



New South Wales

Paintball Amendment Bill 2023

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Paintball Act 2018* (*the Act*) to make amendments resulting from a review of the Act.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Paintball Act 2018 No 44

Schedule 1[1] inserts a note to make it clear that if a paintball marker is also an imitation firearm within the meaning of the *Firearms Act 1996*, a person may be required to hold a paintball marker permit and an imitation firearm permit.

Schedule 1[2] enables a person to use a paintball marker at a place other than an authorised paintball venue if the use is authorised by the Commissioner for Fair Trading. The amendment also provides for regulations to be made in relation to applications for authorisations.

Schedule 1[3] enables paintball markers to be supplied to authorised paintball marker suppliers in NSW by the holder in another Australian jurisdiction of an authorisation equivalent to a firearms dealer licence or a weapons dealer permit. **Schedule 1[9]** makes a consequential amendment.

Schedule 1[4] makes it clear that the holder of a paintball marker permit may purchase or possess 1 or more paintball markers.

Schedule 1[5] makes it clear that the holder of an international paintball competitor permit may possess 1 or more paintball markers that the person brought into NSW.

Schedule 1[6] sets out additional requirements for securing paintball markers that are being transported.

Schedule 1[7] inserts proposed sections 36A and 36B into the Act.

Proposed section 36A requires the holder of a paintball venue permit to display a copy of the permit or the permit number and the name of the permit holder as follows—

- (a) at the entry to the paintball venue,
- (b) in a prominent position on websites maintained by the holder that include information about the venue,
- (c) on social media account pages for the venue.

Proposed section 36B requires the holder of a paintball venue permit to ensure that the holder or an employee of the holder is shown a person's paintball marker permit before the person is allowed to use the person's own paintball marker at the paintball venue.

Schedule 1[8] inserts proposed Division 3 into Part 4 of the Act, which comprises proposed sections 41A and 41B.

Proposed section 41B requires the holder of a paintball marker permit who wants to use the holder's own paintball marker at a paintball venue to first show the holder's permit to the paintball venue permit holder or an employee of the paintball venue permit holder.

Proposed section 41A makes the requirement under proposed section 41B a condition of every paintball marker permit.

Schedule 1[10] makes it clear that the Act is intended to have extraterritorial application so far as the legislative powers of the State permit.

Schedule 2 Amendment of Paintball Regulation 2019

Schedule 2 amends the *Paintball Regulation 2019* to provide penalty notice amounts for offences under proposed sections 36A and 36B.