



Australian Government
Attorney-General's Department
Criminal Justice Division

08/27581

16 December 2009

Mr Tim Bannister
Sports Shooting Association of Australia Inc
PO Box 762
KENT TOWN SA 5071

Dear Mr Bannister

Administrative Definitions of Telescopic, Collapsible and Detachable Stocks.

Thank you for your recent input to the development of updated administrative definitions of telescopic, collapsible and detachable stocks. This letter is to provide feedback on the results of the consultations and to advise you of the revised definitions that now apply.

As stated in the consultation request, under the current interpretation of telescopic stocks, any stock which can be adjusted using a 'telescopic' action – regardless of length of adjustment – is prohibited as a Firearm Accessory under Regulation 4F and Schedule 6 of the *Customs (Prohibited Imports) Regulations 1956*. In other words, currently any stock, with any degree of movement is treated as 'telescopic' and is a prohibited import.

We recognise that this interpretation resulted in the prohibition of stocks which, although using a similar action to a telescopic stock, are designed to be adjusted only for ergonomic or similar purposes. Similar ambiguity exists for collapsible and detachable stocks.

The aim of the consultation process was to develop definitions that would allow for the importation of stocks which are adjustable for ergonomic or similar purposes, while controlling articles which may make a firearm more concealable.

This administrative determination is an interim measure to allow importers to bring in a range of articles of this type while undertaking consultation on a proposed amendment to the Regulations which will occur in early 2010.

Summary of comments

A number of the organisations consulted suggested that the stock should not be controlled unless it would alter the categorisation of a firearm to which it is attached by reducing the length below the minimum allowed under State and Territory Firearms legislation. This is not practicable, as many of these articles are imported unattached, and may fit a range of firearms. It is not possible to effectively identify at the border those stocks which would result in creation of a prohibited firearm when attached, particularly as the overall length requirements do have some variation between jurisdictions.

It was also suggested that the range of adjustment proposed, being 55mm, was not sufficient. Based on the input received, both from the private sector and law enforcement agencies, this range will be increased to 70mm. This should permit the importation of a range of commercial stocks that may be adjusted for ergonomic purposes and which would currently be controlled.

In relation to detachable stocks, it was suggested that such stocks designed solely for use with a handgun, and which would not result in a change in categorisation of the firearm, be exempted from the definition. We have received further input from some State and Territory firearms registries regarding this possible exemption, and will continue to assess whether such an exemption is appropriate and if so how to implement it. This will be further considered as part of the consultation process on proposed amendments to the Regulations.

It was also suggested that registered sport shooters and participants in recognised shooting events be exempted from requirements relating to stocks. There is no mechanism by which specific categories of users can be administratively exempted from requirements relating to stocks. This issue will be further considered as part of the consultation process on proposed amendments to the Regulations.

Revised Definitions

Based on assessment of the input provided, the definitions used in assessing whether a telescopic, collapsible or detachable stock is considered controlled for the purposes of Regulation 4F and Schedule 6 are:

- Telescopic Stock: a stock which may be adjusted by means of a telescoping action to alter its length by more than 70mm.
- Collapsible Stock: a stock which may be adjusted to alter its length by more than 70mm.
- Detachable Stock: a stock designed for use with a firearm which may be readily removed, by any means.

As noted above, to remove ambiguity the Department is proposing to include these definitions in the *Customs (Prohibited Imports) Regulations 1956*. I will seek your comment on these and other proposed amendments at the appropriate time.

Please direct any further comments or queries in relation to this matter to firearms@ag.gov.au or contact the firearms hotline on (02) 6141 2730.

Yours sincerely



Jonathan Curtis
A/g Assistant Secretary
Border Management and Crime Prevention Branch