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# The Arms Trade Treaty Working Group Meetings February 2025

## Presentation by Australia Topic 1 – National Control System - Imports





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- We will focus on small arms and light weapons - firearms in particular.
- Australia has a robust firearms control framework.
  - importation regime reflects our unique geographical position – island in Oceania – heavy reliance on shipping.
- Border controls for firearms are governed by legislation
  - *Customs Act 1901*
  - *Customs (Prohibited Imports) Regulations 1956*
  - *Customs (Prohibited Exports) Regulations 1958*
  - *Customs Regulation 2015.*
- Australia has a federated system of government.
  - it is broken up into 8 States and Territories (8 jurisdictions)
  - domestic controls are governed by each jurisdiction and managed by the State and Territory Law Enforcement Firearms Registries.





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## Sanctions

- Australia implements UNSC sanctions, including relevant measures relating to the import of arms or related matériel from countries subject to UNSC sanctions.
  - These are given effect in Australia by the Charter of the United Nations Act 1945
- Australia has also implemented Autonomous sanctions
  - includes measures restricting import of arms or related matériel from sanctioned countries
  - Legislative basis is the Autonomous Sanctions Act 2011
- Enforcement of sanctions is supported by the Customs Act 1901
  - Australian Border Force can prevent the importation/exportation of prohibited items
- The Australian Foreign Minister may grant permits under both UNSC and autonomous sanctions frameworks.



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## **The Australian Border Force is responsible for:**

- Facilitation of legitimate imports of firearms and weapons
- Frontline enforcement of import and export controls for firearms and weapons
- Non-firearm weapons policy
- Import permit processing for non-firearm weapons.



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## The Attorney-General's Department

- Firearms policy and regulation is a shared responsibility between the Commonwealth and state and territory governments under our federated model.
- Australia's approach to the regulation of firearms is outlined in the National Firearms Agreement, first established in 1996 and updated in 2017.
- The Attorney-General's Department administers the import permit regime for highly controlled firearms under the *Customs (Prohibited Imports) Regulations 1956*.



## Defining 'Weapons'

- For import controls a firearm is defined under the Customs (Prohibited Imports) Regulations 1956 as:
  - A device designed or adapted to discharge shot, bullets, or other projectiles by means of an explosive charge, or a compressed gas, whether that device is fitted with a magazine or other feeding device designed to be used with it or not.
- The definition of 'weapons' is broader. The legislation lists 51 different items that are controlled. Examples include:
  - Warfare goods (artillery systems, missile launchers, grenades, explosives)
  - Warfare vehicles, vessels and aircraft
  - Specific knives (automatic knives, concealed blades, star or sheath knives)
  - Body armour
  - Electromagnetic weapons



## Assessment - Permission and Tests

- Importation of prohibited firearms/weapons and their parts may be permitted if the importer complies with the appropriate test, requirements and/or conditions relevant to the type of firearm or weapon being imported.
- Permission must first be granted by the Minister or a person authorised by the Minister.
- For permission to be granted, the authorised person must be satisfied that the importation meets the ‘tests’ applied to the item.
- The ‘tests’:
  - limit the movement of firearms and weapons into Australia
  - ensure that when they enter, it is done so consistent with the Australian Government’s policy for the importation of such goods.



## Import control permit regime (continued)

- 11 different ‘tests’ for the importation of firearms.
- 10 different ‘tests’ for the importation of weapons.
- The ‘tests’ take into account the different circumstances that arise for the lawful importation of the goods.
- The ‘tests’ circumstances include, but are not limited to:
  - Supply to the Australian Government and State and Territory law-enforcement agencies
  - Research and development
  - Joint defence training exercises with foreign military
  - Returned goods, including for repair and maintenance
  - Public or national interest.



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## **Import control permit regime (continued)**

### **Conditions**

- Each 'test' contains certain conditions the importer must adhere to.
- The authorised person can place additional conditions on the import permission, if necessary.

### **Permit validity**

- Every import permit has a unique identification number.
- Most permits issued are single use permits.
- The Australian Government has reduced the burden on industry by introducing ongoing permits for some importers.



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Australia's robust import control system, including a rigorous application of the 'tests', and data sharing contribute to global efforts to thwart the diversion of small arms and light weapons.

Thank you!

