

From: [Deregulation](#)
To: [Helpdesk-OBPR](#); s 22(1)(a)(ii)
Cc: [Deregulation](#); s 22(1)(a)(ii)
Subject: PA - Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2020 (Amendment Regulation) [SEC=OFFICIAL, ACCESS=Legislative-Secrecy]
Date: Monday, 21 September 2020 8:17:22 AM
Attachments: [Preliminary-assessment-form - Customs \(Prohibited Imports\) Regulation Amendments.DOCX](#)
[image001.jpg](#)

OFFICIAL
Legislative-Secrecy

Good morning OBPR Colleagues,
Please find attached a Preliminary Assessment (PA) form for the proposal "Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2020 (Amendment Regulation)".
Please don't hesitate to contact the Deregulation Team at deregulation@homeaffairs.gov.au for further information or clarification.

Kind Regards,

s 22(1)(a)(ii)

Deregulation Unit
Statutory Planning and Reporting
Performance, Governance and Inquiries Branch
Executive Division
Department of Home Affairs

P: s 22(1)(a)(ii)

E: s 22(1)(a)(ii)



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Guidance Note

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|---|
| Preliminary Assessment Form |
| Overview |
| Department of Home Affairs |
| <p>Name of proposal</p> <p>Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2020 (Amendment Regulation)</p> |
| <p>Description of the problem</p> <p>There are issues, inconsistencies and clarification required for the importation of some firearms and weapons, in particular circumstances.</p> <p>The Department (encompassing the Department of Home Affairs and the Australian Border Force) is responsible for administering the importation of goods subject to Regulation 4F, Regulation 4H, Schedule 6 (firearms) and Schedule 13 (weapons) of the Customs (Prohibited Imports) Regulations 1956 (the PI Regulations). Under these Schedules, the Department controls the way in which firearms, weapons and related goods can legally be imported into Australia.</p> <p>The reforms seek to address stakeholder concerns by simplifying and streamlining the import requirements for firearms, weapons and related goods. Further, these reforms will ensure that new and emerging technologies can be appropriately captured and classified.</p> |
| <p>Outline of the objectives of government action</p> <p>The purpose of the Amendment Regulations is to amend the <i>Customs (Prohibited Imports) Regulations 1956</i> (the Regulations) to resolve issues relating to the importation of firearms and weapons for supply to government for law enforcement or defence purposes and to address critical risks and operational impediments identified within government.</p> <p>The reform is necessary to ensure that the community remains protected and to improve the administrative efficiency of the PI Regulations, and specifically addresses the concerns raised by firearms and weapons importers.</p> |
| <p>Outline of the options available</p> <p>Option 1 – Do nothing. This is unacceptable to both industry and Government.</p> <p>Option 2 – Amend the PI Regulations to address the concerns of the importers and Government.</p> |

Preliminary Assessment Form

Other elements of your proposal (including consultation undertaken or proposed)

The Department consulted with the Department of Defence, the Australian Federal Police, the Australian Criminal Intelligence Commission and is consulting with state and territory firearms/weapons and criminal justice counterparts on the proposed reform. The Assistant Minister for Customs, Community Safety and Multicultural Affairs, and the Department has consulted with firearms/weapons stakeholders.

Will Cabinet be the decision maker? ☐ Yes ☒ No

The decision maker is the Assistant Minister for Customs, Community Safety and Multicultural Affairs.

Likely impact on businesses, community organisations

Is your proposal likely to have any regulatory impacts on businesses, individuals or community organisations? ☒ Yes ☐ No

If so, please specify.

The reform is likely to:

- reduce the regulatory burden by removing duplicative requirements for importers to obtain import permission from both the Department and State and Territory police when consignments contain both highly and lower controlled goods;
- provide clarity to importers to enable them to be better informed of the necessary requirements;
- modernise the PI Regulations in respect of imports of firearms and weapons for defence purposes.

Is your proposal likely to affect regulatory costs (including compliance and delay costs)? ☐ Yes ☒ No

The proposed amendments are likely to reduce the overall regulatory burden on businesses.

What is the nature and significance of the regulatory costs imposed? N/A

Are the average annual regulatory **labour**, **purchase** and/or **delay costs** likely to be:

☐ less than \$100,000 ☐ \$100,000 or above but less than \$2 million ☐ \$2 million or more? N/A

Have you considered whether small businesses should have different obligations from larger businesses in relation to the operation of the possible regulation? ☐ Yes ☒ No

| |
|--|
| Preliminary Assessment Form |
| Have you designed the operation of the possible regulation taking into account the impact on small business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Is your proposal likely to have any international trade and investment law impacts? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Timing |
| The Department proposes to submit the Amendment Regulation to the 10 December 2020 Federal Executive Council meeting. |
| Contact information |
| Please enter your contact information below. |
| Name: s 22(1)(a)(ii) |
| Email: s 22(1)(a)(ii) |
| Phone: s 22(1)(a)(ii) |
| Date: 21/09/2020 |
| Once cleared at the EL2 level or above as appropriate, please forward the completed form to the Regulatory Reform Section mailbox deregulation@homeaffairs.gov.au |

From: [Helpdesk-OBPR](#)
To: [Deregulation](#); [Helpdesk-OBPR](#); s 22(1)(a)(ii)
Cc: s 22(1)(a)(ii)
Subject: RE: PA - Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2020 (Amendment Regulation) [SEC=OFFICIAL, ACCESS=Legislative-Secrecy]
Date: Monday, 21 September 2020 12:13:01 PM
Attachments: [image001.jpg](#)

OFFICIAL Legislative secrecy

Good afternoon

Thank you for your email to the Office of Best Practice Regulations (OBPR) Help desk. The OBPR acknowledges receipt of your request for a preliminary assessment.

Your reference number for this request is 43106, which has been allocated to the relevant specialist team who will respond as soon as possible. Please quote your reference number for all correspondence.

For further queries, please email helpdesk-obpr@pmc.gov.au or call (02) 6271 6270 8.30am – 4.30pm Monday to Friday.

Kind regards,

OBPR Helpdesk

Office of Best Practice Regulation

Department of the Prime Minister and Cabinet

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🌐 www.pmc.gov.au | 📠 ris.pmc.gov.au

📬 PO Box 6500 Canberra ACT 2600

From: Deregulation

Sent: Monday, 21 September 2020 8:16 AM

To: Helpdesk-OBPR ; s 22(1)(a)(ii)

Cc: Deregulation ; s 22(1)(a)(ii)

Subject: PA - Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2020 (Amendment Regulation) [SEC=OFFICIAL, ACCESS=Legislative-Secrecy]

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Deregulation Unit

Statutory Planning and Reporting

Performance, Governance and Inquiries Branch

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Legislative-Secrecy
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Subject: RE: PA - Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2020 (Amendment Regulation) [SEC=OFFICIAL, ACCESS=Legislative-Secrecy]
Date: Friday, 25 September 2020 4:22:04 PM
Attachments: [Preliminary-assessment-form - Customs \(Prohibited Imports\) Regulation Amendments.DOCX](#)
[image001.jpg](#)

OFFICIAL
Legislative secrecy

Dear s 22(1)(a)(ii), Home Affairs colleagues

Re: PA - Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2020 (Amendment Regulation)

Thank you for consulting the OBPR on this proposal. As mentioned over the phone, please kindly add to your PA form, details for the specific proposed changes to import requirements for firearms, weapons and related goods – for us to make an assessment as to whether a RIS might be required.

Happy to discuss further if required.

Thanks and have a nice weekend.

s 22(1)(a)(ii)

Office of Best Practice Regulation | Economic Division

Department of the Prime Minister and Cabinet

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To: s 22(1)(a)(ii); [Deregulation](#)
Cc: [Helpdesk-OBPR](#); s 22(1)(a)(ii)
Subject: RE: PA - Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2020 (Amendment Regulation) [SEC=OFFICIAL, ACCESS=Legislative-Secrecy] [SEC=OFFICIAL]
Date: Monday, 28 September 2020 8:02:55 AM
Attachments: [image002.jpg](#)
[image003.jpg](#)
[Preliminary-assessment-form - Customs \(Prohibited Imports\) Regulation Amendments take 2.DOCX](#)

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Good morning s 22(1)(a)(ii)

Please find attached a revised PA form. Let me know if you require further information.

Regards

s 22(1)(a)(ii)

s 22(1)(a)(ii) | Director

Permits and Strategic Goods Section

Customs and Trade Policy Branch

Customs Group

Australian Border Force

Department of Home Affairs

t: s 22(1)(a)(ii) | m: s 22(1)(a)(ii) | e: s 22(1)(a)(ii)

cid:image002.jpg@01D5EC92.FDA72E30



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From: s 22(1)(a)(ii)

Sent: Friday, 25 September 2020 4:22 PM

To: Deregulation ; s 22(1)(a)(ii)

Cc: Helpdesk-OBPR ; s 22(1)(a)(ii)

Subject: RE: PA - Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2020 (Amendment Regulation) [SEC=OFFICIAL, ACCESS=Legislative-Secrecy]

OFFICIAL

Legislative secrecy

Dear s 22(1)(a)(ii), Home Affairs colleagues

Re: PA - Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2020 (Amendment Regulation)

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Happy to discuss further if required.

Thanks and have a nice weekend.

s 22(1)(a)(ii)

Office of Best Practice Regulation | Economic Division
 Department of the Prime Minister and Cabinet

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Email: s 22(1)(a)(ii)

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Sent: Monday, 21 September 2020 12:13 PM

To: Deregulation ; Helpdesk-OBPR ; s 22(1)(a)(ii)

Cc: s 22(1)(a)(ii)

Subject: RE: PA - Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2020 (Amendment Regulation) [SEC=OFFICIAL, ACCESS=Legislative-Secrecy]

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Department of the Prime Minister and Cabinet

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📦 PO Box 6500 Canberra ACT 2600

From: Deregulation <Deregulation@homeaffairs.gov.au>

Sent: Monday, 21 September 2020 8:16 AM

To: Helpdesk-OBPR <Helpdesk-OBPR@pmc.gov.au>; s 22(1)(a)(ii)

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Subject: PA - Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2020 (Amendment Regulation) [SEC=OFFICIAL, ACCESS=Legislative-Secrecy]

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Statutory Planning and Reporting

Performance, Governance and Inquiries Branch

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P: s 22(1)(a)(ii)

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Guidance Note

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| Preliminary Assessment Form |
| Overview |
| Department of Home Affairs |
| <p>Name of proposal</p> <p>Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2020 (Amendment Regulation)</p> |
| <p>Description of the problem</p> <p>There are issues, inconsistencies and clarification required for the importation of some firearms, firearm-related parts and weapons, in particular circumstances.</p> <p>The Department (encompassing the Department of Home Affairs and the Australian Border Force) is responsible for administering the importation of goods subject to Regulation 4F, Regulation 4H, Schedule 6 (firearms) and Schedule 13 (weapons) of the <i>Customs (Prohibited Imports) Regulations 1956</i> (the Regulations). Under these Schedules, the Department controls the way in which firearms, weapons and related goods can legally be imported into Australia.</p> <p>The reforms seek to address stakeholder concerns by simplifying and streamlining the import requirements for firearms, weapons and related goods. Further, these reforms will ensure that new and emerging technologies can be appropriately captured and classified.</p> |
| <p>Outline of the objectives of government action</p> <p>The Australian Government is committed to keeping Australia's firearms laws among the most effective in the world. Regulation of the importation of firearms and weapons maintains the safety of all Australians by ensuring that only those with a genuine reason can access firearms and weapons.</p> <p>The purpose of the Amendment Regulation is to amend the Regulations to: (1) resolve the regulatory burden relating to the importation of firearms and weapons for supply to government for law enforcement or defence purposes; and, (2) to address risks and operational impediments identified by government agencies.</p> <p><u>Supply to law enforcement and defence</u></p> <p>Stakeholder feedback indicates that the existing regulations relating to the importation of firearms and weapons for supply to government for law enforcement or defence purposes are not fit for modern procurement arrangements. Particular concerns raised by industry include that certain aspects of the existing regulations do not allow sufficient flexibility in tendering for government contracts, stifle innovation and limit market access to suitably qualified new businesses, and impose a duplicative regulatory burden on importers.</p> <p>For example, the current regulations do not align with contemporary commercial practices used by the Department of Defence. These regulatory amendments would enhance the ability of the Department of Defence to meet its goal of developing and maintaining a sovereign defence industry, and the ability of</p> |

Preliminary Assessment Form

companies to tender for contracts and/or fulfil their contractual obligations. The Department proposes to amend the Regulations to:

- simplify the ownership arrangements that must be satisfied for an article to be imported under the official purposes test, including by removing the requirement that government intend to acquire the firearms or weapons being imported, and/or allowing firearms or weapons to be imported if they are reasonably required to satisfy a government contract or open tender process;
- encourage further innovation by expanding the circumstances under which a person can import and hold a firearm or weapon for research and development purposes; and
- reduce regulatory burden by removing duplicative requirements for importers to obtain import permission from both the Department and state and territory police when consignments contain both highly and lower controlled firearms.

Addressing risks identified by government agencies

Government agencies have identified multiple risks and operational impediments under the existing regulations relating to the importation of firearms, firearm-related parts and weapons. Overall, these risks relate to: anomalies or ambiguity in the existing regulations (for instance the inconsistent controls applied to paintball items and the ambiguity around importation requirements for electric shock cartridges for different devices), gaps in the existing regulations (such as the lack of regulation for barrel extensions), and instances where the existing regulations require updating to reflect recent and emerging firearm technologies.

Government agencies have also raised the need to update the Regulations regarding the treatment of low-powered devices commonly known as gel ball blasters, which are not captured as projectile toys. This will ensure that all goods are consistently managed where appearance based controls are relevant (including gel ball blasters, nail guns, and captive bolt guns). To address these issues, the Department proposes to amend the Regulations to:

- consolidate import requirements for paintball-related articles;
- clarify import requirements for electric-shock cartridges for firearms;
- control the importation of firearms barrel extensions, to reduce the risk of illicit domestic manufacture of barrel assemblies for restricted semi-automatic firearms;
- ensure that firearms incorporating new technologies such as self-ejecting manual-loading shotguns are appropriately classified and controlled;
- provide a specific definition of what constitutes a Soft Air firearm, and
- amend the definition of an imitation firearm to ensure all items that could reasonably be taken to be a firearm are captured and regulated.

The Department also proposes to amend the Regulations to include a definition of weapon parts in relation to articles used for training and practice. The purpose of this amendment is to put beyond doubt

Preliminary Assessment Form

that goods that contain parts for prohibited weapons are also prohibited imports, including training/and practise goods, whether whole or incomplete. This amendment will not prohibit the import of minor or generic parts that have multiple uses (e.g. a dagger handle), but it will prohibit key, specialised components that have a demonstrated use in a prohibited good (e.g. handles fitted with transverse pivot pins designed to hold the blade of a butterfly knife).

The proposed amendments would require amendments to Regulation 4F, Regulation 4H, Schedule 6 and Schedule 13 of the Regulations.

The reform is necessary to ensure that the community remains protected and to improve the administrative efficiency of the Regulations, and specifically addresses the concerns raised by firearms and weapons importers.

Outline of the options available

Option 1 – Do nothing. This is unacceptable to both industry and Government.

Option 2 – Amend the Regulations to address the concerns of the importers and Government.

Other elements of your proposal (including consultation undertaken or proposed)

The Department consulted with the Department of Defence, the Australian Federal Police, and the Australian Criminal Intelligence Commission and is consulting with state and territory firearms/weapons and criminal justice counterparts on the proposed reform. The Assistant Minister for Customs, Community Safety and Multicultural Affairs, and the Department has consulted with firearms/weapons stakeholders.

Will Cabinet be the decision maker? ☐ Yes ☒ No

The decision maker is the Assistant Minister for Customs, Community Safety and Multicultural Affairs.

Likely impact on businesses, community organisations

Is your proposal likely to have any regulatory impacts on businesses, individuals or community organisations? ☒ Yes ☐ No

If so, please specify.

The reform is likely to:

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- provide clarity to importers to enable them to be better informed of the necessary requirements;

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| Preliminary Assessment Form |
| <ul style="list-style-type: none"> modernise the Regulations in respect of imports of firearms and weapons for law enforcement and defence purposes. |
| <p>Is your proposal likely to affect regulatory costs (including compliance and delay costs)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>The proposed amendments are likely to reduce the overall regulatory burden on businesses and make Government processes more efficient.</p> <p>What is the nature and significance of the regulatory costs imposed? Minor</p> <p>Are the average annual regulatory labour, purchase and/or delay costs likely to be:</p> <p><input checked="" type="checkbox"/> less than \$100,000 <input type="checkbox"/> \$100,000 or above but less than \$2 million <input type="checkbox"/> \$2 million or more? N/A</p> <p>Have you considered whether small businesses should have different obligations from larger businesses in relation to the operation of the possible regulation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Have you designed the operation of the possible regulation taking into account the impact on small business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> |
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| Timing |
| <p>The Department proposes to submit the Amendment Regulation to the 10 December 2020 Federal Executive Council meeting.</p> |
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Date: Monday, 28 September 2020 10:52:54 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)

OFFICIAL

Hi s 22(1)(a)(ii)

Thanks for your phone call. I appreciate the subject matter is rather technical on this amendment. As discussed, here are the OBPR IDs for two previous amendments: March 2020 – firearms (OBPR ID: 23975); August 2019 – weapons (OBPR ID 25130).

I'm happy to assist further.

Regards

s 22(1)(a)(ii)

s 22(1)(a)(ii) | Director
Permits and Strategic Goods Section
 Customs and Trade Policy Branch
 Customs Group
 Australian Border Force
 Department of Home Affairs
 t: s 22(1)(a)(ii) | m: s 22(1)(a)(ii) | e: s 22(1)(a)(ii)

cid:image002.jpg@01D5EC92.FDA72E30



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To: s 22(1)(a)(ii) <Deregulation@homeaffairs.gov.au>
Cc: Helpdesk-OBPR <Helpdesk-OBPR@pmc.gov.au>; s 22(1)(a)(ii)
Subject: RE: PA - Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2020 (Amendment Regulation) [SEC=OFFICIAL, ACCESS=Legislative-Secrecy] [SEC=OFFICIAL]

OFFICIAL

Good morning s 22(1)(a)(ii)

Please find attached a revised PA form. Let me know if you require further information.

Phone: s 22(1)(a)(ii)

Email: s 22(1)(a)(ii)

From: Helpdesk-OBPR <Helpdesk-OBPR@pmc.gov.au>

Sent: Monday, 21 September 2020 12:13 PM

To: Deregulation <Deregulation@homeaffairs.gov.au>; Helpdesk-OBPR <Helpdesk-OBPR@pmc.gov.au>; s 22(1)(a)(ii)

Cc: s 22(1)(a)(ii)

Subject: RE: PA - Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2020 (Amendment Regulation) [SEC=OFFICIAL, ACCESS=Legislative-Secrecy]

OFFICIAL
Legislative secrecy

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Your reference number for this request is 43106, which has been allocated to the relevant specialist team who will respond as soon as possible. Please quote your reference number for all correspondence.

For further queries, please email helpdesk-obpr@pmc.gov.au or call (02) 6271 6270 8.30am – 4.30pm Monday to Friday.

Kind regards,

OBPR Helpdesk

Office of Best Practice Regulation

Department of the Prime Minister and Cabinet

☎ 02 6271 6270 | ✉ helpdesk-OBPR@pmc.gov.au

🌐 www.pmc.gov.au | 🖨 ris.pmc.gov.au

📮 PO Box 6500 Canberra ACT 2600

From: Deregulation <Deregulation@homeaffairs.gov.au>

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OFFICIAL
Legislative-Secrecy

Good morning OBPR Colleagues,

Please find attached a Preliminary Assessment (PA) form for the proposal "Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2020 (Amendment Regulation)".

Please don't hesitate to contact the Deregulation Team at deregulation@homeaffairs.gov.au for further information or clarification.

Kind Regards,

s 22(1)(a)(ii)

s 22(1)(a)(ii)

Deregulation Unit

Statutory Planning and Reporting

Performance, Governance and Inquiries Branch

Executive Division

Department of Home Affairs

P: s 22(1)(a)(ii)

E: s 22(1)(a)(ii)

cid:image002.jpg@01D69583.F4A5F6A0



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Cc: [Helpdesk-OBPR](#); s 22(1)(a)(ii)
Subject: RE: PA - Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2020 (Amendment Regulation) [SEC=OFFICIAL]
Date: Thursday, 1 October 2020 2:35:37 PM
Attachments: [RE PA - Customs \(Prohibited Imports\) Amendment \(Firearms and Weapons\) Regulations 2020 \(Amendment Regulation\) SECOFFICIAL ACCESSLegislative-Secrecy SECOFFICIAL.msg](#)
[Preliminary-assessment-form - Customs \(Prohibited Imports\) Regulation Amendments take 2.DOCX](#)
[image001.jpg](#)
[image002.jpg](#)

OFFICIAL

Hi s 22(1)(a)(ii)

Re: PA - Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2020 (Amendment Regulation)

Thanks for consulting the OBPR and for answering my questions very patiently the other day. Consistent with the advice provided by the OBPR for IDs 23975 and 25130, the OBPR assesses that the attached proposal is likely to have no more than minor regulatory impacts on business, individuals and organisations, and a RIS will not be required (noting it's not going to Cabinet).

The OBPR ID for this proposal is 43106.

For future purposes, it is also recommended that you quote the above three IDs upfront for future further related proposals for easy referencing.

Have a nice day.

Thanks

s 22(1)(a)(ii)

Office of Best Practice Regulation | Economic Division
 Department of the Prime Minister and Cabinet

Phone: s 22(1)(a)(ii)

Email: s 22(1)(a)(ii)

From: s 22(1)(a)(ii)

Sent: Monday, 28 September 2020 8:02 AM

To: s 22(1)(a)(ii); [Deregulation](#)

Cc: [Helpdesk-OBPR](#); s 22(1)(a)(ii)

Subject: RE: PA - Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2020 (Amendment Regulation) [SEC=OFFICIAL, ACCESS=Legislative-Secrecy] [SEC=OFFICIAL]

OFFICIAL

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Regards

s 22(1)(a)(ii)

s 22(1)(a)(ii) | Director
Permits and Strategic Goods Section

Customs and Trade Policy Branch

Customs Group

Australian Border Force

Department of Home Affairs

t: s 22(1)(a)(ii) | m: s 22(1)(a)(ii) | e: s 22(1)(a)(ii)

cid:image002.jpg@01D5EC92.FDA72E30

OFFICIAL

From: s 22(1)(a)(ii)
Sent: Friday, 25 September 2020 4:22 PM
To: Deregulation <Deregulation@homeaffairs.gov.au>; s 22(1)(a)(ii)
Cc: Helpdesk-OBPR <Helpdesk-OBPR@pmc.gov.au>; s 22(1)(a)(ii)
Subject: RE: PA - Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2020 (Amendment Regulation) [SEC=OFFICIAL, ACCESS=Legislative-Secrecy]

OFFICIAL

Legislative secrecy

Dear s 22(1)(a)(ii), Home Affairs colleagues

Re: PA - Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2020 (Amendment Regulation)

Thank you for consulting the OBPR on this proposal. As mentioned over the phone, please kindly add to your PA form, details for the specific proposed changes to import requirements for firearms, weapons and related goods – for us to make an assessment as to whether a RIS might be required.

Happy to discuss further if required.

Thanks and have a nice weekend.

s 22(1)(a)(ii)

Office of Best Practice Regulation | Economic Division

Department of the Prime Minister and Cabinet

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Department of the Prime Minister and Cabinet
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OFFICIAL
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Good morning OBPR Colleagues,
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Please don't hesitate to contact the Deregulation Team at deregulation@homeaffairs.gov.au for further information or clarification.

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s 22(1)(a)(ii)

s 22(1)(a)(ii)

Deregulation Unit

Statutory Planning and Reporting

Performance, Governance and Inquiries Branch

Executive Division

Department of Home Affairs

P: s 22(1)(a)(ii)

E: s 22(1)(a)(ii)



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Subject: RE: PA - Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2020 (Amendment Regulation) [SEC=OFFICIAL, ACCESS=Legislative-Secrecy] [SEC=OFFICIAL]
Date: Monday, 28 September 2020 10:52:54 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)

OFFICIAL

Hi s 22(1)(a)(ii)

Thanks for your phone call. I appreciate the subject matter is rather technical on this amendment. As discussed, here are the OBPR IDs for two previous amendments: March 2020 – firearms (OBPR ID: 23975); August 2019 – weapons (OBPR ID 25130).

I'm happy to assist further.

Regards

s 22(1)(a)(ii)

s 22(1)(a)(ii) | Director
Permits and Strategic Goods Section
 Customs and Trade Policy Branch
 Customs Group
 Australian Border Force
 Department of Home Affairs
 t: s 22(1)(a)(ii) | m: s 22(1)(a)(ii) | e: s 22(1)(a)(ii)

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Guidance Note

| |
|--|
| Preliminary Assessment Form |
| Overview |
| Department of Home Affairs |
| <p>Name of proposal</p> <p>Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2020 (Amendment Regulation)</p> |
| <p>Description of the problem</p> <p>There are issues, inconsistencies and clarification required for the importation of some firearms, firearm-related parts and weapons, in particular circumstances.</p> <p>The Department (encompassing the Department of Home Affairs and the Australian Border Force) is responsible for administering the importation of goods subject to Regulation 4F, Regulation 4H, Schedule 6 (firearms) and Schedule 13 (weapons) of the <i>Customs (Prohibited Imports) Regulations 1956</i> (the Regulations). Under these Schedules, the Department controls the way in which firearms, weapons and related goods can legally be imported into Australia.</p> <p>The reforms seek to address stakeholder concerns by simplifying and streamlining the import requirements for firearms, weapons and related goods. Further, these reforms will ensure that new and emerging technologies can be appropriately captured and classified.</p> |
| <p>Outline of the objectives of government action</p> <p>The Australian Government is committed to keeping Australia's firearms laws among the most effective in the world. Regulation of the importation of firearms and weapons maintains the safety of all Australians by ensuring that only those with a genuine reason can access firearms and weapons.</p> <p>The purpose of the Amendment Regulation is to amend the Regulations to: (1) resolve the regulatory burden relating to the importation of firearms and weapons for supply to government for law enforcement or defence purposes; and, (2) to address risks and operational impediments identified by government agencies.</p> <p><u>Supply to law enforcement and defence</u></p> <p>Stakeholder feedback indicates that the existing regulations relating to the importation of firearms and weapons for supply to government for law enforcement or defence purposes are not fit for modern procurement arrangements. Particular concerns raised by industry include that certain aspects of the existing regulations do not allow sufficient flexibility in tendering for government contracts, stifle innovation and limit market access to suitably qualified new businesses, and impose a duplicative regulatory burden on importers.</p> <p>For example, the current regulations do not align with contemporary commercial practices used by the Department of Defence. These regulatory amendments would enhance the ability of the Department of Defence to meet its goal of developing and maintaining a sovereign defence industry, and the ability of</p> |

Preliminary Assessment Form

companies to tender for contracts and/or fulfil their contractual obligations. The Department proposes to amend the Regulations to:

- simplify the ownership arrangements that must be satisfied for an article to be imported under the official purposes test, including by removing the requirement that government intend to acquire the firearms or weapons being imported, and/or allowing firearms or weapons to be imported if they are reasonably required to satisfy a government contract or open tender process;
- encourage further innovation by expanding the circumstances under which a person can import and hold a firearm or weapon for research and development purposes; and
- reduce regulatory burden by removing duplicative requirements for importers to obtain import permission from both the Department and state and territory police when consignments contain both highly and lower controlled firearms.

Addressing risks identified by government agencies

Government agencies have identified multiple risks and operational impediments under the existing regulations relating to the importation of firearms, firearm-related parts and weapons. Overall, these risks relate to: anomalies or ambiguity in the existing regulations (for instance the inconsistent controls applied to paintball items and the ambiguity around importation requirements for electric shock cartridges for different devices), gaps in the existing regulations (such as the lack of regulation for barrel extensions), and instances where the existing regulations require updating to reflect recent and emerging firearm technologies.

Government agencies have also raised the need to update the Regulations regarding the treatment of low-powered devices commonly known as gel ball blasters, which are not captured as projectile toys. This will ensure that all goods are consistently managed where appearance based controls are relevant (including gel ball blasters, nail guns, and captive bolt guns). To address these issues, the Department proposes to amend the Regulations to:

- consolidate import requirements for paintball-related articles;
- clarify import requirements for electric-shock cartridges for firearms;
- control the importation of firearms barrel extensions, to reduce the risk of illicit domestic manufacture of barrel assemblies for restricted semi-automatic firearms;
- ensure that firearms incorporating new technologies such as self-ejecting manual-loading shotguns are appropriately classified and controlled;
- provide a specific definition of what constitutes a Soft Air firearm, and
- amend the definition of an imitation firearm to ensure all items that could reasonably be taken to be a firearm are captured and regulated.

The Department also proposes to amend the Regulations to include a definition of weapon parts in relation to articles used for training and practice. The purpose of this amendment is to put beyond doubt

Preliminary Assessment Form

that goods that contain parts for prohibited weapons are also prohibited imports, including training/and practise goods, whether whole or incomplete. This amendment will not prohibit the import of minor or generic parts that have multiple uses (e.g. a dagger handle), but it will prohibit key, specialised components that have a demonstrated use in a prohibited good (e.g. handles fitted with transverse pivot pins designed to hold the blade of a butterfly knife).

The proposed amendments would require amendments to Regulation 4F, Regulation 4H, Schedule 6 and Schedule 13 of the Regulations.

The reform is necessary to ensure that the community remains protected and to improve the administrative efficiency of the Regulations, and specifically addresses the concerns raised by firearms and weapons importers.

Outline of the options available

Option 1 – Do nothing. This is unacceptable to both industry and Government.

Option 2 – Amend the Regulations to address the concerns of the importers and Government.

Other elements of your proposal (including consultation undertaken or proposed)

The Department consulted with the Department of Defence, the Australian Federal Police, and the Australian Criminal Intelligence Commission and is consulting with state and territory firearms/weapons and criminal justice counterparts on the proposed reform. The Assistant Minister for Customs, Community Safety and Multicultural Affairs, and the Department has consulted with firearms/weapons stakeholders.

Will Cabinet be the decision maker? ☐ Yes ☒ No

The decision maker is the Assistant Minister for Customs, Community Safety and Multicultural Affairs.

Likely impact on businesses, community organisations

Is your proposal likely to have any regulatory impacts on businesses, individuals or community organisations? ☒ Yes ☐ No

If so, please specify.

The reform is likely to:

- reduce the regulatory burden by removing duplicative requirements for importers to obtain import permission from both the Department and state and territory police when consignments contain both highly and lower controlled goods;
- provide clarity to importers to enable them to be better informed of the necessary requirements;

| |
|--|
| Preliminary Assessment Form |
| <ul style="list-style-type: none"> modernise the Regulations in respect of imports of firearms and weapons for law enforcement and defence purposes. |
| <p>Is your proposal likely to affect regulatory costs (including compliance and delay costs)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>The proposed amendments are likely to reduce the overall regulatory burden on businesses and make Government processes more efficient.</p> <p>What is the nature and significance of the regulatory costs imposed? Minor</p> <p>Are the average annual regulatory labour, purchase and/or delay costs likely to be:</p> <p><input checked="" type="checkbox"/> less than \$100,000 <input type="checkbox"/> \$100,000 or above but less than \$2 million <input type="checkbox"/> \$2 million or more? N/A</p> <p>Have you considered whether small businesses should have different obligations from larger businesses in relation to the operation of the possible regulation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Have you designed the operation of the possible regulation taking into account the impact on small business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> |
| <p>Is your proposal likely to have any international trade and investment law impacts? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> |
| Timing |
| <p>The Department proposes to submit the Amendment Regulation to the 10 December 2020 Federal Executive Council meeting.</p> |
| Contact information |
| Please enter your contact information below. |
| Name: s 22(1)(a)(ii) |
| Email: s 22(1)(a)(ii) |
| Phone: s 22(1)(a)(ii) |
| Date: 21/09/2020 |

Preliminary Assessment Form

Once cleared at the EL2 level or above as appropriate, please forward the completed form to the Regulatory Reform Section mailbox deregulation@homeaffairs.gov.au