under the Act either with the approval of the Chief Commissioner (commonly referred to as a Chief Commissioner Approval), or a Governor in Council Exemption Order.

New South Wales

In NSW, the possession and use of 'prohibited weapons' is governed by the *Weapons Prohibition Act 1998* and the *Weapons Prohibition Regulation 2009*.

The Act and Regulations permit the Police Commissioner, or his delegate, to issue Prohibited Weapons Permits authorising the use of 'prohibited weapons' where a person can show a genuine reason for the possession or use of the weapon. A range of permits types are available for 'prohibited weapons' in New South Wales including, (but not limited to) for sporting purposes, display in a public museum, and dealer and collector permits.¹⁴

Queensland

Queensland weapon laws are enshrined in the *Weapons Act 1990*, the *Weapons Regulations 1996* and the *Weapons Categories Regulation 1997*. Items such as a crossbow, knuckleduster, mace or similar articles are listed as weapons in the *Weapons Categories Regulations 1997*. An authorised police officer has the authority to issue a license to a person; the license 'endorses' the person to possess one or more categories of weapons.

Northern Territory

The *Northern Territory Weapons Control Act* and *Weapons Control Regulations* regulate controlled and prohibited weapons in the Northern Territory. Possession of a controlled or prohibited weapon requires the Police Commissioner's approval.

¹⁴ Details of the various NSW weapons permits can be located on the internet at http://www.police.nsw.gov.au/services/firearms/prohibited_weapon_permits

Western Australia

In Western Australia the *Weapons Act 1999* governs prohibited and controlled weapons listed in the *Weapons Regulations 1999*.

South Australia

In South Australia, there are three classifications of weapons: Offensive Weapons, Dangerous Articles and Prohibited Weapons. It is an offence to carry an offensive weapon without a lawful excuse, to manufacture, supply, deal in, possess or use a dangerous articles or prohibited weapons without a lawful excuse.

Individuals who are not covered by an exemption, but feel they have a valid reason to possess a prohibited weapon, may apply for a special exemption to Commissioner of Police.

Tasmania

Tasmania does not have specific legislation that prohibits certain types of weapons. However, under Section 15C of the *Police Offences Act 1935* a person, without lawful excuse, must not have possession of, or carry or use, a dangerous article in a public place.

Australian Capital Territory

The *Prohibited Weapons Act 1996* specifies prohibited articles and weapons in the Australian Capital Territory. Under the Act, the Registrar may issue a permit authorising the possession, or the possession and use of a prohibited weapon; or the possession of a prohibited article.

Process for applying for import permission

Importers must apply for permission to import weapons covered by the PI Regulations. They must complete an “Application for permission to import schedule 2 and 3 weapons” (commonly known as a B710), and attach the original “Importation of Weapons – Police Confirmation” form (commonly known as a B709B) issued by State/Territory Police. Copies of the B709B and B710 forms are attached.

The Importation of Weapons - Police Confirmation (B709B) provides evidence to Customs and Border Protection that the importer holds a licence or other authorisation according to the law of the relevant State or Territory to possess the weapon. Alternatively, it provides evidence that a licence or other authorisation is *not required* for that item, under the law of the relevant State or Territory.

The administrative B709B process was introduced at the request of State and Territory Police Ministers. In 1999 the Ministers recommended that the ‘import process for weapons should be similar to the requirements for the importation of firearms’ via a B709A Police Confirmation.

Once the Police Confirmation has been obtained, the importer must apply to Customs and Border Protection to obtain a *separate* permission to import the item into Australia.

For certain items (for example, goods imported for use by law enforcement agencies or the military), the importer can apply to Customs and Border Protection and provide evidence of the end-use of the weapons being imported.¹⁵


The paperwork is processed by Customs and Border Protection. Provided all the requirements of the application have been met, written permission is issued to the importer by the Minister or his/her delegate (sample also provided).

When goods requiring an import permit physically arrive at the border, they are held by Customs and Border Protection, pending production of the original import permit. On presentation of the original permit, and providing any conditions¹⁶ on the permit are met, the goods will then released from Customs control.

¹⁵ For example, a copy of a contract to supply a law enforcement agency with anti-personnel sprays or to supply the Department of Defence with parts for an existing weapons program. Other acceptable evidence of end use’ includes official Purchase Orders or End-Use Certificates provided by the End User.

¹⁶ This may include, for example, a requirement that a warfare item has been deactivated, or sectioned, where appropriate. Conditions may also be placed on the use of the item. Permits generally also have an expiry date.

Permission Forms:



Australian Government
Australian Customs Service

**APPLICATION FOR PERMISSION TO IMPORT
SCHEDULE 2 & 3 WEAPONS**

Line Details

Name of Company or Individual:		Contact name:	Title:
Street Address			
Postal Address (if different to street address)			
Contact number: (after hours)	Contact number: (business hours)	Facsimile number:	Email address:
Application/Importers Reference: (if applicable)			Date of Birth:

How are the goods arriving into Australia

Have the goods arrived: <input type="checkbox"/> Yes <input type="checkbox"/> No	Date/Expected Date of Import	Port/Expected Port of Import
Single or Multiple Shipments: (tick one box) <input type="checkbox"/> Single <input type="checkbox"/> Multiple	The Goods are Being Imported By: (tick box) <input type="checkbox"/> Mail <input type="checkbox"/> Sea Freight <input type="checkbox"/> Air Freight <input type="checkbox"/> Passenger Baggage	
<input type="checkbox"/> Tick if Goods are to be exported after importation		

Description of goods

Please attach pictures and technical specifications that accurately describe the goods – this will assist in the assessment of the application. Attach extra page if more space required.

Quantity	Detailed description of goods including specification of size and construction material	Manufacturer	Model/Serial Number

Reason for Importation (Evidence of End Use)

Documentation attached (Please ensure the following are attached, See Reverse)

<input type="checkbox"/> Original B700B Form	<input type="checkbox"/> Copy of B390 - Receipt for Goods/ Seizure Notice (if applicable)	<input type="checkbox"/> Brochure / Picture / Photograph of Goods	<input type="checkbox"/> Evidence of End Use (if applicable)	<input type="checkbox"/> Photographic Identification
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Declaration

Customs is collecting the information in this form to assist the Minister or other authorised person to determine whether or not to grant you a permission to import goods. The Minister and other authorised persons are authorised to make this decision by the Customs Act 1901 and the Customs (Prohibited Imports) Regulations 1956.

I declare that the information I have provided in this form is true and complete to the best of my knowledge and I consent to the use by Customs and the Minister of any information that Customs may already possess which relates to me and to the Australian Federal Police or any other police force providing information they hold about me to Customs and the Minister for the purpose of determining to grant permission to import goods.

Signature of Importer / Applicant:	Date:

B710 (MAY 2008)

Explanation of Forms/Documentation			
B709B	A 'B709B Importation of Weapons - Police Confirmation' Form is required for all weapons listed in the <i>Customs (Prohibited Imports) Regulations 1956</i> . The 'B709B Form' is available from the Police Firearms Registry in your State/Territory. The completed original 'B709B Form' must be forwarded to the National Manager Cargo Branch at the address below, together with all other documentation required to support this application. A B709B Form is required in all cases unless the goods are being imported under a government purchase order or contract.		
B390 - Receipt for Goods or Seizure Notice	A 'B390 - Receipt for Goods' is provided when your goods are being held by Customs but have not yet been seized. If the goods have been seized, an official Seizure Notice will have been issued to you. Providing Customs with this documentation will assist us in tracking your detained/seized goods.		
Brochure / Picture / Photograph of Goods	Sometimes it can be hard to classify certain goods with only a description. Applications including a brochure, picture or photograph of the exact item being imported will be processed more efficiently. If goods are being purchased over the internet, please provide a link to the website.		
Evidence of End Use	If you are a company importing goods on behalf of the Government, end user evidence must be supplied with your application. Sufficient end user evidence may be a contract or purchase orders, or similar.		
Photographic Identification	Photographic Identification in the form of a photocopy of your drivers licence, proof of age card or passport is required to verify your details. If you are applying on behalf of a company, photographic identification and a date of birth is not required.		
<p><i>Please allow three weeks for your application to be processed. If all information is not included with your application there may be delays in the processing of your application or your application may be terminated.</i></p>			
Police Firearms Registries Contact Details			
STATE	PHONE	EMAIL	WEB ADDRESS
ACT	02 6245 7405	ACTFirearmsRegistry@afp.gov.au	www.afp.gov.au
NSW	1300 362 562	firearmsenq@police.nsw.gov.au	www.police.nsw.gov.au
NT	08 8922 3543	firearmsregistry@pfes.nt.gov.au	www.nt.gov.au/pfes
QLD	07 3015 7777	weaponslicensing@police.qld.gov.au	www.policeqld.gov.au
SA	08 8204 2495	SAPOLFirearmsBranch@police.sa.gov.au	www.sapolice.sa.gov.au
TAS	03 6230 2720	firearms@police.tas.gov.au	www.police.tas.gov.au
VIC	03 9247 3142	licensing@police.vic.gov.au	www.police.vic.gov.au
WA	08 9223 7000	firearms.branch@police.wa.gov.au	www.police.wa.gov.au
<p>Please forward all required documentation to:</p> <p>Minister for Home Affairs CI- National Manager Trade Policy & Regulation Firearms & Weapons Section Australian Customs Service 5 Constitution Avenue Canberra City, ACT, 2601</p> <p>Email pictures to: weaponspolicy@customs.gov.au</p>			



Australian Government
Australian Customs and
Border Protection Service

B709B

IMPORTATION OF WEAPONS - POLICE CONFIRMATION

ACCOUNTABLE
SERIAL NUMBER

DISTRIBUTION
 WHITE : Importer's copy
 YELLOW : Accountable Police copy

This form is only for use in relation to goods listed in Schedules 2 and 3 of the Customs (Prohibited Imports) Regulations but is NOT intended for firearms, parts for firearms, firearm accessories, firearm magazines and ammunition.

Full Name of Authorised Person	Rank	ID Number
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being the, or, being a person authorised by either the: *(delete by ruling out as appropriate)*

- Chief Commissioner or Commissioner of Police in the State of ; or
- Commissioner of Police of the Northern Territory; or
- Chief Police Officer of the Australian Capital Territory

hereby confirm that for the purposes of the Customs (*Prohibited Imports*) Regulations and subject to Regulation 4(1) of those regulations, the items described below;

- the importer

- being a resident of Australia or overseas visitor holds a licence or authorisation in accordance with the law of this State or Territory to possess the relevant item(s); or the goods are not subject to any restriction on possession by this State or Territory's legislation;

Qty	Description (Make, Type, Model)	*Sch 2 or *Sch 3 Item No.	Licence / Authorisation Number	Date of Expiry

Not valid unless stamped by Police

- Where attachment are included with this form, the attachment must specify the Schedule 2 item number against each approved item for this form to be valid.
- This confirmation will remain valid until or unless revoked by the Police authority

Authorised Person's Signature	Date / /
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CUSTOMS OFFICIAL USE		
Customs clearance document	Port	Date / /

NOTES

1 The above statement **DOES NOT AUTHORISE** the importation of goods listed in Schedule 2 and 3 of the Regulations referred to above. The importation is subject to the conditions and requirements as set out in the *Customs (Prohibited Imports) Regulations 1956*.

2 Enquiries in relation to the importation of a weapon or weapon part are to be directed to Customs and Border Protection Service at the intended port of entry.

* Schedule 2 or Schedule 3 of the *Customs (Prohibited Imports) Regulations 1956*.

Sample import permit:

Ministerial No:

PERMISSION TO IMPORT

I, XXXXXX XXXXXX, being an officer authorised by the Minister for Home Affairs, pursuant to *Customs (Prohibited Imports) Regulations 1956*, Regulation 4, Schedule 2, Item 9, do hereby give permission for the importation by John Citizen, Citizen Street, Civic, Australian Capital Territory of the items listed in the schedule below:

The Schedule

Twenty (20) Daggers

Conditions

1. Permission to import the items listed in this permit is subject to the production of this original document to Customs and Border Protection.
2. This permission is for one importation and is valid from the date of signature until *XX October 2011* (expiry date of B709B)

Dated this 25th day of *August* 2010

XXXXX XXXXX
National Manager
Trade Policy & Regulation Branch

Proposed 'Prohibited Weapons':

Items approved for import by specific end users only ie. Department of Defence, State/Territory/Commonwealth Police agencies, government approved museums, specified end users.

Item 8	Equipment designed or adapted for warfare
Item 12	Hand-held electric shock devices
Item 13	Acoustic anti-personnel devices
Item 14	Hand-held battery operated devices designed to discharge a gas or liquid
Item 18D	Ballistic knives
Item 19	Flick knives or similar
Item 19A	Knuckle dusters or similar
Item 20	Gloves with protrusions made to puncture or bruise
Item 21	A concealed knife, spike or blade
Item 35	Sheath knives or similar
Item 36	Push knives or similar
Item 37	Trench knives or similar
Item 39	Non-metallic blades, knives and spikes (not plastic cutlery)
Item 40	Hand or foot claws
Item 41	Weighted gloves or similar designed as a weapon
Item 42	Butterfly or 'Balisong' knives
Item 43	Shark darts designed to expel gas on or after contact
Item 44	Dart projectors, 'Darchery Dartslingers' or similar
Item 45	Mace or similar, other than ceremonial
Item 46	Flails or similar
Item 29A	Body armour and anti-ballistic vests
Item 47	Extendable or telescopic batons
Item 48	Hand-held laser pointers over 1mw in power output

Attachment E

Weapons imported with permission:

Figure 2: Number of weapons approved for import with Police permission, 2008 and 2009.*

Number of Weapons Approved for Import	Total 2008	Total 2009
Shock Weapons#	230,764	539,648
Body Armour#	14,986	73,479
Extendable Batons#	9,901	18,816
Subtotal of Items for Legitimate End Use	255,651	631,943
Warfare^	27,970	56,159
Acoustic Anti-Personnel Devices#	1,000	0
Daggers	30,934	25,569
Blowpipes	520	33
Blowpipe Darts	1,480	840
Nunchakus	2,380	4,380
Crossbows	1,018	1,549
Ballistic Knives	2	0
Flick Knives or similar devices	16,618	55,336
Knuckledusters	59	162
Concealed Blade	5,045	7,805
Slingshots	2	0
Throwing Stars	937	326
Sheath Knives	3	2
Push Knives	420	2,646
Trench Knives	490	4,024
Throwing Knives/Axes/Blades	13,430	20,616
Non-Metallic Knives	9	3
Hand/Foot Claws	412	1,111
Butterfly Knives	1,669	839
Maces	5	1
Flails	5	0
Laser Pointers	1,381	3,452
Total (All items)	361,440	816,797

* Note: Data sourced from Customs and Border Protection's Ministerial Database.

Note: All import permissions for shock weapons, body armour and extendable batons were granted for legitimate end-use purposes.

^ Note: Majority of import permissions for warfare items were for legitimate end use, however, in some cases permission was granted for private collections.