



Australian Government

Attorney-General's Department
Criminal Justice Division

Consultation Paper

**Proposed amendments to the
Firearms Importation Regime**

**Regulation 4F and Schedule 6 of the
*Customs (Prohibited Imports) Regulations 1956***

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INTRODUCTION

The Commonwealth Attorney-General's Department administers the *Customs (Prohibited Imports) Regulations 1956* (the Regulations) as they relate to the importation of firearms, firearm accessories, firearm parts, firearms magazines, ammunition and components of ammunition (Regulation 4F and Schedule 6).

A number of amendments to Regulation 4F and Schedule 6 are considered necessary to improve the operation and integrity of the firearms importation regime in Australia.

This consultation paper provides an overview of the proposed amendments and the issues they aim to address. Public feedback is sought on the practical implications of the proposals in respect of how they improve safeguards for the Australian community, while improving the importation process for legitimate firearm users.

Unless otherwise stated, all references to the Regulations are to Schedule 6 of the *Customs (Prohibited Imports) Regulations 1956*. Where definitions are referred to, these definitions can be found in Regulation 4F of the Regulations. All references to 'the Department' relate to the Commonwealth Attorney-General's Department. All references to 'Customs and Border Protection' relate to the Australian Customs and Border Protection Service. Annex 1 provides an outline of the import tests described in the Regulations and referred to in this paper. Annex 2 compares the Item numbers in Part 2, Schedule 6 of the Regulations to Firearm Categories under State/Territory law.

The Regulations can be accessed from

<http://www.comlaw.gov.au/comlaw/management.nsf/lookupindexpagesbyid/IP200400519?OpenDocument>

INVITATION FOR COMMENTS

Some of the proposals below include focus questions. These questions reflect the specific feedback we are seeking or questions we would like answered; however, we also welcome comments on any aspect of these proposals.

If you would like to comment on this consultation paper, please forward your submission **no later than Tuesday 1 February 2011** to firearms@ag.gov.au or by facsimile to (02) 6141 5463. Submissions may also be mailed to:

Consultation Paper
Drugs and Firearms Section
Criminal Justice Division
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600

All submissions will be treated as public unless the author clearly indicates to the contrary. A request made under the *Freedom of Information Act 1982* for access to a submission marked confidential will be determined in accordance with that Act.

PROPOSED AMENDMENTS

Issues and amendments are in no particular order, but are grouped together by general category.

FIREARMS

1. Definition of handgun

Issue

The Regulations currently do not define a ‘handgun’ and this has the potential to create ambiguity.

A review of State and Territory legislation shows three main considerations that are used to define a handgun: the capacity for it to be fired with one hand, the capacity for it to be carried or concealed about the person and the length of the firearm.

Proposal

It is proposed that the following definition of handgun be inserted into the Regulations:

A handgun means a firearm that:

- a) is reasonably capable of being raised and fired by one hand; or
- b) is reasonably capable of being carried or concealed about the person; or
- c) has an overall length not exceeding 65 centimetres.

Do these characteristics accurately reflect the characteristics of a handgun? Would these characteristics be likely to capture something which is not a handgun?

2. Classification of muzzle-loading and paintball marker handguns

Issue

Handguns (with some exceptions) are classified under the Regulations as Item 9 under Part 2. However, muzzle-loading handguns currently fall under Item 2 (as muzzle-loading firearms) and paintball marker handguns fall under Item 14A (as paintball markers).

The inclusion of handguns in three different item numbers is confusing and creates unnecessary complexity in the firearms importation regime.

Proposal

It is proposed that muzzle-loading handguns be excluded from ‘muzzle-loading firearm’ in Item 2 and paintball marker handguns be excluded from Item 14A. Instead, both types of handgun would be specifically included under Item 9. Item 9 currently incorporates handguns and soft air handguns, other than fully automatic handguns or those which are

substantially the same in appearance as a sub-machine gun, machine pistol or fully automatic handgun.

These amendments would clarify how muzzle-loading handguns and paintball marker handguns are classified under the Regulations, but would not result in any change to the availability of these firearms for existing importers – muzzle-loading and paintball marker handguns would still be available for import under the same import tests that are currently applicable.

Will co-locating all handguns into one place under the Regulations aid in simplifying the import permission scheme for them? Will such a co-location have any consequences beyond simplifying the classification of muzzle-loading and paintball marker handguns?

3. Classification of revolving rifles

Issue

In the Regulations, firearms with similar characteristics are generally grouped together under Item numbers in Part 2. However, revolving rifles are presently grouped with single shot (ie non self-loading) firearms under Item 1 (for rimfire versions) and Item 2 (for centrefire versions). Revolving rifles provide a significantly increased rate of fire over standard non self-loading firearms; therefore the risk they pose is greater than that of other firearms classified under Item 1 and Item 2.

Proposal

It is proposed that revolving rifles be excluded from Item 1 and Item 2 and instead be included under Item 3 (for rimfire versions) and Item 6 (for centrefire versions), which contains semi-automatic or self-loading firearms.

The effect of this amendment would be that importers who previously obtained revolving rifles under the Police Certification test would not be able to continue importing these firearms unless they are certified primary producers. There would be no change to the other import tests currently applicable for these firearms.

4. Blank-fire firearms

Issue

The definition of firearm does not specifically include, nor exclude, blank-fire firearms. However, it is important for blank-fire firearms to be explicitly controlled due to the ease with which many of these articles can be converted to fire live ammunition and also the threat posed by the articles being mistaken for ‘real’ firearms.

Proposal

It is proposed to include blank-fire firearms in the definition of a firearm and specifically exclude it from the definition of an imitation (for imitation firearms an importer need only meet the requirements of the Police Certification test).

This amendment would make it unambiguous that blank-fire firearms must meet the import tests applicable for the same firearm that is not blank-fire, with no confusion that they should be treated as imitations.

5. Clarification of meaning of ‘flare gun’ under definition of firearm

Issue

The definition of a firearm specifically excludes ‘a flare gun, or other signalling device, designed for emergency or life-saving purposes’. Therefore, such articles are exempt from the firearms importation regime.

However, the current wording leaves room for misunderstanding in cases where a firearm – which would otherwise be controlled – is also capable of operating as a flare gun or other kind of signalling device.

Proposal

It is proposed to amend the wording of the exception as follows: ‘a flare gun, or other signalling device, **which is principally** designed for emergency or life saving purposes’ (suggested amendment in bold).

The effect of this amendment would be that multifunction firearms that are also capable of operating as a flare gun or other kind of signalling device would not be exempt from the firearms importation regime.

Are there devices, designed principally for emergency or life-saving purposes, but which are also capable of being used as a firearm? Are there articles which are commonly used for emergency or life-saving purposes but which are not principally designed for such operation?

6. Restrictions on .50 BMG firearms

Issue

The Regulations currently classify single shot and repeating centrefire rifles under Item 2, regardless of their calibre. These rifles will only fall to the higher controls of Item 6 if they are self-loading centre fire rifles, or Item 12 if they are fully automatic or military rifles. Articles classified under Item 2 can be imported under the Police Certification test, administered by the States and Territories.

This means that calibres previously designed for military use are being marketed to civilian shooters for extra long range target shooting and hunting. In particular, a number of international manufacturers are releasing firearms capable of firing .50 calibre Browning Machine Gun (BMG) cartridges and derivatives of this cartridge.

.50 BMG firearms pose a significant risk based on their very long range and high penetrating power. The cartridges are over 14 centimetres long, can fire a projectile over a distance of up to 3000 metres and are capable of penetrating an inch of armour plate at 200 metres.

In military use, these projectiles are designed to destroy parked or low flying aircraft, light armoured vehicles, armoured limousines, bulk fuel storage facilities and to penetrate buildings. In the long range sniping role, they are also capable of accurately hitting human targets at a range in excess of 1500 metres. These firearms therefore pose a high threat if used for criminal or terrorist activities.

There is little justification for civilian ownership of these firearms. Only two civilian ranges (one in NSW and one in Victoria) are capable of accommodating this calibre and, for hunting purposes, few if any game species (such as buffalo) require such a heavy calibre rifle, and lesser powered ammunition will generally meet hunting requirements.

Proposal

It is proposed that the Regulations are amended so that .50 BMG firearms, cartridges, derivatives of these cartridges and cartridge components are subject to higher import controls under the Regulations.

The effect of the amendment would be that these articles are only available to importers under the Official Purposes, Specified Purposes and Returned Goods tests.

Are there any other quasi-military calibres that should be restricted? Are there legitimate civilian uses for these types of firearms?
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MAGAZINES

7. Interchangeable magazines

Issue

The decision handed down by the Supreme Court of Queensland on 30 March 2007 in the matter of *CEO of Customs v Powell* [2007] QCA 106, provides that a firearms part that is able to be categorised under more than one Item number in Part 2, must meet the importation requirements of all items under which it is able to be categorised.

The effect of this ruling is that owners of some firearms are unable to import new magazines for their firearms in cases where that magazine would also fit a higher category firearm to which more stringent controls apply. For example, a shooter may wish to replace a worn-out six round magazine for their Category B bolt-action centre-fire rifle. However, the standard magazine might also fit a Category D automatic rifle. The importer would therefore need to

meet the higher tests associated with magazines for Category D firearms. In many cases this means that importation is not legally possible.

An effective solution is needed to ensure that the integrity of the import regime is not affected, while facilitating the need for legitimate owners to acquire new magazines for their licensed firearms.

Proposal

It is proposed that magazines with a capacity of more than five rounds but no greater than ten rounds be available for import under the Police Certification test. Magazines with a capacity higher than ten rounds will still be prohibited unless imported under the Official Purposes, Specified Purposes, Specified Person or Returned Goods tests.

This amendment would not mean that magazines up to ten rounds could be imported without restriction, since the Police Certification test would permit importation of magazines up to ten rounds only if the person is authorised under the legislation of the relevant jurisdiction to possess the specific magazine.

It should also be noted that the proposal would not alter the existing rules relating to the importation of the firearms that use the magazines, nor the State and Territory laws relating to the licensing, ownership or use of the firearms.

8. Definition of firearm magazine

Issue

Firearms magazines are defined under Regulation 4F of the Regulations and classified under a number of Items under Part 2, depending on capacity and the type of firearm with which the magazine functions.

A firearms magazine is defined as meaning ‘a magazine designed or intended for use with a firearm’. However, this definition does not make it clear whether parts of magazines are also controlled.

There is a risk that import controls could be circumvented by firearm magazines being dismantled and the magazine body and its components imported separately. Therefore, the definition must make it clear that the Regulations control component parts of firearms magazines as well as fully assembled magazines.

Proposal

It is proposed that the definition of firearm magazine be amended to ‘a magazine or part thereof, designed or intended for use with a firearm’.

The effect of the amendment would be that component parts of a magazine are subject to import controls whether they are imported separately or fully assembled.

Will this proposal encompass items which are normally used for other purposes but can form a part of a firearms magazine?

PARTS

9. Interchangeable firearms parts

Issue

Under the decision handed down by the Supreme Court of Queensland on 30 March 2007 in the matter of *CEO of Customs v Powell* [2007] QCA 106 (the Powell decision), if an article is able to be categorised under more than one Item number in Part 2, it must meet the importation requirements of all items under which it is able to be categorised.

The effect of this ruling is that owners of some firearms are unable to import spare parts of or for their firearms in cases where that part would also fit a higher category firearm to which more stringent controls apply.

For example, a primary producer with a category B firearm may wish to buy a new barrel, and selects a barrel that can be fitted to both a category B and a category D firearm. The primary producer must be able to meet not just the Police Certification test for category B but one of the stricter official purposes test, specified purposes test, specified person test or the returned goods test. In almost all cases, the primary producer would be unable to meet the higher test.

Similarly, the dealer test which is available for parts for category A, B and C firearms by way of Police Certification does not apply to parts for category D firearms. Currently, some dealers who are importing parts for category B firearms are having the articles held/detained/seized by Customs because they are a part which can interchange with a category D firearm.

Proposal

It is proposed to amend the Regulations to enable specified firearms parts that are low risk and that are likely to fit multiple firearms to be imported subject to the Police Certification Test. This would include barrels.

All other parts, including breech blocks, bolts, upper and lower receivers, and trigger assemblies, would remain subject to the existing rules.

10. Definition of firearm parts

Issue

The intention of the Regulations is to control the import of parts that are unique or crucial to the operation of a firearm. The articles currently listed in the definition of a 'firearm part' under 4F(4) do not constitute an exhaustive list of unique or crucial parts. For example, a barrel is controlled as a firearm part, but a firearm cylinder is not. There is an identified risk in allowing unrestricted importation of such unique or crucial parts.

Proposal

It is proposed to add a number of items to the definition of 'firearm part', on the basis that they are unique or crucial to the operation of a firearm. These parts include firearm cylinder, trigger housing and slide.

11. Damaged or unfinished firearm parts, and subcomponents of firearm parts

Issue

The Regulations define a ‘firearm part’ under 4F(4) as one of a number of listed articles, such as a barrel or assembled trigger mechanism, or something other than a complete firearm that includes one or more of these listed items. This definition does not capture subcomponents of a controlled firearm part, unfinished firearm parts or damaged firearm parts.

This means that some highly controlled firearm parts could be imported after they have been broken down into pieces. In addition, it may be possible to import unfinished firearm parts that can be used after minor modification – such as drilling a hole – and damaged firearm parts that can be repaired and then used in their previous capacity.

Proposal

It is proposed to amend the definition of firearm part to specifically include subcomponents of a firearm part, unfinished firearm parts and damaged firearm parts.

It is also proposed to amend paragraph (c) of ‘firearm part’ from ‘an assembled trigger mechanism’ to ‘**a trigger mechanism**’ as the term ‘assembled’ will be redundant.

Will this definition control essential spare parts for firearms which are in a person’s legitimate possession? Will this proposal encompass items which are normally used for other purposes but which can also be a subcomponent of a firearms part?

TECHNICAL CHANGES

12. Release of Category C Dealer Stock for Demonstration purposes

Issue

Under the Dealer test for category C articles, an importer may seek to import a category C article if they are a licensed firearms dealer. These articles are then stored by Customs and Border Protection until sold by the dealer to a certified buyer. An importer may also seek to import a category C article for demonstration purposes, where the importation will not result in either the importer having in Australia more than one of a particular model of a category C article that has been imported for demonstration or testing purposes, or more than a total of five category C articles that have been imported for demonstration or testing purposes. In this case the importer takes possession of the article rather than it being stored by Customs and Border Protection.

There is, however, no mechanism for an importer who has imported articles under the Dealer test that are stored by Customs and Border Protection to seek permission to have an article released for demonstration purposes. For example, a dealer may have imported a semi-automatic shotgun for demonstrating to customers, and may also have imported a semi-automatic shotgun for sale (which is held by Customs and Border Protection), but there is no capacity to have the shotgun that was imported for sale released for demonstration

purposes. This results in inconvenience and increased cost for both importers and Customs and Border Protection.

Proposal

It is proposed to create a provision for an importer to seek permission from the Attorney-General to have an article released for demonstration or testing purposes, where the article has been imported under the Dealer test and the importer complies with the criteria relevant to the importation of an article for demonstration under the dealer test.

The current quantity and model type limits associated with the dealer test for demonstration purposes would still apply.

13. Amendment to the Specified Person test – Vertebrate pest controllers

Issue

The Specified Person test relates to the granting of permission to import articles by vertebrate pest controllers. There are two parts to the specified person test. Written permission for the importation of the article must not be given unless the decision maker is satisfied that: (a) the importer of the article is a person whose principal or only occupation is the business of controlling vertebrate pest animals on rural land, and (b) the importer holds a licence or authorisation, in accordance with the law of the State or Territory in which the importer will carry out that occupation, to possess the article for the purpose of carrying out that occupation.

While vertebrate pest control is often a significant part of a licensed shooter's occupation, it is frequently not their principal or only occupation. In many cases, within a particular organisation a person responsible and licensed for vertebrate pest control will have a range of other duties. This has resulted in circumstances where recognised vertebrate pest controllers who hold contracts from governments to eradicate pests are unable to import new firearms or parts. This not only creates inconsistency with State and Territory legislation but causes occupational health and safety concerns, as the importer is forced to continue to use ageing or worn articles.

The wording 'rural land' is also problematic, as not all vertebrate pest control occurs on rural land. This definition has resulted in situations where licensed pest controllers operating in non-rural areas are unable to import new firearms or parts. It is therefore proposed to broaden this definition to recognise vertebrate pest control conducted on non-rural land such as golf courses, parks and other suburban areas.

Proposal

It is proposed to amend the wording of the Specified Person test to remove references to 'principal' and 'only' in relation to occupation, as well as the reference to rural land; as follows: 'the importer of the article is a person whose occupation, **partly or wholly**, is the control of vertebrate pest animals.'

The test would still require that an applicant hold a licence or authorisation to carry out vertebrate pest control.

Will this proposal enable all legitimate vertebrate pest controllers to import firearms and related articles necessary for their occupation?

14. Amendment to the Specified Purposes test – Research and Development

Issue

Sub-paragraph 2.2(g) of the specified purposes test relates to the granting of permission to import articles by importers whose principal or sole occupation is the business of researching or developing firearms technology or other defence or law enforcement related products. The importer must also have a proven history of developing the products.

This clause creates two difficulties. First, a number of companies and businesses research or develop firearms technology or other defence or law enforcement related products as an aspect of their business, but which cannot be said to constitute their principal or sole business. This is particularly the case for firms that produce various firearms related parts and accessories rather than complete firearms, for which the remainder of their business may have limited firearms, defence or law enforcement focus. Second, the provision serves as an impediment to any new entrants to the market.

Proposal

It is proposed to amend the wording of the specified purposes test to remove references to ‘principal’ and ‘sole’ in relation to occupation as follows:

‘the importer of the article is a person whose occupation, partly or wholly, is the business of researching or developing firearms technology or other defence and law enforcement related products.’

It is further proposed to remove the ‘proven history’ elements of the research and development limb of the Specified test.

This limb of the specified purposes test will still require that:

an applicant hold a licence or authorisation to possess the article for research or development purposes in accordance with the law of the State or Territory in which the article is to be used in research or development; and

the article is being imported for the completion of a specific project or tender; and

the article will be allowed to remain in the country for a specified period of time, commensurate with that project or tender; and

the article will be exported or destroyed once that period of time has expired.

ACCESSORIES

15. Prohibited firearm accessories

Issue

The Regulations impose high controls on firearm accessories, which are defined as silencers, stocks which are folding, detachable, telescopic or collapsible, and devices that modify or convert a firearm to give it rapid fire or fully automatic firing capabilities. The importation of firearm accessories must comply with the Official Purposes, Specified Purposes or Returned Goods tests.

However, the situation is less clear in relation to accessories that are fitted to a firearm. Under Items 1, 2, 3 and 6, firearms fitted with 'folding' or 'detachable' stocks are specifically excluded from the wider range of import tests available for those Items and can only be imported under the Official Purposes, Specified Purposes or Returned Goods tests. However, the exclusions do not specify firearms fitted with the other firearm accessories as defined under the Regulations. There is also no clause under Item 9 (handguns) to exclude articles fitted with a controlled firearm accessory, and have these articles fall to higher controls.

These omissions create inconsistency within the Regulations and ambiguity about firearms imported with controlled accessories attached. For example, with the current wording, importers may erroneously believe that they can import firearm accessories, (other than folding or detachable stocks) such as a silencer, under the Police Certification test, if the accessory is attached to a firearm classified as Item 1 or 2.

Proposal

It is proposed that the list of exclusions under Items 1, 2, 3 and 6 be amended to incorporate firearms fitted with any firearm accessory and that a similar clause be inserted under Item 9.

This amendment does not change the availability of firearms or firearm accessories for existing importers, but improves clarity by making the status of firearms fitted with accessories unambiguous.

16. Telescopic and collapsible stocks

Issue

The terms 'folding', 'detachable', 'telescopic' and 'collapsible' are used to describe controlled stocks under the Regulations. However, these terms are not defined, which creates uncertainty about what constitutes a controlled stock. This has primarily been an issue with telescopic stocks, but could equally be raised in relation to collapsible stocks.

The intention of the Regulations is to restrict access to stocks which are able to readily shorten the overall length of a firearm, making them easier to conceal. The intention is not to prohibit access to the type of stocks which allow for ergonomic or other minor adjustments.

Proposal

It is proposed to replace the terms telescopic and collapsible stocks with the term ‘adjustable stock’, defined as a stock which may be adjusted to reduce the length of a firearm by more than 70mm.

It should be noted that an overall length provision, which would regulate firearms based on the overall length of the entire article, cannot be used as the basis for border controls because the majority of stocks are imported as stand-alone items and therefore must be able to be classified under the Regulations as individual articles.

Is 70mm an appropriate length or adjustment to regulate and, if not, what length would be better? Does this proposal make it clear which stocks are controlled under the Regulations? Would this proposal restrict the import of stocks for which firearm users have a legitimate need?

17. Detachable stocks

Issue

The intention of the Regulations is to restrict access to stocks which are readily removable. The intention is not to prohibit access to stocks which take significant time and effort and/or tools to remove, or which render a firearm inoperable if removed. The lack of a definition for ‘detachable stock’ makes these intentions unclear.

Proposal

It is proposed to include a definition of ‘detachable stock’ as a stock which may be readily removed from a firearm, by means of a button, clip or similar action.

Could a ‘detachable stock’ be better defined; and, if so, how?

18. Definition of firearm accessory

Issue

Under the Regulations the definition of a firearm accessory includes ‘(b) a device designed to modify a firearm so as to give it a rapid fire capability’, and ‘(c) a device capable of converting a firearm to fire in a fully automatic condition’.

A device is considered to be a complete unit, a concept which does not cover an article that is incomplete or has been broken down into parts and imported into Australia in separate shipments.

This has created a potential vulnerability in the Regulations where importers may attempt to import a conversion kit capable of converting a firearm into a fully automatic or burst control

(two to three shots with the single pull of a trigger) firearm, by removing one part from the kit and then arguing that it is incomplete and therefore does not constitute a ‘device.’

The definitions in (b) and (c) above also distinguish between devices specifically designed to modify a firearm, and devices that are not specifically designed to modify but are capable of being used to convert a firearm. However, (b) only covers devices designed to modify a firearm to rapid fire capability; while (c) only covers devices capable of converting firearms to fire in a fully automatic condition. This means that a device designed to modify a firearm to fully automatic capacity or a device capable of converting a firearm to rapid fire capability are not covered under the definitions.

The use of the term ‘rapid fire’ is also problematic as there is no technical definition for this term; and a definition is not provided by the Regulations. This leads to ambiguity about whether this term refers to burst fire or the ability to rapidly fire a single shot firearm.

Proposal

It is proposed to amend the definition of ‘firearm accessory’ under (b) and (c) to include components of a device. This will ensure devices that otherwise meet the definition but are incomplete or broken down and shipped separately are still controlled as firearms accessories.

It is also proposed that the definition under (b) is amended to remove the term ‘rapid fire’ and instead include burst fire, semi-automatic and fully automatic fire; and (c) is amended to include burst fire and semi-automatic fire.

This will remove the ambiguity created by the term ‘rapid fire’ and ensure that all devices that can convert firearms into burst fire, semi-automatic or fully automatic capacity are controlled under the Regulations as firearms accessories, regardless of whether they are designed to modify a firearm or are simply capable of modifying a firearm.

19. Consolidation of firearm accessories under Part 2 of Schedule 6

Issue

Firearm accessories fall to Items 5, 8, 11 and 14 of Part 2 of Schedule 6 because the classification of an accessory is determined by the classification of the firearm to which it fits. For example, an accessory that fits a firearm falling to Item 6 is controlled under Item 8, while an accessory that fits a firearm classified under Item 9 is controlled under Item 11.

Regardless of which Item a firearms accessory is classified under, importation remains subject to the official purposes, specified purposes or the returned goods tests. This creates unnecessary complexity in administering the Regulations.

Proposal

It is proposed that firearms accessories be consolidated under a single item in Part 2 of Schedule 6.

The actual controls and applicable tests regulating their import will not change; they will simply be grouped in one place for clarity.

20. Integral silencers

Issue

Firearms silencers are currently controlled at import as ‘firearms accessories.’ This is because they are usually manufactured as an after-market accessory that can be fitted to a firearms barrel.

A small number of manufacturers are now offering firearms that have silencers incorporated within the firearm barrel. This means that the silencer would be treated as part of the barrel and therefore controlled as a ‘firearms part’ under the Regulations, rather than a ‘firearms accessory.’ Therefore it would not fall to higher controls intended for silencers.

Proposal

It is proposed that the definition of ‘firearm accessory’ be amended to include a firearm barrel that incorporates a silencer, sound suppressor or noise moderator.

The effect of the amendment would be that barrels with built-in silencers are subject to the same import tests as conventional silencers, being the Official Purposes, Specified Purposes and Returned Goods tests.

It is also proposed that the Regulations are amended so that the importation of a complete firearm with a built-in silencer falls to the higher control of Item 12.

The effect of this amendment would be that importation is available only under the higher controls of the Official Purposes, Specified Purposes and Returned Goods tests.

Is there any ambiguity in the term ‘integral silencer’?

21. Silencers and sound suppressors

Issue

There is ambiguity over whether the definition of silencer includes ‘sound suppressors’.

Proposal

To remove doubt, it is proposed that the definition of firearm accessory be amended to include ‘(a) a silencer **or sound suppressor** designed or intended for use with a firearm’ (suggested amendment in bold).

Will the inclusion of ‘sound suppressor’ be sufficient to regulate the import of any article which reduces the sound of a discharging firearm? Does the proposal leave gaps, or would it be likely to capture any inappropriate items?
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SAFETY TESTING

22. Safety testing paintball markers

Issue

Under Section 1.3 of Part 3 of the Regulations, safety requirements do not apply to a firearm if the importer produces to the Customs Collector at the time of importation, evidence that the firearm has previously been exported from Australia by the importer. This may be in the form of a restricted goods permit or an export permit issued by the Department of Defence.

Paintball markers are not controlled under the *Customs (Prohibited Export) Regulations 1958* and therefore do not require permission to be exported from Australia. As a result, importers bringing paintball markers back into Australia cannot meet the requirements of Section 1.3 above and must meet safety testing requirements under Section 1.1 of the Regulations.

Paintball markers that have been exported and then imported back into Australia are not considered a high risk, particularly when more highly controlled firearms that require export permits (such as centre fire rifles and shotguns) do not require additional safety testing upon re-entry into Australia. There are also costs involved for importers who need to arrange for the collection of their paintball marker from Customs and Border Protection.

Proposal

It is proposed that Section 1.3 of the Regulations is amended so that paintball markers that do not require an export permit under the *Customs (Prohibited Export) Regulations 1958* do not have to meet safety testing requirements when the firearms return to Australia. The importer will still be required to provide evidence to satisfy Customs and Border Protection that the firearm had been previously exported from Australia.

23. Safety requirements for firearms

Issue

Firearms being imported are required to pass a safety test. Sub-paragraph 1.6(c) of Part 3 requires, in the case of a firearm having an exposed hammer or exposed hammers or having a bolt action, that each hammer or bolt tail is struck once with a rubber hammer.

Concern has been raised by both industry and the Australian Federal Police that the requirement of striking the firearm with a rubber hammer may result in unnecessary and avoidable damage to the firearm.

Proposal

It is proposed to amend this requirement of safety testing to the following: 'in the case of a firearm having an exposed hammer or exposed hammers or having a bolt action, reasonably strong finger pressure is applied to each hammer or bolt tail'.

This proposed change will reduce the potential for damage to the firearm while still providing for adequate assessment of the firearm's safety.

AMMUNITION

24. Restrictions on .25 ACP calibre ammunition

Issue

The 2003 Australian Government Handgun Buyback saw the removal of a number of pistols from the Australian community. In particular, the emphasis was on firearms with a barrel length of less than 120mm. Self loading pistols chambered for .25 ACP calibre ammunition (originally designed as pocket pistols), are now considered prohibited pistols in Australia. This means that it is no longer possible for these pistols to be licensed for recreational or club shooting.

No other firearms use this calibre of ammunition, however no restrictions were placed upon the ammunition. This means that it is possible to import ammunition for a firearm that cannot be legitimately used for recreational or club shooting.

Proposal

It is proposed to add .25 ACP calibre ammunition to Item 19 and the cartridge case and bullet components (only) of the .25 ACP calibre self loading pistol to Item 21 in order to restrict access and use of this calibre of ammunition.

The effect of the amendment would be that .25 calibre ACP ammunition is available only under the Official Purposes, Specified Purposes and Returned Goods test.

Feedback is specifically sought about the effects the amendment would have on those with a legitimate interest in purchasing .25ACP ammunition.

Is there a legitimate need in the shooting community for access to .25 calibre ACP ammunition?
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25. Electroshock cartridges

Issue

A new type of ammunition has become available, that fires a projectile that delivers a taser-like electric charge to the target upon contact. Such ammunition is not controlled under the Regulations.

Proposal

In line with restrictions on the importation of tasers under Item 12 to Schedule 2 of the Regulations, it is proposed that ammunition of this type should be included under Item 19 of Part 2. This would allow for importation only in compliance with the Official Purposes, Specified Purposes or Returned Goods tests.

Is the term 'electroshock cartridge' sufficient to describe the breadth of available taser-like projectiles? Would the use of the term 'electroshock cartridge' result in inappropriate regulation of other articles?

POWERHEADS

26. Powerheads

Issue

An underwater powerhead, or ‘shark stick’ is a specialized firearm used underwater that is fired when in direct contact with the target. A powerhead consists of a short length of tubing, which is the chamber for the cartridge. While these are usually attached to a spear or shaft, they are able to function without being so attached. They use a variety of handgun, rifle, and shotgun cartridges which are controlled at import.

Powerheads are currently excluded from the definition of firearm. However, there is an obvious potential for these articles to be used in the commission of crimes, functioning as a highly concealable single shot firearm, and they are already controlled under firearms or weapons legislation in most jurisdictions.

Proposal

It is proposed to add ‘powerhead’ as a new item under Part 2 of Schedule 6, with importation subject to the Police Certification, Official Purposes, Specified Purposes, and Returned Goods tests.

Is there any ambiguity over what constitutes a ‘powerhead’? Could this lead to the control of extraneous items?

CONDITIONS

27. Removal of terminology ‘as soon as practicable’ from conditions of import

Issue

In certain circumstances, articles imported under the Official Purposes test are subject to the legislative condition that the importer must export the article ‘as soon as practicable’. The term ‘as soon as practicable’ is ambiguous and inconsistent with the conditions of other import tests (which require export within a period specified on the Attorney-General’s permission).

Proposal

It is proposed to amend all references to ‘as soon as practicable’ to ‘within the period, after importation, mentioned in the Attorney-General’s permission’, as per other tests under the Regulations.

28. Power to revoke or amend permission

Issue

A number of circumstances may arise where, following the issuing of an import permit, the detail of articles to be imported changes – for example serial numbers, or the volume of articles may decrease, requirements of an end user change, or further information comes to light that would be a relevant consideration for the decision maker in exercising discretion to grant permission.

While there is an implied power, under the *Acts Interpretation Act 1901*, to revoke or amend a permission to import, for the purposes of clarity and certainty it is desirable to have a legislative basis for this power.

Proposal

To expressly grant the decision maker power to revoke or amend a permission to import after it has been issued.

Examples of the effect of this amendment:

Case 1: An individual has had their licence revoked by State or Territory police. However, an import shipment is due to arrive and the individual holds an import permit for that shipment, which was granted while still in possession of a valid licence. In this case, the decision maker may wish to exercise the power to revoke a permission to import.

Case 2: An overseas firearms manufacturer conducts quality testing of articles prior to export to Australia and discovers a fault with one of the articles. The manufacturer substitutes an otherwise identical article for the faulty one and dispatches the shipment to Australia. However, the serial number of the substituted article is not listed on the import permit granted to the importer. In this case, the decision maker could exercise the power to amend a permission to import, thus avoiding the need for the importer to obtain a new permit.

29. Conditions relating to importations

Issue

Under the Official Purposes, Specified Purposes and International Sports Shooter tests, there is a legislative requirement that the importer must comply with any condition or requirement specified, in relation to the article, in the Attorney-General's permission to import. The remaining import tests do not contain this condition, thereby reducing the cohesiveness of the overall import permissions regime and limiting the flexibility of conditions that can be applied.

Proposal

It is proposed to include a similar condition for all other tests requiring permission from the Attorney-General, including the Specified Person, Sports Shooter, Returned Goods and Dealer tests.

This will provide the Attorney-General power to place restrictions on importation that are appropriately tailored to the specific circumstances of an importation, eg timeframes, possession requirements, number of end users.

SPORTS SHOOTERS

30. New Zealand sports shooter applications

Issue

To be certified as a sports shooter, the Attorney-General must be satisfied that the person is ‘(i) an Australian Citizen; or (ii) a lawful non-citizen under the *Migration Act 1958* who holds a permanent visa under that Act.’

The requirement that an importer be a lawful non-citizen under the Migration Act has caused some difficulty for New Zealand applicants who are ‘an eligible New Zealand citizen’ and hold a special category visa under the Migration Act, but do not hold a permanent visa. An ‘eligible New Zealand citizen’ can reside in Australia indefinitely and receives many benefits of a permanent resident, but is not eligible to import under current wording of the sports shooter test unless they apply for a permanent visa or become an Australian citizen.

Proposal

It is proposed that the Regulations be amended to allow New Zealand citizens with special category visas under the Migration Act to meet the requirements of a certified sports shooter.

31. Sports Shooter and International Sports Shooter certification (Category C)

Issue

The Regulations provide for the importation of Category C semi-automatic shotguns for a limited class of certified Sports Shooters and International Sports Shooters.

To meet the requirements of a ‘certified sports shooter’, the Attorney-General must be satisfied that, among other requirements, the person is a registered shooter with the Australian Clay Target Association (ACTA). To meet the requirements of a ‘certified international sports shooter’, the Attorney-General must be satisfied that, among other things, the shooter is bringing a firearm into the country to participate in a clay target event and the event is the Olympic Games or associated event, the Paralympic Games or associated event, the Commonwealth Games or associated event, or an event organised by ACTA.

These requirements have created problems for a number of other organisations that host sports shooting events, since the Regulations do not recognise the wide range of clay target organisations.

It is therefore proposed that the Department consult with organisations to develop a more general and criteria based approach to the sporting shooter test, under which membership of other organisations could be considered to satisfy this requirement.

Proposal

To increase the scope of clay target shooting organisations whose membership or organised sporting events can qualify for certification as a sports shooter or international sports shooter.

This would involve creating a criteria-based assessment scheme to determine if an organisation is appropriate for certification under the sports shooter and international sports shooter tests. This would avoid the need to amend the Regulations for each new organisation.

Feedback is specifically sought in relation to what criteria might be appropriate for the new certification scheme.

What types of clay target shooting competitions are regularly held in Australia and what organisations compete in them? What are the defining characteristics of a competitive, sports shooting clay target organisation?

32. Meaning of a certified sports shooter (Category C)

Issue

The meaning of certified sports shooter under sub-paragraph 1.1(b) of Part 4 includes the requirement that ‘the person is the holder of a licence or authorisation, in accordance with the law of the State or Territory where the club is situated, to possess the article for the purpose of taking part in clay target events.’

The term ‘club’ is not defined.

Proposal

It is proposed that the term ‘club’ be clarified or defined to refer to ‘an accredited or licensed shooting or firearms club’, in accordance with relevant State and Territory regulations.

Annex 1:

Outline of Tests described in the *Customs (Prohibited Import) Regulations 1956*.

Official purposes test (paragraph 1.2, Part 1)

Under this test importers may import articles for Commonwealth, State or Territory ‘government purposes’.

These purposes can include:

- Supply to government under a contract in force at the time of the import; or
- Showing to government to demonstrate their use; or
- Supply to government to inspect, test or evaluate; or
- Supply to government to use for training; or
- Gift or donation to government; or
- For use in testing related to a contract with the government.

Articles that are being imported for the purposes of demonstration, inspection, testing, evaluation or use in training, must be exported within the specified timeframe unless they have been destroyed or the government acquires ownership of the articles. This timeframe will be specified on the import permit.

Some articles that are being imported for the purposes of testing related to a contract with the government (e.g. ammunition) must be consumed or destroyed in the course of testing.

Specified purposes test (paragraph 2.2, Part 1)

Under this test, articles may be imported for a number of purposes specified in the Regulations.

These purposes are:

- Use of articles by a foreign defence force in a defence sanctioned activity;
- Temporary import for use by legitimate research and development companies in specific research and development projects;
- Temporary import for repairs, modification or testing;
- Temporary import for training;
- For transshipment to another country, when export permission has been granted;
- For use in producing a film (e.g. cinematographic film, film or documentary made specifically for TV, or a TV program/series); and
- If ammunition or components of ammunition, to a person outside Australia, in a manner that will not contravene Australia’s international obligations.

Specified person test (paragraph 3.2, Part 1)

Under this test, individuals may apply for import permission for the firearm articles if their principal or only occupation is the business of controlling vertebrate pest animals on rural land. The articles can only be used for pest control.

Police certification test (paragraph 4.1, Part 1)

The Police certification test is administered by State and Territory police in the relevant jurisdiction.

Under this test, individuals may apply for import permission for the firearm articles if:

- The importer holds a licence or authorisation from the relevant State or Territory to possess the article; or
- The possession of the article does not require a licence or authorisation under the law of the relevant State or Territory; and
- For restricted category C articles, the importer is a certified primary producer in the relevant State or Territory; and
- For category H articles, the importer is:
 - a) A certified sports shooter for the article; or
 - b) A certified international sports shooter for the article; or
 - c) Certified for business or occupational purposes for the article; or
 - d) A certified collector of the article.

Sports shooter test (paragraph 5.2, Part 1; and paragraph 1.1, Part 4)

Under this test, Australian Clay Target Association (ACTA) members may import restricted category C articles to take part in clay target events. Restricted category C articles are self-loading shotguns, pump action repeating shotguns and associated parts.

NB: For articles that are a category H article, refer to the **Police certification test**.

International sports shooter test (paragraph 5A.2, Part 1; and paragraph 1A.1, Part 4)

Under this test, sports shooters who are not Australian citizens may apply to import a restricted category C firearm solely to take part in a clay target event. A restricted category C firearm is a self-loading shotgun or a pump action repeating shotgun. The event must be:

- The Olympic Games or an associated event
- The Paralympic Games or an associated event
- The Commonwealth Games or an associated event; or
- An event organised by the Australian Clay Target Association (ACTA).

NB: For articles that are a category H article, refer to the **Police certification test**.

Dealer test (paragraphs 6.2 and 7.1, Part 1)

Under this test, a licensed dealer may apply to import Category C firearms, for either:

- Demonstration or inspection purposes; or
- Supply to a certified buyer (governments or pest controllers), a certified primary producer, or a certified sports shooter (certified buyer certificates and certified sports shooter certificates are issued by the Attorney-General's Department).

Returned goods test (paragraph 8.2, Part 1)

Under this test, an article that has been previously exported in accordance with a licence or permission under the *Customs (Prohibited Exports) Regulations 1958* may be re-imported if:

- The last importation (if any) of the article before that export was a lawful import and not subject to a condition that the article was to be exported after importation; and
- No modification of the article has been carried out since that export.

ANNEX 2:

Customs (Prohibited Imports) Regulations 1956, Schedule 6 articles

(firearms, firearm accessories, parts, magazines, ammunition, components of ammunition and imitations)

FIREARMS

Item	Firearm Category#	Firearm, accessory, part, magazine, ammunition, component, of ammunition or imitation	Exclusions	Other Requirements	Tests
1	A	Air rifle. Soft air rifle Rimfire rifle, other than a self-loading rimfire rifle Single shot shotgun Double barrel shotgun	A firearm: a) That is: (i) fitted, whether by original design or by modification, with a folding or detachable stock; and (ii) capable of being fired when the stock is in the folded position or removed; or b) that is substantially the same in appearance as a fully automatic firearm.	For all items: a) If the firearm was manufactured on or after 1 January 1900 – the firearm must bear a unique serial number b) Unless exempt* from safety testing, the firearm must comply with the safety requirements set out in the Regulations.	For a firearm, other than a soft air rifle: a) Official purposes test; b) Specified purposes test; c) Specified person test; d) Police certification test. For a soft air rifle: a) Police certification test.
2	B	Muzzle-loading firearm. Single shot centre fire rifle. Double barrel centre firing rifle. Repeating action centre fire rifle. Break-action shotgun/rifle combination. Repeating bolt action shot gun. Lever action shot gun.	A firearm: a) that is: (i) fitted, whether by original design or by modification, with a folding or detachable stock; and (ii) capable of being fired when the stock is in the folded position or removed; or b) that is substantially the same in appearance as a fully automatic firearm.	For all items: a) If the firearm was manufactured on or after 1 January 1900 – the firearm must bear a unique serial number b) Unless exempt* from safety testing, the firearm must comply with the safety requirements set out in the Regulations.	a) Official purposes test; b) Specified purposes test; c) Specified person test; d) Police certification test.

Note: firearm categories vary slightly between jurisdictions. If in doubt, imports should discuss with State or Territory

* Firearms are exempt from safety testing if: (a) imported under the official or specified purposes tests, (b) manufactured before 1 January 1900, (c) designed or adapted for competition target shooting, (d) imitations, (e) previously exported from Australia and the importer can produce a restricted goods permit or export permit issued by the Department of Defence, or (f) imported temporarily for a lawful competition or hunting activity.

Item	Firearm Category	Firearm, accessory, part, magazine, ammunition, component, of ammunition or imitation	Exclusions	Other Requirements	Tests
3	C	Self-loading rimfire rifle: a) without a firearm magazine; or b) fitted with a firearm magazine of a capacity no greater than 10 rounds	A firearm that is: a) fitted, whether by original design or by modification, with a folding or detachable stock; and b) capable of being fired when the stock is in the folded position or removed	For all items: a) If the firearm was manufactured on or after 1 January 1900 – the firearm must bear a unique serial number b) Unless exempt* from safety testing, the firearm must comply with the safety requirements set out in the Regulations.	For a self-loading rimfire rifle: a) Official purposes test; b) Specified purposes test; c) Specified person test; d) Police certification test (applies to primary producers only); e) Dealer test; f) Returned goods test.
3	Restricted C	Self-loading shotgun: a) without a firearm magazine; or b) fitted with a firearm magazine of a capacity no greater than 5 rounds Pump action repeating shotgun: (a) without a firearm magazine; or (b) fitted with a firearm magazine of a capacity no greater than 5 rounds	A firearm that is: a) fitted, whether by original design or by modification, with a folding or detachable stock; and b) capable of being fired when the stock is in the folded position or removed	For all items: a) If the firearm was manufactured on or after 1 January 1900 – the firearm must bear a unique serial number b) Unless exempt* from safety testing, the firearm must comply with the safety requirements set out in the Regulations.	a) Official purposes test; b) Specified purposes test; c) Specified person test; d) Police certification test (applies to primary producers only); e) Sports shooter test; f) International sports shooter test; g) Dealer test; h) Returned goods test;

* Firearms are exempt from safety testing if: (a) imported under the official or specified purposes tests, (b) manufactured before 1 January 1900, (c) designed or adapted for competition target shooting, (d) imitations, (e) previously exported from Australia and the importer can produce a restricted goods permit or export permit issued by the Department of Defence, or (f) imported temporarily for a lawful competition or hunting activity.

Item	Firearm Category	Firearm, accessory, part, magazine, ammunition, component, of ammunition or imitation	Exclusions	Other Requirements	Tests
6	D	<p>Self-loading centre fire rifle.</p> <p>Self-loading rimfire rifle fitted with a firearm magazine of a capacity greater than 10 rounds.</p> <p>Self-loading shotgun fitted with a firearm magazine of a capacity greater than 5 rounds.</p> <p>Pump action repeating shotgun fitted with a firearm magazine of a capacity greater than 5 rounds.</p>	<p>A firearm that is:</p> <p>a) fitted, whether by original design or by modification, with a folding or detachable stock; and</p> <p>b) capable of being fired when the stock is in the folded position or removed</p>	<p>For all items:</p> <p>a) If the firearm was manufactured on or after 1 January 1900 – the firearm must bear a unique serial number</p> <p>b) Unless exempt* from safety testing, the firearm must comply with the safety requirements set out in the Regulations.</p>	<p>a) Official purposes test;</p> <p>b) Specified purposes test;</p> <p>c) Specified person test;</p> <p>d) Returned goods test.</p>
9	H	<p>Any of the following firearms (including complete, but disassembled or unassembled, firearms)</p> <p>Handgun.</p> <p>Soft air handgun.</p>	<p>A firearm that:</p> <p>a) has a fully automatic firing capability; or</p> <p>b) is substantially the same in appearance as a sub-machine gun, a machine pistol or a handgun that has a fully automatic firing capability.</p>	<p>For all items:</p> <p>a) If the firearm was manufactured on or after 1 January 1900 – the firearm must bear a unique serial number</p> <p>b) Unless exempt* from safety testing, the firearm must comply with the safety requirements set out in the Regulations.</p>	<p>a) Official purposes test;</p> <p>b) Specified purposes test;</p> <p>c) Specified person test;</p> <p>d) Police certification test;</p> <p>e) Dealer test;</p> <p>f) Returned goods test.</p> <p>For a soft air handgun:</p> <p>a) Police certification test;</p> <p>b) Dealer test.</p>

* Firearms are exempt from safety testing if: (a) imported under the official or specified purposes tests, (b) manufactured before 1 January 1900, (c) designed or adapted for competition target shooting, (d) imitations, (e) previously exported from Australia and the importer can produce a restricted goods permit or export permit issued by the Department of Defence, or (f) imported temporarily for a lawful competition or hunting activity.

Item	Firearm Category	Firearm, accessory, part, magazine, ammunition, component, of ammunition or imitation	Exclusions	Other Requirements	Tests
12		Firearm, not being a firearm to which item 1, 2, 3, 6, 9 or 14A applies		If the firearm was manufactured on or after 1 January 1900, the firearm must bear a unique serial number	a) Official purposes test; b) Specified purposes test; c) Returned goods test;
14A		Single shot paintball marker designed exclusively to fire paintballs. Repeating action paintball marker designed exclusively to fire paintballs. Self-loading paintball marker designed exclusively to fire paintballs. A firearm part of, or for, a paintball marker mentioned in this item.	A firearm that: a) has a fully automatic firing capability; or b) is substantially the same in appearance as a fully automatic firearm.	a) If the firearm was manufactured on or after 1 January 1900 – the firearm must bear a unique serial number. b) Unless exempt* from safety testing, the firearm must comply with the safety requirements set out in the Regulations	Police certification test

IMITATIONS

Item	Firearm Category	Firearm, accessory, part, magazine, ammunition, component, of ammunition or imitation	Exclusions	Other Requirements	Tests
1A, 2A 3A ,6A		An imitation of a firearm mentioned in item 1, 2, 3 or 6, respectively	An imitation that is fitted, whether by original design or by modification, with a folding or detachable stock.		Police certification test
9A		An imitation of a firearm mentioned in item 9	An imitation that is substantially the same in appearance as a sub-machine gun, a machine pistol or a handgun that has a fully automatic firing capability.		Police certification test
12A		An imitation of a firearm, not being a firearm to which item 1, 2, 3, 6 or 9 applies			Police certification test

FIREARM PARTS AND ACCESSORIES

Item	Firearm Category	Firearm, accessory, part, magazine, ammunition, component, of ammunition or imitation	Exclusions	Other Requirements	Tests
4		Firearm part of, or for, a firearm to which item 1, 2 or 3 applies.	A firearm part which is capable of converting, either on its own or in conjunction with other parts, a firearm with a single or repeating action to a self-loading or fully automatic firearm.		Same tests apply as apply for the firearm to which the part corresponds.
5		Firearm accessory for a firearm to which item 1, 2, 3 or 14A applies.			a) Official purposes test; b) Specified purposes test; c) Returned goods test
7		Firearm part of, or for, a firearm to which item 6 applies.	A firearm part which is capable of converting, either on its own or in conjunction with other parts, a firearm with a single or repeating action to a self-loading or fully automatic firearm.		a) Official purposes test; b) Specified purposes test; c) Specified person test d) Returned goods test
8		Firearm accessory for a firearm to which item 6 applies.			a) Official purposes test; b) Specified purposes test; c) Returned goods test
9B		A frame or receiver of, or for, a firearm to which item 9 applies.			a) Official purposes test; b) Specified purposes test; c) Specified person test; d) Police certification test; e) Dealer test; f) Returned goods test.

Item	Firearm Category	Firearm, accessory, part, magazine, ammunition, component, of ammunition or imitation	Exclusions	Other Requirements	Tests
10		Firearm part (other than a frame or receiver) of, or for, a firearm to which item 9 applies.	A firearm part which is capable of converting, either on its own or in conjunction with other parts, a firearm with a single or repeating action to a self-loading or fully automatic firearm		<ul style="list-style-type: none"> a) Official purposes test; b) Specified purposes test; c) Specified person test d) Police certification test e) Returned goods test
11		Firearm accessory for a firearm to which item 9 applies.			<ul style="list-style-type: none"> a) Official purposes test; b) Specified purposes test; c) Returned goods test.
13		Firearm part of, or for, a firearm, not being a firearm to which item 1, 2, 3, 6, 9 or 13A applies.			<ul style="list-style-type: none"> a) Official purposes test; b) Specified purposes test; c) Returned goods test.
13A		Firearm part which is capable of converting, either on its own or in conjunction with other parts, a firearm with a single or repeating action to a self-loading or fully automatic firearm.			<ul style="list-style-type: none"> a) Official purposes test; b) Specified purposes test; c) Returned goods test.
14		Firearm accessory for a firearm, not being a firearm to which item 1, 2, 3, 6, 9 applies.			<ul style="list-style-type: none"> a) Official purposes test; b) Specified purposes test; c) Returned goods test

MAGAZINES

Item	Firearm Category	Firearm, accessory, part, magazine, ammunition, component, of ammunition or imitation	Exclusions	Other Requirements	Tests
15		Detachable firearm magazine, having a capacity of more than 5 rounds, for: a) self-loading centre-fire rifles; or b) self-loading shotguns or pump-action shotguns; or c) fully automatic firearms; whether or not attached to a firearm.			a) Official purposes test; b) Specified purposes test; c) Specified person test d) Returned goods test
16		Detachable firearm magazine, having a capacity of more than 10 rounds, for: a) rimfire self-loading rifles; or b) pump-action or lever action centre-fire rifles; whether or not attached to a firearm.			a) Official purposes test; b) Specified purposes test; c) Specified person test d) Returned goods test
16A		Detachable firearm magazine, having a capacity of more than 15 rounds, for repeating action centre-fire rifles other than a pump-action or lever action centre-fire rifle, whether or not attached to a firearm.			a) Official purposes test; b) Specified purposes test; c) Specified person test d) Returned goods test
17		Firearm magazine, other than a firearm magazine to which item 15, 16 or 16A applies, whether or not attached to a firearm.			a) Official purposes test; b) Police certification test; c) Specified purposes test; d) Returned goods test
18		Device that increases the capacity of an integral firearm magazine or a tubular firearm magazine, whether or not attached to a firearm.			a) Official purposes test; b) Specified purposes test; c) Returned goods test

AMMUNITION AND COMPONENTS OF AMMUNITION

Item	Firearm Category	Firearm, accessory, part, magazine, ammunition, component, of ammunition or imitation	Exclusions	Other Requirements	Tests
19		<p>Ammunition of the following kinds for a firearm to which item 1, 2, 3, 6, 9 or 12 applies:</p> <p>a) ammunition that has, as part of the components (either assembled or separate), a projectile known as any of the following kinds:</p> <ul style="list-style-type: none"> (i) tracer; (ii) frangible; (iii) explosive; (iv) incendiary; (v) armour piercing; (vi) penetrator; (vii) sabot light armour piercing (SLAP); (viii) sabot light armour piercing (SLAP); (ix) flechette (being a combined collection of arrows or spears) <p>b) handgun ammunition that is designed, advertised or capable of defeating:</p> <ul style="list-style-type: none"> (i) soft body armour; or (ii) opaque or glazed bullet resistant material. 			<p>a) Official purposes test;</p> <p>b) Specified purposes test;</p> <p>c) Returned goods test</p>
20		Ammunition for any firearm to which item 1, 2, 3, 6, 9, 12 or 14A applies,	Ammunition to which item 19 applies		<p>a) Official purposes test;</p> <p>b) Specified purposes test;</p> <p>c) Police certification test</p>

Item	Firearm Category	Firearm, accessory, part, magazine, ammunition, component, of ammunition or imitation	Exclusions	Other Requirements	Tests
21		<p>A component of ammunition for a firearm to which item 1, 2, 3, 6, 9 or 12 applies, if the component is one of the following kinds of projectile:</p> <ul style="list-style-type: none"> a) tracer; b) frangible c) explosive; d) incendiary; e) armour piercing; f) penetrator; g) sabot light armour piercing (SLAP); h) flechette (being a combined collection of arrows or spears). 			<ul style="list-style-type: none"> a) Official purposes test; b) Specified purposes test; c) Returned goods test
22		<p>A component of ammunition for a firearm to which item 9 applies, if the component is designed, advertised or capable of defeating:</p> <ul style="list-style-type: none"> a) Soft body armour; or b) Opaque or glazed bullet resistant material. 			<ul style="list-style-type: none"> a) Official purposes test; b) Specified purposes test; c) Returned goods test
23		<p>A component of ammunition for a firearm to which item 1, 2, 3, 6, 9 or 12 applies.</p>	<p>A component to which items 21 and 22 apply.</p>		<ul style="list-style-type: none"> a) Official purposes test; b) Specified purposes test; c) Police certification test.