

Consultation Paper

Proposed amendments to the
Customs (Prohibited Imports) Regulations 1956

‘Sharpening our Approach to Weapons Control’



SSAA National's statement

Thank you for the opportunity to submit this Consultation Paper to the Australian Customs and Border Protection Service on behalf of the Sporting Shooters' Association of Australia's 134,000 members. It is the responsibility of SSAA National to ensure any changes to Customs regulations do not adversely affect our members in their activities, which include hunting, butchering, outdoor adventuring and collecting, to name a few.

Definition of ‘weapons’

Firstly, we question the ambiguity of the wording:

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. (p.4)

If the above sentence is, in fact, meant to suggest that large-calibre ammunition above .50-calibre is not to be included as a ‘weapon’, we argue that it is not clear. If, however, it is to be included, then the issue of .50-calibre and above ammunition is currently being discussed at the Commonwealth Firearm Advisory Council of the Minister for Home Affairs Brendan O’Connor and as such, discussion within this document about which would be superfluous. If ‘weapons’ is to include large-calibre ammunition, the word ‘and’ should be replaced with ‘however it’ to aid clarity.

Definition of ‘warfare items’

In addition, the generality of ‘warfare items’ (p.4) is broad and all-encompassing, as it could refer to gasmasks, uniforms, boots and even mid-calibre bolt-action firearms. We suggest that items be referred to individually to avoid ambiguity.

Definition of ‘flick knives’

The majority of the Customs Proposed Amendments document concerns knives and in particular, the interpretation of ‘flick knives’.

Firstly, however, we question the inclusion of ‘sheath knives’ as a ‘prohibited weapon’ in Attachment B (p.25). A sheath knife, in fact, could well encompass any hunting, butchering, camping, outdoors or kitchen knife stored in a pouch or leather sheath. We can see no community benefit to restricting the importation of sheath knives, as would be used by 80% of our membership.

SSAA National has consulted widely with its membership, importers, knifemakers and collectors, including renowned Australian knife expert Keith Spencer of Western Australia. Mr Spencer has brought to our attention that the interpretation of a ‘flick knife’ or ‘switch blade’ had previously been dealt with by the USA Customs. In 2009, a bill was passed into law, which contained a permanent amendment to the Federal Switchblade Act of 1958, adding a clause specifying that any folding knife with a “bias towards closure” could no longer be considered a switch blade under Federal Law. The exact wording of the new amendments is as follows:

Section 1244. Exceptions.

Section 1242 and 1243 of the title shall not apply to...

(5) a knife that contain a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires exertion applied to the blade by hand, wrist or arm to overcome the bias toward closure to assist in opening the knife.

To put the wording in simpler terms, a knife with a “bias towards closure” is held closed by a spring, detent, or other such mechanism that must be overcome by physically applying pressure to the blade when opening, at least initially; as is the case with assisted openers, one-hand openers and traditional pocketknives. By contrast, a switchblade mechanism has a “bias towards opening” and is held shut by a latch which, when released, allows a spring to force open the blade. In a practical sense, if a knife’s blade snaps shut when closing - even just the last little bit of travel - it can no longer be considered a switchblade under federal law.

We would propose that the above definition is clear and concise.

Currently, it is understood that Australian Customs is utilising a ‘flick test’, whereby gravity or centrifugal force is utilised to test whether a knife is within the definition of a ‘flick knife’. We strongly disagree with this form of assessment, as the criteria does not match that of a blade that opens automatically. It is understood that, in the past, Customs officers have physically attempted to flick open knives with multiple and excessively forceful shakes of the arm. Furthermore, folding knives with an assisted opening blade that can be opened with one hand are an essential tool for many in the workplace and in their chosen recreation, such as firemen, electricians, abseilers and even fishers. Again, we would suggest that the USA interpretation of a folding knife would be a more workable definition of a folding knife.

Conclusion

In conclusion, SSAA National must state that a ‘weapon’ utilised in antisocial and criminal activities is, more often than not, a common, everyday device, such as a rock, cutlery, glass bottle or axe handle, that has been misused. We argue that it is always the actions of those who behave in an antisocial manner that should be the target of law enforcement and regulations, not the tool they utilise. With that said, SSAA National trusts that the comments and suggestions herein will be of assistance to the Australian Customs and Border Protection Service.

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