

Stephen Larsson

From: Stephen Larsson
Sent: Thursday, 14 July 2022 8:20 AM
To:
Cc: Robert Borsak
Subject: FW: two sets of rules..... again? (REPLY)

Importance: High
Categories: Blue Category

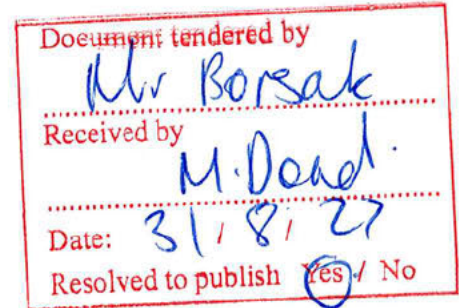
Superintendent Lindsay

Has there been any progress or developments in this matter?

Yours sincerely

Stephen Larsson
Senior Analyst
Office of the Hon. Robert Borsak MLC
Shooters Fishers and Farmers Party

NSW Parliament, Macquarie Street Sydney NSW, 2000
www.parliament.nsw.gov.au



From: Stephen Larsson
Sent: Friday, 24 June 2022 6:50 AM
To:
Cc: Robert Borsak
Subject: FW: two sets of rules..... again? (REPLY)
Importance: High

Superintendent Lindsay

While we are unfamiliar with the status or details of the ruling on Tippmann Stormer paintball marker, we agree with Mr Whybrew that if these markers are indeed prohibited in NSW, and that they are being sold directly to NSW paintball permit holders, then action needs to be taken.

We can only imagine the furore that would occur if it became widely known that 'imitation firearms' resembling sub-machine guns were being sold illegally in NSW, especially during a time of prolific gangland shootings in Sydney.

Mr Borsak asks that this issue be brought to the attention of your counterpart in the Victorian Police Force so that appropriate investigations and action may be taken.

Yours sincerely

Stephen Larsson
Senior Analyst
Office of the Hon. Robert Borsak MLC
Shooters Fishers and Farmers Party

From:

Sent: Thursday, 23 June 2022 5:26 PM

To: '#DEALERS'

; 'Robert Borsak'
; 'Simon Winwood-Smith'

Stephen Larsson

Subject: two sets of rules..... again?

Importance: High

Dear NSW FAR Dealers Unit,

I am at a total loss to the situation I find myself in yet again with inconsistent rulings from the NSW FAR that give financial advantage to the same interstate dealer over NSW Paintball Stake Holders.

Back on April 22nd 2021, the NSW FAR made rulings on several paintball markers. Whilst we did not agree at all with these rulings, especially considering all the massive contradictions in it, we of course immediately obeyed it. These rulings included the banning of the Eclipse EMEK EMF100, which we sell and the Tippmann Stormer in all but its most basic form (without the mag fed option or main front shroud)

Now a firearms dealer in Victoria, Hot Shots is currently selling the Tippmann Stormer in its complete form with the magazine option and in fact, with 3 magazines included and sending them directly to paintball permit holders in NSW and no one in the NSW government seems to care about this? I keep getting told that it is "too hard" because he is an interstate dealer when I have mentioned it to both staff at Service NSW and members of the NSW FAR to which both departments have simply said they cannot really do anything about it?

So both government departments are fine with someone interstate breaking the law and give them a serious financial advantage to local NSW dealers?

On top of this since neither department is concerned with what this dealer is doing it is give us the nightmare situation of having to tell customers who have purchased one of these "imitation" firearms in NSW that they are not allowed to play with them at our paintball parks. I have been called a liar by customers numerous times because I will not let anyone use any type of these so called "imitation" firearms at my venue and the dealer in Victoria is telling them that the Stormer is legal to use in NSW.

I have even had customers send me emails where they have asked for a refund since they cannot use the marker from this supplier saying it is legal for him to sell them directly to customers in NSW and that the markers themselves are legal.

Below is a direct email from Hot Shots has made to a customer trying to get a refund since he is not allowed to use his newly purchased Tippmann Stormer at our paintball park. Please note that the customer is trying to do the right thing and return a paintball marker he was sent directly from Hot Shots. But Steve clearly tells the customer that the Tippmann Stormer is 100% approved by both NSW FAR and Service NSW in its full mag fed setup to be sold into NSW.

----- Forwarded message -----

From: **Hot Shots Supply**

Date: Thu, 24 Mar 2022 at 9:46 am

Subject: Re: Return of Goods

To: Adian Scholfield

Hi Adian,

Thank you for your email.

The transaction has been correctly lodged with Services NSW against your account and they are aware of this transaction.

We have made our own enquiries into this matter and we are satisfied that we have undertaken this transaction correctly.

It is unfortunate that you have changed your mind about the purchase after the fact of receiving the goods. We notified you about sending the full kit and its application in NSW. I note you responded to this notification accepting this and also that you were happy with the situation and that you would apply the full kit when playing interstate.

If you require correct information I suggest contacting another source other than a competitive supplier - which I assume you are getting your information from. My suggestion is that you contact Services NSW.

Again, I am happy to list the marker for sale on our website as previously offered. The marker was sold to you with full transparency and disclosure to which you provided an acknowledgement.

If you wish to take things further - that is your choice, however we do not respond to idle threats.

The situation seems to be you had full knowledge of your purchase, have now decided you do not want the item based on conversations with another party and are attempting to suggest impropriety to facilitate the product return.

Regards Steve

So I need to ask, has the ruling for the Stormer being secretly approved for Hot Shots without letting the NSW paintball stakeholders know about these changes as it has happened so many times in the past with markers like the Smart Parts SP1, Tippmann A5, Tippmann MM1000 and X7 Phenom to name a few as well as the new low impact spring powered .50 cal pump action paintball markers where to no one's surprise, only the type imported by Hot Shots is somehow legal to sell in NSW according to the NSW FAR?

To be clear, I am not making any of these accusations up, as I have an EXTENSIVE record of this over the last couple of decades including emails and letters of this exact sort of extremely suspicious ruling that always go in favour of Hot Shots paintball and in every single case, no correspondence is giving to NSW industry stakeholders information on why or when they were made.

Why is it the track record of the NSW FAR is always the same. The markers are illegal for us to sell and then suddenly, it is okay for the same dealer from Hot Shots in Victoria to be able to sell

them and we in NSW only find out when customers start turning up with markers to play at our parks we were told are illegal to own?

Do I just send my Mag fed paintball markers to a dealer in Victoria to then send directly to my customers back in NSW? Since it is apparently okay for Hot Shots to do so?

Maybe they are legal again and no one has bothered to tell anyone in NSW and only informed Hot Shots in Victoria? Or is it only ok only for interstate firearms dealers to sell mag fed markers into NSW, in particular the dealer, Hot Shots Paintball?

Maybe I should just give up and ask Hot Shots Paintball to start selling my markers for me into NSW? Why does this happen again with Hot Shots Paintball. He has continually enjoyed the financial benefits of this sort of thing happening time and time again getting these strange favourable rulings by the FAR?

Below is the link to the Hot Shots Paintball website where apparently NSW paintball permit owners can order them directly to their door.

<https://www.paintballskirmish.com/product-detail.asp?MCAT=1&ProductID=3794&BRAND=248&PCAT=248>



FREE UPGR



CUSTOM



He is charging the price of the full kit for the basic Stormer and "giving" the upgrade kit with the marker. So he is actually selling the Stormer as the full set up for around \$550 - \$800.00. the basic Stormer is a \$200 - \$250 marker

[Firearms Act 1996 \(legislation.vic.gov.au\)](http://legislation.vic.gov.au)

Part 4 - 100 Control of disposal to place outside the State

(1A) If a licensed firearms dealer is disposing of a paintball marker to a place outside Victoria but within Australia (whether or not on his or her own behalf or as an agent for another person), the dealer must not give possession of that firearm to any person other than a person who holds a licence in that place which corresponds with a dealers licence. Penalty: 60 penalty units or 12 months imprisonment.

So in summation, not only is he selling a paintball marker in NSW which is not legal at this time, he is shipping directly to the customers which is also not legal under Victorian law. Yet he can keep doing it because..... NSW FAR is happy to stop us selling these or any other type of mag fed paintball marker, whilst allowing interstate dealers to have basically open season into NSW.

What happens when the NSW FAR start trying to confiscate these paintball markers when they were knowingly allowing them to come in to NSW illegally for so many months?

What am I supposed to do now?

1. Send all markers (Eclipse EMEK EMF100) that we sell all over the country except in NSW to dealers interstate to sell on my behalf to NSW paintball permit holders which is apparently okay?
2. Ask Hot Shots to sell my magazine fed markers into NSW for me?
3. Ask the Hot Shots to get our magazine fed markers approved with the NSW FAR?

Also what am I supposed to do in relation to people with Stormers wanting to play at my field?

I would like to know why the NSW FAR keeps on doing this exact thing happening with Hot Shots paintball in Victoria.

Personally I think they should all be legal with the only exception being paintball markers that are an "actual replica" to firearms such as an AR15 or AK47. But if the registry is going to make rulings then they MUST apply to everyone the same.

Please understand that I am not trying to be arrogant or rude to the NSW Registry staff but this situation is totally unacceptable for not just me but all NSW Paintball Stakeholders to accept. How can it be acceptable to have two clear sets of rules, one for us and one for Hot Shots? It is only made worse that this sort of double standards with appearance laws for paintball markers in NSW has been common place for so many years, and always they favour Hot Shots.

Kind Regards,

Michael Whybrew
President

Australian Paintball Industry Association
Managing Director
Action Paintball Rouse Hill P/L
Trading as
Action Paintball Games Yarramundi
& Paintball Shop

skype: michael.whybrew
NSW Firearms Dealers Association #257



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From: #PERMITS
Sent: Thursday, 22 April 2021 11:53 AM
To:
Subject: RE: Gotcha and Splatmaster Guns In Stock - LEGAL TO USE IN NSW? [SEC=OFFICIAL]

Good morning Mike,

I have been forwarded your email from the Dealers Unit and asked to provide a response regarding the below paintball markers. I'm really sorry for the delay in providing this response.

After receiving confirmation from the NSW Police Ballistic Investigation Section (BIS) and with reference to the first picture depicted below that you have provided, I can confirm that the top red marker is classified as a 'paintball marker' however the bottom marker has been determined to meet the threshold of an 'imitation firearm'.



I can also advise that the following paintball markers have been reviewed by BIS, the result of this review are in bold.

VALKEN Model Gotcha – **paintball marker - OK**



PLANET ECLIPSE Model Emek Variant 1 (PAL). – **paintball marker - OK**



PLANET ECLIPSE Model Emek Variant 2. – **paintball marker - OK**



Tippmann model Stormer Basic Marker – Black – **paintball marker - OK**



TIPPMANN SPORTS Model Stormer Version 1 - **paintball marker - OK**



JT Model Splatmaster - **imitation firearm**



PLANET ECLIPSE Model Emek Variant 3. – **imitation firearm**



PLANET ECLIPSE Model Emek Version 4. – EMEK EMF100 – **imitation firearm**



EMEK EMF100 PAINTBALL MARKER



PLANET ECLIPSE Model MG100 Version 1. – **imitation firearm**



PLANET ECLIPSE Model MG100 Version 2. – **imitation firearm**



PLANET ECLIPSE Model MG100 Version 3. – **imitation firearm**



PLANET ECLIPSE Model MG100 Version 4. – **imitation firearm**



Tippmann model Stormer Tactical Marker – Black – **imitation firearm**



Tippmann Stormer Elite Dual Fed Marker – Black – **imitation firearm**



TIPPMANN SPORTS Model Stormer Version 3. – imitation firearm



TIPPMANN SPORTS Model Stormer Version 4. – imitation firearm



Kind Regards
Renee



Permits Unit
Industry Regulation & Engagement Unit
NSW Police Firearms Registry
Locked Bag 5102 Parramatta NSW 2124
E: permits@police.nsw.gov.au P: 1300 362
562

From: #DEALERS

Sent: Wednesday, 10 March 2021 2:50 PM

To: #PERMITS

Subject: FW: Gotcha and Splatmaster Guns In Stock - LEGAL TO USE IN NSW? [SEC=UNOFFICIAL]

Importance: High



Dealers Unit

Industry Regulation & Engagement Unit | Firearms Registry

Locked Bag 5102 Parramatta NSW 2124

E: dealers@police.nsw.gov.au P: 1300 362 562

From:

Sent: Wednesday, 10 March 2021 2:48 PM

To: #DEALERS

Subject: FW: Gotcha and Splatmaster Guns In Stock - LEGAL TO USE IN NSW?

Importance: High

Dear firearms Registry,

This is a follow up to my previous email from last week, dated March 4th which was a follow up to the original email dated Feb 27th. (please see below)

I just need to know the legal status of these spring loaded plastic smaller.50 cal paintball markers in NSW.

Thank you in advance for your assistance.

Have a lovely day as always....

Kind Regards,

Michael Whybrew

President

Australian Paintball Industry Association

Managing Director

Action Paintball Rouse Hill P/L

Trading as

Action Paintball Games

Rouse Hill, Yarramundi

& Paintball Shop

NSW Firearms Dealers Association #257



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From:
Sent: Thursday, 4 March 2021 11:20 AM
To:
Subject: FW: Gotcha and Splatmaster Guns In Stock - LEGAL TO USE IN NSW?
Importance: High

Dear Firearms Registry,

I just wanted to see if anyone has had a chance to reply to my previous email (see below) Dated Feb 27th ?

Thank you as always for your assistance with this.

Have a wonderful day!

Kind Regards,

Michael Whybrew
President
Australian Paintball Industry Association
Managing Director
Action Paintball Rouse Hill P/L
Trading as

Action Paintball Games
Rouse Hill, Yarramundi
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From:
Sent: Saturday, 27 February 2021 5:54 PM
To:
Subject: Gotcha Guns In Stock - LEGAL TO USE IN NSW?
Importance: High

Dear Firearms Registry,

I have been informed second hand that these 50 calibre paintball markers are now legal to own and use in NSW?

The top one is the Gotcha pump action 50 cal paintball gun and the bottom one is the Splatmaster pump action 50 cal paintball gun.



Can you confirm that this is indeed 100% correct? If so what is the requirement for their use?

Can they be used on private property or are they only approved to use on an approved paintball park? Is the age to use these still 12 or can younger kids use them as well?

Do they need to be on a paintball marker permit? If yes, how as they have a fully plastic body and no serial number?

If they have been approved, which would be awesome, but I have to ask, when was the approval given and why were the NSW paintball park owners not notified of this approval in writing?

I find it strange that we are told of the approval second hand by someone in another state? Surely the NSW Firearms Registry would want its own NSW industry stakeholders to know of such an approval at the very least, at the same time as another entity in a different state?

I am asking these questions as the President of the Australian Paintball Industry Association as I will have to let our members know the facts.

Thank you as always, in advance, for your assistance. It is always greatly appreciated.

Kind Regards,

Michael Whybrew

President

Australian Paintball Industry Association

Managing Director

Action Paintball Rouse Hill P/L

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