



IMPORT, PURCHASE OR TRANSPORT OF FIREARMS AND OTHER ‘ARMS OR RELATED MATÉRIEL’ FROM SANCTIONED COUNTRIES

LAST UPDATED: 6 DECEMBER 2024

This guidance note is produced by the Australian Sanctions Office (ASO) within the Department of Foreign Affairs and Trade (DFAT). It provides a summary of relevant sanctions laws but does not cover all possible sanctions risks. Users should consider all applicable sanctions measures and seek independent legal advice. This document should not be used as a substitute for legal advice. Users are responsible for ensuring compliance with sanctions laws.



OVERVIEW

Australia has imposed a prohibition on the import, purchase and transport of ‘arms or related matériel’, including firearms, in relation to a number of sanctioned countries.

This guidance note is relevant to any person considering the import, purchase or transport of weapons (including firearms), ammunition, accessories and other goods with possible military applications into Australia. A wide range of dual-use goods may have military applications.

Contents

Prohibition on the import, purchase or transport of ‘arms or related matériel’	2
The three-step test	3
‘Arms or related matériel’ exported from or originating in a sanctioned country	4
Sanctions permits	5

Glossary

Term	Definition
Arms or related matériel	Arms or related matériel generally includes weapons, ammunition, military vehicles and equipment, spare parts and accessories for any of those things, and paramilitary equipment.
Australian Sanctions Office	The Australian Sanctions Office (ASO) is the Australian Government's sanctions regulator. The ASO sits within the Department of Foreign Affairs and Trade (DFAT).
Defence and Strategic Goods List	The Defence and Strategic Goods List (DSGL) is the list that specifies the goods, software and technology that are regulated under Australian export control legislation.

Term	Definition
Import sanctioned good	A good designated as an 'import sanctioned good' for a specific country or region.
Pax	Pax is the Australian sanctions platform. You can make general enquiries or submit sanctions permit applications to the ASO in Pax.
Regulated entity	A government agency, individual, business or other organisation whose activities are subject to Australian sanctions laws.
Sanctions permit	A sanctions permit is authorisation from the Minister for Foreign Affairs (or the Minister's delegate) to undertake an activity that would otherwise be prohibited by an Australian sanctions law.

PROHIBITION ON THE IMPORT, PURCHASE OR TRANSPORT OF 'ARMS OR RELATED MATÉRIEL'

A number of Australia's sanctions frameworks include a prohibition on sanctioned imports. Weapons, ammunition, accessories and other goods that fall under the definition of 'arms or related matériel'¹ are 'import sanctioned goods' for a number of sanctioned countries under the *Autonomous Sanctions Regulations 2011* (Cth) (**Autonomous Regulations**) and regulations made under the *Charter of the United Nations Act 1945* (Cth) (**COTUNA Regulations**). In particular, 'arms or related matériel' are 'import sanctioned goods' for the following sanctions frameworks:

Russia	Australian Sanctions Regulations 2011
Specified Ukraine Regions	Australian Sanctions Regulations 2011
Iran	Charter of the United Nations (Sanctions—Iran) Regulation 2016.
Democratic People's Republic of Korea (DPRK)	Charter of the United Nations (Sanctions—Democratic People's Republic of Korea) Regulations 2008
Libya	Charter of the United Nations (Sanctions—Libya) Regulations 2011

Under the Autonomous Regulations, it is prohibited to import or purchase goods from another person, or transport goods, that are import sanctioned goods for Russia or the Specified Ukraine Regions.

Under the COTUNA Regulations, it is prohibited to procure 'import sanctioned goods' from Iran, Libya or DPRK, or a person or entity in Iran, Libya or DPRK.

¹ Arms or related matériel generally includes weapons, ammunition, military vehicles or equipment, and the spare parts and accessories for any of those things, and paramilitary equipment.



Penalties for sanctions offences

Sanctions offences are punishable by:

- For an individual - up to 10 years in prison and/or a fine of 2500 penalty units (\$825,000 as of 7 November 2024) or three times the value of the transaction(s) (whichever is the greater).
- For a body corporate – a fine of up to 10,000 penalty units (\$3.3 million as of 7 November 2024) or three times the value of the transaction(s) (whichever is the greater).

The definition of Arms or related matériel

The definition of 'arms or related matériel' under Australia's sanctions laws includes, but is not limited to:

- (a) *weapons;*
- (b) *ammunition;*
- (c) *military vehicles and equipment;*
- (d) *spare parts and accessories for the things mentioned in paragraphs (a) to (c);*
- (e) *paramilitary equipment.*²

Goods that do not clearly fall within one of the categories in the above definition may still be considered 'arms or related matériel'. The ['three-step test'](#) is used to determine if a good is considered 'arms or related matériel'.

The three-step test

To assess whether a good is arms or related matériel, ASO considers: first, the nature of the good; second, the proposed or actual end use of the good; and, third, in cases of doubt, the end user of the good.

More specifically, you should ask the following three questions:

- Does the good have intrinsic military utility? If the answer is 'yes', the good is arms or related matériel. The answer is generally 'yes' for, among others, any good mentioned in the [Defence and Strategic Goods List \(DSGL\)](#). If the answer is 'no' or 'maybe', go to the next question.
- Does the proposed or actual end use of the good have intrinsic military utility? If the answer is 'yes', the good is arms or related matériel. If the answer is 'no', the good is not arms or related matériel. If the answer is 'maybe', go to the next question.
- Does the end user of the good indicate that the proposed or actual end use of the good would have intrinsic military utility? If the answer is 'yes', the good is arms or related matériel. If the answer is 'no', the good is not arms or related matériel. If the answer is 'maybe', you should assess whether the good is 'arms or related matériel' depending on all the circumstances.

² In the case of Libya, 'arms or related matériel' also includes spare parts for paramilitary equipment.

**Firearms and spare parts**

Firearms are defined as ‘arms or related matériel’ under all applicable sanctions frameworks. Spare parts and accessories for weapons include, but are not limited to, items such as optics, magazines, bayonets, muzzle breaks and suppressors.

‘Arms or related matériel’ exported from or originating in a sanctioned country

Under Australia’s autonomous sanctions frameworks (relating to Russia and Specified Ukraine Regions), ‘arms or related matériel’ are import sanctioned goods for those countries, or part of those countries, if:

- the ‘arms or related matériel’ is exported from that country or part of that country; or
- the ‘arms or related matériel’ originated, including if it was manufactured, in that country or part of that country.

Under the COTUNA frameworks (relating to Iran, the DPRK and Libya), firearms are import sanctioned goods whether or not the firearm originated in those countries. That is, the procurement of any firearm (or other arms or related matériel) from Iran, the DPRK and Libya is prohibited.

**A common misconception**

If a firearm (or other ‘arms or related matériel’) *originated* in a sanctioned country, it is an import sanctioned good regardless of where it is being purchased or imported from. This includes goods imported from a non-sanctioned country.

**Case study 1**

A Lee-Enfield rifle is manufactured in the United Kingdom. The rifle is used in a theatrical production in St Petersburg, Russia. The Russian theatre company then loans the rifle to a theatre company in Australia.

The Lee-Enfield rifle is a weapon, and therefore classified as ‘arms or related matériel’. As it is being exported from Russia, the Australian theatre company would require a **sanctions permit** to import the firearm.

**Case study 2**

An Australian collector wants to buy a Mosin-Nagant rifle from an antique firearms dealer in the United States (US). The rifle was manufactured in Tula, Russia, in the 1930s and has been in the US for many years (including before the autonomous sanctions were imposed).

The rifle is a weapon, and therefore classified as ‘arms or related matériel’. Since the rifle was manufactured in the territory of present-day Russia, it is of Russian origin. Although the rifle is being imported into Australia from the US, the collector would require a sanctions permit to import the rifle, as it is ‘arms or related matériel’ that originated in Russia.

SANCTIONS PERMITS

If you are planning on:

- purchasing, importing, or transporting a firearm exported from, or originating in, Russia or a specified region of Ukraine; or
- procuring a firearm from Iran, or a person or entity in Iran;

it is open to you to apply for a sanctions permit to authorise that activity.

A sanctions permit is authorisation from the Minister for Foreign Affairs (or the Minister's delegate) to undertake an activity that would otherwise be prohibited by an Australian sanctions law. You can apply for a sanctions permit through the DFAT sanctions portal, [Pax](#).

If you are applying for a permit, please include all relevant information relating to the import of the firearm, including:

- the current location of the firearm;
- the firearm's serial number;
- the firearm's make and model;
- any pictures of the firearm;
- details of your Australian firearms licence or firearms dealer licence; and
- copies of import documents issued by the Australian Border Force and your State or Territory Police Force.



DPRK, Libya and Iran

A sanctions permit cannot be issued authorising the import of firearms (or other 'arms or related matériel') from the DPRK or Libya. A sanctions permit also cannot be issued authorising the procurement of 'arms or related matériel' from Iran without the approval of the United Nations Security Council.



Further information and resources

While this guidance note provides a framework for understanding key sanctions risks and compliance requirements, it is essential to remember that it does not cover every possible scenario. Sanctions compliance is an ongoing obligation rather than a one-time assessment. Sanctions measures and associated risks are constantly evolving, requiring regulated entities to continuously monitor and reassess their compliance strategies. Regulated entities are encouraged to seek independent legal advice tailored to their specific situations and ensure thorough due diligence in all activities.

Further information is available on the Department's [website](#) and in [ASO guidance notes](#) on specific sanctions topics. If you have any questions, you can make an enquiry through [Pax](#).