



**Australian Government**  
**Australian Customs and  
Border Protection Service**

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## **POST IMPLEMENTATION REVIEW:**

# **RESTRICTION ON THE IMPORTATION OF HANDHELD LASER POINTERS**

**Amendment to the  
*Customs (Prohibited Imports)  
Regulations 1956***

**March 2012**

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## Purpose

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This document is a post implementation review and outlines the reasons for the implementation of the border control on high powered hand held laser pointers. It considers the intention of the control, the impact the control has had and the effectiveness of the control. A Regulatory Impact Statement (RIS) was not prepared prior to the implementation of the border control, due to the urgent nature of the amendment.

This document also outlines the review requirements surrounding the control and post implementation review options.

## The Problem

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From late 2007, there was an increase in the number of incidents involving the misuse of laser pointers. In particular, laser pointers were being directed at aircraft and endangering the safety of the crew and passengers on commercial aircraft.

In an attempt to reduce the incidents, the Civil Aviation Safety Authority (CASA) amended the *Civil Aviation Act* to make it a specific offence to irresponsibly direct laser devices at aircraft, attracting penalties of 2 years imprisonment and/or a fine of up to \$5,500.

Despite CASA implementing an offence to deter the community from shining laser pointers at planes, the incidents were continuing.

The import control on high powered hand held laser pointers was also intended to complement possession, carriage and misuse laws that already exist in some States and Territories.

An internal article published by CASA in June 2006 states that “*research shows the hazards associated with lasers directed at aircraft increase when they occur during the critical take-off and landing phases of flight*”.

Similarly, in April 2007, CASA published an Advisory Circular in regards to laser light emissions that may endanger the safety of aircraft. Section 5.2 of this circular stated that “*protection of pilots against accidental laser beam strike has become a serious factor in aviation safety with the advent of the laser light display for entertainment or commercial purposes.*”

On 3 September 2007, the Premier of Victoria, the Hon John Brumby MP, wrote to the Prime Minister regarding controls on the importation of laser pointers.

Given there was already a prohibition in Victoria on the possession, carriage and misuse of hand held, battery operated, laser pointers with an assessable emission level greater than 1mW, it was sensible for any border control to mirror the Victorian definition.

After a series of co-ordinated green laser incidents at Sydney's Kingsford Smith Airport in March 2008 the Commonwealth government arranged for the sitting of an Inter Departmental Committee (IDC) to review strategies that would minimise the incidence of laser pointers being directed at aircraft.

The IDC was chaired by the Australian Customs and Border Protection Service (Customs and Border Protection), to develop options for dealing with laser pointers being directed at aircraft. The Hon Bob Debus made the following comments to *The Australian* regarding the high level meeting.

*"I have asked Customs to hold a high-level meeting on the serious matter of laser lights being shone at aircraft."*

*"We've had the possibility of banning the importation of laser lights under review for some time, but last week's incident means the matter has now become urgent."*

*"This type of behaviour is stupid, dangerous and illegal, and could seriously endanger the lives of aircraft passengers."*

*"Just last year, fines of \$30,000 and two-year jail terms were introduced for people who interfere with aircraft in this way. But if tougher penalties are needed, the Government is more than happy to consider them."*

Current State and Territory laws surrounding the possession, carriage and misuse were discussed and viewed as a high priority to assist in the reduction of incidents. It was noted that the Northern Territory and Victoria already had possession, carriage and misuse laws in place for certain laser pointers.

To compliment the State and Territory laws already in place, On 6 April 2008, the Hon Bob Debus announced:

*"The Government will introduce a new regime to restrict certain laser items which could operate in the same way as the existing controls on firearms and weapons. Recent attacks on pilots have highlighted the seriousness of the problem; it's destructive, dangerous behaviour which needs a coordinated response across Australia. We need to work with the States and Territories, Government and industry experts to determine which classes of laser pointers should be banned."*

A copy of the press release announcing the Government's policy is at [Attachment A](#).

In response to taking a whole of Government approach to reduce such incidents, State and Territories without existing laws in place regarding the possession, carriage and misuse of laser pointers agreed to implement new controls.

A formal public consultation process was not undertaken due to the urgent need to control the importation of hand-held high intensity laser pointers in response to ongoing incidences of misuse of these devices against aircraft and to complement the existing State and Territory controls.

In the Sydney Morning Herald in March 2008, Peter Gibson, the Civil Aviation Safety Authority spokesman, said that the attacks were increasing in frequency. He was quoted as saying *"There are five to six reports every week around Australia. It is extremely dangerous as it can temporarily blind a pilot or distracts them as they are*

*coming in to land. These laser beams are now so powerful they can shine up to five kilometres."*

Similarly, the acting president of the Australian and International Pilots Association welcomed the ban on laser pointers and said that the problem had become a serious issue over the last two years. He was quoted in the Sydney Morning Herald in April 2008 as saying *"It's not an overreaction - there's real potential to cause a problem."*

*In April 2010, a 16 year old person was charged with illegal and charged with illegal use of the laser pointer after he allegedly pointed it at two aircraft. This incident proves that there is an ongoing problem with people using laser pointers inappropriately.*

## Objectives of a border control

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The import control on high powered hand held laser pointers was intended to complement possession, carriage and misuse laws that already exist in some States and Territories.

Given there was already a prohibition in Victoria on the possession, carriage and misuse of hand held, battery operated, laser pointers with an assessable emission level greater than 1mW, it was sensible for the border control to mirror the Victorian definition.

The Victorian prohibition on the possession, carriage and misuse of laser pointers is listed in the *Control of Weapons Act 1990*. Under this weapons act, laser pointers are considered inappropriate for general possession and use without a Governor in Council Exemption Order or a Chief Commissioner Approval. This is the requirement for other weapons already controlled on import such as bladed weapons and martial arts goods.

The import controls on bladed weapons and martial arts goods enables the importation of these items provided they are authorised to possess the goods in their State or Territory of residence and they are being imported for legitimate purposes, therefore complimenting State and Territory laws. It was intended that the import control on laser pointers mirror the import controls of bladed weapons and martial arts goods.

Given the practical uses for laser pointers in Australia, it was not considered feasible to entirely prohibit the importation of laser pointers, a restriction on their importation would limit importation of such items for legitimate end use only, such as for use by surveyors and astronomers.

The restriction is intended to limit the availability of certain laser pointers within the Australian community and play a part in reducing the number of incidents of misuse.

The import control on hand-held articles commonly known as 'laser pointers' with an accessible emission level of greater than 1mW (1 milliwatt) became effective on 1 July 2008. Laser pointers that emit a laser beam with an accessible emission level of 1mW or less are not subject to the control. The legislative instrument is at [Attachment B](#).

# Regulatory arrangements for weapons including Laser Pointers

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In Australia, responsibility for weapons matters is shared between the Commonwealth, State and Territory Governments.

The Commonwealth is responsible for matters relating to the import and export of weapons, while State and Territory Governments have responsibility for all matters relating to the possession and licensing of weapons, within their jurisdictions.

Currently, importers go through a two step process to get permission to bring weapons into Australia:

- First, the importer seeks permission from the relevant State or Territory police department to *possess* the weapon.
- Second, the importer provides evidence of the police permission when applying to Customs and Border Protection for permission to *import* the item.

Customs and Border Protection takes its community protection role very seriously. We have a range of strategies in place to prevent undeclared weapons from entering Australia, including:

- first port boarding of ships arriving in Australia;
- reporting of all air and sea cargo;
- risk assessment of all international mail;
- interventions with arriving passengers and their baggage at international airports;
- screening of shipping containers and closed circuit television (CCTV) in all Australian international sea ports; and
- border control activities at all major international airports.

In addition, international passengers, crew and vessels are subject to risk assessment before they enter Australia.

## ***State and Territory Regulation***

All States and Territories have legislation governing the possession and use of weapons in the community. These controls vary across jurisdictions and can require a person to be licensed; to have obtained an approval or permit from the relevant Police Commissioner or in some cases to simply have a lawful excuse to possess and use the prescribed weapons.

Further information on the relevant legislation for each State and Territory is provided at [Attachment C](#).



## **Commonwealth regulation**

The *Customs (Prohibited Imports) Regulations 1956*<sup>1</sup> (the PI Regulations) prescribe that certain types of weapons can only be imported with the permission of the Minister for Home Affairs (or an authorised person). Currently, the power to give import permission is delegated to specific officials in the Australian Customs and Border Protection Service (Customs and Border Protection).

The PI Regulations cover goods such as warfare items, various bladed weapons, hand to hand combat and martial arts weapons, incapacitation devices, concealable weapons, projectile devices, and security/law enforcement equipment.

## **Obtaining Permission to Import**

Entities may import these prohibited goods including laser pointers if they have written permission from the Minister for Home Affairs, or an authorised person, prior to the arrival of goods in Australia.

If the goods are for use by the Commonwealth, state or territory government or a government of another country organisations may provide evidence of end-use on a 'B711 Form – End/Owner Assurance' form along with an application for permission to import Schedule 2 weapons. Customs and Border Protection will verify that the goods are being imported for official end user purposes.

Alternatively, if a B711 Form cannot be provided, or the goods are for private use, a B709B Form (issued by the relevant State or Territory Police department) is required to verify permission to possess the goods within the nominated jurisdiction.

A flow chart showing the current process for importing weapons listed in the PI Regulations is provided on the following page. Further details on the process for applying for import permission and relevant forms are provided at [Attachment D](#).

There is no fee for lodging an application for permission to import and therefore the laser pointer control does not add any financial burden to the importing community. However, if a licence to possess the goods in the importers jurisdiction is required, there may be a fee payable to the State or Territory Police Service for such a licence. Compliance with State or Territory weapons controls would be required whether an entity obtained a laser pointer by importation or sourced the item domestically.

All laser pointers required for medical purposes must be reported to the Therapeutic Goods Administration (TGA) and registered in the Australian Register of Therapeutic Goods (ARTG). Customs and Border Protection are assisting the TGA in administering this requirement by recommending refusal of import permission for laser pointers that have not been registered and reported to the TGA.

Additionally, the Astronomical Society of Australia has published a fact sheet that indicates a laser pointer with a power output above 20 mW is excessive for astronomical purposes. Astronomers wishing to import a laser pointer above 20 mW are currently being refused permission to import unless they can provide scientific evidence contrary to the fact sheet published by the Astronomical Society of Australia.

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<sup>1</sup> Schedules 2 of the *Customs (Prohibited Imports) Regulations 1956* refer.

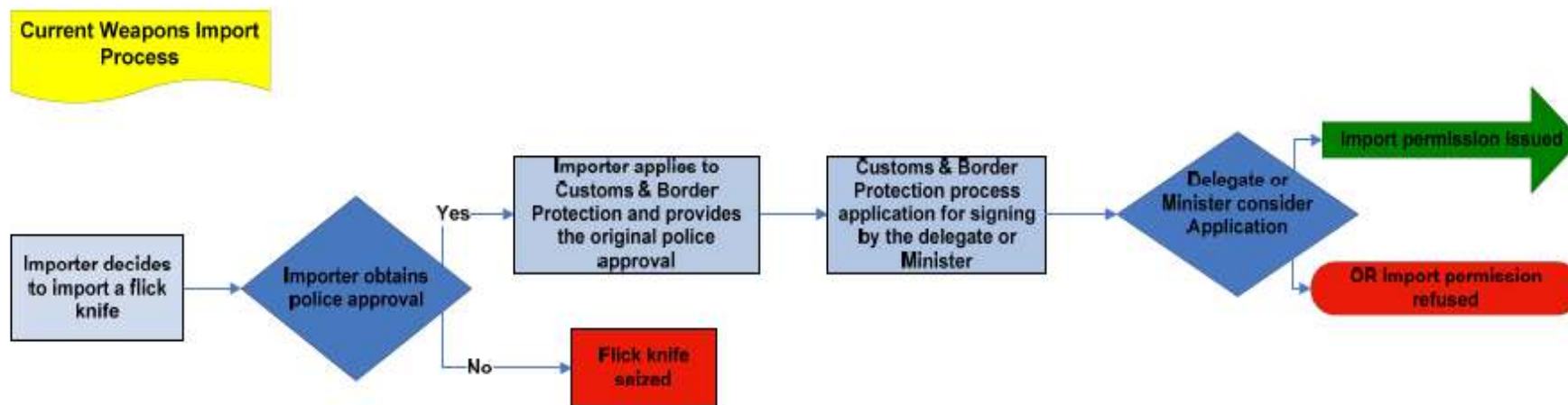
If laser pointers are imported without written permission to import and the importer is unable to obtain a post import permit, the goods will be seized by Customs and Border Protection and subsequently destroyed.

The standard time frame for the approval of an application for permission to import laser pointers is three weeks from receipt by Customs and Border Protection. This is on top of the time taken to obtain the necessary State or Territory paperwork, such as Police Certification (B709B Form). In certain circumstances, timeframes may be increased if additional information is required to enable a decision to be made.

A flow chart highlighting this process is at figure 1.

Figure 1

**Flow chart: Current process for importing a weapon listed in the PI Regulations.**



## Impact analysis

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The information provided below summarises the impact the implementation of the Government's policy on laser pointers has on our community, business and on Government administration.

### ***Impact on the community***

State and Territory jurisdictions will continue to determine the possession and use requirements for laser pointers within their jurisdiction. This regulatory change did not impact on laser pointers previously imported into Australia prior to the amendment.

Importation controls for laser pointers will reduce the availability of those items to the general community, should their possession be restricted within their State or Territory. This assists State and Territory jurisdictions in ensuring that handheld laser pointers with an accessible emission of more than 1mW will only be available to persons legally allowed to possess these items.

The implementation of this policy has not had an immediate short term effect, as noted by a number of prosecutions over the years of people who have used laser pointers illegally.

### ***Impact on business***

Customs and Border Protection is the permit issuing agency for high powered laser pointers being imported into Australia, therefore we are in ongoing consultation with the importing community regarding laser pointer imports.

A survey conducted by Customs and Border Protection with the main commercial importers of high intensity laser pointers highlighted that some additional time was required to comply with the importation requirements. When asked to elaborate on any additional cost that they incurred to obtain import permission for laser pointers, all respondents indicated that there were nil additional costs. Commercial importers did indicate that there were time considerations involved in this process but were unable to stipulate an associated cost for this activity.

Additional planning is required to ensure that the appropriate import permissions were in place prior to the arrival of the goods. For some businesses this was a new process that required some trial and error before fully understanding the legislated requirements. A number of high intensity laser pointer importers were aware of the import permission process as they also import other prohibited weapons items that are currently controlled on import. For these importers there were minimal issues with compliance on importing laser pointers.

The standard time frame for the approval of an application for permission to import laser pointers is three weeks from receipt by Customs and Border Protection. This is on top of the time taken to obtain the necessary State or Territory paperwork, such as Police Certification (B709B Form). In certain circumstances, timeframes may be increased if additional information is required to enable a decision to be made.

While a number of businesses agreed that the import permission requirement did not impact on their ability to maintain their previous laser pointer stock items they did find the process time consuming given the time frames imposed by Customs and Border Protection and State and Territory Police services. There appears to have been very little financial impact on industry as a result of the border control.

### ***Impact on government administration / regulation***

State and Territory jurisdictions will continue to police the possession, use and carriage offences for laser pointers.

A pre-implementation communication strategy was undertaken to inform industry and the community of the impending laser pointer control and the costs associated with the strategy exceed \$50,000. The strategy included the publication of newspaper articles, designing and printing of awareness posters for airports and written correspondence to known importers of laser products.

Fact sheets were developed and made available on the Customs and Border Protection website to inform importers of the control that was to become effective on 1 July 2008. The current Customs and Border Protection fact sheet is provided at [Attachment E](#).

Posters were also printed and placed in airports and other Customs places to also raise awareness.

Customs and Border Protection received advice from experts within the Commonwealth regarding safety and testing specifics for laser devices including laser pointers. Laser pointer testing devices were purchased to determine the emission level of high intensity laser pointers on importation into Australia based on their emission level.

An information DVD was produced by Customs and Border Protection for regional officers showing how to handle laser pointers safely and how to test the laser pointer using the testing devices.

A cost breakdown of the initial costs is detailed at figure 2.

Figure 2

Description of Cost	Cost
Newspaper articles to inform industry/public of the new import controls	\$32,000
Written correspondence to 417 laser pointer importers	\$417
Laser pointer fact sheet (photography/poster printing)	\$725
Develop Customs internet/intranet pages	Nil
Filming and production of an internal training DVD (safe handling and testing procedures)	\$5,797
Provide 17 laser pointer testing devices to regions	\$12,750
<b>Total</b>	<b>\$51,689</b>

Customs and Border Protection takes its community protection role very seriously. We have a range of strategies in place to prevent undeclared weapons from entering Australia, including:

- first port boarding of ships arriving in Australia;
- reporting of all air and sea cargo;
- risk assessment of all international mail;
- interventions with arriving passengers and their baggage at international airports;
- screening of shipping containers and closed circuit television (CCTV) in all Australian international sea ports; and
- border control activities at all major international airports.

Customs and Border Protection have detected 71,052 hand held high intensity laser pointers between 1 July 2008 and 30 June 2011 using general detection methods for other weapons.

Figure 3 shows the costs for the storage and disposal of high intensity laser pointers detected at the border.

Figure 3

Cost Element	Unit of Measure	Qty FTE	Per unit resource cost (FTE)	Cost
<b>Operational Elements</b>				
Detection/Seizure	\$ Per Detection	N/A	3220 x \$52.78 per consignment (average) Based on CL1 (APS 3) FTE	\$169,951
Destruction	\$ Per Laser Pointer	N/A	12,457 x \$.38 (approx) Provided all detected lasers are destroyed	\$4,733
<b>Total</b>				<b>\$174,684</b>

## Review of the Control

The aviation security section of the Department of Infrastructure has provided figures to show the number of aviation security incidents that were occurring prior to the implementation of the border control and since the implementation of the border control.

These figures indicate that there has not been a significant reduction in the number of incidents occurring.

It was noted at the time the control was implemented that it would not have an impact on the number of laser pointers already in the community. It is impossible to ascertain whether the ongoing laser pointer misuse has been perpetrated with pointers imported after the control was implemented.

### Air security incidents

	2007–08	2008–09	2009–10	2010–11
Laser light events	648	370	596	828

### *Number of high intensity laser pointers detected at the border*

Customs and Border Protection have detected 71,052 hand held high intensity laser pointers between 1 July 2008 and 30 June 2011. The table below details the breakdown of laser pointers detected per month per financial year.

	2007–08	2008–09	2009–10	2010-2011
Detections	N/A	12,457	22,051	36,544

These figures indicate Customs and Border Protection are detecting more laser pointers each year.

Initially, most laser pointers were being imported through the international mail stream. However, there has been an increase in the number of detections of laser pointers at our airports, and it is currently the most common stream for importing laser pointers.

## ***Options***

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### **1. Maintain the Control**

Given the number of high intensity laser pointers being detected at the border, maintaining the control will continue to limit the availability of these items to legitimate end users.

Most State and Territory jurisdictions have possession and carriage legislation for high intensity laser pointers. Historically the Commonwealth's firearms and weapons border controls complements the State and Territory controls for these goods.

Although the legislation that restricts the importation of high intensity laser pointers does not currently specify the items can only be imported for legitimate end use, the Minister for Home Affairs considers application for the import of such items very seriously and only legitimate end users are likely to be granted import permission.

However, given the Government's election commitment to sharpen weapons controls, import permission for laser pointers will be limited to legitimate end users by legislation in the near future.

### **2 Repeal the border control**

Repealing the border control would result in an increased quantity of high intensity laser pointers being imported into Australia, which may result in additional air security incidents being reported.

Additionally State and Territory jurisdictions with possession and use controls on handheld laser pointers would not appreciate the removal of this control that is consistent with similar processes on other prohibited weapons items.



## Recommendation

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As this is a recent control and there were already a large number of laser pointers within the community, it is anticipated that the border control will reduce incidents in the long term due to the reduction of such items available for sale to the general public. However this measure would not reduce incidents in the short term, nor prevent them completely in future.

The border control compliments Commonwealth laws along with State and Territory possession and carriage laws and therefore should be maintained and closely monitored.

While the laser pointer border control has not yet reduced the number of aircraft incidents, repealing the control on laser pointers would likely result in greater availability of the devices and a likely increase in the number of reports of laser pointer misuse. It is recommended that Customs and Border Protection maintain the import control on high intensity hand-held laser pointers.

## Attachment A

6 April 2008

### **GOVERNMENT TO BAN THE IMPORTATION OF LASERS**

The Minister for Home Affairs Bob Debus says the Government will move to ban the importation of laser pointers following a high level meeting in Canberra this week.

“The Government will introduce a new regime to restrict certain laser items which could operate in the same way as the existing controls on firearms and weapons.

“Recent attacks on pilots have highlighted the seriousness of the problem, it’s destructive, dangerous behaviour which needs a coordinated response across Australia.

“We need to work with the States and Territories, Government and industry experts to determine which classes of laser pointers should be banned.”

A five point plan has been put in place which will:

- Restrict the sale and importation of some laser pointers
- crack down on possession by working the states to introduce uniform laws
- provide training for pilots on risk avoidance
- develop an education campaign
- continue to monitor the risk of the improper use of laser pointers.

Mr Debus said the plan was developed after receiving a report from Customs which recommended a ban.

“Obviously there are legitimate uses for these devices for instance, surveyors, astronomers, the mining and construction industries use them and like other prohibited goods there will be exemptions.

“Customs has also advised that border control is less effective unless the States and Territories have the same laws regarding possession of lasers.

“I am hoping we can get national cooperation on this – hundreds of aircraft across Australia are targeted every year and we need to work together to reduce the number of incidents.

“Everyone is aware that a huge number of laser pointers are already out in the community which is why an education campaign will be a crucial part of this plan.

“This sort of reckless, dangerous behaviour could have dire consequences.

“I would like to thank all the agencies and Government departments which contributed to the report.”



## Customs (Prohibited Imports) Amendment Regulations 2008 (No. 3)<sup>1</sup>

Select Legislative Instrument 2008 No. 74

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I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Customs Act 1901*.

Dated 15 May 2008

P. M. JEFFERY  
Governor-General

By His Excellency's Command

BOB DEBUS  
Minister for Home Affairs

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## Regulation 1

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### 1 Name of Regulations

These Regulations are the *Customs (Prohibited Imports) Amendment Regulations 2008 (No. 3)*.

### 2 Commencement

These Regulations commence on 1 July 2008.

### 3 Amendment of *Customs (Prohibited Imports) Regulations 1956*

Schedule 1 amends the *Customs (Prohibited Imports) Regulations 1956*.

## Schedule 1 Amendment

(regulation 3)

### [1] Schedule 2, after item 47

*insert*

- 48 Hand-held articles, commonly known as laser pointers, designed or adapted to emit a laser beam with an accessible emission level of greater than 1 mW

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### Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.

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2	<i>Customs (Prohibited Imports) Amendment Regulations 2008 (No. 3)</i>	2008, 74
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### State and Territory Regulation

#### LEGISLATION

##### Victoria

In Victoria, the *Control of Weapons Act 1990* provides the framework for governing the sale, possession, transportation and use of non-firearm weapons and body armour. The Act divides weapons into four basic categories: 'prohibited weapons' such as flick knives, crossbows and knuckledusters; controlled weapons such as a baton, bayonet or knife (other than a prohibited weapon); dangerous articles; and body armour.

Individuals, groups of people, or classes of weapon may be able to receive special dispensations to possess, sell and use weapons under the Act either with the approval of the Chief Commissioner (commonly referred to as a Chief Commissioner Approval), or a Governor in Council Exemption Order.

Laser pointers are prescribed as a prohibited weapon in Victoria's *Control of Weapons Regulations 2000*. Specifically the control prohibits "A hand-held battery-operated article commonly known as a "laser pointer" designed or adapted to emit a laser beam with an accessible emission limit of greater than 1 mW." People with a legitimate reason to possess such a laser pointer need to apply for a permit from the Victorian Police.

##### Northern Territory

The *Northern Territory Weapons Control Act* and *Weapons Control Regulations* regulate controlled and prohibited weapons in the Northern Territory. Possession of a controlled or prohibited weapon requires the Police Commissioner's approval.

Laser pointers are controlled weapons in the Northern Territory. The control covers hand-held battery-operated article, commonly known as a "laser pointer", designed or adapted to emit a laser beam with an accessible emission limit of greater than 1 mW.

##### Western Australia

In Western Australia the *Weapons Act 1999* governs prohibited and controlled weapons listed in the *Weapons Regulations 1999*.

Western Australia has implemented controls on light pointers, in its Weapons Regulations. Light Pointers are defined as an article made or modified to be used to emit light so as to be used as a pointing device (including a laser pointer).

##### New South Wales

In NSW, the possession and use of 'prohibited weapons' is governed by the *Weapons Prohibition Act 1998* and the *Weapons Prohibition Regulation 2009*.

The Act and Regulations permit the Police Commissioner, or his delegate, to issue Prohibited Weapons Permits authorising the use of 'prohibited weapons' where a person can show a genuine reason for the possession or use of the weapon. A range

of permits types are available for 'prohibited weapons' in New South Wales including, (but not limited to) for sporting purposes, display in a public museum, and dealer and collector permits.<sup>2</sup>

New South Wales has enacted specific laser pointer controls. Under this legislation 'laser pointer' is defined as a hand-held battery-operated device, designed or adapted to emit a laser beam, that may be used for the purposes of aiming, targeting or pointing. New South Wales has specific offences in respect of persons who have in their custody (or use) laser pointers in a public place. This offence has a maximum penalty: 50 penalty units or imprisonment for 2 years, or both.

## **ACT**

The *Prohibited Weapons Act 1996* specifies prohibited articles and weapons in the Australian Capital Territory. Under the Act, the Registrar may issue a permit authorising the possession, or the possession and use of a prohibited weapon; or the possession of a prohibited article.

Laser Pointers are prohibited Weapons in the Australian Capital Territory. Specifically, Laser Pointer is defined as meaning a "prohibited weapon that is a hand-held article, commonly known as a laser pointer, designed or adapted to emit a laser beam with an accessible emission level of greater than 1mW".

## **Queensland**

Queensland weapon laws are enshrined in the *Weapons Act 1990*, the *Weapons Regulations 1996* and the *Weapons Categories Regulation 1997*. Items such as a crossbow, knuckleduster, mace or similar articles are listed as weapons in the *Weapons Categories Regulations 1997*. An authorised police officer has the authority to issue a license to a person; the license 'endorses' the person to possess one or more categories of weapons.

Queensland has drafted legislation to regulate possession of laser pointers. A Discussion Draft of the Weapons Bill 2010 was released for public consultation. The Queensland Government is currently considering issues arising out of the consultation process and has yet to implement any controls on lasers pointers.

## **Tasmania**

Tasmania does not have specific legislation that prohibits certain types of weapons. However, under Section 15C of the *Police Offences Act 1935* a person, without lawful excuse, must not have possession of, or carry or use, a dangerous article in a public place

Tasmania has a Bill before Parliament for offences in respect of persons who have in their custody (or use) laser pointers in a public place. This offence has a maximum penalty: 20 penalty units.

"laser pointer" means a device designed or adapted to emit a laser beam capable of being used for the purposes of aiming, targeting or pointing;

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<sup>2</sup> Details of the various NSW weapons permits can be located on the internet at [http://www.police.nsw.gov.au/services/firearms/prohibited\\_weapon\\_permits](http://www.police.nsw.gov.au/services/firearms/prohibited_weapon_permits)

## South Australia

In South Australia, there are three classifications of weapons: Offensive Weapons, Dangerous Articles and Prohibited Weapons. It is an offence to carry an offensive weapon without a lawful excuse. It is an offence to manufacture, supply, deal in, possess or use dangerous articles without lawful excuse. It is an offence to manufacture, supply, deal in, possess or use any prohibited weapon.

There are exemptions for prohibited weapons and a list of exempt persons contained in a schedule to the regulations. Dangerous articles and prohibited weapons are listed in a schedule to the regulations. Individuals not covered by an exemption, but feel they have a valid reason to possess a prohibited weapon, may apply to the Minister (delegated to the Commissioner of Police) for a specific exemption.

Laser pointers are a prohibited weapon and have been defined as '*A hand held device designed or adapted to emit a laser beam with an accessible emission level of greater than 1 milliwatt.*' This definition covers devices as they are made and also devices that have been modified but requires the testing of the beam emitted to establish the emission level for an offence to be established.

*Summary Offences Act 1953 (SA) s15 and Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations 2000 (SA).*

Currently the weapons legislation in SA is under review and a draft Bill is under review, however, changes to the laser pointer provisions are not anticipated.

### Process for applying for import permission

Importers must apply for permission to import weapons covered by the PI Regulations. They must complete an “Application for permission to import schedule 2 weapons” (commonly known as a B710), and attach the original “Importation of Weapons – Police Certification” form (commonly known as a B709B) issued by State/Territory Police. Copies of the B709B and B710 forms are attached.

The Importation of Weapons - Police Certification (B709B) provides evidence to Customs and Border Protection that the importer holds a licence or other authorisation according to the law of the relevant State or Territory to possess the weapon. Alternatively, it provides evidence that a licence or other authorisation is *not required* for that item, under the law of the relevant State or Territory.

The administrative B709B process was introduced at the request of State and Territory Police Ministers. In 1999 the Ministers recommended that the ‘import process for weapons should be similar to the requirements for the importation of firearms’ via a B709A Police Certification.

Once the Police Certification has been obtained, the importer must apply to Customs and Border Protection to obtain a *separate* permission to import the item into Australia.

The paperwork is processed by Customs and Border Protection. Provided all the requirements of the application have been met, written permission is issued to the importer by the Minister or his/her delegate (sample also provided).

When goods requiring an import permit physically arrive at the border, they are held by Customs and Border Protection, pending production of the original import permit. On presentation of the original permit, and providing any conditions on the permit are met, the goods will then released from Customs control.



## Permission Forms:

	<b>Australian Government</b> <b>Australian Customs and Border Protection Service</b>		<b>APPLICATION FOR PERMISSION TO IMPORT</b> <b>SCHEDULE 2 &amp; 3 WEAPONS</b>	
	<b>Line Details</b>			
Name of Company or Individual:		Contact name:		Title:
Street Address				
Postal Address (if different to street address)				
Contact number: (after hours)	Contact number: (business hours)	Facsimile number:	Email address:	
Application/Importers Reference: (if applicable)			Date of Birth:	
<b>How are the goods arriving into Australia</b>				
Have the goods arrived:		Date/Expected Date of Import		Port/Expected Port of Import
<input type="checkbox"/> Yes <input type="checkbox"/> No				
Single or Multiple Shipments: (tick one box)		The Goods are Being Imported By: (tick box)		
<input type="checkbox"/> Single <input type="checkbox"/> Multiple		<input type="checkbox"/> Mail <input type="checkbox"/> Sea Freight <input type="checkbox"/> Air Freight <input type="checkbox"/> Passenger Baggage		
<input type="checkbox"/> Tick if Goods are to be exported after importation				
<b>Description of goods</b>				
<i>Please attach pictures and technical specifications that accurately describe the goods – this will assist in the assessment of the application. Attach extra page if more space required.</i>				
Quantity	Detailed description of goods including specification of size and construction material	Manufacturer	Model/Serial Number	
<b>Reason for Importation (Evidence of End Use)</b>				
<div style="border: 1px solid black; height: 40px;"></div>				
<b>Documentation attached (Please ensure the following are attached, See Reverse)</b>				
<input type="checkbox"/> Original B709B Form <input type="checkbox"/> Copy of B390/Defention Notice/Seizure Notice (if applicable) <input type="checkbox"/> Brochure / Picture / Photograph of Goods <input type="checkbox"/> B711 Form (if applicable) <input type="checkbox"/> Photographic Identification				
<b>Declaration</b>				
Customs and Border Protection is collecting the information in this form to assist the Minister or other authorised person to determine whether or not to grant you a permission to import goods. The Minister and other authorised persons are authorised to make this decision by the Customs Act 1901 and the Customs (Prohibited Imports) Regulations 1956.				
<i>I declare that the information I have provided in this form is true and complete to the best of my knowledge and I consent to use by Customs and Border Protection and the Minister of any information that Customs and Border Protection may already possess which relates to me and to the Australian Federal Police or any other police force providing information they hold about me to Customs and Border Protection and the Minister for the purpose of determining to grant permission to import goods.</i>				
Signature of Importer / Applicant:				Date:
<div style="border: 1px solid black; height: 20px;"></div>				<div style="border: 1px solid black; height: 20px;"></div>

B710 (Mar2011)

<b>Explanation of Forms/Documentation</b>			
<b>B709B</b>	A 'B709B Form - Importation of Weapons - Police Confirmation' is required to be submitted with all applications for permission to import weapons listed Schedule 2 of the Customs (Prohibited Imports) Regulations 1956 unless the goods are being imported for official end use purposes (see B711 Form section). The 'B709B Form' is available from the Police Firearms Registry in your State/Territory. The completed original 'B709B Form' must be forwarded to the address below, together with all other documentation required to support this application.		
<b>B390 - Receipt for Goods or Seizure Notice</b>	A 'B390 - Receipt for Goods' is provided when your goods are being held by Customs and Border Protection but have not yet been seized. If the goods have been seized, an official Seizure Notice will have been issued to you. Providing Customs and Border Protection with this documentation will assist us in tracking your detained/seized goods.		
<b>Brochure / Picture / Photograph of Goods</b>	Sometimes it can be hard to classify certain goods with only a description. Applications including a brochure, picture or photograph of the exact item being imported will be processed more efficiently. If goods are being purchased over the internet, please provide a link to the website.		
<b>B711 Form</b>	<p>A completed <i>B711 Form - End User / Owner Assurance for the Purposes of Schedules 2 and 3 of the Customs (Prohibited Imports) Regulations 1956</i> is required to be submitted with a B710 Form (this form) when goods are being imported for use by the Commonwealth or the government of a State or Territory. The B711 Form is to be completed by the end user and provides Customs and Border Protection with evidence that the goods are being imported for official purposes. The B711 Form is available on the Customs and Border Protection website <a href="http://www.customs.gov.au">www.customs.gov.au</a> under forms.</p> <p>If the goods are being imported for private use, private company stock purposes or for exhibition, a B711 Form is not required. A <i>B709B Form - Importation of Weapons - Police Confirmation</i> must be obtained from a State or Territory Police Firearms Registry instead and submitted along with a completed <i>B710 Form - Application for Permission to Import Schedule 2 and 3 Weapons</i>.</p>		
<b>Photographic Identification</b>	Photographic Identification in the form of a photocopy of your drivers licence, proof of age card or passport is required to verify your details. If you are applying on behalf of a company, photographic identification and a date of birth is not required.		
<p><b>Please allow three weeks for your application to be processed. If all information is not included with your application there may be delays in the processing of your application or your application may be terminated.</b></p>			
<b>Police Firearms Registries Contact Details</b>			
<b>STATE</b>	<b>PHONE</b>	<b>EMAIL</b>	<b>WEB ADDRESS</b>
ACT	(02) 6133 2122	ACTFirearmsRegistry@afp.gov.au	<a href="http://www.afp.gov.au">www.afp.gov.au</a>
NSW	1300 362 562	firearmsenq@police.nsw.gov.au	<a href="http://www.police.nsw.gov.au">www.police.nsw.gov.au</a>
NT	(08) 8922 3541	firearmsregistry@pfes.nt.gov.au	<a href="http://www.nt.gov.au/pfes">www.nt.gov.au/pfes</a>
QLD	07 3015 7777	weaponslicensing@police.qld.gov.au	<a href="http://www.police.qld.gov.au">www.police.qld.gov.au</a>
SA	08 8204 2495	SAPOL.FirearmsBranch@police.sa.gov.au	<a href="http://www.sapolic.sa.gov.au">www.sapolic.sa.gov.au</a>
TAS	03 6230 2720	firearms@police.tas.gov.au	<a href="http://www.police.tas.gov.au">www.police.tas.gov.au</a>
VIC	1300 651 645	licensing@police.vic.gov.au	<a href="http://www.police.vic.gov.au">www.police.vic.gov.au</a>
WA	08 9223 7000	firearms.branch@police.wa.gov.au	<a href="http://www.police.wa.gov.au">www.police.wa.gov.au</a>
<p><b>Please forward all required documentation to:</b></p> <p><b>Minister for Home Affairs C/- National Manager Trade Policy &amp; Regulation Firearms &amp; Weapons Section Australian Customs and Border Protection Service 5 Constitution Avenue Canberra City, ACT, 2601</b></p> <p><b>Email pictures to: <a href="mailto:weaponspolicy@customs.gov.au">weaponspolicy@customs.gov.au</a></b></p>			



**Australian Government**  
**Australian Customs and Border Protection Service**

**B709B**

**IMPORTATION OF WEAPONS - POLICE CONFIRMATION**

ACCOUNTABLE  
SERIAL NUMBER

**DISTRIBUTION**  
 WHITE : Importer's copy  
 YELLOW : Accountable Police copy

*This form is only for use in relation to goods listed in Schedules 2 and 3 of the Customs (Prohibited Imports) Regulations but is NOT intended for firearms, parts for firearms, firearm accessories, firearm magazines and ammunition.*

Full Name of Authorised Person	Rank	ID Number
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being the, or, being a person authorised by either the: *(delete by ruling out as appropriate)*

- Chief Commissioner or Commissioner of Police in the State of  ; or
- Commissioner of Police of the Northern Territory; or
- Chief Police Officer of the Australian Capital Territory

hereby confirm that for the purposes of the Customs (*Prohibited Imports*) Regulations and subject to Regulation 4(1) of those regulations, the items described below;

- the importer
- being a resident of Australia or overseas visitor holds a licence or authorisation in accordance with the law of this State or Territory to possess the relevant item(s); or the goods are not subject to any restriction on possession by this State or Territory's legislation;

Qty	Description (Make, Type, Model)	*Sch 2 or *Sch 3 Item No.	Licence / Authorisation Number	Date of Expiry

Not valid unless stamped by Police

- Where attachment are included with this form, the attachment must specify the Schedule 2 item number against each approved item for this form to be valid.
- This confirmation will remain valid until  or unless revoked by the  Police authority

Authorised Person's Signature	Date / /
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CUSTOMS OFFICIAL USE		
Customs clearance document	Port	Date / /

**NOTES**

1 The above statement **DOES NOT AUTHORISE** the importation of goods listed in Schedule 2 and 3 of the Regulations referred to above. The importation is subject to the conditions and requirements as set out in the *Customs (Prohibited Imports) Regulations 1956*.

2 Enquiries in relation to the importation of a weapon or weapon part are to be directed to Customs and Border Protection Service at the intended port of entry.

\* Schedule 2 or Schedule 3 of the *Customs (Prohibited Imports) Regulations 1956*.

B709B/DEC 05/

## Sample import permit:

Ministerial No:

### PERMISSION TO IMPORT

I, XXXXXX XXXXXX, being an officer authorised by the Minister for Home Affairs, pursuant to *Customs (Prohibited Imports) Regulations 1956*, Regulation 4, Schedule 2, Item 9, do hereby give permission for the importation by John Citizen, Citizen Street, Civic, Australian Capital Territory of the items listed in the schedule below:

#### The Schedule

Twenty (20) Laser Pointers

#### Conditions

1. Permission to import the items listed in this permit is subject to the production of this original document to Customs and Border Protection.
2. This permission is for one importation and is valid from the date of signature until  
*XX October 2012* (expiry date of B709B)

Dated this *12<sup>th</sup>* day of *September 2011*

XXXXX XXXXX

National Manager

Trade Policy & Regulation Branch



Australian Government  
Australian Customs and  
Border Protection Service



## IMPORT CONTROLS ON LASER POINTERS

The importation of certain laser pointers is controlled on importation into Australia. The control was introduced on 1 July 2008.

### WHAT TYPES OF LASER POINTERS ARE CONTROLLED?

The *Customs (Prohibited Imports) Regulations 1956* prohibit the importation of hand-held articles, commonly known as laser pointers, designed or adapted to emit a laser beam with an accessible emission level of greater than 1 milliwatt (1mW) without written permission to import.

### HOW DO I OBTAIN PERMISSION TO IMPORT

You can import these goods if you have written permission to from the Minister for Home Affairs, or an authorised person, prior to the arrival of goods in Australia.

#### Medical Lasers

Lasers intended for medical purposes, regardless of their acceptable emission level, may be required to comply with requirements determined by the Therapeutic Goods Administration (TGA) in addition to import requirements.

Prior to considering the importation of a laser for medical purposes, please contact TGA on 1800 141 144.

#### Official Use

If you are importing goods for use by the Commonwealth, state or territory government or a government of another country you must provide a *B711 Form – End/Owner Assurance for the Purposes of Schedules 2 and 3 of the Customs (Prohibited Imports) Regulations 1956* signed by the end user. This form must be lodged with a *B710 Form – Application for Permission to Import Schedule 2 and 3 weapons* as detailed below.

The *B711 Form* is used to verify that the goods are being imported for the official end user purposes. If a *B711 Form* cannot be provided, or the goods are for private use, a *B709B Form* is required as detailed below.

#### Private Use

To import laser pointers for private use, you will need to contact the police firearms and weapons registry in the relevant State or Territory to obtain a *B709B Form – Importation of Weapons – Police Confirmation*. This form provides written confirmation that you may possess the goods within the relevant State or Territory.

#### B710 Form

Once you have obtained a *B709B Form* or have evidence of end use, you then need to complete a *B710 Form – Application for Permission to Import Schedule 2 & 3 Weapons*. This form is available from any Customs and Border Protection office or the Customs and Border Protection website, [www.customs.gov.au](http://www.customs.gov.au)

### HOW LONG DOES IT TAKE TO OBTAIN PERMISSION TO IMPORT?

*B710 Forms – Applications for permission to import Schedule 2 & 3 weapons* take up to three (3) weeks for processing from the date they are received by Customs and Border Protection in Canberra. Permission to import must be obtained prior to the arrival of the goods in Australia.

### HOW LONG IS PERMISSION VALID FOR?

Permission to import documents apply to one importation only. They are usually valid up to the expiration date on the *B709B Form* supplied with the application or for six months from the date of signature if end user evidence is supplied instead.

## EXPORT CONTROLS

### **Export restrictions on military and law enforcement grade lasers**

Certain military or law enforcement grade lasers and laser products may require export permission from the Department of Defence, regardless of whether or not they are controlled on import. Goods controlled at export are listed in the Defence and Strategic Goods List (DSGL) which is available on line at <http://www.defence.gov.au/strategy/deco/dsagl.htm>

Please also refer to the *Export controls for defence and strategic goods* fact sheet.

## FURTHER INFORMATION

**Penalty:** the maximum penalty for importing these goods without import approval is \$110,000 or 3 times the value of the goods, whichever is the greater.

### **Contacts**

Contact details of the police firearms and weapons registries can be found on the *Firearms and weapons information contacts* fact sheet.

## FOR MORE INFORMATION

For information on any other Customs and Border Protection matter, contact the Customs Information and Support Centre on 1300 363 263 or email [information@customs.gov.au](mailto:information@customs.gov.au) or browse the website [www.customs.gov.au](http://www.customs.gov.au)