

EXPLANATORY STATEMENT

Select Legislative Instrument 2006 No. 242

Issued by the Authority of the Minister for Justice and Customs

Customs Act 1901

Customs (Prohibited Imports) Amendment Regulations 2006 (No. 3)

Subsection 270(1) of the *Customs Act 1901* (the Act) provides, in part, that the Governor-General may make regulations not inconsistent with the Act prescribing all matters which by the Act are required or permitted to be prescribed or as may be necessary or convenient to be prescribed for giving effect to the Act or for the conduct of any business relating to Customs.

Section 50 of the Act provides, in part, that the Governor-General may, by regulation, prohibit the importation of goods into Australia. The power may be exercised by prohibiting the importation of goods absolutely or by prohibiting the importation of goods unless specified conditions or restrictions are complied with.

The *Customs (Prohibited Imports) Regulations 1956* (the Principal Regulations) control the importation of certain goods. The Principal Regulations variously prohibit the importation of specified goods absolutely, or make importation subject to the permission of a Minister or an authorised person. Schedule 6 of the Principal Regulations deals with requirements for the importation of firearms, firearm accessories, firearm parts, firearm magazines, ammunition, components of ammunition and replicas.

The purpose of the Regulations is to simplify the import process for importers. The Regulations are the first step in a redrafting process to ensure that Schedule 6 of the Principal Regulations are more user-friendly.

The changes include:

- a new definition for “deactivated firearms”, to allow those firearms to be exempt from safety testing requirements;
- an expanded definition of “firearm accessory” to clarify that it includes collapsible and telescopic firearm stocks;
- a new definition of “replica firearms” to provide greater clarification on what the definition covers;
- provisions to allow the importation of ‘scrap factor’ articles to be consumed or destroyed in the course of testing for government purposes;
- provisions to permit dealers to ‘on-sell’ category C firearms imported for demonstration or testing purposes;

- a streamlined process of re-importation of firearms by allowing all firearms temporarily exported to be re-imported if they are re-imported unmodified;
- a new branch of the specified purposes test to broaden the circumstances under which firearms can be imported for research and development purposes;
- provisions to restrict the import of high capacity detachable magazines for pump-action and lever-action centrefire rifles, and clarifying the controls on magazines for fully automatic firearms;
- a clarification of the requirements which apply to the importation of interchangeable firearms parts; and
- changes to the firearms safety test to allow new firearm technologies to be tested, and allowing consignments to be passed or failed on the basis of a sample from that consignment.

An overview of the Regulations is at Attachment A and details are set out in the Attachment B.

Industry consultation was undertaken through the Sporting Shooters and Firearms Advisory Council. The Minister for Justice and Customs established the Council in 2002 as a formal, permanent and wide-ranging avenue for consultation with sporting shooters and representatives of the firearms industry. The Council comprises representatives of sporting shooter organisations (longarms and handguns), firearms dealers, farmers, the security industry and film armourers.

The Office of Regulatory Reviews have advised that a Regulatory Impact Statement is not needed as the Amendments are of a minor or machinery nature and do not substantially alter existing arrangements.

The Regulations commence the day after registration. The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

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ATTACHMENT A

The purpose of defining “deactivated firearms” is to allow them to be exempted from safety testing requirements as deactivated firearms often do not possess the necessary working parts to allow the testing to be conducted.

The purpose of expanding the definition of firearm accessory is to clarify that collapsible and telescopic stocks are also covered under the definition, which aims to control all stocks which are able to readily shorten the overall length of a firearm.

The new definition of “replica firearm” covers any item that resembles in appearance a firearm but is incapable of discharging shot, bullets or other projectiles. The reference to ‘toy’ is excluded from the definition, though the definition is not intended to generally prohibit the import of toys. New technology has blurred the line between a toy and a replica firearm, such that the differentiation is no longer useful. In the past, it could be said that toy guns were readily distinguishable from ‘replicas’ because of various factors including smaller size, light-weight or plastic material, inferior detailing, and inconsistent appearance including bright colours. This is no longer the case, so the definition instead focuses on whether the article could reasonably be taken to be a firearm.

Allowing the import of an additional quantity of articles, ‘the scrap factor’, to be used for testing enables importers to consume or destroy additional imported articles not directly covered by their contract with the Commonwealth, a State or a Territory. As most contracts usually have minimum quality criteria, it is essential that importers be able to import a quantity of firearms, firearm parts, firearm accessories or ammunition on which to conduct quality testing. A condition on an import of this kind is that any unused article will have to be destroyed or exported.

Previously, dealers could import and keep up to 5 Category C firearms at their premises for demonstration or testing purposes. Category C firearms are semi automatic rimfire rifles with magazine capacity no greater than 10 rounds, semi automatic shotguns with magazine capacity no greater than 5 rounds, and pump action shotguns with magazine capacity no greater than 5 rounds. However, dealers were not allowed to sell those firearms once they are no longer required for demonstration. They were required to either destroy or re-export them, which increases the cost of doing business and is inconsistent with the dealer being able to sell identical articles that had not been used for demonstration purposes. The Regulations now allow dealers, after a period of time, to sell ‘demonstration’ firearms to approved purchasers for that type of firearm. Dealers are still restricted to having no more than 5 category C firearms in stock at any one time.

The returned goods test allows unmodified articles that have been legally exported from Australia to be reimported without having to satisfy the requirements of other import tests. This will simplify the process of re-importing firearms that are exported for purposes of repair, use in trade shows etc.

The new branch of the specified purposes test addresses an anomaly that is impacting detrimentally on Australia's Defence industry. Previously the import of semi-automatic and fully-automatic firearms for research and development purposes was only permitted if the importer had a contract in place with the Australian Government, a state or territory government, a country other than Australia or the United Nations. This presented substantial difficulties for Australian based companies when they were tendering for overseas contracts. An integral part of the process of tendering for contracts is developing prototypes for testing by the purchaser, but it is often not possible to develop prototypes without access to relevant firearms. The new branch of the specified purposes test has introduced circumstances under which firearms can be imported for research and development purposes where there is no contract in place.

The increased restrictions on the importation of high capacity detachable magazines for pump-action or lever action centre-fire rifles and bolt action centre-fire rifles are implemented as a result of an Australasian Police Ministers' Council resolution. The restrictions are consistent with existing controls on magazines for semi-automatic firearms and are implemented to capture high capacity magazines that had not previously been readily commercially available for repeating action rifles. The amendments also clarify that the importation of firearm magazines for fully automatic firearms is intended to be covered by the control.

An interchangeable part is a firearm part which is capable of fitting into more than one type of firearm. Previously, all interchangeable parts were classified as if they were the higher controlled part. The amendment clarifies that only those parts which are capable of converting, either on their own or in conjunction with other parts, a firearm with a single or repeating action to a self-loading or fully automatic firearm will be controlled under the higher control.

The amendments to the safety test requirements for the importation of firearms accommodate advances in firearms technology and streamline the testing process by allowing entire consignments to be 'passed' on the basis of a sample from the consignment. This will reduce the impost on industry, in recognition of the overall high quality of manufacture of modern firearms.

ATTACHMENT B

Details of the *Customs (Prohibited Imports) Amendment Regulations 2006 (No. 3)*

Regulation 1 - Name of Regulations

Regulation 1 provides for the Regulations to be named the *Customs (Prohibited Imports) Amendment Regulations 2006 (No. 3)*.

Regulation 2 - Commencement

Regulation 2 provides for the Regulations to commence on the day after they are registered.

Regulation 3 - Amendment of *Customs (Prohibited Imports) Regulations 1956*

Regulation 3 provides for the *Customs (Prohibited Imports) Regulations 1956* (the Principal Regulations) to be amended as set out in Schedule 1.

Schedule - Amendments

Item [1] – Subregulation 4F (4), after definition of *component of ammunition*

Item 1 inserts a new definition of “deactivated firearm”. The definition includes any article that has been in a condition in which it could discharge shots, bullets or other projectiles, but has been rendered inoperable, though still has the appearance of a firearm.

Item [2] – Subregulation 4F (4), definition of *firearm*

Item 2 replaces the definition of “firearm” with a new definition that includes a deactivated firearm.

Item [3] – Subregulation 4F (4), definition of *firearm accessory*

Item 3 omits ‘stock.’ and inserts ‘stock;’ in paragraph (e). This amendment is consequential to the insertion of paragraphs (f) and (g) by item 4.

Item [4] – Subregulation 4F (4), definition of *firearm accessory*, after paragraph (e)

Item 4 inserts new items (f) and (g) to include telescopic and collapsible stocks under the definition of firearm accessory.

Item [5] – Subregulation 4F(4), definition of *replica*

Item 5 replaces the definition of replica with a new definition. The new definition shifts focus away from using the reference ‘toy’ to define replica, and concentrates on ‘whether the article could reasonably be taken to be a firearm’.

Item [6] – Schedule 6, Part 1, paragraph 1.3 (e)

Item 6 omits ‘the government’ and inserts ‘the government; and’ in paragraph (e). This amendment is consequential to the insertion of paragraph 1.3(f) by item 7.

Item [7] – Schedule 6, Part 2, after paragraph 1.3 (e)

Item 7 inserts a new paragraph 1.3(f), which allows for the importation of articles under the Principal Regulations that are to be consumed or destroyed in the course of testing related to a contract with the government of the Commonwealth, a State or a Territory.

Item [8] – Schedule 6, Part 1, item 1.4

Item 8 substitutes a new table of ownership arrangements for articles imported under the official purpose test. It will insert ownership requirements for articles imported under the new ‘scrap factor’ criteria, which will be consumed or destroyed in the course of testing related to a contract with the government of the Commonwealth, a State or a Territory.

Item [9] – Schedule 6, Part 1, subparagraph 2.2(f)(v)

Item 9 omits ‘regulation’ and inserts ‘regulation; or’ in subparagraph 2.2(f)(v). This amendment is consequential to the insertion of paragraph 2.2(g) by item 10.

Item [10] - Schedule 6, Part, after subparagraph 2.2(f)(v) and before the example

Item 10 inserts a new part to the specified purposes test. This test will allow the Attorney-General to authorise the importation of an article for research and development purposes where:

- the researcher is a person whose principal or only occupation is the business of researching or developing firearms technology or other defence and law enforcement related products;
- the researcher is a person that has a proven history of developing firearms technology or other defence and law enforcement related products for the Australian, State or Territory governments;
- the researcher is licensed or authorised to possess the article;
- the firearm is being imported for the completion of a specific project or tender which is commercially linked or related to the researcher’s business;

- the firearm will be allowed to remain in the country for a specified period of time, commensurate with that project or tender, but must be exported or destroyed once that period of time has expired;
- the researcher has in-principle approval from the Department of Defence to export the article to the proposed destination; and
- the Attorney-General is satisfied that the firearm will be appropriately secured in Australia (in accordance with strict storage guidelines).

Item [11] – Schedule 6, Part 1, sub-subparagraph 6.2(b)(ii)(B)

Item 11 omits ‘testing purposes; and’ and replaces it with ‘testing purposes.’ in sub-subparagraph 6.2 (b) (ii) (B). This amendment is consequential to subparagraph 6.2 (b) (iii) being omitted by item 12.

Item [12] – Schedule 6, Part 1, subparagraph 6.2(b)(iii)

Item 12 removes the restrictions preventing an importer from selling a category C article that was imported for demonstration or testing purposes.

Item [13] – Schedule 6, Part 1, after item 7

Item 13 inserts a new returned goods test. This test will allow the Attorney-General to authorise the importation of an article that had been legally exported from Australia and has not been modified while it was out of Australia.

Item [14] – Schedule 6, Part 2, item 3, column 3, requirements for a self-loading rimfire rifle, subparagraph (a) (v)

Item 14 omits ‘test; and’ and replaces it with ‘test;’ in subparagraph (a)(v). This amendment is consequential to the insertion of subparagraph (a)(vi) by item 15.

Item [15] – Schedule 6, Part 2, item 3, column 3, requirements for a self-loading rimfire rifle, after subparagraph (a) (v)

Item 15 inserts the returned goods test as a requirement for the importation of self-loading rimfire rifles.

Item [16] – Schedule 6, Part 2, item 3, column 3, requirements for a self-loading shotgun or pump action repeating shotgun, subparagraph (a)(vii)

Item 16 omits ‘test; and’ and inserts ‘test;’ in subparagraph (a) (vii). This amendment is consequential to the insertion of subparagraphs (a) (viii) by item 17.

Item [17] – Schedule 6, Part 2, item 3, column 3, requirements for a self-loading shotgun or pump action repeating shotgun, after subparagraph (a) (vii)

Item 17 inserts new subparagraph (a) (viii). The subparagraph inserts a reference to the returned goods test as a requirement for the importation of a self-loading shotgun or pump action repeating shotgun.

Item [18] – Schedule 6, Part 2, item 4, column 2

Item 18 inserts the exception ‘other than 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’ into column 2 of item 4. This amendment clarifies the controls on firearm parts which are capable of fitting into more than one type of firearm.

Item [19] – Schedule 6, Part 2, item 4, column 3, requirements for a part of, or for, a self-loading rimfire rifle, paragraph (e)

Item 19 omits ‘test; and’ and inserts ‘test;’ in paragraph (e). This amendment is consequential to the insertion of paragraph (f) by item 20.

Item [20] – Schedule 6, Part 2, item 4, column 3, requirements for a self-loading rimfire rifle, after paragraph (e)

Item 20 inserts new paragraph (f). This paragraph inserts the returned goods test as a requirement for the importation of a part of, or for, self-loading rimfire rifles.

Item [21] – Schedule 6, Part 2, item 4, column 3, requirements for a part of, or for, a self-loading shotgun or pump action repeating shotgun, paragraph (g)

Item 21 omits ‘test; and’ and inserts ‘test;’ in paragraph (g). This amendment is consequential to the insertion of paragraph (h) by item 22.

Item [22] – Schedule 6, Part 2, item 4, column 3, requirements for a part of, or for, a self-loading shotgun or pump action repeating shotgun, after paragraph (g)

Item 22 inserts new paragraph (h). This paragraph inserts a reference to the returned goods test as a requirement for the importation of a part of, or for, self-loading shotgun or pump action repeating shotgun to which item 3 of Part 2 of Schedule 6 applies.

Item [23] – Schedule 6, Part 2, item 5, column 3, paragraph (b)

Item 23 omits ‘test.’ and inserts ‘test;’ into paragraph (b). This amendment is consequential to the insertion of paragraph (c) under item 24.

Item [24] – Schedule 6, Part 2, item 5, column 3, after paragraph (b)

Item 24 inserts paragraph (c) into column 3 of item 5. This amendment makes the returned goods test a requirement for the importation of firearm accessories to which items 1, 2, 3, and 14A of Part 2 of Schedule 6 apply.

Item [25] – Schedule 6, Part 2, item 7, column 3, paragraph (c)

Item 25 omits ‘test.’ and inserts ‘test;’ into paragraph (c). This amendment is consequential to the insertion of paragraph (d) under item 26

Item [26] – Schedule 6, Part 2, item 6, column 3, after paragraph (c)

item 26 inserts paragraph (d) into column 3 of item 6. This amendment makes the returned goods test a requirement for the importation of the types of firearms listed in item 6 of Part 2 of Schedule 6.

Item [27] – Schedule 6, Part 2, item 6, column 2

Item 27 inserts the exception 'other than 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' into column 2 of item 6. This amendment clarifies the controls on firearm parts which are capable of fitting into more than one type of firearm.

Item [28] – Schedule 6, Part 2, item 7, column 3, paragraph (c)

Item 28 omits 'test.' and inserts 'test;' into paragraph (c). This amendment is consequential to the insertion of paragraph (d) under item 29.

Item [29] – Schedule 6, Part 2, item 7, column 3, after paragraph (c)

Item 29 inserts paragraph (d) into column 3 of item 7. This amendment makes the returned goods test a requirement for the importation of the types of firearms listed in item 7 of Part 2 of Schedule 6.

Item [30] – Schedule 6, Part 2, item 8, column 3, paragraph (b)

Item 30 omits 'test.' and inserts 'test;' into paragraph (b). This amendment is consequential to the insertion of paragraph (c) under item 31.

Item [31] – Schedule 6, Part 2, item 8, column 3, after paragraph (b)

Item 31 inserts paragraph (c) into column 3 of item 8. This amendment makes the returned goods test a requirement for the importation of the types of firearm accessories listed in item 8 of Part 2 of Schedule 6.

Item [32] – Schedule 6, Part 2, item 9, column 3, requirements for a handgun, subparagraph (a) (v)

Item 32 omits 'test.' and inserts 'test;' into subparagraph (a)(v). This amendment is consequential to the insertion of subparagraph (a)(vi) under item 33.

Item [33] – Schedule 6, Part 2, item 9, column 3, requirements for a handgun, after subparagraph (a) (v)

Item 33 inserts subparagraph (a) (vi) into column 3 of item 9. This amendment makes the returned goods test a requirement for the importation of the types of firearms listed in item 9 of Part 2 of Schedule 6.

Item [34] – Schedule 6, Part 2, item 9B, column 3, paragraph (e)

Item 34 omits 'test.' and inserts 'test;' into paragraph (e). This amendment is consequential to the insertion of paragraph (f) under item 35.

Item [35] – Schedule 6, Part 2, item 9B, column 3, after paragraph (e)

Item 35 inserts paragraph (f) into column 3 of item 9B. This amendment makes the returned goods test a requirement for the importation of the types of firearms listed in item 9B of Part 2 of Schedule 6.

Item [36] – Schedule 6, Part 2, item 10, column 2

Item 36 inserts the exception 'other than 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' into column 2 of item 10. This amendment clarifies the controls on firearm parts which are capable of fitting into more than one type of firearm.

Item [37] – Schedule 6, Part 2, item 10, column 3, paragraph (d)

Item 37 omits 'test.' and inserts 'test;' into paragraph (d). This amendment is consequential to the insertion of paragraph (e) under item 38.

Item [38] – Schedule 6, Part 2, item 10, column 3, after paragraph (d)

Item 38 inserts paragraph (e) into column 3 of item 10. This amendment makes the returned goods test a requirement for the importation of the types of firearms listed in item 10 of Part 2 of Schedule 6.

Item [39] – Schedule 6, Part 2, item 11, column 3, paragraph (b)

Item 39 omits 'test.' and inserts 'test;' into paragraph (b). This amendment is consequential to the insertion of paragraph (c) under item 39.

Item [40] – Schedule 6, Part 2, item 11, column 3, after paragraph (b)

Item 40 inserts paragraph (c) into column 3 of item 11. This amendment makes the returned goods test a requirement for the importation of the types of firearm accessories listed in item 11 of Part 2 of Schedule 6.

Item [41] – Schedule 6, Part 2, item 12, column 3, paragraph (b)

Item 41 omits 'test.' and inserts 'test;' into paragraph (b). This amendment is consequential to the insertion of paragraph (c) under item 42.

Item [42] – Schedule 6, Part 2, item 12, column 3, after paragraph (b)

Item 42 inserts paragraph (c) into column 3 of item 12. This amendment makes the returned goods test a requirement for the importation of the types of firearms listed in item 12 of Part 2 of Schedule 6.

Item [43] – Schedule 6, Part 2, item 13, column 2

Item 43 inserts ‘or 13A’ into column 2 of item 13. This amendment is consequential to the insertion of new item 13A under item 46.

Item [44] – Schedule 6, Part 2, item 13, column 3, paragraph (b)

Item 44 omits ‘test.’ and inserts ‘test;’ into paragraph (b). This amendment is consequential to the insertion of paragraph (c) under item 45.

Item [45] – Schedule 6, Part 2, item 13, column 3, after paragraph (b)

Item 45 inserts paragraph (c) into column 3 of item 13. This amendment makes the returned goods test a requirement for the importation of the types of firearms listed in item 13 of Part 2 of Schedule 6.

Item [46] – Schedule 6, Part 2 after item 13

Item 46 inserts new item 13A which makes the official purposes test, the specified purposes test, or the returned goods test, a requirement for the importation of 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.

Item [47] – Schedule 6, Part 2, item 14, column 3, paragraph (b)

Item 47 omits ‘test.’ and inserts ‘test;’ into paragraph (b). This amendment is consequential to the insertion of paragraph (c) under item 47.

Item [48] – Schedule 6, Part 2, item 14, column 3, after paragraph (b)

Item 48 inserts paragraph (c) into column 3 of item 14. This amendment makes the returned goods test a requirement for the importation of the types of firearm accessories listed in item 14 of Part 2 of Schedule 6.

Item [49] – Schedule 6, Part 2, item 15, column 2, paragraphs (a) and (b)

Item 49 inserts ‘and fully automatic firearms’ into paragraphs (a) and (b) of column 2 of item 15. The amendment clarifies that the importation of firearm magazines for fully automatic firearms is covered by item 15.

Item [50] – Schedule 6, Part 2, item 15, column 3, paragraph (c)

Item 50 omits ‘test.’ and inserts ‘test;’ into paragraph (c). This amendment is consequential to the insertion of paragraph (d) under item 51.

Item [51] – Schedule 6, Part 2, item 15, column 3, after paragraph (c)

Item 51 inserts paragraph (d) into column 3 of item 15. This amendment makes the returned goods test a requirement for the importation of the types of firearm magazines listed in item 15 of Part 2 of Schedule 6.

Item [52] – Schedule 6, Part 2, item 16

Item 52 substitutes item 16 and inserts a new item 16A in Part 2 of Schedule 6.

Item 16 amends the regulations to restrict high capacity detachable magazines for pump-action or lever action centre-fire rifles. It also inserts the returned goods test for articles listed in item 16 of Part 2 of Schedule 6.

Item 16A inserts a new item number which restricts high capacity detachable magazines for repeating action centre-fire rifles. It also inserts the requirements for importation of articles listed in item 16A of Part 2 of Schedule 6.

Item [53] – Schedule 6, Part 2, item 17, column 2

Item 53 substitutes the items to which item 17 applies. This amendment is consequential to the insertion of item 16A under item 52.

Item [54] – Schedule 6, Part 2, item 17, column 3, paragraph (c)

Item 54 omits ‘test.’ and inserts ‘test;’ into paragraph (c). This amendment is consequential to the insertion of paragraph (d) under item 55.

Item [55] – Schedule 6, Part 2, item 17, column 3, after paragraph (c)

Item 55 inserts paragraph (d) into column 3 of item 17. This amendment makes the returned goods test a requirement for the importation of the types of firearm magazines listed in item 17 of Part 2 of Schedule 6.

Item [56] – Schedule 6, Part 2, item 18, column 3, paragraph (b)

Item 56 omits ‘test.’ and inserts ‘test;’ into paragraph (b). This amendment is consequential to the insertion of paragraph (c) under item 57.

Item [57] – Schedule 6, Part 2, item 18, column 3, after paragraph (b)

Item 57 inserts paragraph (c) into column 3 of item 18. This amendment makes the returned goods test a requirement for the importation of the types of devices listed in item 18 of Part 2 of Schedule 6.

Item [58] – Schedule 6, Part 2, item 19, column 3, paragraph (b)

Item 58 omits ‘test.’ and inserts ‘test;’ into paragraph (b). This amendment is consequential to the insertion of paragraph (c) under item 59.

Item [59] – Schedule 6, Part 2, item 19, column 3, after paragraph (b)

Item 59 inserts paragraph (c) into column 3 of item 19. This amendment makes the returned goods test a requirement for the importation of the types of ammunition listed in item 19 of Part 2 of Schedule 6.

Item [60] – Schedule 6, Part 2, item 21, column 3, paragraph (b)

Item 60 omits ‘test.’ and inserts ‘test;’ into paragraph (b). This amendment is consequential to the insertion of paragraph (c) under item 61.

Item [61] – Schedule 6, Part 2, item 21, column 3, after paragraph (b)

Item 61 inserts paragraph (c) into column 3 of item 21. This amendment makes the returned goods test a requirement for the importation of the types of components of ammunition listed in item 21 of Part 2 of Schedule 6.

Item [62] – Schedule 6, Part 2, item 22, column 3, paragraph (b)

Item 62 omits ‘test.’ and inserts ‘test;’ into paragraph (b). This amendment is consequential to the insertion of paragraph (c) under item 63.

Item [63] – Schedule 6, Part 2, item 22, column 3, after paragraph (b)

Item 63 inserts paragraph (c) into column 3 of item 22. This amendment makes the returned goods test a requirement for the importation of the types of components of ammunition listed in item 22 of Part 2 of Schedule 6.

Item [64] – Schedule 6, Part 3, subitem 1.2, paragraph (b)

Item 64 omits ‘replica.’ and inserts ‘replica; or’ into paragraph (b). This amendment is consequential to the insertion of paragraph (c) under item 65.

Item [65] – Schedule 6, Part 3, subitem 1.2, after paragraph (b)

Item 65 inserts paragraph (c) into subitem 1.2. This amendment exempts deactivated firearms from safety requirements.

Item [66] – Schedule 6, Part 3, after subitem 1.5

Item 66 inserts new subitem 1.5A which allows a consignment of firearms to be ‘pass’ the safety testing requirements if all the items in a sample of firearms taken from that consignment pass the safety requirements.

Item [67] – Schedule 6, Part 3, subitem 1.6

Item 67 substitutes subitem 1.6 and inserts new subitem 1.6A. New subitem 1.6A allows the safety test requirements to cater for advances in firearms technology.

Item [68] – Schedule 6, Part 3, subitem 1.7

Item 68 substitutes “a force of 11 newtons” to expand the requirement to “a force of less than or equal to 11 newtons”. This amendment clarifies that a firearm fails the safety test if a force of less than 11 newtons is applied during the particular part of the safety test.

Item [69] – Schedule 6, Part 3, subitem 1.9

Item 69 substitutes subitem 1.9 with a new subitem 1.9. This amendment updates the safety test requirements relating to ‘safety mechanisms’ to cater for advances in firearms technology.

Item [70] – Schedule 6, Part 3, paragraph 1.10(b)(i)

Item 70 substitutes paragraph 1.10 (b) (i) with a new 1.10 (b) (i) to clarify the requirements relating to safety mechanisms on paintball firearms.

Item [71] – Schedule 6, Part 3, sub-subparagraph 1.10(b)(ii)(B)

Item 71 omits ‘internal safety device’ and inserts ‘integral safety device’ to clarify that the safety device may not necessarily be inside the firearm, but must be an integral part of it.

Item [72] – Schedule 6, Part 3, after subitem 1.10

Item 72 inserts new subitem 1.11 after subitem 1.10 of Part 3 of Schedule 6.

Subitem 1.11 inserts the ‘general safety test’ for imported firearms and requires that firearms must not contain parts or be subject to any modification, corrosion, damage or alteration which would make the firearm unsafe in its use.

Item [73] – Schedule 6, Part 3, paragraphs 4.3(a) and (b)

Item 74 substitutes paragraphs 4.3(a) and (b) and inserts new paragraph 4.3(c). This amendment is to affect changes allowing dealers to on-sell category C stock imported for demonstrating and testing purposes, following a period after importation determined by the Attorney-General.