

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES – 20 OCTOBER 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE14/046) PROGRAMME – Australian Customs and Border Protection Service

Senator Leyonhjelm (L&CA 105) asked:

Senator LEYONHJELM: If you would. The point about it is that it has had a very major impact on people who import knives for a living. It seems to me, based on the information I have had, that somebody has just made an admin decision with no change in legislation. Are you not aware of that?

Mr Quaedvlieg: I am not aware of that.

Senator LEYONHJELM: Put that one on notice too, if you would please. As I understand it, the definition of a flick-knife went from one which was spring operated to one which was simply wrist operated. Whose views would you take into account in making that kind of decision?

[...]

Mr Quaedvlieg: Yes, I will take it on notice.

Answer:

Prior to 14 December 2011, the definition in the *Customs (Prohibited Imports) Regulations 1956*, Schedule 2, Part 2 was as follows:

- Flick knives or similar devices, made of any material, that have a blade folded or recessed into the handle which opens automatically by:

(a) gravity or centrifugal force; or

(b) pressure applied to a button, spring or device in or attached to the handle of the device

This definition was based on the Uniform Prohibited Weapons List (UPWL) developed by the 37th Meeting of the Australian Police Ministers' Council in 1999 for 'flick knives and similar devices'. Knives that could be opened by centrifugal force referred to in the question as "wrist operated" were already listed in the Commonwealth legislation in addition to most state and territory jurisdictions.

On 14 December 2011 the *Customs (Prohibited Imports) Regulations 1956* were amended. These changes sought to clarify but not expand the definition of certain types of folding knives.

The changes meant that the knives classified as controlled under the new items were required to meet strict end use requirements before they were eligible for import permission. This was designed to remove their availability to the general public.

These goods are currently listed in the *Customs (Prohibited Imports) Regulations 1956*, Schedule 13, Part 2 as follows:

- Automatic knives that have a blade folded or recessed into the handle which are designed or adapted to open automatically by pressure applied to any spring, device, stud or button in or attached to the handle or blade of the knife, including knives commonly known as flick knives, switchblades, assisted opening knives or flipper knives; and
- Single handed opening knives, being knives that have a blade folded or recessed into the handle which is capable of being opened by gravity, inertia or centrifugal force; and
- parts for either of the above items.

The legislative changes which occurred on 14 December 2011 were preceded by public consultation and a regulatory impact statement. The Explanatory Statement was tabled as part of the amending legislations' explanatory statement, and can be found at:

<http://www.comlaw.gov.au/Details/F2011L02657/Explanatory%20Statement/Text>