

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Program: 1.7 National Security and Criminal Justice

Question No. SBE16/102

Senator Rhiannon asked the following question at the hearing on 18 October 2016:

1. What is the most recent consideration that has been given to banning the import of magazine extension kits for Adler and other level action shotguns?
2. Please detail if any action has been taken to put the ban in place and when will it come into effect?
3. If no action has been taken, please explain why?
4. Will lever action shotguns with over five round that have already entered Australia be allowed to remain in circulation or will they be recalled?
5. Please supply an update on the review being undertaken into the National Firearms Agreement.
 - a. When will the review report be released?
 - b. How many submissions have been received?
 - c. Will the submissions be available on a public website?
6. Has it been assessed that the lever-action shotguns with a magazine capacity greater than five rounds have a significant rate of fire when combined with a greater magazine capacity?
 - a. Can such a weapon be accurately described as a semi-automatic weapon?
7. What is the Department's definition of a semi-automatic weapon?

Following up answers given on 20 October marked Question No. SBE15/097.

8. It was answered in response to a question 14. on the Adler that "the eight and five round Adler shotguns are versions of the same model." does that mean a five round can be converted into an eight round?
9. In answer to question 19 it was stated that "The AFP notes that since its implementation the National Firearms Agreement has not evolved at the same pace as advancements in technologies and changes to developments of new firearms in recent years." Considering this answer what action has been taken to ensure that the NFA keeps pace with in developments and advancements in firearms technologies?
10. What advice has the NJPSOC provided regarding a national approach to the classification of lever-action shotguns to Ministers and Attorneys General?

The answer to the honourable senator's question is as follows:

1. Magazines with a capacity greater than five rounds for lever-action shotguns are currently prohibited from import. The importation prohibition came into effect on 7 August 2015 under the *Customs (Prohibited Imports) Amendment (Firearms and Firearm Magazines) Regulation 2015*. The importation prohibition was extended by the *Customs (Prohibited Imports) Amendment (Shotguns and Shotgun Magazines) Regulation 2016*, which came into effect on 7 August 2016.

Devices that increase the capacity of integral firearm magazines, tubular firearm magazines and detachable box magazines are already high controlled for import purposes under Part 2 of Schedule 6 of the *Customs (Prohibited Imports) Regulations 1956*.

2. See response to Question 1.
3. See response to Question 1.
4. The treatment of any re-classified firearms already in-country would be a matter for State and Territory governments.
5.
 - a. On 9 December 2016, the Council of Australian Government discussed an updated National Firearms Agreement and tasked police and justice ministers from each jurisdiction with agreeing and implementing the updated agreement.
 - b. Twenty.
 - c. No.
6. A firearm's rate of fire does not change with increased magazine capacity. Rather, more rounds can be shot in a certain amount of time without a shooter having to re-load.
 - a. No.
7. An accepted definition for a semi-automatic firearm (also known as a self-loading firearm) is a firearm which fires, extracts, ejects and reloads once for each pull and release of the trigger.
8. Yes, where lawful.
9. The National Firearms Agreement is currently undergoing a technical review.
10. The National Justice and Policing Senior Officials Group comprises representatives from Commonwealth, State and Territory governments. It would not be appropriate to release the Group's advice, as doing so would prejudice relations between the Commonwealth and the States and Territories.