



# **Customs (Prohibited Imports) Amendment (Firearms and Other Weapons) Regulation 2015**

## **Select Legislative Instrument No. 241, 2015**

---

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),  
Governor-General of the Commonwealth of Australia, acting with the  
advice of the Federal Executive Council, make the following regulation.

Dated 10 December 2015

Peter Cosgrove  
Governor-General

By His Excellency's Command

Peter Dutton  
Minister for Immigration and Border Protection

---

*OPC60735 - B*



---

## Contents

1	Name .....	1
2	Commencement .....	1
3	Authority .....	1
4	Schedules.....	1
<b>Schedule 1—Amendments</b>		<b>2</b>
<i>Customs (Prohibited Imports) Regulations 1956</i>		<i>2</i>



---

## 1 Name

This is the *Customs (Prohibited Imports) Amendment (Firearms and Other Weapons) Regulation 2015*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	15 December 2015

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Customs Act 1901*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

---

## Schedule 1—Amendments

### *Customs (Prohibited Imports) Regulations 1956*

#### **1 Regulation 3D (heading)**

Repeal the heading, substitute:

#### **3D Criteria for regulations 4F and 4H—transshipment of firearms and weapons etc. to a foreign country**

#### **2 Regulation 3D**

After “subregulation 4F(2B)”, insert “and paragraph 4H(2)(a)”.

#### **3 After regulation 3D**

Insert:

#### **3E Criteria for regulation 4F—importation of firearms and related items used overseas in lawful shooting competitions, or lawful hunting activities**

- (1) This regulation provides for criteria in relation to an article mentioned in subregulation 4F(2B), if one or more of the following items in Part 2 of Schedule 6 apply to the article:
  - (a) item 1;
  - (b) item 2;
  - (c) item 2B;
  - (d) item 9;
  - (e) item 9B;
  - (f) item 10;
  - (g) item 14A;
  - (h) item 17;
  - (i) item 20;
  - (j) item 23.
- (2) The criteria for the article are that:
  - (a) the importer is an individual resident in Australia; and
  - (b) the importer departed Australia with the article, and is returning from an overseas voyage with the article; and

- 
- (c) at or before importation, the importer produces:
    - (i) if the exportation of the article would be prohibited without a permission under regulation 13E of the *Customs (Prohibited Exports) Regulations 1958*—such a permission; or
    - (ii) in any other case—evidence that the person lawfully possessed the article before departing Australia; and
  - (d) the importer used, or had intended to use, the article while overseas to take part in a lawful competition organised by a shooting organisation, or in a lawful hunting activity; and
  - (e) the importer holds a licence or authorisation to possess the article, in accordance with the law of the State or Territory where he or she lives; and
  - (f) the article has not been modified, except for the purposes of repair, since it was exported.

### **3F Criteria for regulation 4H—Defense Trade Cooperation Treaty**

- (1) This regulation provides for criteria for the following goods, if the goods are specified in Part 2 of Schedule 13:
  - (a) Article 3(1) US Defence Articles within the meaning of the *Defence Trade Controls Act 2012*;
  - (b) Article 3(3) US Defence Articles within the meaning of the *Defence Trade Controls Act 2012*.
- (2) The criteria are that the goods are to be imported to Australia by an Australian Community member (within the meaning of the *Defence Trade Controls Act 2012*) for one or more of the activities mentioned in paragraphs (a) to (d) of Article 3(1) of the Defense Trade Cooperation Treaty (within the meaning of that Act).

Note: This regulation applies to goods covered by the Defense Trade Cooperation Treaty. If the criteria are satisfied, Ministerial permission is not required for the importation of these goods. See regulation 4H.

### **4 Subregulation 4AA(6)**

Omit “Schedule 2”, substitute “Schedule 13”.

### **5 After subregulation 4F(1)**

Insert:

---

(1A) Without limiting paragraph (1)(b), if column 3 of an item in Part 2 of Schedule 6 sets out a requirement for the importation of an article to comply with a specified test, or at least one of a list of specified tests, that requirement may be met by compliance with one of the following tests (whether or not any test specified in column 3 of that item is also complied with):

- (a) the public interest test set out in item 8A of Part 1 of that Schedule;
- (b) the national interest test set out in item 8B of Part 1 of that Schedule.

**6 Subregulation 4F(2B)**

Omit “subregulation 3C(1) or regulation 3D”, substitute “regulation 3C, 3D or 3E”.

**7 Subregulation 4F(3A)**

Repeal the subregulation, substitute:

(3A) The Attorney-General must, before 31 December 2016, complete a review of items 2B, 4, 7, 9B, 10, 13, 15, 16, 16A and 17 of Part 2 of Schedule 6.

**8 Subregulation 4F(4) (paragraphs (c) to (e) of the definition of *firearm accessory*)**

Repeal the paragraphs.

**9 Subregulation 4F(4) (paragraph (j) of the definition of *firearm part*)**

Repeal the paragraph, substitute:

- (j) an adjustable, detachable or folding stock;
- (k) something, other than a complete firearm, that includes one or more of the items mentioned in paragraphs (a) to (j).

**10 Subparagraph 4H(2)(a)(ii)**

After “regulation 3A”, insert “or 3D”.

**11 At the end of subregulation 4H(2)**

Add:

; (d) goods that:



- 
- (i) are covered by subregulation 3F(1); and
  - (ii) meet the criteria set out in regulation 3F.

**12 Regulation 7**

Repeal the regulation.

**13 After regulation 8**

Insert:

**9 Transitional matters—amendments made by the *Customs (Prohibited Imports) Amendment (Firearms and Other Weapons) Regulation 2015***

- (1) The amendments of these Regulations made by the *Customs (Prohibited Imports) Amendment (Firearms and Other Weapons) Regulation 2015* (the **amending regulation**) apply in relation to:
  - (a) an application for permission for or consent to the importation of an article or goods made on or after the commencement of the amending regulation; and
  - (b) the importation of an article, or goods, on or after the commencement of the amending regulation, subject to subregulation (3).
- (2) The amendments of these Regulations made by the amending regulation apply, on and after the commencement of the amending regulation, in relation to an application for permission for, or consent to, the importation of an article or goods that had not been finally determined immediately before that commencement, as if the application had been made on or after that commencement.
- (3) However, the amendments of these Regulations made by the amending regulation do not apply in relation to the importation of an article, or goods, whether before, on or after the commencement of the amending regulation, if, immediately before that commencement, a permission or consent was in force for that importation.

**14 Schedule 3 (table item 1)**

Repeal the item.

---

No. 241, 2015

*Customs (Prohibited Imports) Amendment (Firearms and Other Weapons) Regulation 2015*

5

OPC60735 - B

**15 Schedule 5**

Repeal the Schedule.

**16 Subitem 1.1 of Part 1 of Schedule 6**

Repeal the subitem, substitute:

- 1.1 The importation of an article complies with the official purposes test if, at or before importation, the Attorney-General gives written permission under this item for the importation of the article.

**17 Paragraph 1.2(a) of Part 1 of Schedule 6**

Repeal the paragraph, substitute:

- (a) the article is to be imported for the purposes of:
- (i) the government of the Commonwealth, a State or a Territory; or
  - (ii) export under a contract to a government of a foreign country, in compliance with the Act (including any regulations or other instruments made under the Act);
- and

**18 Subitem 1.4 of Part 1 of Schedule 6 (table item 1)**

Repeal the table item, substitute:

1	An article that is to be supplied to the government of the Commonwealth, a State or a Territory under a contract	Both of the following: (a) either: (i) the government must own the article at the time of importation; or (ii) the government must intend to acquire ownership of the article within a period that the Attorney-General considers appropriate (to be specified in the permission); (b) the government must retain ownership of the article until: (i) the article is disposed of to another such government, or to the government of a foreign country; or (ii) the article is destroyed.
<b>19 Subitem 1.4 of Part 1 of Schedule 6 (table items 3 and 4)</b>		
Repeal the table items, substitute:		
3	An article that has been given or donated to the government of the Commonwealth, a State or a Territory	All of the following: (a) the article must have been given or donated to the government before importation; (b) the government must own the article at the time of importation; (c) the government must retain ownership of the article until: (i) the article is disposed of to another such government, or to the government of a foreign country; or (ii) the article is destroyed.
4	Any other article imported for the purposes of the government of the	The government must: (a) own the article at the time of

**Schedule 1 Amendments**

	Commonwealth, a State or a Territory	importation; and (b) retain ownership of the article until: (i) the article is disposed of to another such government, or to the government of a foreign country; or (ii) the article is destroyed.
5	An article that is to be exported under a contract to the government of a foreign country	The government of the foreign country must: (a) either: (i) own the article at the time of importation; or (ii) intend to acquire ownership of the article within a period that the Attorney-General considers appropriate (to be specified in the permission); and (b) retain ownership of the article until: (i) the article is disposed of to the government of another foreign country, or to the government of the Commonwealth, a State or a Territory; or (ii) the article is destroyed.

**20 At the end of subitem 1.4 of Part 1 of Schedule 6**

Add:

Note: See item 3 of Part 3.

**21 Subitem 2.1 of Part 1 of Schedule 6**

Repeal the subitem, substitute:

- 2.1 The importation of an article complies with the specified purposes test if, at or before importation, the Attorney-General gives written permission under this item for the importation of the article.

**22 Subparagraph 2.2(d)(i) of Part 1 of Schedule 6**

After “training,”, insert “manufacture, assembly,”.

**23 Sub-subparagraph 2.2(d)(ii)(B) of Part 1 of Schedule 6**

Omit “country other than Australia”, substitute “foreign country”.

**24 Subparagraphs 2.2(d)(iii) and (iv) of Part 1 of Schedule 6**

After “training,”, insert “manufacture, assembly,”.

**25 Paragraph 2.2(e) of Part 1 of Schedule 6**

Repeal the paragraph.

**26 Subparagraphs 2.2(f)(i) to (iv) of Part 1 of Schedule 6**

Repeal the subparagraphs, substitute:

- (i) the article is to be imported for use in a sanctioned activity;
- (ii) the article is owned by the defence force or a law enforcement agency of a foreign country;
- (iii) the article is to be imported by the defence force or law enforcement agency that owns the article, or a member of that defence force or law enforcement agency to whom the article has been issued;
- (iv) the defence force or law enforcement agency has been invited to participate in the sanctioned activity;

**27 Subparagraph 2.2(f)(v) of Part 1 of Schedule 6**

Omit “defence-sanctioned activity”, substitute “sanctioned activity”.

**28 Sub-subparagraph 2.2(g)(iv)(C) of Part 1 of Schedule 6**

After “will be”, insert “sold to the government of the Commonwealth, a State or a Territory,”.

**29 Paragraph 2.2(h) of Part 1 of Schedule 6**

Repeal the paragraph.

**30 Subitem 3.1 of Part 1 of Schedule 6**

Repeal the subitem, substitute:

- 3.1 The importation of an article complies with the specified person test if, at or before importation, the Attorney-General gives written permission under this item for the importation of the article.

**31 Subitem 4.1 of Part 1 of Schedule 6**

Omit all the words from and including “The importation” to and including “complies with the test if:”, substitute “The importation of an article complies with the police certification test if:”

**32 Paragraph 4.1(a) of Part 1 of Schedule 6**

Omit “the importer of the article has been given a statement”, substitute “before the importation of the article, the importer was given a statement”.

**33 Paragraph 4.1(d) of Part 1 of Schedule 6**

Repeal the paragraph, substitute:

- (ca) the importer produces details of the article to a Collector, including:
  - (i) the make, model and serial number; and
  - (ii) if more than one article of the same kind is to be imported at the same time—the number of such articles; and
- (d) the importer produces to a Collector:
  - (i) the statement in the approved form; and
  - (ii) if the article is a category C or category H article—the relevant certificate in the approved form.

**34 Subitem 5.1 of Part 1 of Schedule 6**

Repeal the subitem, substitute:

- 5.1 The importation of a restricted category C article complies with the sports shooter test if, at or before importation, the Attorney-General gives written permission under this item for the importation of the article.

**35 Subitem 5A.1 of Part 1 of Schedule 6**

Repeal the subitem, substitute:

- 5A.1 The importation of a restricted category C article complies with the international sports shooter test if, at or before importation, the

---

Attorney-General gives written permission under this item for the importation of the article.

### **36 Item 6 of Part 1 of Schedule 6**

Repeal the item, substitute:

#### **6. Dealer test—Category C and D articles**

- 6.1 The importation of a Category C or Category D article complies with the dealer test if, at or before importation, the Attorney-General gives written permission under this item for the importation of the article.
- 6.2 The Attorney-General may give written permission for the importation of the article only if the Attorney-General is satisfied that the importer is a licensed firearm dealer for the article.

Note: For the definitions of *Category C article*, *Category D article* and *licensed firearm dealer*, see Part 4.

### **37 Paragraph 7.1(b) of Part 1 of Schedule 6**

Omit “the importer of the article has been given”, substitute “before the importation of the article, the importer was given”.

### **38 Paragraph 7.1(c) of Part 1 of Schedule 6**

Repeal the paragraph, substitute:

- (c) the importer produces details of the article to a Collector, including:
  - (i) the make, model and serial number; and
  - (ii) if more than one article of the same kind is to be imported at the same time—the number of such articles; and
- (d) the importer produces to a Collector the statement in the approved form.

### **39 Subitem 8.1 of Part 1 of Schedule 6**

Repeal the subitem, substitute:

- 8.1 The importation of an article complies with the returned goods test if, at or before importation, the Attorney-General gives written permission under this item for the importation of the article.

---

## 40 After item 8 of Part 1 of Schedule 6

Insert:

### 8A. Public interest test

8A.1 The public interest test set out in this item applies to the importation of any article to which an item in Part 2 applies.

Note: See subregulation 4F(1A).

8A.2 The importation of an article complies with the public interest test if, at or before importation, the Attorney-General gives written permission under this item for the importation of the article.

8A.3 The Attorney-General may give written permission for the importation of the article only if the Attorney-General is satisfied of the following:

- (a) it is in the public interest to allow the article to be imported;
- (b) if the importer is required to hold a licence or authorisation to possess the article in the State or Territory in which the importer lives—the importer holds a licence or authorisation of that kind;
- (c) the article will be secured appropriately in Australia.

### 8B. National interest test

8B.1 The national interest test set out in this item applies to the importation of any article to which an item in Part 2 applies.

Note: See subregulation 4F(1A).

8B.2 The importation of an article complies with the national interest test if, at or before importation, the Attorney-General gives written permission under this item for the importation of the article.

8B.3 The Attorney-General may give written permission for the importation of the article only if the Attorney-General is satisfied of the following:

- (a) it is in the national interest to allow the article to be imported;
- (b) if the importer is required to hold a licence or authorisation to possess the article in the State or Territory in which the importer lives—the importer holds a licence or authorisation of that kind;



---

(c) the article will be secured appropriately in Australia.

#### **41 Before the table in Part 2 of Schedule 6**

Insert:

Note: The public interest test under item 8A of Part 1 and the national interest test under item 8B of Part 1 apply in relation to the importation of all the articles to which this Part applies (see subregulation 4F(1A)).

#### **42 Part 2 of Schedule 6 (at the end of the cell at table item 15, column 3)**

Add:

; (e) the dealer test.

#### **43 Part 2 of Schedule 6 (at the end of the cell at table item 16, column 3)**

Add:

; (e) the dealer test.

#### **44 Before item 1 of Part 3 of Schedule 6**

Insert:

##### **1A. Firearm identification**

- (1) This item applies in relation to a firearm if an item in Part 2 of this Schedule requires that the firearm must bear a unique serial number.
- (2) A firearm is taken to comply with the requirement if:
  - (a) the firearm is visually inspected by a Collector, and found to have a unique serial number; or
  - (b) each of the following applies:
    - (i) the firearm is included in a consignment of firearms;
    - (ii) a sample of the items in the consignment is selected for visual inspection in accordance with procedures approved by the Attorney-General;
    - (iii) the result of the visual inspection is that each firearm in the sample is found to have a unique serial number.

#### **45 Subitem 1.5A of Part 3 of Schedule 6**

Repeal the subitem.

---

**46 Paragraph 2.1(a) of Part 3 of Schedule 6**

Repeal the paragraph, substitute:

- (a) within the period, after importation, mentioned in the Attorney-General's permission:
  - (i) dispose of the article to the government of the Commonwealth, a State or a Territory; or
  - (ii) export the article in compliance with the Act (including any regulations or other instruments made under the Act); or
  - (iii) destroy the article; and
- (aa) until the article is so disposed of, exported or destroyed, retain ownership of the article; and

**47 Subitem 3.1 of Part 3 of Schedule 6**

Omit "to the government of the Commonwealth, a State or a Territory under a contract", substitute "under a contract to the government of the Commonwealth, a State or a Territory, or exported under a contract to the government of a foreign country,".

**48 Subitem 4.1 of Part 3 of Schedule 6**

Repeal the subitem.

**49 Subitem 4.2 of Part 3 of Schedule 6**

Omit "For paragraph 4.1(a), the conditions are as follows:", substitute "The importation, in accordance with the dealer test, of a category C article or category D article is subject to the following conditions:"

**50 After subparagraph 4.2(a)(i) of Part 3 of Schedule 6**

Insert:

- (ia) the government of the Commonwealth, a State or a Territory; or

**51 Paragraph 4.2(b) of Part 3 of Schedule 6**

Repeal the paragraph, substitute:

- (b) the importer must retain possession of the article until the importer disposes of the article by:
  - (i) selling the article in accordance with paragraph (a); or

- (ii) exporting the article in compliance with the Act (including any regulations or other instruments made under the Act); or
- (iii) destroying the article;
- (ba) if the importer disposes of the article in accordance with paragraph (b), the importer must give to the Attorney-General, within 30 days after disposal, a written declaration by the importer:
  - (i) stating that the importer has disposed of the article in accordance with paragraph (b); and
  - (ii) giving details of the disposal;

## **52 Subitem 4.3 of Part 3 of Schedule 6 (not including the note)**

Repeal the subitem.

## **53 Items 3 and 3AA of Part 4 of Schedule 6**

Repeal the items, substitute:

### **3 Meaning of category C article and restricted category C article**

3.1 For this Schedule, a *category C article* is:

- (a) a firearm to which item 3 of Part 2 of this Schedule applies (a *category C firearm*); or
- (b) a firearm part, to which item 4 of Part 2 of this Schedule applies, of (or for) a category C firearm.

3.2 For this Schedule, a *restricted category C article* is any of the following:

- (a) a semi-automatic shotgun, or pump-action repeating shotgun, to which item 3 of Part 2 of this Schedule applies (a *restricted category C firearm*);
- (b) a firearm part, to which item 4 of Part 2 of this Schedule applies, of (or for) a restricted category C firearm.

### **3AA Meaning of category D article**

3AA.1 For this Schedule, a *category D article* is any of the following:

- (a) a firearm to which item 6 of Part 2 of this Schedule applies (a *category D firearm*);

- (b) a firearm part, to which item 7 of Part 2 of this Schedule applies, of (or for) a category D firearm;
- (c) a detachable firearm magazine to which item 15 or 16 of Part 2 of this Schedule applies, whether or not fitted to a firearm.

**54 Subitem 5.1 of Part 4 of Schedule 6**

Omit “category C article or category H article”, substitute “category C, category D or category H article”.

**55 Items 8 and 9 of Part 4 of Schedule 6**

Repeal the items, substitute:

**8 Meaning of *sanctioned activity***

In this Schedule, *sanctioned activity* means:

- (a) an activity approved in writing by any of the following:
  - (i) a Service Chief of the Australian Defence Force;
  - (ii) a Deputy Secretary of the Department administered by the Defence Minister; or
- (b) an activity approved in writing by any of the following:
  - (i) the Commissioner of the Australian Federal Police;
  - (ii) the Deputy Commissioner of the Australian Federal Police;
  - (iii) the Commissioner of the police force of a State or Territory;
  - (iv) a Deputy Commissioner of the police force of a State or Territory;
  - (v) the Secretary of the Department administered by the Attorney-General;
  - (vi) a Deputy Secretary of that Department.

**56 Subitem 1.1 of Part 1 of Schedule 13**

Repeal the subitem, substitute:

- 1.1 The importation of a good complies with the official purposes test if, at or before importation, the Minister or an authorised person gives written permission under this item for the importation of the good.

**57 Paragraph 1.2(a) of Part 1 of Schedule 13**

Repeal the paragraph, substitute:

- (a) the good is to be imported for the purposes of:
  - (i) the government of the Commonwealth, a State or a Territory; or
  - (ii) export under a contract to a government of a foreign country, in compliance with the Act (including any regulations or other instruments made under the Act); and

**58 Subitem 1.5 of Part 1 of Schedule 13 (table item 1)**

Repeal the table item, substitute:

- |   |  |   |
|---|--|---|
| 1 | A good that is to be supplied to the government of the Commonwealth, a State or a Territory under a contract | Both of the following:<br>(a) either: <ul style="list-style-type: none"> <li>(i) the government must own the good at the time of importation; or</li> <li>(ii) the government must intend to acquire ownership of the good within a period that the Minister or an authorised person considers appropriate (to be specified in the permission);</li> </ul> (b) the government must retain ownership of the good until: <ul style="list-style-type: none"> <li>(i) the good is disposed of to another such government, or to the government of a foreign country; or</li> <li>(ii) the good is destroyed.</li> </ul> |
|---|--|---|

**59 Subitem 1.5 of Part 1 of Schedule 13 (table items 3 and 4)**

Repeal the table items, substitute:

- |   |   |   |
|---|---|---|
| 3 | A good that has been given or donated to the government of the Commonwealth, a State or a Territory | All of the following:<br>(a) the good must have been given or donated to the government before importation; |
|---|---|---|

		<p>(b) the government must own the good at the time of importation;</p> <p>(c) the government must retain ownership of the good until:</p> <p>(i) the article is disposed of to another such government, or to the government of a foreign country; or</p> <p>(ii) the good is destroyed.</p>
4	Any other good imported for the purposes of the government of the Commonwealth, a State or a Territory	<p>The government must:</p> <p>(a) own the good at the time of importation; and</p> <p>(b) retain ownership of the good until:</p> <p>(i) the good is disposed of to another such government, or to the government of a foreign country; or</p> <p>(ii) the good is destroyed.</p>
5	A good that is to be exported under a contract to the government of a foreign country	<p>The government of the foreign country must:</p> <p>(a) either:</p> <p>(i) own the good at the time of importation; or</p> <p>(ii) intend to acquire ownership of the article within a period that the Minister or an authorised person considers appropriate (to be specified in the permission); and</p> <p>(b) retain ownership of the good until:</p> <p>(i) the good is disposed of to the government of another foreign country, or to the government of the Commonwealth, a State or a Territory; or</p>

---

(ii) the good is destroyed.

**60 At the end of subitem 1.5 of Part 1 of Schedule 13**

Add:

Note: See item 1 of Part 3.

**61 Subitem 2.1 of Part 1 of Schedule 13**

Repeal the subitem, substitute:

- 2.1 The importation of a good complies with the specified purposes test if, at or before importation, the Minister or an authorised person gives written permission under this item for the importation of the good.

**62 Subparagraph 2.2(c)(i) of Part 1 of Schedule 13**

After “training,”, insert “manufacture, assembly,”.

**63 Sub-subparagraph 2.2(c)(ii)(B) of Part 1 of Schedule 13**

Omit “country other than Australia”, substitute “foreign country”.

**64 Subparagraphs 2.2(c)(iii) and (iv) of Part 1 of Schedule 13**

After “training,”, insert “manufacture, assembly,”.

**65 Paragraph 2.2(d) of Part 1 of Schedule 13**

Repeal the paragraph.

**66 Subparagraphs 2.2(e)(ii) to (iv) of Part 1 of Schedule 13**

Repeal the subparagraphs, substitute:

- (ii) the good is owned by the defence force or a law enforcement agency of a foreign country;
- (iii) the good is to be imported by the defence force or law enforcement agency that owns the good, or a member of that defence force or law enforcement agency to whom the good has been issued;
- (iv) the defence force or law enforcement agency has been invited to participate in the sanctioned activity;

---

**67 Sub-subparagraph 2.2(f)(iv)(C) of Part 1 of Schedule 13**

After “will be”, insert “sold to a certified buyer or to the government of the Commonwealth, a State or a Territory,”.

**68 Subitem 3.1 of Part 1 of Schedule 13**

Repeal the subitem, substitute:

- 3.1 The importation of a good complies with the specified person test if, at or before importation, the Minister or an authorised person gives written permission under this item for the importation of the good.

**69 At the end of subitem 3.2 of Part 1 of Schedule 13**

Add:

- ; or (d) for a good mentioned in item 45 of Part 2 of this Schedule (anti-personnel sprays etc.)—the Minister or authorised person is satisfied of the following:
- (i) the good is imported for use by a person that has entered into a contract for the use of the good with the government of the Commonwealth, a State or a Territory;
  - (ii) the contract is in force;
  - (iii) if the importer is required to hold a licence or authorisation to possess the good in a State or Territory for the purpose of supplying the good to the person—the importer holds a licence or authorisation of that kind;
  - (iv) if a person is required to hold a licence or authorisation to possess or use the good in a State or Territory for the purposes of the contract—the person holds a licence or authorisation of that kind;
  - (v) the good will be secured appropriately in Australia.

**70 Subitem 4.1 of Part 1 of Schedule 13**

Repeal the subitem, substitute:

- 4.1 The importation of a good complies with the dealer test if, at or before importation, the Minister or an authorised person gives written permission under this item for the importation of the good.



**71 Paragraph 4.2(b) of Part 1 of Schedule 13**

Repeal the paragraph, substitute:

- (b) it is appropriate for the importer to hold the good for stock purposes, having regard to matters including:
  - (i) the importer's experience supplying similar goods to the government of the Commonwealth, and the governments of the States and Territories; and
  - (ii) the importer's compliance with the laws of those governments relating to dealing in such goods.

**72 Subitem 5.1 of Part 1 of Schedule 13**

Repeal the subitem, substitute:

- 5.1 The importation of a good complies with the returned goods test if, at or before importation, the Minister or an authorised person gives written permission under this item for the importation of the good.

**73 Item 6 of Part 1 of Schedule 13**

Repeal the item, substitute:

**6 Police certification test**

The importation of a good complies with the police certification test if, before the importation of the good, the importer of the good was given a statement, in an approved form, by a relevant police representative (within the meaning of item 1B of Part 4 of Schedule 6) to the effect that:

- (a) the importer holds a licence or authorisation according to the law of the relevant State or Territory to possess the good; or
- (b) a licence or authorisation to possess the good is not required under the law of the relevant State or Territory.

Note: The importer can produce the statement personally or by an agent, for example a firearm dealer.

**74 Subitem 7.1 of Part 1 of Schedule 13**

Repeal the subitem, substitute:

- 7.1 The importation of a good complies with the collectors and non-government museum test if, at or before importation, the Minister gives written permission under this item for the importation of the good.

---

**75 Subitem 8.1 of Part 1 of Schedule 13**

Repeal the subitem, substitute:

- 8.1 The importation of a good complies with the historical items test if, at or before importation, the Minister or an authorised person gives written permission under this item for the importation of the good.

**76 Subitem 9.1 of Part 1 of Schedule 13**

Repeal the subitem, substitute:

- 9.1 The importation of a good complies with the public interest test if, at or before importation, the Minister gives written permission under this item for the importation of the good.

**77 Subitem 10.1 of Part 1 of Schedule 13**

Repeal the subitem, substitute:

- 10.1 The importation of a good complies with the national interest test if, at or before importation, the Minister gives written permission under this item for the importation of the good.

**78 Part 2 of Schedule 13 (table item 1, column headed “Weapons and weapon parts”)**

Omit “Tanks, other military vehicles, military aircraft (manned or unmanned), military helicopters (manned or unmanned), naval vessels (surface and submarine vessels armed or equipped for military use)”.

**79 Part 2 of Schedule 13 (after table item 1)**

Insert:

- |  |  |
|--|--|
| 1A Military vehicles, military aircraft and military vessels within the following categories:<br>(a) battle tanks;<br>(b) armoured combat vehicles;<br>(c) combat aircraft;<br>(d) attack helicopters;<br>(e) warships | The importation must comply with at least one of the following tests:<br>(a) the official purposes test;<br>(b) the specified purposes test;<br>(c) the returned goods test;<br>(d) the collectors and non-government museum test;<br>(e) the public interest test;<br>(f) the national interest test. |
|--|--|

**80 Part 2 of Schedule 13 (table item 3, column headed “Weapons and weapon parts”, subparagraph (b)(ii))**

Omit “component;”, substitute “component”.

**81 Part 2 of Schedule 13 (table item 3, column headed “Weapons and weapon parts”, paragraph (c))**

Repeal the paragraph.

**82 Part 2 of Schedule 13 (table item 14, column headed “Weapons and weapon parts”)**

Omit “, assisted opening knives or flipper knives”, substitute “or assisted opening knives”.

**83 Part 2 of Schedule 13 (table items 16 and 17)**

Repeal the items.

**84 Part 2 of Schedule 13 (cell at table item 41, column headed “Weapons and weapon parts”)**

Repeal the cell, substitute:

Body armour, or any other similar goods:

- (a) designed for anti-ballistic or anti-fragmentation purposes; and
- (b) designed to be worn on any part of the human body.

However, this item does not apply to the following:

- (a) helmets;
- (b) anti-ballistic articles designed for eye or hearing protection;
- (c) vests or plate carriers with no anti-ballistic or anti-fragmentation protection.

**85 Part 2 of Schedule 13 (at the end of the table)**

Add:

- |    |   |  |
|----|---|--|
| 45 | Anti-personnel sprays and chemicals for use in the manufacture of anti-personnel sprays; grenades or canisters, designed for use with anti-personnel sprays or anti-personnel chemicals | The importation must comply with at least one of the following tests:<br>(a) the official purposes test;<br>(b) the specified purposes test; |
|----|---|--|

- (c) the specified person test;
- (d) the dealer test;
- (e) the returned goods test;
- (f) the public interest test;
- (g) the national interest test.

### **86 Subitem 1.1 of Part 3 of Schedule 13**

Omit “to the government of the Commonwealth, a State or a Territory under a contract”, substitute “under a contract to the government of the Commonwealth, a State or a Territory, or exported under a contract to the government of a foreign country,”.

### **87 Item 3 of Part 3 of Schedule 13**

Repeal the item, substitute:

#### **3 Dealer test**

- 3.1 The importation of a good in accordance with the dealer test is subject to the condition that the importer must retain possession of the good until the importer disposes of the good by:
- (a) selling the good in accordance with subitem 3.2; or
  - (b) exporting the good in compliance with the Act (including any regulations or other instruments made under the Act); or
  - (c) destroying the good.
- 3.2 For paragraph 3.1(a), the good may be sold to any of the following:
- (a) a government of the Commonwealth, a State or a Territory;
  - (b) a person with a contract for the sale of the good in force with such a government at the time of transfer of ownership of the good to the person;
  - (c) a certified buyer for the good.

### **88 Item 3 of Part 4 of Schedule 13**

Repeal the item, substitute:

#### **3 Meaning of *sanctioned activity***

In this Schedule, *sanctioned activity* has the same meaning as in Schedule 6 (see item 8 of Part 4 of that Schedule).