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Statutory Rules 1996 No. ¹

324/

Customs (Prohibited Imports) Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of
Australia, acting with the advice of the Federal Executive Council,
make the following Regulations under the *Customs Act 1901*.

Dated ¹ 1996.

20 December/

¹ WILLIAM DEANE/
Governor-General

By His Excellency's Command,

¹
Minister for Small Business and Consumer Affairs

G. D. PROSSER/

1. Amendment

1.1 The Customs (Prohibited Imports) Regulations are amended as
set out in these Regulations.

[NOTE: These Regulations commence on gazettal: see *Acts Interpretation Act*
1901, s. 48.]

2. Regulation 4F (Importation of firearms, firearm accessories, firearm parts, firearm magazines and ammunition)

2.1 Subregulation 4F (3):

Omit “item 2 of”, substitute “items 2 and 3 of”.

3. Schedule 3 (Goods the importation of which is prohibited unless specified conditions, restrictions or requirements are complied with)

3.1 Omit “PART 1—SPECIFICATION OF GOODS ETC.”.

3.2 Omit Part 2.

4. Schedule 6 (Requirements for the importation of firearms, firearm accessories, firearm parts, firearm magazines and ammunition)

4.1 Part 1, paragraph 1.2 (b):

Omit the paragraph, substitute:

“(b) the ownership arrangements for the article are, or will be, in accordance with subitem 1.4.”.

4.2 After subitem 1.2 of Part 1, insert:

“1.3 For paragraph 1.2 (a), examples of an article the importation of which is for the purposes of the government of the Commonwealth, a State or a Territory are:

- (a) an article to be supplied to the government under a contract in force when the article is to be imported; and
- (b) an article to be shown to the government to demonstrate its uses; and
- (c) an article that the government proposes to inspect, test or evaluate; and
- (d) an article that the government proposes to use for training.

“1.4 For paragraph 1.2 (b), the ownership arrangements for an article are set out in the following table:

TABLE

| Article | Ownership arrangements |
|---|---|
| Article to be supplied to the government of the Commonwealth, a State or a Territory under a contract | <p>(a) The government must own the article at the time of importation, and must retain ownership; or</p> <p>(b) The government must intend to acquire ownership of the article in a period that the Attorney-General considers appropriate (to be specified in the Attorney-General's permission), and must retain ownership</p> <p>[NOTE: See item 3 of Part 3.]</p> |
| Article to be shown to the government of the Commonwealth, a State or a Territory to demonstrate its uses | <p>The article may be owned by any person</p> <p>[NOTE: See item 3 of Part 3.]</p> |
| Article that the government of the Commonwealth, a State or a Territory proposes to inspect, test or evaluate | |
| Article that the government of the Commonwealth, a State or a Territory proposes to use for training | |

TABLE—continued

| Article | Ownership arrangements |
|-------------------|---|
| Any other article | The government must own the article at the time of importation, and must retain ownership”. |

4.3 Part 1, subitem 2.2:

Omit the subitem, substitute:

“2.2 The Attorney-General must not give written permission for the importation of the article unless the Attorney-General is satisfied that:

- (a) the article is of a type not available in Australia, and is to be used in connection with the production of a film in a State or Territory in which the importer holds a licence or authorisation in accordance with the law of the State or Territory to possess an article of that type; or
- (b) the article is of a type not available in Australia, and is to be used in the development of mountings for a laser target designator in a State or Territory in which the importer holds a licence or authorisation in accordance with the law of the State or Territory to possess an article of that type; or
- (c) the article is ammunition to be imported in the following circumstances:
 - (i) the ammunition is to be imported as part of a contract to which a person in Australia is a party;
 - (ii) the person made the contract with the intention of supplying the ammunition to a person outside Australia, in a manner that will not contravene Australia’s international obligations;
 - (iii) the contract will be in force when the ammunition is to be imported;

- (iv) the Minister for Defence Industry, Science and Personnel, or a person authorised for regulation 13E of the Customs (Prohibited Exports) Regulations, has stated, in writing, that a licence or permission to export the ammunition will be granted under that regulation; or
- (d) the article is to be imported in the following circumstances:
 - (i) the article is owned by the government of a country other than Australia;
 - (ii) the article is to be imported for repairs in a State or Territory under a contract in force when the article is to be imported;
 - (iii) the importer holds a licence or authorisation in accordance with the law of the State or Territory to possess an article of that type;
 - (iv) the Minister for Defence Industry, Science and Personnel, or a person authorised for regulation 13E of the Customs (Prohibited Exports) Regulations, has stated, in writing, that a licence or permission to export the article after the repairs will be granted under that regulation.”.

4.4 Part 3, paragraph 1.6 (a):

After “from a height of”, insert “at least 35 centimetres and”.

4.5 Part 3, paragraph 2.1 (a):

Omit the paragraph, substitute:

- “(a) export the article in the period, after importation, mentioned in the Attorney-General’s permission; and”.

4.6 Part 3

Add at the end:

“3. Official purposes test

- “3.1 The importation, in accordance with the official purposes test, of an article to be supplied to the government of the Commonwealth, a State or a Territory under a contract is subject to the following conditions:
- (a) if the government does not acquire ownership of the article in the period, after importation, mentioned in the Attorney-General’s permission, the importer must export the article as soon as practicable;
 - (b) the importer must comply with any condition or requirement specified, in relation to the article, in the Attorney-General’s permission.
- “3.2 The importation, in accordance with the official purposes test, of an article to be shown to the government of the Commonwealth, a State or a Territory to demonstrate its uses is subject to the following conditions:
- (a) the importer must export the article in the period, after importation, mentioned in the Attorney-General’s permission (unless the article has been destroyed);
 - (b) the importer must comply with any condition or requirement specified, in relation to the article, in the Attorney-General’s permission.
- “3.3 The importation, in accordance with the official purposes test, of an article that the government of the Commonwealth, a State or a Territory proposes to inspect, test or evaluate is subject to the following conditions:
- (a) the importer must export the article in the period, after importation, mentioned in the Attorney-General’s permission (unless the article has been destroyed);
 - (b) the importer must comply with any condition or requirement specified, in relation to the article, in the Attorney-General’s permission.

- “3.4 The importation, in accordance with the official purposes test, of an article that the government of the Commonwealth, a State or a Territory proposes to use for training is subject to the following conditions:
- (a) the importer must export the article in the period, after importation, mentioned in the Attorney-General’s permission (unless the article has been destroyed);
 - (b) the importer must comply with any condition or requirement specified, in relation to the article, in the Attorney-General’s permission.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on *1* 1996.23 December
2. Statutory Rules 1956 No. 90 as amended by 1958 Nos. 6 and 67; 1959 Nos. 17, 31 and 93; 1960 No. 22; 1961 No. 117; 1962 No. 82; 1963 No. 26; 1964 Nos. 25 and 39; 1965 Nos. 81, 91, 135, 167 and 190; 1966 No. 95; 1967 Nos. 41, 58, 114 and 178; 1968 Nos. 100, 141 and 161; 1969 Nos. 2, 7, 10, 39, 43 and 218; 1970 Nos. 8, 72, 105 and 194; 1972 No. 97; 1973 Nos. 5, 6, 42, 43, 89, 93, 162, 175, 217, 227, 228 and 262; 1974 Nos. 123 and 249; 1975 Nos. 58, 62, 121, 172 and 183; 1976 Nos. 98, 159, 186 and 291; 1977 Nos. 18, 23, 24, 59, 67 and 162; 1978 No. 276; 1979 Nos. 145, 155 and 280; 1980 Nos. 71, 78, 150, 211, 368, 376, 380 and 382; 1981 Nos. 29, 71, 176, 309, 369 and 383; Act No. 75, 1981; Statutory Rules 1982 Nos. 44, 80, 102, 170, 236 and 252; 1983 No. 331; 1984 Nos. 55, 64, 102, 128, 260, 261, 317 and 318; 1985 Nos. 26, 96, 139, 160, 305 and 377; 1986 Nos. 180, 307, 342, 362 and 385; 1987 Nos. 37, 98, 101, 320 and 321; 1988 Nos. 64, 136, 177, 326, 327, 374 and 375; 1989 Nos. 60 and 379; 1990 Nos. 39, 191, 265, 324, 460 and 467; 1991 Nos. 23, 76, 248 and 289; 1992 Nos. 49, 154, 189, 286 and 413; 1993 Nos. 67, 211, 256, 257 and 382; 1994 Nos. 104, 171, 241, 314 and 378; 1995 Nos. 15, 89, 403 and 412; 1996 Nos. 31, 59, 68, 91, 123 and 226.