

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES – 20 OCTOBER 2014 IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE14/049) PROGRAMME – Australian Customs and Border Protection Service

Senator Leyonhjelm (Written) asked:

What is the department's definition of a flick knife?

- a. How long has that definition been applied?
- b. What was the previous definition?
- c. Is the current definition shared with any other jurisdictions?

Answer:

Flick knives 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 definition in the *Customs (Prohibited Imports) Regulations 1956*, Schedule 2, Part 2 prior to 14 December 2011 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

The current definition is not directly shared by other jurisdictions. All state and territory jurisdictions but Tasmania* have wording identical or similar to the pre 14 December 2011 *Customs (Prohibited Imports) Regulations 1956* definition. The changes to the *Customs (Prohibited Import) Regulations 1956* were designed to

provide clarity to importers without expanding the scope of the previous control on these items.

**Tasmanian legislation is based on offences in relation to use, carriage or possession of Dangerous articles and located within the Police Offences Act 1995*