

Passed by both Houses



New South Wales

# Paintball Amendment Bill 2023

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*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney,*

*, 2023*



New South Wales

## **Paintball Amendment Bill 2023**

Act No \_\_\_\_\_, 2023

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An Act to amend the *Paintball Act 2018* to make miscellaneous amendments resulting from a review of the *Paintball Act 2018*.

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*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

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**The Legislature of New South Wales enacts—**

**1 Name of Act**

This Act is the *Paintball Amendment Act 2023*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

## Schedule 1 Amendment of Paintball Act 2018 No 44

### [1] Section 3 Definitions

Insert at the end of section 3(1), definition of *paintball marker*—

**Note—** A paintball marker may also be an imitation firearm within the meaning of the *Firearms Act 1996*. The *Firearms Act 1996*, section 4D requires the holding of a permit to authorise the possession or use of an imitation firearm. This may mean a person is required to hold a paintball marker permit under this Act and an imitation firearm permit.

### [2] Section 5 Using paintball marker other than at authorised paintball venue

Insert at the end of the section—

- (2) A person does not commit an offence against this section if—
  - (a) the person is authorised by the Secretary to use the paintball marker at a place other than an authorised paintball venue, and
  - (b) the person uses the paintball marker in accordance with the authorisation.
- (3) The regulations may prescribe matters in relation to applications for authorisations including—
  - (a) the process for making an application, and
  - (b) application forms approved by the Secretary, and
  - (c) application fees, including the reduction, postponement, waiver or refund of fees, and
  - (d) considerations the Secretary must take into account when deciding whether to approve an application, and
  - (e) the process for applications to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of a decision under this Act in relation to an application.

**Note—** For the *Crimes Act 1900*, a reference to a firearm means a firearm within the meaning of the *Firearms Act 1996*, and is taken to include a paintball marker within the meaning of this Act. Consequently, being authorised under the *Firearms Act 1996* to possess a paintball marker satisfies a requirement in the *Crimes Act 1900* that possession of the paintball marker is authorised under the *Firearms Act 1996*. See the *Crimes Act 1900*, section 4(7A).

### [3] Section 9 Unauthorised supply of paintball markers

Insert at the end of section 9(1)(b)—

, or

- (c) the person is the holder of an authorisation issued under the law of another Australian jurisdiction equivalent to a firearms dealer licence under the *Firearms Act 1996* or a weapons dealer permit under the *Weapons Prohibition Act 1998* and the supply of the paintball marker is to an authorised supplier.

### [4] Section 12 Paintball marker permit

Omit “a paintball marker” wherever occurring in section 12(1)(a) and (b).

Insert instead “1 or more paintball markers”.

### [5] Section 13 International paintball competitor permit

Omit “a paintball marker” from section 13(1)(a).

Insert instead “1 or more paintball markers”.

**[6] Section 34 Transport of paintball markers**

Insert “, unless the paintball marker is secured in a locked vehicle” after “transported” in section 34(2).

**[7] Sections 36A and 36B**

Insert after section 36—

**36A Display of paintball venue permit details**

The holder of a paintball venue permit must display a copy of the permit or the permit number and the name of the permit holder in the following ways—

- (a) in a prominent position at the entry to the paintball venue,
- (b) if the holder of the permit makes information about the venue available on a publicly accessible website maintained by the holder—in a prominent position on the website,
- (c) if the holder of the permit makes information about the venue available on a publicly accessible social media platform—on the social media platform account page for the venue or permit holder.

Maximum penalty—20 penalty units.

**36B Use of non-venue paintball markers at paintball venue**

The holder of a paintball venue permit must ensure a person does not use the person’s own paintball marker at the paintball venue unless the person’s paintball marker permit has been shown to—

- (a) the holder of the paintball venue permit, or
- (b) an employee of the holder of the paintball venue permit.

Maximum penalty—200 penalty units.

**[8] Part 4, Division 3**

Insert after Division 2—

**Division 3 Conditions of paintball marker permit**

**41A Requirements of division are conditions of paintball marker permit**

The requirements set out in this division are conditions of every paintball marker permit.

**41B Use of own paintball marker at paintball venue**

The holder of a paintball marker permit must not use the holder’s own paintball marker at a paintball venue unless the holder shows the permit before entering the venue to—

- (a) the holder of the paintball venue permit, or
- (b) an employee of the holder of the paintball venue permit.

**[9] Section 66 Provision of information to Secretary about supply or disposal of paintball markers**

Omit section 66(5). Insert instead—

- (5) In this section—  
*permit number* means—

- (a) for the holder of a firearms dealer licence under the *Firearms Act 1996*—the number of the licence, and
- (b) for the holder of a weapons dealer permit under the *Weapons Prohibition Act 1998*—the number of the permit, and
- (c) for the holder of an authorisation issued under the law of another Australian jurisdiction equivalent to a firearms dealer licence or a weapons dealer permit—the number of the authorisation.

**[10] Section 82**

Insert after section 81—

**82 Extraterritorial application**

This Act is intended to have extraterritorial application so far as the legislative powers of the State allow.

## **Schedule 2      Amendment of Paintball Regulation 2019**

### **Schedule 2 Penalty notice offences**

Insert in appropriate order in the table, under the heading **Offences under the Act**—

Section 36A	\$1,320	\$330
Section 36B	\$3,600	\$720