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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Combating Antisemitism, Hate and Extremism (Firearms and Customs Laws) Bill 2026

No. , 2026

(Home Affairs)

**A Bill for an Act to amend legislation relating to
customs and background checking, and to create a
scheme to buy back firearms, and for related
purposes**

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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. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Schedule 1	The day after this Act receives the Royal Assent.	
3. Schedule 2, Parts 1 to 6	The day after this Act receives the Royal Assent.	
4. Schedule 2, Part 7	The 28th day after this Act receives the Royal Assent.	
5. Schedule 3	The day after this Act receives the Royal Assent.	

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Note: This table relates only to the provisions of this Act as originally enacted.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

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

10

3 Schedules

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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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Note: The provisions of a legislative instrument amended or inserted by this Act, and any other provisions of that instrument, may be amended or repealed by a person who is currently authorised under the enabling legislation for the instrument to make instruments of the same kind (see subsection 13(5) of the *Legislation Act 2003*).

Schedule 1—Customs amendments

Part 1—Prohibited material

Division 1—Amendments

Customs (Prohibited Exports) Regulations 1958

1 After subregulation 3(2AA)

Insert:

(2AB) Without limiting subregulation (2), this regulation also applies to goods that:

(a) are or contain violent extremist material (within the meaning of the *Criminal Code*); or

(b) are, depict or contain prohibited symbols (within the meaning of the *Criminal Code*).

2 At the end of subregulation 3(4)

Add:

; or (c) the goods are covered by paragraph (2AB)(a) or (b) and are being exported for the purpose of engaging in conduct covered by subparagraph 80.2H(9)(a)(i) or (b)(ii), or paragraph 80.2H(10)(a), (b), (c), (d) or (e), of the *Criminal Code*.

Customs (Prohibited Imports) Regulations 1956

3 After subregulation 4A(1AA)

Insert:

(1AB) Without limiting subregulation (1A), this regulation also applies to goods that:

(a) are or contain violent extremist material (within the meaning of the *Criminal Code*); or

(b) are, depict or contain prohibited symbols (within the meaning of the *Criminal Code*).

1 **4 At the end of subregulation 4A(2)**

2 Add:

3 ; or (c) the goods are covered by paragraph (1AB)(a) or (b) and are
4 being imported for the purpose of engaging in conduct
5 covered by subparagraph 80.2H(9)(a)(i) or (b)(ii), or
6 paragraph 80.2H(10)(a), (b), (c), (d) or (e), of the *Criminal*
7 *Code*.

8 ***Customs Regulation 2015***

9 **5 Section 4 (definition of *commercial quantity of***
10 ***objectionable goods*)**

11 Repeal the definition.

12 **6 Subclause 1(1) of Schedule 7 (table items 22 and 23)**

13 Repeal the table items, substitute:

- 14
- 22 A good that:
- (a) is an objectionable good; but
 - (b) is not an item of child abuse material

15 **7 Subclause 1(2) of Schedule 7 (definition of *commercial***
16 ***quantity of objectionable goods*)**

17 Repeal the definition.

18 **Division 2—Application and transitional provisions**

19 ***Customs (Prohibited Exports) Regulations 1958***

20 **8 In the appropriate position in Part 5**

21 Insert:

1 **27 Transitional matters—amendments made by Part 1 of Schedule 1**
2 **to the *Combatting Antisemitism, Hate and Extremism***
3 ***(Firearms and Customs Laws) Act 2026***

4 The amendments of these Regulations made by Part 1 of
5 Schedule 1 to the *Combatting Antisemitism, Hate and Extremism*
6 *(Firearms and Customs Laws) Act 2026* apply in relation to goods
7 exported from Australia on or after the commencement of that Part.

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

9 **9 In the appropriate position before Schedule 1**

10 Insert:

11 **22 Transitional matters—amendments made by the *Combatting***
12 ***Antisemitism, Hate and Extremism (Firearms and Customs***
13 ***Laws) Act 2026***

- 14 (1) The amendments of these Regulations made by Part 1 of
15 Schedule 1 to the *Combatting Antisemitism, Hate and Extremism*
16 *(Firearms and Customs Laws) Act 2026* apply in relation to goods
17 imported into Australia on or after the commencement of that Part.

18 ***Customs Regulation 2015***

19 **10 In the appropriate position in Part 18**

20 Insert:

21 **167 Amendments made by Part 1 of Schedule 1 to the *Combatting***
22 ***Antisemitism, Hate and Extremism (Firearms and Customs***
23 ***Laws) Act 2026***

24 The amendments of these Regulations made by Part 1 of
25 Schedule 1 to the *Combatting Antisemitism, Hate and Extremism*
26 *(Firearms and Customs Laws) Act 2026* apply in relation to:
27 (a) goods imported into Australia on or after the commencement
28 of that Part; or
29 (b) goods exported from Australia on or after the commencement
30 of that Part.

1 **Part 2—Powers relating to instruments**

2 ***Customs Act 1901***

3 **11 At the end of section 4A**

4 Add:

5 (2) Neither of the following is a legislative instrument:

- 6 (a) a form or statement approved as mentioned in this section;
7 (b) an instrument approving a form or statement as mentioned in
8 this section.

9 **12 After subsection 50(3A)**

10 Insert:

11 (3B) Regulations made for the purposes of this section may confer on
12 the Minister the power to make provision in relation to a matter by
13 legislative instrument.

14 **13 After subsection 112(2AA)**

15 Insert:

16 (2AB) Regulations made for the purposes of this section may confer on
17 the Minister the power to make provision in relation to a matter by
18 legislative instrument.

Division 1—National gun buyback

The object of this Part is to provide for the Government of the Commonwealth, as the national Government of Australia, to implement a national gun buyback scheme in response to the antisemitic terrorist attack at Bondi Beach on 14 December 2025.

(1) In this Part:

AFP Minister means the Minister administering the *Australian Federal Police Act 1979*.

buyback period, for a State, means:

- (a) the period beginning on 1 January 2026 and ending on 31 December 2027, unless paragraph (b) applies; or
- (b) if a different period is determined by the AFP Minister under subitem (2) for that State—that period.

national firearms program means:

- (a) the commitments made or affirmed, or other measures agreed, by National Cabinet, on 15 December 2025, relating to firearms licencing, reducing the number of firearms in the community or any other matter connected with firearms; and
- (b) any other measures determined by the AFP Minister under subitem (3).

qualifying compensation has the meaning given by item 3.

State includes the Australian Capital Territory and the Northern Territory.

- (2) For the purposes of paragraph (b) of the definition of ***buyback period*** in subitem (1), the AFP Minister may, by notifiable instrument, determine a period for a State, on the recommendation of the Minister of that State who is responsible for police matters.

- 1 (3) For the purposes of paragraph (b) of the definition of ***national firearms***
2 ***program*** in subitem (1), the AFP Minister may, by notifiable
3 instrument, determine measures if the AFP Minister is satisfied those
4 measures are in relation to firearms.

5 **3 Qualifying compensation paid by a State**

- 6 (1) Compensation paid by a State is ***qualifying compensation*** to the extent
7 that the compensation is paid during the buyback period for the State
8 under a compensation scheme:
9 (a) set up by the State to support the national firearms program;
10 and
11 (b) approved by the AFP Minister under subitem (2).
12 (2) For the purposes of paragraph (1)(b), the AFP Minister may, by
13 notifiable instrument, approve a compensation scheme set up by a State
14 to support the national firearms program.

15 **4 Determination under *Federal Financial Relations Act 2009***

- 16 (1) The Minister administering the *Federal Financial Relations Act 2009*
17 must make a determination under subsection 16(1) of that Act in
18 relation to a State in respect of reimbursement of some of the qualifying
19 compensation paid by the State.
20 (2) Subitem (1) does not limit the application of section 16 of the *Federal*
21 *Financial Relations Act 2009* in connection with the implementation of
22 the national firearms program.

23 **5 Other financial assistance and payments**

- 24 (1) The AFP Minister may authorise payments by the Commonwealth in
25 connection with activities relating to the implementation of the national
26 firearms program.
27 (2) Subitem (1) does not apply in relation to a payment to a State.
28 ***Overall limit on payments under this item***
29 (3) The total amount that may be authorised by the AFP Minister under this
30 item must not be more than the amount determined in an instrument
31 under subitem (4).

1 *AFP Minister's instrument*

- 2 (4) Before authorising any payment under this item, the AFP Minister
3 must, by notifiable instrument, determine an amount for the purposes of
4 subitem (3).

5 *Implied nationhood power*

- 6 (5) Subitem (1) relies on the legislative power that the Parliament has under
7 the Constitution with respect to matters that are peculiarly adapted to
8 the government of a nation and cannot otherwise be carried on for the
9 benefit of the nation.

10 Note: See also item 1 (about the object of this Part).

11 *Defence power*

- 12 (6) In addition to subitem (5), subitem (1) also has the effect it would have
13 if a reference to activities were expressly confined to activities
14 undertaken for purposes relating to the defence of the Commonwealth
15 and of the several States within the meaning of paragraph 51(vi) of the
16 Constitution.

17 *Corporations power*

- 18 (7) In addition to subitem (5), subitem (1) also has the effect it would have
19 if a reference to activities were expressly confined to activities
20 undertaken by or on behalf of a corporation to which paragraph 51(xx)
21 of the Constitution applies.

22 *Territories power*

- 23 (8) In addition to subitem (5), subitem (1) also has the effect it would have
24 if a reference to activities were expressly confined to activities
25 undertaken in a Territory.

26 *Commonwealth places power*

- 27 (9) In addition to subitem (5), subitem (1) also has the effect it would have
28 if a reference to activities were expressly confined to activities
29 undertaken in a place that is referred to in paragraph 52(i) of the
30 Constitution.

Appropriation

(10) The Consolidated Revenue Fund is appropriated for payments under this item.

Division 2—Consequential amendments

Income Tax Assessment Act 1997

6 Subsection 995-1(1) (definition of *firearms surrender arrangements*)

Repeat the definition, substitute:

firearms surrender arrangements means:

- (a) an *Australian law; or
- (b) administrative arrangements of a State or Territory;

implementing:

- (c) the agreement arising from the meeting of the Police Ministers held on 10 May 1996 concerning the surrender of prohibited firearms; or
- (d) the national firearms program (within the meaning of item 2 of Schedule 2 to the *Combating Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026*).

7 Application provision

The amendments made by this Division apply in respect of years of income in which proceeds are derived as a result of firearms surrender arrangements.

1 **Part 2—Firearms background checks**

2 **Division 1—AusCheck amendments**

3 *AusCheck Act 2007*

4 **8 Subsection 4(1)**

5 Insert:

6 *CEO of ACIC* means the Chief Executive Officer of the Australian
7 Criminal Intelligence Commission established by the *Australian*
8 *Crime Commission Act 2002*.

9 *firearms background check* means a background check conducted
10 under regulations made for the purposes of paragraph 8(1)(f).

11 *firearms licensing authority* has the meaning given by regulations
12 made for the purposes of this definition.

13 *law enforcement agency* means an authority of the
14 Commonwealth, or an authority of a State or Territory, that has
15 functions relating to law enforcement.

16 *national security agency* means:

- 17 (a) the Australian Security Intelligence Organisation; or
18 (b) the Australian Criminal Intelligence Commission established
19 by the *Australian Crime Commission Act 2002*; or
20 (c) any other agency of the Commonwealth prescribed by the
21 regulations.

22 **9 Paragraph 5(ba)**

23 After “8(1)(a)”, insert “or (f)”.

24 **10 At the end of subsection 8(1)**

25 Add:

26 ; or (f) the check is of an individual in connection with any of the
27 following:

- (i) a decision under a law of a State or Territory about whether to issue a firearms licence to the individual or otherwise relating to the issue of such a licence (including in relation to conditions);
- (ii) a decision about whether to renew, revoke, vary or suspend a licence mentioned in subparagraph (i);
- (iii) in relation to an individual who holds a firearms licence—an application by a law enforcement agency or a national security agency.

11 After subsection 8(4)

Insert:

Firearms background checks

- (4A) If paragraph (1)(f) applies, a firearms background check of an individual may only take into account one or more of the following:
- (a) an assessment by the Australian Security Intelligence Organisation of the individual under the *Australian Security Intelligence Organisation Act 1979*;
 - (b) a criminal intelligence assessment (within the meaning of Part III of the *Australian Crime Commission Act 2002*) of the individual under that Act;
 - (c) the citizenship status of the individual.

12 After section 10A

Insert:

10B Matters covered by AusCheck scheme—firearms background checks

- (1) The AusCheck scheme may, for the purposes of paragraph 8(1)(f), make provision for and in relation to any of the following:
 - (a) the making of an application for a firearms background check by a firearms licensing authority, a law enforcement agency or a national security agency;

- 1 (b) the information that is to be contained in an application for a
2 firearms background check (including in relation to consent
3 for the check);
4 (c) the manner for conducting a firearms background check;
5 (d) the criteria against which an application for a firearms
6 background check is to be assessed;
7 (e) the form of advice to be given to the applicant for a firearms
8 background check;
9 (f) the form of advice to be given to other persons about the
10 status or outcome of a firearms background check (including
11 any conditions relating to the advice being provided to other
12 persons);
13 (g) any other matter relating to a firearms background check.
- 14 (2) The matters referred to in subsection (1) may relate to:
15 (a) all firearms background checks to be conducted for the
16 purposes of paragraph 8(1)(f); or
17 (b) a specified class or specified classes of such background
18 checks.
- 19 (3) For the purposes of paragraph (1)(b), without limiting that
20 paragraph, an individual is taken to have given consent to another
21 person making an application for a firearms background check of
22 the individual if:
23 (a) the individual has applied for a firearms licence (whether
24 immediately before the firearms background check or at any
25 previous time); and
26 (b) before making the application for the firearms licence, the
27 individual was advised by the person to whom that
28 application was made, in accordance with the requirements
29 (if any) specified in the regulations, that a firearms
30 background check:
31 (i) was a precondition to the issuing of the licence; and
32 (ii) may be conducted at any time that the licence is in
33 force.

34 **13 Subsection 13(1)**

35 Omit “The”, substitute “Subject to subsection (3), the”.

1 **14 Paragraph 13(1)(a)**

2 Before “outcome”, insert “status or”.

3 **15 At the end of section 13**

4 Add:

5 *Application of section in relation to firearms background checks*

- 6 (3) This section applies in relation to information (other than identity
7 verification information) collected about an individual for the
8 purposes of a firearms background check only if the individual is,
9 or has been, the subject of the firearms background check.

10 **16 At the end of subsection 14(1)**

11 Add:

12 Note: For information collected for the purposes of a firearms background
13 check, see subsection (4).

14 **17 At the end of section 14**

15 Add:

16 *Application of section in relation to firearms background checks*

- 17 (4) This section applies in relation to information (other than identity
18 verification information) collected about an individual for the
19 purposes of a firearms background check only if the individual is,
20 or has been, the subject of the firearms background check.

21 **18 Transitional provision**

22 Despite paragraph 10B(1)(b) of the *AusCheck Act 2007*, as inserted by
23 this Part, an individual is taken to have given consent to another person
24 making an application for a firearms background check of the individual
25 if, immediately before the commencement of this item, the individual
26 holds a firearms licence that is in force under a law of a State or
27 Territory.

28 Note: This section constitutes an authorisation for the purposes of other laws, such as
29 Australian Privacy Principle 6 of the *Privacy Act 1988*.

1 ***Australian Security Intelligence Organisation Act 1979***

2 **19 Subsection 39(3)**

3 Repeal the subsection, substitute:

4 (3) Subsection (1) does not prevent a Commonwealth agency from
5 taking prescribed administrative action within the meaning of
6 paragraph (h) of the definition of *prescribed administrative action*
7 in subsection 35(1):

8 (a) on the basis of a communication made under
9 subsection 18(3) or 19A(4) to a staff member of the
10 Commonwealth agency; or

11 (b) without limiting paragraph (a), for the purposes of a firearms
12 background check (within the meaning of the *AusCheck Act*
13 2007).

14 **Division 2—ACC and ASIO amendments**

15 ***Australian Crime Commission Act 2002***

16 **20 Subsection 4(1) (at the end of the definition of *serious and***
17 ***organised crime*)**

18 Add:

19 Note: A different definition applies in Part III (see section 52).

20 **21 After paragraph 7A(d)**

21 Insert:

22 (da) to make and give criminal intelligence assessments (within
23 the meaning of Part III) in accordance with that Part;

24 **22 Division 2A of Part II**

25 Repeal the Division.

26 **23 Subsection 46A(8)**

27 Repeal the subsection.

24 After Part II

Insert:

Part III—Criminal intelligence assessments

Division 1—Preliminary

52 Definitions

In this Part:

adverse criminal intelligence assessment has the meaning given by section 54.

ART Act means the *Administrative Review Tribunal Act 2024*.

background check has the same meaning as in section 5 of the *AusCheck Act 2007*.

Commonwealth agency means an agency within the meaning of the *Freedom of Information Act 1982*, and includes an exempt agency.

criminal intelligence assessment has the meaning given by section 53.

exempt agency means a body specified, or a person holding an office specified, in Part I of Schedule 2 to the *Freedom of Information Act 1982*.

federal offence has the meaning given by subsection 54B(2).

firearms background check has the same meaning as in the *AusCheck Act 2007*.

law enforcement or intelligence interests means interests in one or more of the following:

(a) avoiding prejudice or disruption to national and international efforts relating to law enforcement, criminal intelligence, criminal investigation, foreign intelligence and security intelligence;

- 1 (b) protecting the technologies and methods used to collect,
2 analyse, secure or otherwise deal with, criminal intelligence,
3 foreign intelligence or security intelligence;
4 (c) the protection and safety of informants and of persons
5 associated with informants;
6 (d) ensuring that intelligence and law enforcement agencies are
7 not discouraged from giving information to a nation's
8 government and government agencies;
9 (e) avoiding disclosure of lawful methods or procedures for
10 preventing, detecting, investigating, or dealing with matters
11 arising out of, breaches or evasions of the law the disclosure
12 of which would, or would be reasonably likely to, prejudice
13 the effectiveness of those methods or procedures.

14 **member** has the same meaning as in the *Administrative Review*
15 *Tribunal Act 2024*.

16 **officer of the Tribunal** means:

- 17 (a) the Principal Registrar within the meaning of the
18 *Administrative Review Tribunal Act 2024*; or
19 (b) a staff member within the meaning of that Act.

20 **prescribed administrative action** has the meaning given by
21 section 54A.

22 **security** has the same meaning as in the *Australian Security*
23 *Intelligence Organisation Act 1979*.

24 **serious and organised crime** has the meaning given by
25 section 54B.

26 **specified criminal intelligence assessment action** has the meaning
27 given by subsection 54G(2).

28 **Tribunal** means the Administrative Review Tribunal.

29 **53 Meaning of criminal intelligence assessment**

- 30 (1) A **criminal intelligence assessment** is a written statement made by
31 the ACC expressing any recommendation, opinion or advice on, or
32 otherwise referring to, the question of whether it would be
33 consistent with preventing the advancement of serious and

1 organised crime for prescribed administrative action to be taken, or
2 not taken, in respect of a person.

3 (2) To avoid doubt, a criminal intelligence assessment includes any
4 qualification or comment expressed in connection with any
5 recommendation, opinion or advice mentioned in subsection (1), if
6 the qualification or comment relates, or could relate, to the
7 question mentioned in that subsection.

8 **54 Meaning of *adverse criminal intelligence assessment***

9 An ***adverse criminal intelligence assessment*** is a criminal
10 intelligence assessment in respect of a person that contains:

- 11 (a) any opinion or advice, or any qualification of any opinion or
12 advice, or any information, that is or could be prejudicial to
13 the interests of the person; and
14 (b) a recommendation that prescribed administrative action be
15 taken or not be taken in respect of the person, being a
16 recommendation the implementation of which would be
17 prejudicial to the interests of the person.

18 **54A Meaning of *prescribed administrative action***

19 (1) ***Prescribed administrative action*** means the exercise of any power,
20 or the performance of any function, in relation to any of the
21 following decisions under a law of a State or Territory:

- 22 (a) a decision about whether to issue a firearms licence or
23 otherwise relating to the issue of such a licence (including in
24 relation to conditions);
25 (b) a decision about whether to renew, revoke, vary or suspend a
26 licence mentioned in paragraph (a).

27 (2) Action is also ***prescribed administrative action*** if the action relates
28 to or affects:

- 29 (a) access by a person to any information or place, access to
30 which is controlled or limited under:
31 (i) the *Aviation Transport Security Act 2004* or regulations
32 under that Act; or
33 (ii) the *Maritime Transport and Offshore Facilities Security*
34 *Act 2003* or regulations under that Act; or

- 1 (iii) an Act prescribed by the regulations for the purposes of
2 this subparagraph, or a legislative instrument under that
3 Act; or
4 (b) a person's ability to perform an activity in relation to, or
5 involving, a thing (other than information or a place), if that
6 ability is controlled or limited under:
7 (i) the *Aviation Transport Security Act 2004* or regulations
8 under that Act; or
9 (ii) the *Maritime Transport and Offshore Facilities Security*
10 *Act 2003* or regulations under that Act; or
11 (iii) an Act prescribed by the regulations for the purposes of
12 this subparagraph, or a legislative instrument under that
13 Act.

14 **54B Meaning of *serious and organised crime***

- 15 (1) For the purposes of this Part, ***serious and organised crime*** means a
16 federal offence that may have been committed, may presently be
17 being committed, or may in future be committed, in circumstances
18 involving:
19 (a) 2 or more offenders; and
20 (b) substantial planning or organisation; and
21 (c) the use of sophisticated methods and techniques.
22 (2) A ***federal offence*** is an offence:
23 (a) against a law of the Commonwealth; or
24 (b) against a law of a Territory; or
25 (c) against a law of a State that has a federal aspect;
26 that is:
27 (d) punishable by imprisonment for a period of 2 years or more;
28 or
29 (e) prescribed by the regulations for the purposes of this
30 paragraph.
31 Note: For the definitions of ***State*** and ***Territory***, see subsection 4(1).

Division 2—Criminal intelligence assessments

54C Making criminal intelligence assessments

General

- (1) The ACC may make criminal intelligence assessments for purposes related to:
 - (a) firearms background checks; or
 - (b) background checks required or permitted by any of the following:
 - (i) the *Aviation Transport Security Act 2004* or regulations under that Act;
 - (ii) the *Maritime Transport and Offshore Facilities Security Act 2003* or regulations under that Act;
 - (iii) an Act prescribed by the regulations for the purposes of subparagraph 54A(2)(a)(iii) or (b)(iii), or a legislative instrument under that Act.

Note: The making of criminal intelligence assessments is separate to, and does not affect, the ACC's function of providing strategic criminal intelligence assessments to the Board (as referred to in paragraph 7A(e)) and the Board's function of disseminating those strategic criminal intelligence assessments (as referred to in paragraph 7C(1)(g)).

- (2) The CEO may, by legislative instrument, determine the following in relation to the making of criminal intelligence assessments:
 - (a) the matters that must be taken into account;
 - (b) the manner in which those matters must be taken into account;
 - (c) the matters that must not be taken into account.
- (3) The CEO must not make a determination under subsection (2) unless the CEO has consulted the Minister.
- (4) If the ACC, in making a criminal intelligence assessment, considers that making an adverse criminal intelligence assessment in respect of a person would prejudice law enforcement or intelligence interests, the ACC may decide not to make the assessment.

- 1 (5) To avoid doubt, for the purposes of performing the function in
2 subsection (1), the ACC may:
3 (a) make a criminal intelligence assessment at any time for
4 purposes related to a background check that:
5 (i) is being undertaken; or
6 (ii) has previously been undertaken; and
7 (b) make more than one criminal intelligence assessment for
8 purposes related to the same background check.

9 *Certain criminal intelligence assessments that are not adverse*

- 10 (6) Despite subsections (1) and (2), the ACC must make a criminal
11 intelligence assessment in respect of a person that is not an adverse
12 criminal intelligence assessment if the person is not identified in a
13 search of intelligence held by the ACC that is conducted in
14 accordance with the instructions issued by the CEO under
15 subsection (7).

16 Note: The CEO may arrange for the use of a computer program to make
17 criminal intelligence assessments to which this subsection applies: see
18 section 54G.

- 19 (7) The CEO must, in writing, issue instructions about the conducting
20 of searches for the purposes of subsection (6).
21 (8) Instructions issued under subsection (7) are not a legislative
22 instrument.

23 **54D Giving criminal intelligence assessments to Commonwealth**
24 **agencies**

25 *Criminal intelligence assessments that are not adverse*

- 26 (1) The ACC may give a criminal intelligence assessment, that is not
27 an adverse criminal intelligence assessment, in respect of a person
28 to a Commonwealth agency for purposes related to:
29 (a) a firearms background check of the person; or
30 (b) a background check of the person that is required or
31 permitted by any of the following:
32 (i) the *Aviation Transport Security Act 2004* or regulations
33 under that Act;

- 1 (ii) the *Maritime Transport and Offshore Facilities Security*
2 *Act 2003* or regulations under that Act;
3 (iii) an Act prescribed by the regulations for the purposes of
4 subparagraph 54A(2)(a)(iii) or (b)(iii), or a legislative
5 instrument under that Act.

- 6 (2) Despite subsection (1), the ACC must give a criminal intelligence
7 assessment, that is not an adverse criminal intelligence assessment,
8 in respect of a person to a Commonwealth agency for purposes
9 mentioned in subsection (1) if the criminal intelligence assessment
10 is made in accordance with subsection 54C(6).

11 Note: The CEO may arrange for the use of a computer program to give
12 certain kinds of criminal intelligence assessments to Commonwealth
13 agencies: see section 54G.

14 *Adverse criminal intelligence assessments*

- 15 (3) The CEO may cause an adverse criminal intelligence assessment in
16 respect of a person to be given to a Commonwealth agency for
17 purposes related to:
18 (a) a firearms background check of the person; or
19 (b) a background check of the person that is required or
20 permitted by any of the following:
21 (i) the *Aviation Transport Security Act 2004* or regulations
22 under that Act;
23 (ii) the *Maritime Transport and Offshore Facilities Security*
24 *Act 2003* or regulations under that Act;
25 (iii) an Act prescribed by the regulations for the purposes of
26 subparagraph 54A(2)(a)(iii) or (b)(iii), or a legislative
27 instrument under that Act.
- 28 (4) If the CEO considers that giving a Commonwealth agency an
29 adverse criminal intelligence assessment in respect of a person
30 would prejudice law enforcement or intelligence interests or
31 security, the CEO may decide not to cause the assessment to be
32 given to the agency.
- 33 (5) An adverse criminal intelligence assessment given to a
34 Commonwealth agency under subsection (3) must be accompanied
35 by:

- 1 (a) a statement of the grounds for the assessment (which is taken
2 to be part of the assessment); and
3 (b) if, under subsection (7), the CEO makes a certificate in
4 relation to information contained in the assessment—a copy
5 of the certificate.
- 6 (6) The statement of the grounds for the adverse criminal intelligence
7 assessment must contain all information that the ACC relied on in
8 making the assessment, other than:
9 (a) subject to subsection (8), information in relation to which the
10 CEO has made a certificate under subsection (7); and
11 (b) information the disclosure of which would be contrary to a
12 law of the Commonwealth, a State or a Territory.
- 13 (7) The CEO may certify, in writing, that the CEO is satisfied that
14 disclosing particular information contained in an adverse criminal
15 intelligence assessment, including particular information contained
16 in the statement of the grounds for the assessment, to the person in
17 respect of whom the assessment was made would prejudice law
18 enforcement or intelligence interests or security.
- 19 (8) If the CEO makes a certificate under subsection (7) in relation to
20 information, the CEO may decide not to cause the information to
21 be given to a Commonwealth agency under subsection (3) or (5).
22 However, the Minister may, after consulting the CEO, direct the
23 CEO to cause the information to be given to the Commonwealth
24 agency.
- 25 (9) A certificate made under subsection (7) is not a legislative
26 instrument.
- 27 (10) If the direction under subsection (8) is made in writing, the
28 direction is not a legislative instrument.

29 **54E Person to be notified of adverse criminal intelligence assessment**

- 30 (1) If an adverse criminal intelligence assessment in respect of a
31 person is given to a Commonwealth agency under
32 subsection 54D(3), the Commonwealth agency must give written
33 notice of the assessment to the person.

34 Note: See also subsections (3) to (5) (about exceptions to subsection (1)).

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Exception—Minister's certificate

- (5) Subsection (1) does not apply if a certificate made under subsection (6) is in force in relation to the adverse criminal intelligence assessment.
- (6) The Minister may certify, in writing, that the Minister is satisfied that the withholding of notice to a person of the making of an adverse criminal intelligence assessment in respect of the person is essential to either or both of the following:
- (a) avoiding prejudice to law enforcement or intelligence interests;
 - (b) security.
- (7) If the Minister makes a certificate under subsection (6) in relation to an adverse criminal intelligence assessment, the Minister must:
- (a) give a copy of the certificate to the Commonwealth agency to which the assessment was given under subsection 54D(3); and
 - (b) before the end of the following periods (unless the certificate is revoked earlier), consider whether to revoke the certificate:
 - (i) the period of 12 months beginning on the day on which the certificate was made;
 - (ii) each subsequent 12 month period.
- (8) A certificate made under subsection (6) is not a legislative instrument.

54F Effect of preliminary advice by the ACC

A Commonwealth agency must not take, refuse to take or refrain from taking prescribed administrative action on the basis of any communication in relation to a person made by the ACC not amounting to a criminal intelligence assessment.

**Division 3—Automation of specified criminal intelligence
assessment action**

54G Automation of specified criminal intelligence assessment action

(1) The CEO may, in writing, arrange for the use, under the CEO's oversight, of computer programs to take specified criminal intelligence assessment action that must be taken by the ACC under this Act.

(2) *Specified criminal intelligence assessment action* is:

- (a) performing, or refusing or failing to perform, a function or duty under subsection 54C(6); or
- (b) performing, or refusing or failing to perform, a function or duty under subsection 54D(2); or
- (c) doing, or refusing or failing to do, anything related to performing a function or duty under the subsection mentioned in paragraph (a) or (b).

*ACC treated as having taken specified criminal intelligence
assessment action*

(3) Specified criminal intelligence assessment action taken by the operation of a computer program under an arrangement under subsection (1) is treated, for all purposes, as specified criminal intelligence assessment action taken by the ACC.

Substituting specified criminal intelligence assessment action

(4) The ACC may take specified criminal intelligence assessment action, or make a criminal intelligence assessment under subsection 54C(1), (the ***substituted action***) in substitution for specified criminal intelligence assessment action the ACC is treated as having taken under subsection (3) of this section if the ACC is satisfied that the specified criminal intelligence assessment action taken by the operation of the computer program is not the correct or preferable action.

(5) The substituted action takes effect on:

- (a) if the ACC specifies the day on which the substituted action takes effect—that specified day; or

1 (b) otherwise—the day of the specified criminal intelligence
2 assessment action taken by the operation of the computer
3 program.

4 (6) The day specified under paragraph (5)(a) may be earlier than the
5 day the substituted action is taken but not earlier than the day of
6 the specified criminal intelligence assessment action taken by the
7 operation of the computer program.

8 *ACC may still take specified criminal intelligence assessment*
9 *action*

10 (7) An arrangement under subsection (1) does not prevent the ACC
11 from taking specified criminal intelligence assessment action.

12 *Arrangement not a legislative instrument*

13 (8) An arrangement under subsection (1) is not a legislative
14 instrument.

15 **54H Oversight and safeguards for automation of specified criminal**
16 **intelligence assessment action**

17 (1) The CEO must take all reasonable steps to ensure that specified
18 criminal intelligence assessment action taken by the operation of a
19 computer program under an arrangement under subsection 54G(1)
20 is specified criminal intelligence assessment action that the ACC
21 could validly take under section 54C or 54D.

22 (2) Without limiting subsection (1), the CEO must do the things (if
23 any) prescribed by the regulations for the purposes of this
24 subsection.

25 Note: Specified criminal intelligence assessment action may still be invalid
26 even if subsections (1) and (2) are complied with.

27 (3) A failure to comply with subsection (1) or (2) does not affect the
28 validity of the specified criminal intelligence assessment action
29 taken by the operation of a computer program under an
30 arrangement under subsection 54G(1).

Division 4—Review of adverse criminal intelligence assessments

54J Applications to Tribunal

- (1) An application may be made to the Tribunal for review of a decision of the ACC under section 54C to make an adverse criminal intelligence assessment.

Note 1: Section 18 of the ART Act generally requires an application for review of a decision to be made within the period prescribed by rules made under that Act.

Note 2: See also subsections (4) and (5) (about an exception to subsection (1)).

- (2) An application under subsection (1) may be made by the person in respect of whom the assessment was made and who has been given notice of the assessment under section 54E.

Interaction with the ART Act

- (3) Subsection (2) has effect despite subsection 17(1) of the ART Act (about who can apply for review).

Exception

- (4) Subsection (1) does not apply if the adverse criminal intelligence assessment was in relation to any of the following decisions under a law of a State or Territory:
- (a) a decision about whether to issue a firearms licence or otherwise relating to the issue of such a licence (including in relation to conditions);
 - (b) a decision about whether to renew, revoke, vary or suspend a licence mentioned in paragraph (a).
- (5) Despite subsection (4), subsection (1) does apply in the circumstances prescribed by the regulations for the purposes of this subsection.

54K Restriction on further assessments after review

If the Tribunal has made findings upon a review of an adverse criminal intelligence assessment, the ACC must not make a further

1 criminal intelligence assessment in respect of the person concerned
2 that is not in accordance with those findings except on the basis of
3 matters occurring after the review or of evidence that was not
4 available at the time of the review.

5 **54L Costs**

- 6 (1) The Tribunal may order that costs reasonably incurred by an
7 applicant under section 54J in connection with the application, or
8 any part of those costs that is determined by the Tribunal, be paid
9 by the Commonwealth if:
- 10 (a) the applicant was, in the opinion of the Tribunal, successful,
11 or substantially successful, in the application for review; and
 - 12 (b) the Tribunal is satisfied that it is appropriate to make the
13 order in all the circumstances of the case.

14 *Interaction with ART Act*

- 15 (2) For the purposes of section 115 of the ART Act (about taxing
16 costs), the Commonwealth is taken to be a party to the proceeding
17 referred to in subsection (1) of this section.

18 **Division 5—Secrecy**

19 **54M Secrecy—criminal intelligence assessment information**

- 20 (1) A person commits an offence if:
- 21 (a) the person is, or has been:
 - 22 (i) a member or an officer of the Tribunal; or
 - 23 (ii) an officer or employee of a Commonwealth agency to
24 which an adverse criminal intelligence assessment has
25 been given under subsection 54D(3); and
 - 26 (b) the person makes a record of, discloses or otherwise uses
27 information; and
 - 28 (c) the information was obtained by the person by reason of, or
29 in the course of, the performance or exercise of the person's
30 functions, duties or powers as a member or an officer of the
31 Tribunal, or as an officer or employee of the agency; and
 - 32 (d) the information is, is contained in, or relates to, a criminal
33 intelligence assessment.

(i) a decision about whether to issue a firearms licence or otherwise relating to the issue of such a licence (including in relation to conditions);

(ii) a decision about whether to renew, revoke, vary or suspend a licence mentioned in subparagraph (i).

Note: See subsection (2A) for an exception to paragraph (1)(d).

29 After subsection 36(2)

Insert:

(2A) Paragraph (1)(d) does not apply in the circumstances prescribed by the regulations for the purposes of this subsection.

30 Before section 93A

Insert:

92E Automation of specified assessment action

(1) The Director-General may, in writing, arrange for the use, under the Director-General's oversight, of computer programs to take specified assessment action that may, or must, be taken by the Organisation under this Act.

(2) Before making an arrangement under subsection (1), the Director-General must consult the Inspector-General of Intelligence and Security.

(3) As soon as practicable after making an arrangement under subsection (1), the Director-General must give a copy of the arrangement to the Inspector-General of Intelligence and Security.

(4) ***Specified assessment action*** has the meaning given by an instrument made by the Minister under subsection 92F(1).

Organisation treated as having taken specified assessment action

(5) Specified assessment action taken by the operation of a computer program under an arrangement under subsection (1) is treated, for all purposes, as specified assessment action taken by the Organisation.

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- 1 (2) Before making an instrument under subsection (1), the Minister
2 must consult the Inspector-General of Intelligence and Security.
- 3 (3) As soon as practicable after making an instrument under
4 subsection (1), the Minister must:
5 (a) notify the Committee on Intelligence and Security; and
6 (b) give a copy of the instrument to the Inspector-General of
7 Intelligence and Security.
- 8 (4) The Committee on Intelligence and Security may request a briefing
9 on the instrument.
- 10 (5) An instrument made under subsection (1) is not a legislative
11 instrument.

12 **92G Oversight and safeguards for automation of specified**
13 **assessment action**

14 *Director-General to ensure specified assessment action is action*
15 *that could be validly taken*

- 16 (1) The Director-General must take all reasonable steps to ensure that
17 specified assessment action taken by the operation of a computer
18 program under an arrangement under subsection 92E(1) is
19 specified assessment action that the Organisation could validly take
20 under this Act.
- 21 (2) Without limiting subsection (1), the Director-General must do the
22 things (if any) prescribed by the regulations for the purposes of this
23 subsection.
- 24 Note: Specified assessment action may still be invalid even if
25 subsections (1) and (2) are complied with.
- 26 (3) A failure to comply with subsection (1) or (2) does not affect the
27 validity of the specified assessment action taken by the operation
28 of a computer program under an arrangement under
29 subsection 92E(1).

1 *Reference to Organisation*

- 2 (4) In this section, a reference to the Organisation includes a reference
3 to the Director-General exercising powers or performing functions
4 on behalf of the Organisation.

5 **31 Application and saving provisions**

- 6 (1) Division 2A of Part II of the *Australian Crime Commission Act 2002*, as
7 in force immediately before the commencement of this item, continues
8 to apply on and after that commencement in relation to a criminal
9 intelligence assessment that was completed before the commencement
10 of this item.
- 11 (2) The amendment of subsection 36(1) of the *Australian Security*
12 *Intelligence Organisation Act 1979* made by this Division applies in
13 relation to a security assessment provided on or after the
14 commencement of this item.

15 **Division 3—Spent etc. convictions**

16 *Crimes Act 1914*

17 **32 Subsection 85ZP(3) (note)**

18 Repeal the note, substitute:

19 Note: There are exceptions in sections 85ZZJC (use and disclosure of spent
20 conviction etc. information by ASIO, ACC and other intelligence or
21 security agencies) and 85ZZL (criminal proceedings before the
22 Federal Court of Australia).

23 **33 After section 85ZZJ**

24 Insert:

25 **Subdivision BA—Exclusions relating to ASIO and ACC**
26 **(Divisions 2 and 3)**

27 **34 Section 85ZZJA (heading)**

28 Repeal the heading, substitute:

85ZZJA Exclusions—ASIO

35 Subsection 85ZZJA(1)

Omit “Division 3 does”, substitute “Divisions 2 and 3 do”.

36 Before Subdivision C of Division 6 of Part VII C

Insert:

85ZZJB Exclusions—ACC

(1) Divisions 2 and 3 do not apply in relation to:

- (a) the disclosure of information to or by the ACC, or an ACC officer, if the disclosure is made for the purposes of the performance of the ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*; or
- (b) filing or recording information that comes into the possession of the ACC, or an ACC officer, if the filing or recording is done for the purposes of the performance of the ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*; or
- (c) the use by the ACC, or an ACC officer, of information for the purposes of the performance of the ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*.

Note 1: The ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002* relates to criminal intelligence assessments.

Note 2: The ACC is also covered by section 85ZZJ (see the definition of *law enforcement agency* in section 85ZL).

(2) In this section:

ACC officer means:

- (a) a member of the staff of the ACC; or
- (b) the Chief Executive Officer of the ACC.

Subdivision BB—Use and disclosure of spent etc. conviction information by ASIO, ACC and other intelligence or security agencies

85ZZJC Use and disclosure of spent etc. conviction information by ASIO, ACC and other intelligence or security agencies

Spent, pardoned and quashed convictions

- (1) ASIO or an ASIO officer may use or disclose information, relating to a person's conviction of an offence that is spent, pardoned or quashed, in the performance of the functions, or the exercise of the powers, of ASIO or the officer.

- (2) The ACC or an ACC officer may use or disclose information, relating to a person's conviction of an offence that is spent, pardoned or quashed, in the performance of the ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*.

Note: The ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002* relates to criminal intelligence assessments.

- (3) An intelligence or security agency may use or disclose information, relating to a person's conviction of an offence that is spent, pardoned or quashed, for the purpose of assessing:
- (a) prospective employees or prospective members of the agency; or
 - (b) persons proposed to be engaged as consultants to, or to perform services for, the agency or a member of the agency.

Persons being found guilty of offences but discharged without conviction

- (4) ASIO or an ASIO officer may use or disclose information, relating to a person having been charged with and found guilty of an offence but discharged without conviction, in the performance of the functions, or the exercise of the powers, of ASIO or the officer.
- (5) The ACC or an ACC officer may use or disclose information, relating to a person having been charged with and found guilty of

1 an offence but discharged without conviction, in the performance
2 of the ACC's function covered by paragraph 7A(da) of the
3 *Australian Crime Commission Act 2002*.

4 Note: The ACC's function covered by paragraph 7A(da) of the *Australian*
5 *Crime Commission Act 2002* relates to criminal intelligence
6 assessments.

- 7 (6) An intelligence or security agency may use or disclose information,
8 relating to a person having been charged with and found guilty of
9 an offence but discharged without conviction, for the purpose of
10 assessing:
11 (a) prospective employees or prospective members of the
12 agency; or
13 (b) persons proposed to be engaged as consultants to, or to
14 perform services for, the agency or a member of the agency.

15 *Relationship with other laws*

- 16 (7) Nothing in this section limits any other power of ASIO, the ACC
17 or an intelligence or security agency to use or disclose information:
18 (a) relating to a person's conviction of an offence that is spent,
19 pardoned or quashed; or
20 (b) relating to a person having been charged with and found
21 guilty of an offence but discharged without conviction.

22 *Interpretation*

- 23 (8) This section has effect:
24 (a) despite subsection 85ZP(3) and Divisions 2 and 3; and
25 (b) despite any law of a State or Territory.

- 26 (9) In this section:

27 **ACC officer** means:

- 28 (a) a member of the staff of the ACC; or
29 (b) the Chief Executive Officer of the ACC.

30 **ASIO** means the Australian Security Intelligence Organisation.

31 **ASIO officer** means:

- 32 (a) the Director-General of Security; or

(b) an ASIO employee (within the meaning of the *Australian Security Intelligence Organisation Act 1979*); or

(c) an ASIO affiliate (within the meaning of that Act).

37 Application provision

The amendments made by this Division apply in relation to the use or disclosure of information on or after the commencement of this item, whether the information was obtained before, on or after that commencement.

Division 4—Consequential amendments

Administrative Decisions (Judicial Review) Act 1977

38 Paragraph (wa) of Schedule 1

Omit “Division 2A of Part II”, substitute “Part III”.

Administrative Review Tribunal Act 2024

39 Section 4 (definition of *criminal intelligence assessment*)

Omit “Division 2A of Part II”, substitute “Part III”.

40 Section 4 (subparagraph (b)(iii) of the definition of exempt security record decision)

Omit “Division 2A of Part II”, substitute “Part III”.

41 Section 4 (definition of *law enforcement interests*)

Repeal the definition.

42 Section 4

Insert:

law enforcement or intelligence interests has the same meaning as in Part III of the *Australian Crime Commission Act 2002*.

43 Subsection 141(3) (table item 1, column 2)

Omit “subsection 36C(5)”, substitute “subsection 54D(7)”.

1 **44 Paragraph 156(2)(b)**

2 Repeal the paragraph, substitute:

3 (b) law enforcement or intelligence interests.

4 **45 Paragraph 158(3)(b)**

5 Omit “law enforcement interests”, substitute “law enforcement or
6 intelligence interests”.

7 **46 Paragraph 161(2)(c)**

8 Omit “law enforcement interests”, substitute “law enforcement or
9 intelligence interests”.

10 **47 Subsection 162(1) (table item 1, column 2)**

11 Omit “subsection 36C(5)”, substitute “subsection 54D(7)”.

12 ***AusCheck Act 2007***

13 **48 Paragraph 5(ba)**

14 Omit “as defined in section 36A”, substitute “within the meaning of
15 Part III”.

16 ***AusCheck Regulations 2017***

17 **49 Section 4 (definition of *adverse criminal intelligence***
18 ***assessment*)**

19 Omit “section 36A”, substitute “Part III”.

20 **50 Section 4 (definition of *high risk criminal intelligence***
21 ***assessment*)**

22 Repeal the definition.

23 **51 Subsection 13(4A) (heading)**

24 Omit “*high risk*”, substitute “*adverse*”.

25 **52 Subsection 13(4A)**

26 Omit “a high risk”, substitute “an adverse”.

53 Subsection 14(6) (heading)

Omit “*high risk*”, substitute “*adverse*”.

54 Subsection 14(6)

Omit “a high risk”, substitute “an adverse”.

55 Subparagraph 23(b)(iia)

Omit “a high risk”, substitute “an adverse”.

56 In the appropriate position in Part 5

Insert:

Division 9—Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026

45 Application provision—amendments made by the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026*

- (1) The amendments of sections 13, 14 and 23 made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* apply in relation to the following:
 - (a) an application for a background check made on or after the commencement of this section;
 - (b) an application for a background check made before the commencement of this section that had not been completed before that commencement.
- (2) In relation to a background check covered by paragraph (1)(b), subsections 13(4A) and 14(6) and subparagraph 23(b)(ia), as in force on or after the commencement of this section, apply as if a reference to an adverse criminal intelligence assessment included a reference to a high risk criminal intelligence assessment (within the meaning of this instrument as in force immediately before that commencement).

1 ***Australian Border Force Act 2015***

2 **57 After paragraph 46(j)**

3 Insert:

4 (ja) a purpose relating to the performance of the Australian Crime
5 Commission's function covered by paragraph 7A(da) of the
6 *Australian Crime Commission Act 2002*;

7 ***Aviation Transport Security Act 2004***

8 **58 Section 4**

9 Omit "serious crime", substitute "serious and organised crime".

10 **59 Section 9**

11 Insert:

12 *serious and organised crime* has the same meaning as in Part III of
13 the *Australian Crime Commission Act 2002*.

14 **60 Section 27**

15 Omit "serious crime", substitute "serious and organised crime".

16 **61 Division 4A of Part 3 (heading)**

17 Repeal the heading, substitute:

18 **Division 4A—Serious and organised crime**

19 **62 Section 38AA**

20 Omit "serious crime", substitute "serious and organised crime".

21 **63 Subsection 38AB(1)**

22 Omit "serious crime", substitute "serious and organised crime".

23 **64 Subsection 44C(1)**

24 Omit "serious crime", substitute "serious and organised crime".

1 *Aviation Transport Security Regulations 2005*

2 **65 Subregulation 6.01(1) (definition of *adverse criminal***
3 ***intelligence assessment*)**

4 Omit “section 36A”, substitute “Part III”.

5 **66 Subregulation 6.01(1) (note to the definition of *adverse***
6 ***criminal intelligence assessment*)**

7 Omit “section 36D and Subdivision C of Division 2A of Part II”,
8 substitute “section 54E and Division 4 of Part III”.

9 **67 Paragraph 6.27AA(3)(c)**

10 Omit “serious crime”, substitute “serious and organised crime”.

11 **68 Paragraph 6.28(1)(ea)**

12 Omit “person issuing the assessment”, substitute “Chief Executive
13 Officer of the Australian Crime Commission”.

14 **69 Paragraph 6.28(1)(ea)**

15 Omit “serious crime”, substitute “serious and organised crime”.

16 **70 Paragraph 6.28(4G)(a)**

17 Omit “and (c)”, substitute “, (c) and (ea)”.

18 **71 Subparagraph 6.42A(1)(b)(ii)**

19 Omit “serious crime”, substitute “serious and organised crime”.

20 **72 Paragraph 6.43(2)(bb)**

21 Omit “person issuing the assessment”, substitute “Chief Executive
22 Officer of the Australian Crime Commission”.

23 **73 Paragraph 6.43(2)(bb)**

24 Omit “serious crime”, substitute “serious and organised crime”.

25 **74 Subregulation 6.44(2)**

26 Omit “serious crime”, substitute “serious and organised crime”.

75 In the appropriate position in Part 10

Insert:

Division 25—Amendments made by the Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026

10.56 Application of amendments made by the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026*

- (1) The amendment of paragraph 6.27AA(3)(c) made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* applies in relation to an application for a background check made on or after the commencement of that Part.
- (2) The amendments of regulation 6.28 made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* apply in relation to the issue of an ASIC on or after the commencement of that Part.
- (3) The amendment of subparagraph 6.42A(1)(b)(ii) made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* applies in relation to a direction made on or after the commencement of that Part.
- (4) The amendments of paragraph 6.43(2)(bb) made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* apply in relation to a cancellation of an ASIC on or after the commencement of that Part, whether the ASIC was issued before, on or after that commencement.
- (5) The amendment of subregulation 6.44(2) made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* applies in relation to a cancellation of an ASIC, VIC or TAC on or after the

1 commencement of that Part, whether the ASIC, VIC or TAC was
2 issued before, on or after that commencement.

3 ***Crimes Act 1914***

4 **76 After paragraph 3ZQU(1)(d)**

5 Insert:

6 (da) the performance of the ACC’s function covered by
7 paragraph 7A(da) of the *Australian Crime Commission Act*
8 *2002*;

9 ***Maritime Transport and Offshore Facilities Security Act***
10 ***2003***

11 **77 Section 10**

12 Insert:

13 *serious and organised crime* has the same meaning as in Part III of
14 the *Australian Crime Commission Act 2002*.

15 **78 Section 101**

16 Omit “serious crime”, substitute “serious and organised crime”.

17 **79 Division 6 of Part 6 (heading)**

18 Repeal the heading, substitute:

19 **Division 6—Serious and organised crime**

20 **80 Section 113E**

21 Omit “serious crime”, substitute “serious and organised crime”.

22 **81 Subsection 113F(1)**

23 Omit “serious crime”, substitute “serious and organised crime”.

1 ***Maritime Transport and Offshore Facilities Security***
2 ***Regulations 2003***

3 **82 Subregulation 6.07B(1) (definition of *adverse criminal***
4 ***intelligence assessment*)**

5 Omit “section 36A”, substitute “Part III”.

6 **83 Paragraph 6.08C(1)(da)**

7 Omit “person issuing the assessment”, substitute “Chief Executive
8 Officer of the Australian Crime Commission”.

9 **84 Paragraph 6.08C(1)(da)**

10 Omit “serious crime”, substitute “serious and organised crime”.

11 **85 At the end of subregulation 6.08C(5)**

12 Add:

13 ; and (c) the person meets the criteria in paragraph (1)(da).

14 **86 Paragraph 6.08D(1)(b)**

15 Omit “person issuing the assessment”, substitute “Chief Executive
16 Officer of the Australian Crime Commission”.

17 **87 Paragraph 6.08D(1)(b)**

18 Omit “serious crime”, substitute “serious and organised crime”.

19 **88 Subregulation 6.08D(1) (note)**

20 Omit “section 36D and Subdivision C of Division 2A of Part II”,
21 substitute “section 54E and Division 4 of Part III”.

22 **89 Subregulation 6.08D(3)**

23 Omit “serious crime”, substitute “serious and organised crime”.

24 **90 Subregulation 6.08F(8)**

25 Omit “serious crime”, substitute “serious and organised crime”.

26 **91 Paragraph 6.08LC(1)(c)**

27 Omit “serious crime”, substitute “serious and organised crime”.

1 **92 Subparagraph 6.08LE(1)(b)(ii)**

2 Omit “serious crime”, substitute “serious and organised crime”.

3 **93 Paragraph 6.08M(1)(cb)**

4 Omit “person issuing the assessment”, substitute “Chief Executive
5 Officer of the Australian Crime Commission”.

6 **94 Paragraph 6.08M(1)(cb)**

7 Omit “serious crime”, substitute “serious and organised crime”.

8 **95 Subregulation 6.08O(3)**

9 Omit “serious crime”, substitute “serious and organised crime”.

10 **96 In the appropriate position in Schedule 2**

11 Insert:

12 **Part 15—Amendments made by the Combatting**
13 **Antisemitism, Hate and Extremism**
14 **(Firearms and Customs Laws) Act 2026**
15

16 **123 Application of amendments made by the *Combatting***
17 ***Antisemitism, Hate and Extremism (Firearms and Customs***
18 ***Laws) Act 2026***

- 19 (1) The amendments of regulation 6.08C made by Division 4 of Part 2
20 of Schedule 2 to the *Combatting Antisemitism, Hate and*
21 *Extremism (Firearms and Customs Laws) Act 2026* apply in
22 relation to the issue of an MSIC on or after the commencement of
23 that Part.
- 24 (2) The amendments of paragraph 6.08D(1)(b) made by Division 4 of
25 Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and*
26 *Extremism (Firearms and Customs Laws) Act 2026* apply in
27 relation to an adverse criminal intelligence assessment given on or
28 after the commencement of that Part.

- (3) The amendments of subregulations 6.08D(3) and 6.08F(8) made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* apply in relation to a direction made on or after the commencement of that Part.
- (4) The amendment of paragraph 6.08LC(1)(c) made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* applies in relation to an application for a background check made on or after the commencement of that Part.
- (5) The amendment of subparagraph 6.08LE(1)(b)(ii) made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* applies in relation to a direction made on or after the commencement of that Part.
- (6) The amendments of regulations 6.08M and 6.08O made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* apply in relation to a cancellation of an MSIC on or after the commencement of that Part, whether the MSIC was issued before, on or after that commencement.

Surveillance Devices Act 2004

97 After paragraph 45(5)(g)

Insert:

- (ga) the performance of the Australian Crime Commission's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*;
- (gb) a proceeding relating to the review of an adverse criminal intelligence assessment (within the meaning of Part III of the *Australian Crime Commission Act 2002*);

98 After subsection 45(7)

Insert:

(7A) Subsection (7) does not apply in relation to the Australian Crime Commission in connection with the performance of the Australian Crime Commission's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*.

99 After paragraph 45B(5)(b)

Insert:

(ba) the performance of the Australian Crime Commission's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*;

Telecommunications (Interception and Access) Act 1979

**100 Subsection 5(1) (before subparagraph (aa)(i) of the
definition of *permitted purpose*)**

Insert:

(ia) the performance of the ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*; or

101 After paragraph 5B(1)(a)

Insert:

- (aa) a proceeding by way of review of a decision of the Organisation to make an adverse security assessment (within the meaning of Part IV of the *Australian Security Intelligence Organisation Act 1979*) or a qualified security assessment (within the meaning of that Part); or
- (ab) a proceeding by way of review of a decision of the ACC to make an adverse criminal intelligence assessment (within the meaning of Part III of the *Australian Crime Commission Act 2002*); or

102 After subsection 67(1C)

Insert:

(1D) An officer of the ACC may communicate to another person, make use of, or make a record of information mentioned in paragraph (1A)(c) for the purpose of the performance of the ACC's

1 function covered by paragraph 7A(da) of the *Australian Crime*
2 *Commission Act 2002*.

3 (1E) Subsection (1D) does not apply if the information mentioned in
4 paragraph (1A)(c) was obtained by an officer of the ACC:

5 (a) by, or in connection with, intercepting a communication
6 when exercising authority under a warrant issued to another
7 agency; or

8 (b) as a result of a communication in accordance with section 66,
9 where the information was obtained by intercepting a
10 communication under a warrant issued to another agency.

11 **103 After paragraph 68(a)**

12 Insert:

13 (aa) if the information relates, or appears to relate, to the
14 performance of the ACC's function covered by
15 paragraph 7A(da) of the *Australian Crime Commission Act*
16 *2002*—to the Chief Executive Officer of the ACC; and

17 **104 Subsection 73(1)**

18 Omit “subsections (2) and (3)”, substitute “subsections (1A), (2) and
19 (3)”.

20 **105 After subsection 73(1)**

21 Insert:

22 (1A) Subsection (1) does not apply in relation to an officer of the ACC
23 in connection with the performance of the ACC's function covered
24 by paragraph 7A(da) of the *Australian Crime Commission Act*
25 *2002*.

26 **106 At the end of subsection 139(2)**

27 Add:

28 ; or (f) the performance of the ACC's function covered by
29 paragraph 7A(da) of the *Australian Crime Commission Act*
30 *2002*.

31 **107 Section 142**

32 Before “A person”, insert “(1)”.

108 At the end of section 142

Add:

- (2) Subsection (1) does not apply in relation to an officer of the ACC in connection with the performance of the ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*.

109 Section 178 (at the end of the heading)

Add **“etc.”**.

110 Subsection 178(3)

Repeal the subsection, substitute:

- (3) The authorised officer must not make the authorisation unless the authorised officer is satisfied that the disclosure is reasonably necessary for:
- (a) in any case—the enforcement of the criminal law; or
 - (b) in the case of an authorised officer of the ACC—the performance of the ACC’s function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*.

111 Subsection 180(4)

Omit “the investigation of”.

112 Paragraph 180(4)(a)

Before “a”, insert “in any case—the investigation of”.

113 Paragraph 180(4)(b)

Before “an”, insert “in any case—the investigation of”.

114 At the end of subsection 180(4)

Add:

- ; or (c) in the case of an authorised officer of the ACC—the performance of the ACC’s function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*.

1 **115 After subparagraph 181A(3)(b)(ii)**

2 Insert:

3 (ia) to enable the ACC to perform its function covered by
4 paragraph 7A(da) of the *Australian Crime Commission*
5 *Act 2002*; or

6 **116 After subparagraph 181A(6)(b)(ii)**

7 Insert:

8 (ia) to enable the ACC to perform its function covered by
9 paragraph 7A(da) of the *Australian Crime Commission*
10 *Act 2002*; or

11 **117 After subparagraph 181B(3)(b)(iib)**

12 Insert:

13 (ic) to enable the ACC to perform its function covered by
14 paragraph 7A(da) of the *Australian Crime Commission*
15 *Act 2002*; or

16 **118 After subparagraph 181B(6)(b)(iab)**

17 Insert:

18 (iac) to enable the ACC to perform its function covered by
19 paragraph 7A(da) of the *Australian Crime Commission*
20 *Act 2002*; or

21 **119 After subparagraph 182(2)(a)(iib)**

22 Insert:

23 (iic) for the performance by the ACC of its function covered
24 by paragraph 7A(da) of the *Australian Crime*
25 *Commission Act 2002*; or

26 **120 After subparagraph 182(3)(a)(iib)**

27 Insert:

28 (ic) for the performance by the ACC of its function covered
29 by paragraph 7A(da) of the *Australian Crime*
30 *Commission Act 2002*; or

121 After subparagraph 182B(b)(ivb)

Insert:

(ivc) to enable the ACC to perform its function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*; or

**Part 3—Transmission of firearms information and
other information to ACIC**

Customs Act 1901

122 Section 273L

Repeal the section, substitute:

**273L Transmission of firearms information and other information
to ACIC**

Home Affairs Secretary

- (1) The Home Affairs Secretary may disclose firearms information, or other information prescribed by the regulations for the purposes of this subsection, that is contained in one or more electronic systems under the control of the Home Affairs Secretary, to the ACIC CEO.

Note: This section constitutes an authorisation for the purposes of other laws, such as Australian Privacy Principle 6 of the *Privacy Act 1988*.

- (2) Without limiting subsection (1), the Home Affairs Secretary may disclose information mentioned in subsection (1) by arranging for the automatic transmission of that information to one or more electronic systems under the control of the ACIC CEO.

Comptroller-General of Customs

- (3) The Comptroller-General of Customs may disclose firearms information, or other information prescribed by the regulations for the purposes of this subsection, that is contained in one or more electronic systems under the control of the Comptroller-General of Customs, to the ACIC CEO.

Note 1: See subsection 4(1) for the definition of ***Comptroller-General of Customs***.

Note 2: This section constitutes an authorisation for the purposes of other laws, such as Australian Privacy Principle 6 of the *Privacy Act 1988*.

- 1 (4) Without limiting subsection (3), the Comptroller-General of
2 Customs may disclose information mentioned in subsection (3) by
3 arranging for the automatic transmission of that information to one
4 or more electronic systems under the control of the ACIC CEO.

5 *Firearms information*

- 6 (5) **Firearms information** is information relating to firearms or other
7 goods relating to firearms (including firearms frames, firearms
8 receivers and firearms sound suppressors). That information may
9 include the following:
10 (a) information relating to the import or export of the firearms or
11 other goods;
12 (b) information relating to licences or permits (however
13 described) for the firearms or other goods;
14 (c) personal information or other information in relation to one
15 or more persons.

16 *Other prescribed information*

- 17 (6) Information prescribed for the purposes of subsection (1) or (3)
18 must be information relating to goods that are not firearms or other
19 goods relating to firearms. That information may include the
20 following:
21 (a) information relating to the import or export of the goods;
22 (b) information relating to licences or permits (however
23 described) for the goods;
24 (c) personal information or other information in relation to one
25 or more persons.

26 *General definitions*

- 27 (7) In this section:

28 **ACIC** means the agency known as the Australian Criminal
29 Intelligence Commission established by the *Australian Crime*
30 *Commission Act 2002*.

31 **ACIC CEO** means the Chief Executive Officer of the ACIC.

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1 or the national interest test set out in item 8B, of Part 1 of
2 Schedule 6.

3 **127 After regulation 4F**

4 Insert:

5 **4FA Public safety test for firearms**

6 *Minister may apply public safety test for firearms*

- 7 (1) At or before the importation of an article to which regulation 4F
8 applies, the Minister may assess whether the importation of the
9 article poses a risk to the health, safety or security of the public or
10 a segment of the public.

11 Note: Regulation 4F applies to the importation of firearms, firearm
12 accessories, firearm parts, firearm magazines, ammunition,
13 components of ammunition and imitations.

- 14 (2) To avoid doubt, the Minister does not have any obligation to
15 consider whether to assess the importation of an article under
16 subregulation (1).
- 17 (3) The Minister may, at any time, require the person importing the
18 article to give to the Minister any information that the Minister
19 reasonably requires for the purpose of assessing the importation of
20 the article.

21 *When importation of an article passes or fails the public safety test*
22 *for firearms*

- 23 (4) The importation of an article ***passes the public safety test for***
24 ***firearms*** if:
25 (a) the Minister assesses the importation of the article under
26 subregulation (1); and
27 (b) the Minister determines, in accordance with the legislative
28 instrument made under subregulation (6), that the importation
29 of the article does not pose a risk to the health, safety or
30 security of the public or a segment of the public.
- 31 (5) The importation of an article ***fails the public safety test for***
32 ***firearms*** if:

- 1 (a) the Minister assesses the importation of the article under
2 subregulation (1); and
3 (b) the Minister determines, in accordance with the legislative
4 instrument made under subregulation (6), that the importation
5 of the article poses a risk to the health, safety or security of
6 the public or a segment of the public.

7 Note: If the importation of an article fails the public safety test for firearms,
8 the article is generally prohibited from being imported (see
9 subregulations 4F(1) and (1AA)).

10 *Rules relating to public safety test for firearms*

- 11 (6) For the purposes of this regulation, the Minister must, by
12 legislative instrument, makes rules for and in relation to whether
13 the importation of an article to which regulation 4F applies poses a
14 risk to the health, safety or security of the public or a segment of
15 the public.

16 *Public includes emergency services personnel*

- 17 (7) To avoid doubt, a reference in this section to the public or a
18 segment of the public includes a reference to emergency services
19 personnel who serve the public.

20 **128 Subregulation 4H(1)**

21 Repeal the subregulation, substitute:

- 22 (1) Subject to subregulation (2), the importation into Australia of a
23 weapon or weapon part of the kind mentioned in an item in Part 2
24 of Schedule 13 is prohibited unless:
25 (a) the importation is in accordance with the requirements set out
26 in the item; and
27 (b) if the public safety test for weapons is applied under
28 regulation 4HA to the importation of the goods—the
29 importation of the goods passes the public safety test for
30 weapons.
31 (1A) Despite subregulation (1), the importation of goods that fail the
32 public safety test for weapons is not prohibited if the importation
33 of the goods complies with the public interest test set out in item 9,

1 or the national interest test set out in item 10, of Part 1 of
2 Schedule 13.

3 **129 After regulation 4H**

4 Insert:

5 **4HA Public safety test for weapons**

6 *Minister may apply public safety test for weapons*

- 7 (1) At or before the importation of goods to which regulation 4H
8 applies, the Minister may assess whether the importation of the
9 goods poses a risk to the health, safety or security of the public or a
10 segment of the public.

11 Note: Regulation 4H applies to the importation of weapons and weapon
12 parts.

- 13 (2) To avoid doubt, the Minister does not have any obligation to
14 consider whether to assess the importation of goods under
15 subregulation (1).
- 16 (3) The Minister may, at any time, require the person importing the
17 goods to give to the Minister any information that the Minister
18 reasonably requires for the purpose of assessing the importation of
19 the goods.

20 *When importation of goods passes or fails the public safety test for*
21 *weapons*

- 22 (4) The importation of goods ***passes the public safety test for weapons***
23 **if:**
- 24 (a) the Minister assesses the importation of the goods under
25 subregulation (1); and
- 26 (b) the Minister determines, in accordance with the legislative
27 instrument made under subregulation (6), that the importation
28 of the goods does not pose a risk to the health, safety or
29 security of the public or a segment of the public.

- 30 (5) The importation of goods ***fails the public safety test for weapons***
31 **if:**

- 1 (a) the Minister assesses the importation of the goods under
2 subregulation (1); and
3 (b) the Minister determines, in accordance with the legislative
4 instrument made under subregulation (6), that the importation
5 of the goods poses a risk to the health, safety or security of
6 the public or a segment of the public.

7 Note: If the importation of goods fails the public safety test for weapons, the
8 goods are generally prohibited from being imported (see
9 subregulations 4H(1) and (1A)).

10 *Rules relating to public safety test for weapons*

- 11 (6) For the purposes of this regulation, the Minister must, by
12 legislative instrument, makes rules for and in relation to whether
13 the importation of goods to which regulation 4H applies poses a
14 risk to the health, safety or security of the public or a segment of
15 the public.

16 *Public includes emergency services personnel*

- 17 (7) To avoid doubt, a reference in this section to the public or a
18 segment of the public includes a reference to emergency services
19 personnel who serve the public.

20 **130 Part 1 of Schedule 6**

21 After “A reference in column 3 of Part 2 of this Schedule to compliance
22 with a test means compliance in the following manner:”, insert:

23 Note: The public safety test for firearms may be applied to an article in
24 addition to the tests in this Part. If the importation of the article fails
25 the public safety test for firearms, the importation of the article will be
26 prohibited unless the Minister gives written permission for the
27 importation of the article under the public interest test or the national
28 interest test in this Part (see subregulation 4F(1AA)).

29 **131 Part 1 of Schedule 13**

30 After “A reference in column 3 of Part 2 of this Schedule to compliance
31 with a test means compliance in the following manner:”, insert:

32 Note: The public safety test for weapons may be applied to goods in addition
33 to the tests in this Part. If the importation of the goods fails the public
34 safety test for weapons, the importation of the goods will be
35 prohibited unless the Minister gives written permission for the

1 importation of the goods under the public interest test or the national
2 interest test in this Part (see subregulation 4H(1A)).

3 **Division 2—Application of amendments made by this**
4 **Part**

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

6 **132 At the end of regulation 22**

7 Add:

- 8 (2) The amendments of these Regulations made by Part 4 of
9 Schedule 2 to the *Combatting Antisemitism, Hate and Extremism*
10 *(Firearms and Customs Laws) Act 2026* apply in relation to:
- 11 (a) any application for permission to import goods into Australia
12 made at or after the commencement of that Part; and
 - 13 (b) any application for permission to import goods into Australia
14 made before that commencement that has not been finally
15 decided; and
 - 16 (c) any documentation given at or after that commencement to
17 facilitate the importation of goods into Australia; and
 - 18 (d) any documentation given before that commencement to
19 facilitate the importation of goods into Australia, where the
20 goods are imported into Australia on or after that
21 commencement.

Part 5—Importation of firearms

Division 1—Assisted repeating action and straight pull repeating action firearms

Customs (Prohibited Imports) Regulations 1956

133 Subregulation 2(1)

Insert:

assisted repeating action has the meaning given by subregulation 4F(4).

straight pull repeating action has the meaning given by subregulation 4F(4).

134 Subregulation 4F(4)

Insert:

assisted repeating action: a firearm is an *assisted repeating action* firearm if:

- (a) the firearm operates with a self-opening repeating action, or a self-closing repeating action; and
- (b) the cycle of operation of the firearm is partly automated.

straight pull repeating action: a firearm is a **straight pull repeating action** firearm if the firearm is operated by movement of a bolt or handle along a single linear axis (that is, without rotation).

135 Part 2 of Schedule 6 (table item 1, column 2, paragraph (c))

Repeal the paragraph, substitute:

- (c) a rimfire rifle, other than a semi-automatic rimfire rifle or an assisted repeating action or straight pull repeating action rimfire rifle;

136 Part 2 of Schedule 6 (table item 2, column 2, paragraph (d))

Repeal the paragraph, substitute:

1 (d) a repeating action centre fire rifle, other than an assisted repeating action or straight
2 pull repeating action centre fire rifle;

3 **137 Part 2 of Schedule 6 (table item 2, column 2,**
4 **paragraph (f))**

5 Repeal the paragraph, substitute:

6 (f) a repeating bolt action shotgun, other than an assisted repeating action or straight
7 pull repeating action shotgun;

8 **138 Part 2 of Schedule 6 (table item 2, column 2,**
9 **paragraph (g))**

10 After “lever action shotgun”, insert “that is not an assisted repeating
11 action or straight pull repeating action shotgun, and that is”.

12 **139 Part 2 of Schedule 6 (table item 2, column 2,**
13 **paragraph (ga))**

14 Repeal the paragraph.

15 **140 Part 2 of Schedule 6 (at the end of table item 3, column 2)**

16 Add:

17 An assisted repeating action or straight pull repeating action shotgun that is:

18 (a) without a firearm magazine; or

19 (b) fitted with a firearm magazine of a capacity no greater than 5 rounds.

20 An assisted repeating action or straight pull repeating action rimfire rifle that is:

21 (a) without a firearm magazine; or

22 (b) fitted with a firearm magazine of a capacity no greater than 10 rounds.

23 **141 Part 2 of Schedule 6 (table item 3, column 3)**

24 After “rimfire rifle”, insert “, or assisted repeating action or straight pull
25 repeating action rimfire rifle”.

26 **142 Part 2 of Schedule 6 (table item 3, column 3)**

27 After “repeating shotgun”, insert “, or assisted repeating action or
28 straight pull repeating action shotgun”.

143 Part 2 of Schedule 6 (table item 6, column 2, after paragraph (b))

Insert:

- (ba) an assisted repeating action or straight pull repeating action rimfire rifle fitted with a firearm magazine of a capacity greater than 10 rounds;

144 Part 2 of Schedule 6 (table item 6, column 2, paragraph (da))

Repeal the paragraph, substitute:

- (da) an assisted repeating action or straight pull repeating action shotgun fitted with a magazine of capacity greater than 5 rounds;
- (db) an assisted repeating action or straight pull repeating action centre fire rifle;

145 Part 2 of Schedule 6 (table item 15, column 2, paragraph (d))

Repeal the paragraph, substitute:

- (d) assisted repeating action or straight pull repeating action shotguns;

146 Part 2 of Schedule 6 (table item 16, column 2, after paragraph (c))

Insert:

- (e) assisted repeating action or straight pull repeating action centre fire rifles;

147 Part 2 of Schedule 6 (cell at table item 16A, column 2)

Repeal the cell, substitute:

Detachable firearm magazine (other than a firearm magazine to which item 14A, 14B or 16 applies), having a capacity of more than 15 rounds, for repeating action centre-fire rifles, whether or not attached to a firearm.

Division 2—Belt feeders

Customs (Prohibited Imports) Regulations 1956

148 Part 2 of Schedule 6 (table item 1, column 2, paragraph (e))

After “capability”, insert “or is operated using belt-fed ammunition”.

1 **149 Part 2 of Schedule 6 (table item 2, column 2,**
2 **paragraph (h))**
3 After “capability”, insert “or is operated using belt-fed ammunition”.

4 **150 Part 2 of Schedule 6 (table item 3, column 2,**
5 **paragraph (a))**
6 After “capability”, insert “or is operated using belt-fed ammunition”.

7 **151 Part 2 of Schedule 6 (table item 6, column 2,**
8 **paragraph (e))**
9 After “capability”, insert “or is operated using belt-fed ammunition”.

10 **152 Part 2 of Schedule 6 (table item 9, column 2,**
11 **paragraph (d))**
12 After “capability”, insert “or is operated using belt-fed ammunition”.

13 **Division 3—Magazines over 30 rounds**

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

15 **153 Part 2 of Schedule 6 (after table item 16A)**

16 Insert:

16B Detachable firearm magazine having a capacity of more than 30 rounds (other than a firearm magazine to which item 14A, 14B, 15, 16 or 16A applies), whether or not attached to a firearm.	The importation must comply with at least one of the following tests: (a) the official purposes test; (b) the specified purposes test; (c) the specified person test; (d) the returned goods test.
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17 **154 Part 2 of Schedule 6 (table item 17, column 2,**
18 **paragraph (a))**
19 Omit “or 16A applies”, substitute “, 16A or 16B applies”.

Division 4—Handguns

Customs (Prohibited Imports) Regulations 1956

155 Paragraph 4.1(c) of Part 1 of Schedule 6

Repeal the paragraph.

156 Subparagraph 4.1(d)(ii) of Part 1 of Schedule 6

Omit “or category H”.

157 Subitem 4.2 of Part 1 of Schedule 6

Repeal the subitem.

158 Subitem 5.1 of Part 1 of Schedule 6

After “category C article”, insert “, or a category H article,”.

159 Subitem 5.2 of Part 1 of Schedule 6 (note)

Omit “and *restricted category C article*”, substitute “, *restricted category C article* and *category H article*”.

160 Subitem 5A.1 of Part 1 of Schedule 6

After “category C article”, insert “, or a category H article,”.

161 Subitem 5A.2 of Part 1 of Schedule 6 (note)

Omit “and *restricted category C article*”, substitute “*restricted category C article* and *category H article*”.

162 Item 6 of Part 1 of Schedule 6 (heading)

Omit “—Category C and D articles”.

163 Subitem 6.1 of Part 1 of Schedule 6

Omit “or Category D”, substitute “, Category D or Category H”.

164 Subitem 6.2 of Part 1 of Schedule 6 (note)

After “*Category D article*”, insert “, *Category H article*”.

165 Item 7 of Part 1 of Schedule 6

Repeal the item, substitute:

7. Handgun test

7.1 The importation of a category H article complies with the handgun test if, at or before importation, the Minister gives written permission under this item for the importation of the article.

7.2 The Minister may give written permission for the importation of the article only if the Minister is satisfied that the importer is:

- (a) a certified buyer for the article; or
- (b) certified for business or occupational purposes for the article; or
- (c) a certified collector for the article; or
- (d) exempt from holding, or not required to hold, a licence for the article.

Note: For the definitions of *category H article*, *certified buyer*, *certified for business or occupational purposes* and *certified collector*, see Part 4.

166 Part 2 of Schedule 6 (cell at table item 9, column 3)

Repeal the cell, substitute:

The importation must comply with at least one of the following tests:

- (a) the official purposes test;
- (b) the specified purposes test;
- (c) the specified person test;
- (d) the sports shooter test;
- (e) the international sports shooter test;
- (f) the dealer test;
- (g) the handgun test;
- (h) the returned goods test.

If item 1A of Part 3 of this Schedule applies to the firearm—the firearm must comply with the identification requirements set out in the item.

If item 1 of Part 3 of this Schedule applies to the firearm—the firearm must comply with the safety requirements set out in the item.

167 Part 2 of Schedule 6 (table item 9B, column 3, paragraph (d))

Repeal the paragraph, substitute:

- (d) the sports shooter test;
- (da) the international sports shooter test;

168 Part 2 of Schedule 6 (table item 9B, column 3, after paragraph (e))

Insert:

- (ea) the handgun test;

169 Part 2 of Schedule 6 (table item 10, column 3, paragraph (d))

Repeal the paragraph, substitute:

- (d) the sports shooter test;
- (da) the international sports shooter test;
- (db) the dealer test;
- (dc) the handgun test;

170 Part 2 of Schedule 6 (at the end of the cell at table item 17, column 3)

Add:

- ; (f) the sports shooter test;
- (g) the international sports shooter test;
- (h) the handgun test.

171 At the end of subitem 3A.1 of Part 4 of Schedule 6

Add:

- ; or (c) a firearm part covered by item 10 of Part 2; or
- (e) a firearm magazine covered by item 17 of Part 2.

1 **Division 5—Frames and receivers**

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

3 **172 After paragraph 3E(1)(b)**

4 Insert:
5 (ba) item 2A;

6 **173 Part 2 of Schedule 6 (after table item 2)**

7 Insert:

2A	A frame or receiver of, or for, a firearm to which item 1 or 2 applies.	The importation must comply with at least one of the following tests: (a) the official purposes test; (b) the specified purposes test; (c) the specified person test; (d) the police certification test. If item 1A of Part 3 of this Schedule applies to the frame or receiver, the frame or receiver must comply with the identification requirements set out in the item.
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8 **174 Part 2 of Schedule 6 (table item 2B, column 2)**

9 After “other than”, insert “a frame or receiver, or”.

10 **175 Part 2 of Schedule 6 (after table item 3)**

11 Insert:

3A	A frame or receiver of, or for, a firearm to which item 3 applies.	For a frame or receiver of, or for, a semi-automatic rimfire rifle: (a) the importation must comply with at least one of the following tests: (i) the official purposes test; (ii) the specified purposes test;
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- (iii) the specified person test;
 - (iv) the police certification test;
 - (v) the dealer test;
 - (vi) the returned goods test; and
- (b) if item 1A of Part 3 of this Schedule applies to the frame or receiver—the frame or receiver must comply with the identification requirements set out in the item.

For a frame or receiver of, or for, a semi-automatic shotgun or pump action repeating shotgun:

- (a) the importation must comply with at least one of the following tests:
- (i) the official purposes test;
 - (ii) the specified purposes test;
 - (iii) the specified person test;
 - (iv) the police certification test;
 - (v) the sports shooter test;
 - (vi) the international sports shooter test;
 - (vii) the dealer test;
 - (viii) the returned goods test; and
- (b) if item 1A of Part 3 of this Schedule applies to the frame or receiver—the frame or receiver must comply with the identification requirements set out in the item.

1 **176 Part 2 of Schedule 6 (at the end of the cell at table item 4,**
2 **column 2)**

3 Add:
4 ; or (c) a frame or receiver.

5 **177 Part 2 of Schedule 6 (after table item 6)**

6 Insert:

6A	A frame or receiver of, or for, a firearm to which item 6 applies.	The importation must comply with at least one of the following tests: (a) the official purposes test; (b) the specified purposes test; (c) the specified person test; (d) the returned goods test; (e) the dealer test. If item 1A of Part 3 of this Schedule applies to the frame or receiver, the frame or receiver must comply with the identification requirements set out in the item.
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7 **178 Part 2 of Schedule 6 (at the end of the cell at table item 7,**
8 **column 2)**

9 Add:
10 ; or (c) a frame or receiver.

11 **179 Part 2 of Schedule 6 (table item 7, column 3)**

12 Omit “For a frame or receiver to which item 1A of Part 3 of this
13 Schedule applies, the frame or receiver must comply with the
14 identification requirements set out in the item.”.

15 **180 Part 2 of Schedule 6 (after table item 12)**

16 Insert:

12A	A frame or receiver of, or for, a firearm to which item 12 applies.	The importation must comply with at least one of the following tests: (a) the official purposes test; (b) the specified purposes test; (c) the returned goods test. If item 1A of Part 3 of this Schedule applies to the frame or receiver, the frame or receiver must comply with the identification requirements set out in the item.
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181 Part 2 of Schedule 6 (table item 13, column 2)

After “other than”, insert “a frame or receiver, or”.

182 Part 2 of Schedule 6 (table item 13, column 3)

Omit “For a frame or receiver to which item 1A of Part 3 of this Schedule applies, the frame or receiver must comply with the identification requirements set out in the item.”.

Division 6—Skirmish markers

Customs (Prohibited Imports) Regulations 1956

183 Subregulation 2(1)

Insert:

skirmish marker has the meaning given in subregulation 4F(4).

184 After paragraph 3E(1)(g)

Insert:

(ga) item 14B;

**185 Subregulation 4F(4) (at the end of paragraph (c) of the
definition of *firearm*)**

Add:

; (xiii) a low power device that meets the requirements of a projectile toy under the *Consumer Goods (Projectile Toys) Safety Standard 2020*, as in force from time to time.

186 Subregulation 4F(4)

Insert:

skirmish marker:

- (a) means a firearm that is designed to fire plastic, polymer or hydrated superabsorbent polymer balls, darts, discs or similar projectiles of any material; and
- (b) includes goods commonly known as airsoft handguns, airsoft rifles, airsoft shotguns, blasters, gel blasters or gel ball blasters.

187 Part 2 of Schedule 6 (table item 1, column 2, paragraph (b))

Repeal the paragraph.

188 Part 2 of Schedule 6 (cell at table item 1, column 3)

Repeal the cell, substitute:

The importation must comply with at least one of the following tests:

- (a) the official purposes test;
- (b) the specified purposes test;
- (c) the specified person test;
- (d) the police certification test.

If item 1A of Part 3 of this Schedule applies to the firearm—the firearm must comply with the identification requirements set out in the item.

If item 1 of Part 3 of this Schedule applies to the firearm—the firearm must comply with the safety requirements set out in the item.

189 Part 2 of Schedule 6 (table item 9, column 2, paragraph (c))

Repeal the paragraph.

190 Part 2 of Schedule 6 (table item 12, column 2, paragraph (a))

Omit “or 14A”, substitute “, 14A or 14B”.

191 Part 2 of Schedule 6 (after table item 14A)

Insert:

14B Skirmish marker, other than a skirmish marker:

(a) that is substantially the same in appearance as a fully automatic firearm; or

(b) to which a firearm accessory is attached or is integral.

Firearm part of, or for, a skirmish marker mentioned in this item.

Detachable firearm magazine (other than a gravity-fed skirmish hopper) designed exclusively for use with a skirmish marker.

Plastic, polymer or hydratable superabsorbent polymer balls designed to be used as ammunition in a skirmish marker.

The importation must comply with the police certification test.

For a firearm, frame or receiver to which item 1A of Part 3 of this Schedule applies, the firearm, frame or receiver must comply with the identification requirements set out in the item.

For a firearm to which item 1 of Part 3 of this Schedule applies, the firearm must comply with the safety requirements set out in the item.

192 Part 2 of Schedule 6 (table items 15 and 16, column 2)

After “item 14A”, insert “or 14B”.

193 Part 2 of Schedule 6 (table item 17, column 2, paragraph (a))

After “item 14A,” insert “14B.”

Division 7—Proof of citizenship

Customs (Prohibited Imports) Regulations 1956

194 At the end of subitem 3.2 of Part 1 of Schedule 6

Add:

; and (c) the importer has produced evidence that the importer is an Australian citizen.

Division 8—Firearm sound suppressors and speed loaders

Customs (Prohibited Imports) Regulations 1956

195 Subregulation 2(1)

Insert:

speed loader means a device covered by paragraph (d) of the definition of **firearm accessory** in subregulation 4F(4).

196 After paragraph 3E(1)(f)

Insert:

(fa) item 13B;

**197 Subregulation 4F(4) (before paragraph (f) of the definition
of *firearm accessory*)**

Insert:

(d) a device that holds multiple rounds of ammunition, other than ammunition mentioned in item 14A or 14B of Part 2 of Schedule 6, in alignment for the purpose of quickly reloading a firearm, a cylinder or a firearm magazine;

198 Part 2 of Schedule 6 (at the end of the cell at table item 11, column 2)

Add “, other than a firearm accessory to which item 13A or 13B applies”.

199 Part 2 of Schedule 6 (after table item 13)

Insert:

13A A firearm accessory that is a silencer, sound moderator, sound suppressor or any other device designed to reduce, or capable of reducing, the noise of discharge of a firearm.

The importation must comply with at least one of the following tests:

(a) the official purposes test;
(b) the specified purposes test;

		(c) the returned goods test. The firearm accessory must comply with the identification requirements set out in item 1AA of Part 3 of this Schedule.
13B	A firearm accessory that is a speed loader.	The importation must comply with at least one of the following tests: (a) the official purposes test; (b) the specified purposes test; (c) the specified person test; (d) the sports shooter test; (e) the international sports shooter test; (f) the returned goods test.

200 Part 2 of Schedule 6 (at the end of the cell at table item 14, column 2)

Add “, other than a firearm accessory to which item 13A or 13B applies”.

201 After item 1A of Part 3 of Schedule 6

Insert:

1AA. Identification requirements for silencers, sound moderators and sound suppressors

- (1) A firearm accessory that is a silencer, sound moderator, sound suppressor or any other device designed to reduce, or capable of reducing, the noise of discharge of a firearm complies with the identification requirements if the firearm accessory is:
 - (a) visually inspected by a Collector; and
 - (b) found by the Collector to:
 - (i) have a unique serial number that consists only of Arabic numerals, English letters, or punctuation marks; and
 - (ii) display the serial number in accordance with subitem (2).

- 1 (2) For the purposes of subparagraph (1)(b)(ii), the serial number must
2 be:
3 (a) easily recognisable as the serial number for the firearm
4 accessory; and
5 (b) legible; and
6 (c) able to be read without the use of any device or tool; and
7 (d) displayed on the external surface of the firearm accessory.

8 **202 After paragraph 3A.1(c) of Part 4 of Schedule 6**

9 Insert:

- 10 (d) a firearm accessory covered by item 13B of Part 2; or

11 **Division 9—Application of amendments made by this**
12 **Part**

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

14 **203 At the end of regulation 22**

15 Add:

- 16 (3) The amendments of these Regulations made by Part 5 of
17 Schedule 2 to the *Combatting Antisemitism, Hate and Extremism*
18 *(Firearms and Customs Laws) Act 2026* apply in relation to:
19 (a) any application for permission to import goods into Australia
20 made at or after the commencement of that Part; and
21 (b) any application for permission to import goods into Australia
22 made before that commencement that has not been finally
23 decided; and
24 (c) any documentation given at or after that commencement to
25 facilitate the importation of goods into Australia; and
26 (d) any documentation given before that commencement to
27 facilitate the importation of goods into Australia, where the
28 goods are imported into Australia on or after that
29 commencement.

**Part 6—Approved forms for police certification for
firearms imports**

Division 1—Amendments

Customs (Prohibited Imports) Regulations 1956

204 At the end of item 4 of Part 1 of Schedule 6

Add:

4.2 For the purposes of paragraph 4.1(a), a statement made in approved form B709D or B709DA has no effect in relation to the importation of an article on or after the day this subitem commences (regardless of whether the statement was given to the importer before that day).

Note: This subitem was inserted by Part 6 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026*.

205 Paragraph 1.2(b) of Part 4 of Schedule 6

Omit “law; and”, substitute “law.”.

206 Paragraph 1.2(c) of Part 4 of Schedule 6

Repeal the paragraph.

207 Paragraph 1A.2(d) of Part 4 of Schedule 6

Omit “article; and”, substitute “article.”.

208 Paragraph 1A.2(e) of Part 4 of Schedule 6

Repeal the paragraph.

209 Item 6 of Part 1 of Schedule 13

Before “The importation”, insert “6.1”.

210 At the end of item 6 of Part 1 of Schedule 13

Add:

1 6.2 For the purposes of subitem 6.1, a statement made in approved
2 form B709X has no effect in relation to the importation of a good
3 on or after the day this subitem commences (regardless of whether
4 the statement was given to the importer before that day).

5 Note: This subitem was inserted by Part 6 of Schedule 2 to the *Combatting*
6 *Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act*
7 *2026*.

8 **Division 2—Application provisions**

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

10 **211 At the end of regulation 22**

11 Add:

- 12 (4) The amendments of these Regulations made by Part 6 of
13 Schedule 2 to the *Combatting Antisemitism, Hate and Extremism*
14 *(Firearms and Customs Laws) Act 2026* apply in relation to:
- 15 (a) any documentation given at or after the commencement of
16 that Part to facilitate the importation of goods into Australia;
17 and
- 18 (b) any documentation given before that commencement to
19 facilitate the importation of goods into Australia, where the
20 goods are imported into Australia on or after that
21 commencement.

1 **Part 7—Offences relating to use of carriage service**
2 **for firearms and explosives manufacture**
3 **material**

4 **Division 1—Main amendments**

5 *Criminal Code Act 1995*

6 **212 After Subdivision HA of Division 474 of the *Criminal***
7 ***Code***

8 Insert:

9 **Subdivision HB—Offences relating to use of carriage service**
10 **for firearms and explosives manufacture material**

11 **474.45F Meaning of *firearms and explosives manufacture material***

- 12 (1) *Firearms and explosives manufacture material* is material that:
- 13 (a) provides instructions on the manufacture or modification of:
- 14 (i) a firearm, firearm accessory, firearm part or firearm
- 15 magazine; or
- 16 (ii) an explosive or other lethal device; or
- 17 (b) supports or facilitates the manufacture or modification of:
- 18 (i) a firearm, firearm accessory, firearm part or firearm
- 19 magazine; or
- 20 (ii) an explosive or other lethal device.
- 21 (2) To avoid doubt, material may be intended to do a thing covered by
- 22 paragraph (1)(a) or (b) even if the material is also intended, or
- 23 mainly intended, to do one or more other things.
- 24 (3) Material is also *firearms and explosives manufacture material* if:
- 25 (a) it is reasonable to consider the material together with other
- 26 material; and
- 27 (b) were all of the material to be taken to be a single item of
- 28 material, it would constitute firearms and explosives
- 29 manufacture material under subsection (1).

- (4) To avoid doubt, material may be firearms and explosives manufacture material even if it would not be possible to use the material to manufacture or modify:
- (a) a functional firearm, functional firearm accessory, functional firearm part or functional firearm magazine; or
 - (b) a functional explosive or other lethal device.

Other definitions

- (5) In this Subdivision:

explosive or other lethal device has the same meaning as in the Convention referred to in section 72.1.

firearm has the same meaning as in the *Customs (Prohibited Imports) Regulations 1956*.

firearm accessory has the same meaning as in the *Customs (Prohibited Imports) Regulations 1956*.

firearm magazine has the same meaning as in the *Customs (Prohibited Imports) Regulations 1956*.

firearm part has the same meaning as in the *Customs (Prohibited Imports) Regulations 1956*.

474.45G Using a carriage service for firearms and explosives manufacture material

- (1) A person (the **first person**) commits an offence if:
- (a) the first person:
 - (i) accesses material; or
 - (ii) causes material, or an electronic link that can be used to access material, to be transmitted to the first person or another person; or
 - (iii) transmits, makes available, publishes, distributes, advertises, or promotes, material or an electronic link that can be used to access material; or
 - (iv) solicits material or an electronic link that can be used to access material; and
 - (b) the first person does so using a carriage service; and

1 (c) the material is firearms and explosives manufacture material.

2 Penalty: Imprisonment for 5 years.

3 (2) To avoid doubt, the following are the fault elements for the
4 physical elements of an offence against subsection (1):

5 (a) intention is the fault element for the conduct referred to in
6 paragraph (1)(a);

7 (b) recklessness is the fault element for the circumstance referred
8 to in paragraph (1)(c).

9 (3) Absolute liability applies to paragraph (1)(b).

10 **474.45H Possessing or controlling firearms and explosives**
11 **manufacture material obtained or accessed using a**
12 **carriage service**

13 (1) A person commits an offence if:

14 (a) the person has possession or control of material; and

15 (b) the material is in the form of data held in a computer or
16 contained in a data storage device; and

17 (c) the person used a carriage service to obtain or access the
18 material; and

19 (d) the material is firearms and explosives manufacture material.

20 Penalty: Imprisonment for 5 years.

21 (2) To avoid doubt, the following are the fault elements for the
22 physical elements of an offence against subsection (1):

23 (a) intention is the fault element for the conduct referred to in
24 paragraph (1)(a);

25 (b) recklessness is the fault element for the circumstance referred
26 to in paragraph (1)(d).

27 (3) Strict liability applies to paragraph (1)(b).

28 (4) Absolute liability applies to paragraph (1)(c).

29 (5) If the prosecution proves beyond reasonable doubt the matters
30 mentioned in paragraphs (1)(a), (b) and (d), then it is presumed,
31 unless the person proves to the contrary, that the person:

(a) obtained or accessed the material; and

(b) used a carriage service to obtain or access the material.

Note: A defendant bears a legal burden in relation to the matters in this subsection: see section 13.4.

474.45J Defences in respect of firearms and explosives manufacture material

State or Territory licences or permits

(1) Subsection 474.45G(1) or 474.45H(1) does not apply to engaging in conduct by a person in relation to material if:

(a) either:

(i) the person (the **business owner**) carries on a business in relation to firearms, firearm accessories, firearm parts, firearm magazines or explosives or other lethal devices; or

(ii) the person performs work for such a business; and

(b) the business owner holds a licence or permit (however described):

(i) that was granted by a State or a Territory or an authority of a State or a Territory; and

(ii) that authorises the manufacture, repair, maintenance or modification of those firearms, firearm accessories, firearm parts, firearm magazines or explosives or other lethal devices; and

(iii) that is in force; and

(c) the material relates to those firearms, firearm accessories, firearm parts, firearm magazines or explosives or other lethal devices; and

(d) the conduct is in connection with the carrying on of that business.

Note: A defendant bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3)).

(2) Subsection 474.45G(1) or 474.45H(1) does not apply to engaging in conduct by a person in relation to material if:

(a) the person holds a licence or permit (however described):

Schedule 2 Firearms amendments

Part 7 Offences relating to use of carriage service for firearms and explosives
manufacture material

-
- 1 (i) that was granted by a State or a Territory or an authority
2 of a State or a Territory; and
3 (ii) that authorises the manufacture, repair, maintenance or
4 modification of firearms, firearm accessories, firearm
5 parts, firearm magazines or explosives or other lethal
6 devices; and
7 (iii) that is in force; and
8 (b) the material relates to those firearms, firearm accessories,
9 firearm parts, firearm magazines or explosives or other lethal
10 devices.

11 Note: A defendant bears an evidential burden in relation to the matters in
12 this subsection (see subsection 13.3(3)).

13 *Other exceptions*

- 14 (3) Subsection 474.45G(1) or 474.45H(1) does not apply to engaging
15 in conduct in relation to material if:
16 (a) the conduct is necessary for enforcing a law of:
17 (i) the Commonwealth; or
18 (ii) a State; or
19 (iii) a Territory; or
20 (iv) a foreign country; or
21 (v) a part of a foreign country; or
22 (b) the conduct is necessary for monitoring compliance with, or
23 investigating a contravention of, a law of:
24 (i) the Commonwealth; or
25 (ii) a State; or
26 (iii) a Territory; or
27 (iv) a foreign country; or
28 (v) a part of a foreign country; or
29 (c) the conduct is for the purposes of proceedings in a court or
30 tribunal; or
31 (d) both:
32 (i) the conduct is necessary for, or of assistance in,
33 conducting scientific, academic or historical research;
34 and

- 1 (ii) the conduct is reasonable in the circumstances for the
2 purpose of conducting that scientific, academic or
3 historical research; or
4 (e) both:
5 (i) the conduct is in connection with the performance by a
6 public official of the official's duties or functions; and
7 (ii) the conduct is reasonable in the circumstances for the
8 purpose of the public official performing that duty or
9 function; or
10 (f) both:
11 (i) the conduct is in connection with an individual assisting
12 a public official in relation to the performance of the
13 public official's duties or functions; and
14 (ii) the conduct is reasonable in the circumstances for the
15 purpose of the individual assisting the public official in
16 relation to the performance of the public official's duties
17 or functions.
18 Note: A defendant bears an evidential burden in relation to the matters in
19 this subsection (see subsection 13.3(3)).

20 *Functions*

- 21 (4) The references in this section to function or functions do not, by
22 implication, affect the meaning of the expressions duty or duties
23 when used in any other provision of this Code.

24 **213 Subsections 475.1A(1) and (2) of the *Criminal Code***

25 After "HA", insert ", HB".

26 **214 Dictionary in the *Criminal Code***

27 Insert:

28 *firearms and explosives manufacture material* has the meaning
29 given by section 474.45F.

30 **215 Transitional provision**

31 For the purposes of paragraph 474.45H(1)(c) of the *Criminal Code*, it
32 does not matter whether the person obtained or accessed the material
33 before, on or after the commencement of this item.

1 **Division 2—Consequential amendments**

2 ***Crimes Act 1914***

3 **216 At the end of subsection 15GE(3)**

4 Add:

5 ; (g) Subdivision HB of Division 474 (Use of carriage service for
6 firearms and explosives manufacture material).

1 **Schedule 3—Transitional rules**
2

3 **1 Transitional rules**

- 4 (1) The Minister administering the *Australian Federal Police Act 1979*, the
5 Minister administering the *Administrative Review Tribunal Act 2024* or
6 the Minister administering Part XII of the *Customs Act 1901* may, by
7 legislative instrument, make rules prescribing matters of a transitional
8 nature (including prescribing any saving or application provisions)
9 relating to the amendments or repeals made by this Act.
- 10 (2) Subsection 12(2) (retrospective application of legislative instruments)
11 of the *Legislation Act 2003* does not apply in relation to rules made
12 under this item before the end of the period of 12 months starting on the
13 day this item commences.
- 14 (3) To avoid doubt, the rules may not do the following:
15 (a) create an offence or civil penalty;
16 (b) provide powers of:
17 (i) arrest or detention; or
18 (ii) entry, search or seizure;
19 (c) impose a tax;
20 (d) set an amount to be appropriated from the Consolidated
21 Revenue Fund under an appropriation in this Act;
22 (e) directly amend the text of this Act.