

31 August 2017

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## RE: REFORMS TO THE REGULATION OF PAINTBALL IN NSW

Mr Stobo,

Thank you for your invitation to participate in the upcoming consultation process in relation to the regulatory reforms of Paintball in NSW. We are extremely excited about these developments and are very keen to be a part of the process to improve the Paintball industry.

As you stated, initial analysis of the issues associated with the current regulatory regime has identified some key areas that require examination. I'd like to comment on the following:

### 1. Paintball Markers Defined As Prohibited Weapons

The AUPBA firmly believes that Paintball markers *should not* be classified as firearms. This is not to say that they should not be registered, controlled and audited by an approved Government Agency/Department. The new process should include:

- a. Paintball markers are only to be used on approved Paintball ranges. They are not to be used on private property or in public places that are not registered with the new Government Agency/Department as a Paintball range.
- b. An easier, online process to register Paintball markers (for individuals and operators) through the new Government Agency/Department. Fees can be levied as required and should be dependent on the application (individual or operator).
- c. Removal of the onerous storage requirements and recommendations to replace them with more appropriate storage requirements such as locked rooms, shipping containers etc.
- d. Guidelines as to what constitutes a paintball marker versus what constitutes a replica firearm.
- e. Annual audit/reviews of paintball markers (both operator and individuals).
- f. Serial numbering of all markers to facilitate identification and tracking.

### 2. Age Limits Of Paintball Game Participants

As per the previous information provided from the Australasian Paintball Association, 0.68 calibre Paintball games should be available to children as young as **10 years of age**. The rest of the world seems to have no issues arising from this minimum age and our members' operational experience in the United Kingdom, Canada and New Zealand (as well as Western Australia and South Australia) shows that 10 years of age is more than appropriate to play Paintball.

We would also suggest that a 0.50 calibre, low impact variation of the game be available for participants aged 8-10 years. We have witnessed great success with this variation in Victoria and the ACT over the past four years, with more than 70,000 children between 8-12 years of age safely entertained.

### **3. Approval and Operation of Venues**

Approval of venues should incorporate:

- a. Completion of all council and regulatory approvals,
- b. Registration of the venue with the new Government Agency/Department, and
- c. Usual safety guidelines as per SafeWork NSW.
- d. Staffing at Paintball Centres should require a basic Paintball Safety Course to be delivered to all staff. This should be delivered by the operator as a part of their business' duty-of-care for their staff and customers and records should be kept showing that this has been completed. I don't believe there is any requirement for this to be treated any differently than any other Health and Safety requirement in the workplace.
- e. Annual or five-yearly Registration Fee for all Paintball Operators paid to the new Government Agency/Department to cover expenses on online registration and other services provided.

This simplified approval of venues would also facilitate mobile venues at fetes, exhibitions and trade shows. We constantly are requested to provide such services but with the current antiquated and irrelevant restrictions on shooting ranges, it is practically impossible.

Television filming and productions would now also be a possibility with a more streamlined and Paintball-focused process for having temporary approval of a Paintball venue.

### **4. Appropriate Government Agency to Administer Regime**

The AUPBA supports the move away from the current NSW Police Force control and toward regulation by the Department of Finance, Services and Innovation. This should remove the unnecessary overregulation and over-complication of the process. It will also allow for targeted regulation of the actual sport of Paintball in place of forcing it to comply with the unrelated NSW Firearms Act (1997).

The simple removal of the antiquated triplicate Firearms registers and processing of all firearms through the Registry via physical copies and fax machines will make such a difference in the workload, compliance and tracking of Paintball markers. The AUPBA gladly offers any level of support required in making this modernisation happen and ensuring that the process was focussed on Paintball itself and utilises modern technology.

These suggested reforms will only serve to better regulate the Paintball industry, whilst removing the unnecessary over-regulation that comes with forcing Paintball to fit within the Firearms Act. It will also remove wasteful and time-consuming administration. It will allow Paintball operators to focus on growing their businesses and also allow more NSW residents the ability to enjoy the safe, adrenalin-charged and competitive sport of Paintball.