

THE PAINTBALL ACT 2018

Statutory Review

June 2022



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1. Executive Summary

The Paintball Act 2018 (the Act) removed the regulation of paintball markers and associated activities from the firearms legislation and provided a separate system of permits for the regulation of paintball markers, venues and activities. The new framework made it easier to play paintball and run a paintball business, while maintaining robust public safety.

Before the Act was introduced, paintball markers were regulated under the *Firearms Act 1996* which is administered by the NSW Police Force (Police). This meant that to purchase a paintball marker, a person had to apply for and be granted both a firearms licence and a permit to acquire a firearm, as well as complete a firearms safety training course. Once purchased, a paintball marker had to be registered on the Register of Firearms.

The Act commenced on 1 July 2019, and it removed paintball markers from the list of prohibited firearms in the *Firearms Act 1996*. The Act transferred responsibility for the regulation of paintball games, markers, venues and associated activities from Police to NSW Fair Trading (Fair Trading) within the Department of Customer Service (the Department).

The Act is administered by the Minister for Small Business, and Minister for Fair Trading (the Minister). Section 81 of the Act requires the Act to be reviewed to assess whether its policy objectives remain valid and whether the terms of the Act remain appropriate for securing those objectives. The Review is also to consider, in the light of those policy objectives, whether other Acts, including the *Crimes Act 1900*, continue to deal appropriately with paintball markers. The outcome of the Review is due to be tabled in both Houses of Parliament by 30 June 2022.

To assist in conducting the Review, the Department released a Discussion Paper in November 2021, receiving 93 written submissions and 81 survey responses. Those submissions and surveys have made a valuable contribution to the Review.

The Review finds that the objectives of the Act remain valid and are clear, and the regulatory framework continues to be largely appropriate. The Review recognises the disruptive impact of COVID-19 on the paintball industry. COVID-19 emerged six months after the commencement of the Act on 1 July 2019. This may have some impact on the Review's findings, as the Act has not had an opportunity to be properly stress tested yet. However, stakeholder feedback has been important to determine whether the Act is effective and identify areas for improvements.

Overall, stakeholder feedback on the decision to remove paintball markers from the firearms legislation was positive. However, feedback from the consultation raised various issues including: whether to have one permit for multiple paintball venues operated by the same

business, whether to include gel blasters and airsoft guns in paintball venues across NSW, and whether to expand the Act to regulate other uses of paintball markers, such as for marking livestock and creating effects in film and TV.

Following consideration of stakeholder feedback, including Police and Fair Trading, and an analysis of the issues identified, the Review makes 6 recommendations. The recommendations seek to strengthen the Act's effectiveness and maintain existing provisions where they remain appropriate.

2. Recommendations

Recommendation 1:

To prevent paintball markers being sold in NSW without being registered to protect consumers and the public and deter illegal activity, including:

- Strengthening the Act to require interstate suppliers to notify NSW Fair Trading when they supply a paintball marker to NSW residents, so to ensure that all paintball markers in NSW are recorded on the Paintball Register
- Ensuring only interstate suppliers who hold equivalent firearms or weapons dealer permits in their home State or Territory may supply paintball markers to NSW residents,
- Require paintball permit holders to display their permit prior to entering a paintball venue, who intend to use their own markers at the paintball venue,
- Require venue operators to sight paintball marker permit holders' permits, prior to allowing those persons from using their own marker at the paintball venue.

Recommendation 2

Clarifying that a paintball marker permit allows for ownership of more than one paintball marker.

Recommendation 3

Allowing the Secretary to provide exemptions for uses of paintball markers outside authorised paintball venues, in appropriate circumstances.

Recommendation 4

Requiring venue operators to clearly display their paintball venue permit or permit number and name it is in at the paintball venue and on their website or other electronic platform.

Recommendation 5

Enhancing transportation requirements for paintball marker to ensure public safety.

Recommendation 6

Imposing appropriate penalties for breaches of any of these amendments to the Act, and in consultation with the Department of Communities and Justice, reviewing the existing penalties under the Act and Regulation, to determine whether they remain fit-for-purpose and reflect increases in the Consumer Price Index.

3. Introduction

3.1 Snapshot of the Paintball industry in NSW

Paintball is enjoyed recreationally and competitively by thousands of people in NSW each year across metropolitan and regional NSW.

NSW also welcomes interstate and overseas competitors who participate in paintball competitions. These high-level competitions drive the industry and often attract professional players as well as sponsorship arrangements.

Across jurisdictions, paintball is regulated differently by each state and territory. For example, the minimum legal age of players differs among states and territories. In addition, NSW is the only jurisdiction that does not require individuals to apply for a firearms licence. Although, individuals wishing to own a paintball marker and venue employees supervising players, must first complete the NSW Paintball Marker Safety Training course. Paintball venues and individuals, including international paintball competitors, are required to hold a permit from Fair Trading to own a paintball marker or to operate a paintball business.

At present, Fair Trading has licensed over 1,885 paintball marker permits, and 43 paintball venue permits. Between 1 July 2019 and 28 February 2022, Fair Trading received 1,362 paintball marker applications, 26 paintball venue applications and 26 international paintball competitor applications. Around 70% of paintball venues are based in regional NSW. Fair Trading had an average turnaround of less than one business days in determining applications.

Fair Trading received 26 international paintball competitor permit applications; this number may be low because of the COVID-19 pandemic which occurred shortly after the new paintball laws commenced on 1 July 2019.

Since the commencement of the Act, Fair Trading has received a total of 111 general enquiries indicating interest in this new industry (99 related to paintball marker permits, 9 related to venue permits and 3 related to international paintball competitor permits).

3.2 Overview of the Act

Prior to the commencement of the Act, paintball markers were classified as firearms. This meant that a person had to apply for and be granted a firearms licence and complete a firearms safety training course. Once purchased, a paintball marker was also required to be registered on the Firearms Registry.

The Act commenced on 1 July 2019. It removed paintball markers from the list of prohibited firearms in the Firearms Act 1996 and transferred responsibility for the regulation of paintball games, markers, venues and associated activities from Police to Fair Trading. It established a clear and safe regulatory system specifically for the paintball playing industry, including key statutory offence provisions, while the offences under *the Crimes Act 1900*, *the Firearms Act 1996* and *the Weapons Prohibition Act 1998* and other Acts continue to apply for any unauthorised use or misuse of the paintball markers.

The Act primarily:

- removed paintball markers from the list of prohibited firearms in the Firearms Act 1996;
- defined paintball markers as sporting devices for use only in the sport known as paintball;
- established a separate system of permits for the regulating paintball games, venues and markers;
- reduced the minimum age limit of participants from 16 years to 12 years and over (subject to written parental consent for players below 18 years of age), with additional and appropriate safety precautions.

The *Paintball Regulation 2019* (the Regulation) commenced simultaneously on 1 July 2019, to provide legislative support and administrative detail for the operation of the Act and the paintball system, including:

- paintball marker sharing arrangements between venues
- paintball marker register
- training requirements for new permit applicants, as well as for those who supervise the use of paintball markers at paintball venues
- safety requirements for protective clothing and equipment to enter a paintball area
- fees and penalty notice offences
- provides for equivalent interstate paintball marker authorisations to be recognised in NSW.

3.3 Statutory Requirements for the Review

The Minister for Small Business, and Minister for Fair Trading administers the Act. Section 81 of the Act requires the Act to be reviewed to:

- 1) determine whether its policy objectives remain valid and whether the terms of the Act remain appropriate for securing those objectives;

- 2) in the light of those policy objectives, whether other Acts, including the Crimes Act 1900, continue to deal appropriately with paintball markers; and
- 3) to report on the outcome of the Review is to be tabled in each House of Parliament by 30 June 2022.

3.4 Consultation

On 29 November, a Discussion Paper (see **Appendix A** for consolidated list of questions in the Discussion Paper) on the Statutory Review of the Act was publicly released for feedback on the regulation of the paintball industry in NSW. The Discussion Paper explored all parts of the current regulatory framework established by the Act and welcomed comments on other general matters relevant to improving the industry. Prior to the consultation, a roundtable with industry was held with key stakeholders and industry associations to ensure all matters were canvassed in the Discussion Paper.

The consultation was held for 4 weeks, during which the Department received 93 written submissions and 81 survey responses.

The Statutory Review extensively consulted with Police, particularly relating to matters on public safety, data and statistics relating to criminal offences associated with paintball markers, and the interactions between the *Crimes Act 1999* and the Act.

Fair Trading were also consulted and provided valuable insights into the of the implementation and operational effectiveness of the Act so far.

All the submissions made during the consultation were reviewed and considered as part of the Statutory Review of the Act. A list of submissions are at **Appendix B**. Submissions are also available on the NSW Fair Trading website.

4. Findings of the Review

4.1 Objectives of the Act

Currently, the objectives of the Act are not explicitly prescribed or written in the Act itself. However, the contents of the Act, and other key reference documents indicate the primary objectives of the Act. These include:

1. The requirements of the permits, key offences and relevant offences, and other parts of the Act makes it clear that the objective of the Act is to establish a separate regulatory system for paintball markers to ensure safety in paintball games and to ensure public safety from any unauthorised use and misuse of the paintball markers.

2. The explanatory note to the Paintball Bill 2018 states:

“The object of the Paintball Act 2018 is to recognise that paintball markers are not firearms and to remove the regulation of paintball markers from the Firearms Act 1996 and to instead establish a separate system of permits for the regulation of paintball markers and of paintball venues.”¹

3. The second reading speech of Paintball Bill 2018 states its objective:

“to establish a new regulatory framework for paintball markers and activities that secure the safety and security of players and the community, while also reducing red tape for businesses and providing them with enhanced levels of customer service”.²

4. NSW Fair Trading website states on the introduction of the Act:

“By modernising the laws, we are removing red tape for the paintball industry and making it easier for you to play paintball, while maintaining robust public safety controls.”³

5. Section 81 of the Act requires the Statutory Review:

- the to determine whether its policy objectives remain valid and whether the terms of the Act remain appropriate for securing those objectives; and
- in the light of those policy objectives, whether other Acts, including the Crimes Act 1900, continue to deal appropriately with paintball Markers.”

¹ Overview of Bill, Explanatory Note of the Paintball Bill 2018
<https://www.parliament.nsw.gov.au/bill/files/3539/XN%20Paintball%20Bill.pdf>

² Matthew Kean, [Second reading speech: Paintball Bill 2018](#), 8 August 2018, NSW Parliament.

³ <https://www.fairtrading.nsw.gov.au/trades-and-businesses/business-essentials/information-for-specific-industries/paintball#thechanges>

The Review notes that over 90% of survey respondents supported including the objectives in the Act, in line with the second reading speech. Several survey respondents suggested explicitly stating in the objectives that paintball markers are not firearms and to remove the requirement for a permit to own a paintball marker. Some of the survey respondents did not support adding the objectives into the Act, stating it would overcomplicate the Act.

This Review has concluded that the above policy objectives remain valid. Adding the objectives into the Act is not an approach commonly taken in current NSW legislation. If a NSW Act does have objectives written into the Act (for example, the Work Health and Safety Act 2011 (WHS Act) which adopts the national model Work Health and Safety Act) it may be used to guide judicial interpretation of the provisions of the Act. It is noted that objectives can be useful when there is ambiguity arising in judicial interpretations of the Act, however, the assessment of the Paintball Act, is that there is no ambiguity in relation to the policy objectives of the Act. Therefore, the Review is not recommending a specific listing of objectives in the Act.

4.2 Definition of Paintball Marker

Under section 3 definitions of the Act, a “paintball marker” means a sporting device for use in the sport known as paintball. A paintball marker can propel, or is designed to propel, a paintball by means of any gas or mixture of gases, including air (but not including a gas or mixture of gases generated by an explosive). Also, they are designed for operation by means of a trigger or similar device. The definition does not include:

- a) a paintball marker that has been modified to propel something other than a paintball, or
- b) a paintball marker prescribed by the regulations.

The definition of the paintball marker, along with the other parts of the Act defines a paintball marker along with its permitted legal use:

- a paintball marker is exclusively for playing paintball games;
- permitted only for playing paintball games and only at an authorised paintball venue; and
- any paintball marker that has been modified to propel anything other than a paintball is not recognised as a paintball marker under the Act.

Other parts of the Act, particularly the three different permits and the requirements of each, are aimed at achieving the primary objective of the Act. These objectives are aimed at ensuring the paintball industry flourishes and the safety of both players and the wider public.

Data from Police on paintball related incidents and legal actions in NSW as well as consultation with Fair Trading, indicate that there have been no serious public safety issues to date. For example, Police's data revealed there were only 41 legal actions involving paintball markers in the last ten years. However, the Review notes that COVID-19 emerged only six months after the Act commenced. This may have an impact on the Review's findings as the Act has not had the opportunity to operate under non-pandemic conditions or during a period of normal social and economic activity.

The Review did not see any valid reason to make any changes to the definition of the paintball marker and the scope of the Act.

4.3 Interstate Supply of Paintball Markers

The Act does not restrict paintball marker permit holders from purchasing and possessing paintball markers from interstate. However, as paintball markers are still classified as firearms in most other jurisdictions, interstate dealers are still bound by their relevant firearm legislations regarding transporting paintball markers.

The Act does not restrict paintball marker permit holders from purchasing and possessing paintball markers from interstate.

The Review proposes enhancements to level the playing field between NSW and interstate businesses that sell paintball markers, while still ensuring consumer and public safety.

Currently, businesses are required to have a paintball venue, firearms dealer or weapons dealer permit (section 3) to be considered an 'authorised supplier' and therefore be allowed to sell paintball markers in NSW. These permits are issued under the respective NSW legislations.

The unauthorised supply of paintball markers is an offence that can result in 6 months imprisonment or \$22,000 or both (section 9). However, legal advice is that section 9 is unlikely to have extraterritorial operation and hence does not strictly apply to suppliers outside NSW, and that NSW residents are legally able to purchase paintball markers from unauthorised suppliers.

The Act also requires authorised suppliers to notify the Department within 7 days when supplying, receiving or disposing of paintball markers, and the Department to record this information on a register of paintball markers. This is intended to assist with compliance, investigation or enforcement activity by the Department and the NSW Police Force.

To address this and to protect consumers and the public it is proposed to extend the notification of supply requirements to interstate businesses. This will help ensure that all

paintball markers are registered in NSW, including those provided by interstate suppliers. This also makes it equitable for NSW business, who are already subject to these requirements.

In addition, only interstate businesses that hold similar or equivalent permits issued by their own jurisdictions to sell paintball markers, will be able to supply markers to persons in NSW. This adds in a level of comfort that these suppliers have been vetted and approved to supply paintball markers by other State and Territory Government authorities.

A member of the industry submitted that the Review consider requiring interstate suppliers of paintball markers to supply NSW residents through NSW authorised suppliers. This would ensure that the Department is notified of these transactions, which is used to maintain the register of paintball markers. The submitter also noted that this type of dealer-to-dealer arrangement is in place in other jurisdictions where paintball markers are classed as firearms. However, this proposal could potentially reduce market competition. Prices may increase and access to a range of paintball products may be adversely affected, which is not beneficial for NSW consumers.

The Review also received a submission from a Victorian-based paintball business who supplies directly to NSW residents, who reported they comply with the notification of supply requirements for authorised suppliers. The Fair Trading Compliance unit has verified this. This demonstrates that a requirement for interstate suppliers to provide information about paintball markers for the register is not onerous.

Rather than restricting interstate trade, the Review's recommendation to apply the same regulatory requirements on interstate businesses will help preserve competition while ensuring NSW businesses are not unduly disadvantaged. Extending the notification of supply requirements to businesses outside NSW will enhance safety as it will ensure regulators knows of the location and ownership of every paintball marker in NSW by ensuring the register of paintball markers kept by the Department accounts for every paintball marker in NSW. This will enhance compliance and enforcement capability.

Recommendation 1:

To prevent paintball markers being sold in NSW without being registered to protect consumers and the public and deter illegal activity, including:

- Strengthening the Act to require interstate suppliers to notify NSW Fair Trading when they supply a paintball marker to NSW residents, so to ensure that paintball markers in NSW are recorded on the register
- Ensuring only interstate suppliers who hold equivalent firearms or weapons dealer permits in their home State or Territory may supply paintball markers to NSW residents,
- Requiring paintball permit holders to display their permit prior to entering a paintball venue, who intend to use their own markers at the paintball venue,
- Require venue operators to sight paintball marker permit holders' permits, prior to allowing those persons from using their own marker at the paintball venue.

4.4 The Permit System

Under the Act, NSW Fair Trading regulates paintball markers to ensure paintball games are played safely and to ensure the safety of the residents of NSW.

Outlined below are the three categories of permits, and the conditions that make up the regulatory system under the Act. These permits are:

- i. **Paintball Venue Permit** – issued to a qualified natural person or a business to operate an authorised paintball playing venue;
- ii. **Paintball Marker Permit** – issued to a qualified natural person who wishes to possess, other than at an authorised paintball venue, a paintball marker that the person owns; and
- iii. **International Paintball Competitor Permit** – issued to a qualified natural person to possess, other than at an authorised paintball venue, a paintball marker that the person brought into the State.

Throughout the consultation period, no issues were raised surrounding the paintball marker permit system. However, there is ambiguity about whether a paintball marker permit holder and international paintball competitor permit holder, could purchase multiple paintball markers under the one permit. The intent of the Act, as described in the second reading speech, is that operators and individuals only need one permit, regardless of the number of markers they own. This is to ensure less red-tape, a reduction in fees and charges for individuals wanting to participate in paintball.

To ensure clarity and that the intent of the Act is fully realised, it is recommended to amend the Act to clarify that that a paintball marker permit and international competitor marker permit allows ownership of more than one paintball marker.

Recommendation 2:

Clarify that a paintball marker permit and international competitor marker permit allows ownership of more than one paintball marker.

4.4.1 Paintball Venue Permits (PVP)

Under section 11(1)(a) of the Act, a paintball venue permit authorises a person to operate a paintball venue.

Each paintball venue requires a separate paintball permit (section 11(2)).

The paintball venue permit holder must comply with the statutory conditions under Part 4, Division 2 of the Act. These conditions include the use of protective clothing in the paintball game area, minimum age of participants, public liability insurance, training of staff.

The Discussion Paper sought feedback on the current permit system for venue operators in NSW, including:

- for businesses that operate multiple paintball venues, should the same venue permit apply to all venues, and
- whether the conditions on paintball venues are proportionate to the risks posed by the sport.

Under the law a permit is not transferable between venues.

Police's submission did not agree with amending the Act to allow for the same venue permit to apply to all venues operated by a business. If each venue has a separate permit and a breach is detected at one venue, that venue could be closed for a period of time without having to close all the other venues down. However, a majority of survey respondents were in favour of the same venue permit applying to multiple venues stating that it could reduce red tape, administrative fees and paperwork.

In relation to the venue permit conditions, 91 per cent of survey respondents stated that the conditions are sufficient and proportionate to the risks posed by the sport. Police's submission echoed the survey respondents, stating the conditions are proportionate to the risks.

The Review finds that authorised venues appear to be largely operating without any issues, despite the impact COVID-19 had on the industry. For example:

- From February 2022, there are 43 venue permits registered in NSW.

- Since the commencement of the Act on 1 July 2019 to 31 December 2021, NSW Fair Trading has received only 11 complaints relating to venue operators primarily relating to customer disputes over pricing information and refunds due to COVID cancellations.
- In 2021, Fair Trading had the opportunity to inspect 7 venues, and issued 3 breaches notices for minor offences such as not displaying clear signage at paintball venues. It is noted that the number of inspections in 2021 were significantly impacted by COVID-19 and additional inspections are planned for 2022.

The Review considered all the feedback and has concluded that the status quo should be maintained to avoid unnecessary administrative complexity for regulators. The status quo will also avoid the potential for all venues under a single permit being ordered to cease operations, if a breach occurs. The Review also notes that the conditions on a venue permit seems to be working well and are proportionate to the risks posed by the sport.

4.4.2 Compliance and enforcement

Disciplinary action may be taken against permit holders for a range of matters, including offences against the Act, Regulation or breaches of a permit condition, as well as wilfully misleading or obstructing authorised officers and engaging in improper or unethical conduct (s. 42 of the Act).

The Act provides for the appointment of authorised officers to investigate, monitor, enforce and secure compliance with the provisions of the Act (Part 6 of the Act).

Under section 3 of the Act, authorised officers are defined to include police officers, a Departmental employee, an investigator within the meaning of the *Fair Trading Act 1987*, or a person belonging to a class of persons prescribed by the regulations, as appointed by the Secretary (s. 49 of the Act).

The powers of authorised officers include:

- information gathering, including the power (upon serving written notice), to require a person to provide information and records, and attend a specified place at a specified time to answer questions (ss 53, 54 of the Act)
- entering any premises (at a reasonable hour) in which the paintball activity is being carried out with or without a search warrant (residential premises require the occupier's permission or search warrant) (ss 56, 57 of the Act)
- upon entry to a premises to inspect, examine, take samples, take photographs and seize anything connected with an offence under the Act or Regulation (s. 60 of the Act)

- copying and retaining documents that may be used as evidence (s. 61 of the Act).

The Department's compliance and enforcement policy is generally to provide education as the first response, to prevent ongoing breaches and to ensure future compliance. All responses are proportionate to the seriousness of the breach and level of risk to those being regulated and the public.

The Review sought feedback on whether authorised officers have sufficient powers to enforce compliance with the Act. 89 per cent of survey responders believed that these powers are sufficient.

However, given that privately owned paintball markers are most likely stored at individual's residences, the Review notes there are restrictions placed on authorised officers for entry into a residential premise. For example, a search warrant is required prior to entering a residential premises to check compliance with the use and storage requirements.

The Review undertook further consultation with Fair Trading and Police to discuss whether this matter was of concern, and if so, how to address it. Several solutions were canvassed: whether to only require privately owned paintball markers to be stored in authorised paintball venues; or, if additional powers are needed to ensure safe storage and to be able to inspect paintball markers on private property without a warrant to ensure compliance with the Act, similar to current police powers regarding the safe storage inspections of firearms. The first option, after further consideration appeared to be infeasible due to the additional storage costs placed on venue owners. In regard to the second option, Police noted that additional powers are needed to ensure safe storage and to be able to inspect paintball markers on private property without a warrant to ensure compliance with the Act, similar to current police powers regarding the safe storage inspections of firearms.

The Review finds that additional powers are not required in the Act. Existing powers reflect broadly similar powers granted to authorised officers under other legislation. For example, information gathering powers, powers to enter premises, and the ability to examine, inspect or seize anything at a premise connected to an offence. The Review finds that these powers already granted to authorised officers are sufficient to effectively ensure compliance and enforcement with the Act.

It is noted that if a paintball marker is being used in a residential premise to harm someone or put someone's life in danger, Police can intervene under the *Law Enforcement (Powers and Responsibility) Act 2002*. Any limitations under the Act will not interfere with Police's ability to enter a residential premise, with or without a warrant, to ensure public safety.

4.5 Usage of Paintball Markers for Purposes Other Than to Play Paintball

4.5.1 Use of Paintball Markers outside a paintball venue

Sections 5 and 6 of the Act prohibit the use and possession of paintball markers outside of authorised paintball venues, unless authorised to do so by a permit. Significant penalties apply where these provisions are breached. For example, an individual may receive up to two years' imprisonment or a fine of up to \$55,000 (or both) for using a paintball marker outside of an authorised paintball venue.

These measures were introduced to ensure the safe use of paintball markers by limiting their use to only within authorised venues, where they are appropriately equipped and supervised. It is a condition of every paintball venue permit that the safety requirements prescribed under the Act must be complied with. For example, section 41 requires the use of paintball markers at a paintball venue to be supervised by an employee who holds a paintball marker permit or who has completed an approved training course in the safe use of paintball markers and the safe conduct of activities associated with paintball markers. The venue is required to ensure a person wears protective equipment for their eyes and face and has enclosed shoes.

The Review sought survey respondents' views on whether paintball markers are being used for other purposes and if so, whether the Act should be expanded to regulate these other uses. There was some feedback about uses, however, it was anecdotal and no first-hand experience/account.

The Review receives seven submissions from the special effects industry advocating for usage of paintball markers for TV and film. For example, to simulate bullet impacts or ricochets on areas such as moving cars, concrete walls, and shipping containers. Additionally, these submissions stated that paintball markers are modified to propel metal bits, dust pellets, and broken glass to create effects on set. The submissions believe that paintball markers are safer and easier to use than other alternatives such as pyrotechnics. Prior to the introduction of the Act, individuals in the film and TV industry were able to use paintball markers for special effects work through listing their paintball marker on the Firearms Registry. The introduction of the Act appears to have created a legal grey area for this industry, as it is now no longer legal for them to use a paintball marker unless it is at an authorised venue, despite it previously being allowed.

Other survey respondents within the paintball industry were also supportive of regulating legitimate 'other uses', provided it did not pose a risk to the safety of the community.

Police stated in their submission that if there is a decision to allow the use of paintball markers for other purposes, such as film and TV it should still be regulated under the Act by Fair Trading. Police stated in their submission that if there is a decision to allow the use of paintball

markers outside of paintball venues it should still be regulated under the Act. This means that all parts of the Act, including storage, transport and registration requirements would apply. Police also noted that without the regulation of ‘other uses’ of paintball markers, the scheme may be open to misuse and be difficult to monitor.

It appears that the introduction of the Act has inadvertently prohibited certain activities that are for the public good. For example, using paintball markers in university settings to conduct research into eye and face protection in paintball games.

The Review has concluded that the Act should give scope to allow the Secretary to provide exemptions for uses of paintball markers outside of authorised paintball venues that are low risk and do not pose a threat to public safety. Allowing paintball markers to be used outside of a paintball venue will ensure individuals performing the aforementioned activities are not breaking the law. Amending the Act to allow for specific situations where paintball markers can be used outside of authorised venues takes time and uses regulators’ resources. It would also restrict the Government’s ability to respond to future uses, swiftly. The Review proposes instead to provide the Secretary, with an exemption granting power to respond more quickly to future needs on a case-by-case basis. This will allow for applications for exemptions to be considered and all risks weighed up and removes “blanket exemptions”. The Review is not proposing that all other uses outside of paintball venues will be exempt, particularly if there are other avenues to achieve the desired result.

All other aspects of the Act would apply, including the need to have the paintball markers registered, transportation and storage requirements for safety.

Recommendation 3

Allowing the Secretary to provide exemptions for uses of paintball markers outside authorised paintball venues.

4.5.2 Modifying a paintball marker to propel something other than a paintball

Currently, Section 3(1) of the Act defines a ‘paintball marker’ as:

“a sporting device for use in the sport known as paintball that can propel, or is designed to propel, a paintball by means of any gas or mixture of gases (but not including a gas or mixture of gases generated by an explosive) and is operated or designed by means of trigger or similar device but does not include–

- (a) a paintball marker that has been modified to propel something other than a paintball or
- (b) a paintball marker prescribed by the regulations”.

This definition effectively covers all unmodified paintball markers manufactured for the intended use in the sport of paintball, which means paintball markers modified to propel something other than paint balls are outside the scope of the Act.

The Review sought feedback on whether paintball markers were being modified to propel something other than a paintball. The majority of survey respondents said that they have not heard of any modifications to propel something other than a paintball.

Some survey respondents provided anecdotal evidence of paintball markers being modified but did not provide further information on the extent of the modification. There was no call for these modifications to be allowed under the Act. Types of modifications described in the survey responses included:

- poison-filled paintballs for shooting weed in difficult spots (such as cliff faces, usually by helicopter)
- grease paintballs for contractors shooting high voltage transformers with special lubricants
- training balls for cheaper practice/training rounds
- t-shirt launcher for shooting a folded-up t-shirt approximately 30 meters
- foam balls (reballs)
- paintballs filled with seeds to shoot into bushlands and forests
- permanent dye for marking livestock and trees
- spark or dust hit ball to simulate a bullet ricochet for special effects in TV and film
- plastic paintballs with metallic flakes to look like bullet ricochets for film work.

Other than from the TV and Film industry, the Review did not receive any substantial evidence on paintball markers being modified to propel other objects, including those described above.

The Review also sought feedback on whether an offence should be included in the Act for modifying paintball markers to propel something other than a paintball. 62% of survey respondents supported adding an offence into the Act.

Currently, there are offences in the *Crimes Act 1900* that involve paintball markers or dangerous or offensive weapons. Use or possession of a modified paintball marker may, in some circumstances amount to an offence with significant penalties where provisions of the *Crimes Act 1900* are breached, including fines and imprisonment.

Some stakeholder feedback suggested that modifications could lead to potentially harmful or dangerous outcomes, particularly if shot at a close range.

The Review is mindful that any crimes committed with both a paintball marker and modified paintball marker are addressed under the Act. Particularly section 3, which refers to the *Crimes Act 1900* and penalties associated with committing an offence using an offensive weapon or instrument prescribed by the regulation. Also, once a paintball marker has been modified to propel something other than a paintball, it becomes a matter for Police. This is because it is no longer defined as a paintball marker under the Act and by definition falls under the Firearms Act.

The Review has considered the feedback and concluded that the Act should not include an offence for modifying a paintball marker to propel something other than a paintball. In this context, the Review finds that the offences contained within the *Crimes Act 1900* continue to appropriately deal with paintball markers and are sufficient to keep the community safe.

4.6 Register of Paintball Markers

The Register of paintball markers is an important mechanism used by Fair Trading and Police to track the lifecycle of a paintball marker, from their sale to disposal in NSW. This is necessary to ensure that all paintball markers are accounted for, as well as, making it easier for Police to investigate and prosecute criminal offences associated with a paintball marker.

Part 7 of the Act requires authorised suppliers to provide Fair Trading with the information that is required to be recorded on the Paintball Register. This includes:

- the serial number of each paintball marker (or a description of the paintball marker if it has no serial number)
- the person in whose name each marker is registered
- details of the permit of the person in whose name the paintball marker is registered
- any other information required by the Regulation.

Clause 9 of the Regulation requires authorised suppliers to provide:

- for each paintball marker, the address of the person who holds the permit, and, if the paintball marker is stored at a different address, the address at which the paintball marker is stored
- for each permit holder (including former permit holders):
 - details of any cancellation or suspension of a permit held by the person
 - details of any disciplinary action taken against the permit holder
 - details of any convictions for an offence under the Act.

The Review sought feedback on the suitability of maintaining the Paintball Register and the information required to be kept on it for the purposes of achieving the Act's objectives.

Submissions to the Review, including 62% of survey respondents, found that the contents of the Paintball Register largely remain appropriate and suitable to keep the community safe.

Several submissions held opposite views, stating that the Paintball Register should be abolished all together. These survey respondents also believed that recording the information required by the Act and Regulation is an unnecessary burden on permit holders and does not provide any benefit to the public.

The Review considered both arguments and finds that the Paintball Register should be maintained and that its contents are adequate in the context of achieving the Act's objectives. The Register does benefit the public as it is critical to the Police for the management and tracking of markers, particularly if they have been used in a criminal offence.

4.6.1 Registration of Paintball Markers purchased from interstate

Under section 66 of the Act, authorised suppliers are obligated to provide information about the supply, receipt or disposal of a paintball markers for the purposes of the Paintball Register. However, there is no requirement on interstate suppliers as they are not 'authorised suppliers' under the Act. Thus, this requirement is restricted to only NSW suppliers.

As a result, the Paintball Register does not generally contain information about paintball markers that have been supplied to NSW paintball marker permit holders by interstate suppliers. This limits the information available to the Commissioner of Police and Fair Trading authorised officers, negatively impacting their compliance, investigation and enforcement activities.

The Review received mixed views on whether to record information about interstate suppliers on the Paintball Register. Those who disagreed, often stated that it would add additional red tape to permit holders. These survey respondents also believed that because paintball markers present a low risk to the community, recording this kind of information is unnecessary.

Police suggested that not recording them may create a 'grey market' whereby the amount and locations of paintball markers within the community are unable to be accurately verified. Should a grey market develop of unregistered paintball markers, it will be impossible to accurately track the movement of paintball markers and increase the risk that they could be modified and used for crime.

The Review considers that paintball markers purchased from interstate suppliers should be recorded on the Paintball Register. Including this information on the Paintball Register will assist in the tracking of paintball markers across NSW. It will also help to ensure that paintball markers are fit-for-purpose and meet the definition under the Act. This means that all paintball markers are accounted for and will provide consistency for the purposes of the Paintball Register and most importantly will help ensure public safety.

Recommendation 1 already addresses this issue, which is to extend the register requirements to interstate suppliers to notify Fair Trading when they supply a paintball marker to NSW residents.

4.6.2 Public Access to the Paintball Register

During the review, feedback was sought on whether to make part or all of the Paintball Register publicly available.

Currently, Part 7 of the Act states that the Paintball Register is not to be made available to the public. However, providing information that is collated by Government may help residents make decisions and exercise choice to meet their own needs. This amendment would be in line with the NSW Government's drive to enhance public services through transparency and openness.

The majority of submissions raised concerns over releasing personal information to the public, stating that it could pose a safety risk to individuals. This included 89% of survey respondents opposing public disclosure of any information of the Paintball Register. For example, individual permit holders may become targets for theft, break and enter offences, or other violent crimes. Some feedback also suggested that there would be no added benefit to making the information contained on the Paintball Register public, as its main purpose is to track the life journey of the paintball marker for monitoring and compliance purposes.

Police held a different view, suggesting that if parts of the Paintball Register were made public where a breach was found, it could have a positive effect on compliance. This could increase industry transparency and assist parents and guardians as they could check credentials of venues. However, Police agreed that personal identifiers should not be made public.

The test as to whether to make information publicly available, under the *Government Information (Public Access) Act 2009* (GIPA Act), is whether there is an over-riding public interest against disclosure. In this case, the fact that the Paintball Register contains personal information, including names and addresses, needs to be considered.

In this context, the Review finds that the Paintball Register should not be made available to NSW residents, as there is an overriding public interest against disclosure. That is, the release of personal information has the potential to put locations or members of the public at an increased risk of becoming targets for theft or other violent crimes. In addition, the Review finds it unnecessary for members of the public to be aware of where a paintball marker is located at any given time. If such a proposal were to be pursued, consideration would also need to be given to the provisions of the *Privacy and Personal Information Protection Act 1998* (the **PIIP Act**).

To increase industry transparency the Review proposes a recommendation to require paintball operators to clearly display a copy of their paintball venue permit at their venue (where it is easily seen) and on their website. This recommendation will strengthen consumer safety by assisting parents and guardians to easily check a venue's credentials. It would also benefit those businesses who are doing the right thing and help to prevent non-compliance by dodgy operators.

Recommendation 4

Requiring venue operators to clearly display their paintball venue permit or permit number and name it is in at the paintball venue and on their website or other electronic platform.

4.7 Health and Safety Provisions

The Act includes a range of safety provisions to ensure the safety and security of paintball players and the NSW community.

The conditions of a paintball venue permit set out a range of safety and training requirements.

In the Discussion Paper the Department sought feedback on replacing the term 'employee' used in the Act with the term "worker", used in the *Work Health and Safety Act 2011* (the **WHS Act**). Currently, the Act uses the term "employee", in section 41. Under section 41 the holder of a paintball venue permit must ensure that any use of paintball markers at the paintball venue is supervised by an employee who holds a paintball marker permit or who satisfies other requirements as may be prescribed by the regulations.

The Discussion Paper invited feedback on whether the term 'employee' should be changed to 'worker' to capture those who may perform work at paintball venues outside of a traditional employment relationship, such as independent contractors. The definition of

'worker' in the WHS Act has a very broad definition capturing employees, contractors, subcontractors, apprentices or trainees, students gaining work experience and volunteers.

Stakeholder submissions did not show a compelling reason for changing the term 'employee' to 'worker' and no evidence was received about non-traditional working arrangements in the paintball industry. The Review doubts that it would be desirable or feasible for anyone performing work in a paintball venue for a short period or as a learning opportunity to undertake the necessary training to safely supervise paintball. The current requirement that an employee with appropriate training supervise paintball remains appropriate, as the employee must either have a paintball marker permit or completed the training course required by the regulation.

Another issue that was raised during consultation was about the safety provisions of the Act. This was the opportunity to clarify and strengthen the requirements when transporting paintball markers under section 34 of the Act. Currently, section 33 requires a paintball marker to be stored in a strong lockable metal container that is locked to prevent access. However, section 34, which prescribes the transport requirements for paintball markers, only requires that a paintball marker be stored in a secure bag or container that conceals the paintball marker and does not indicate that it contains a paintball marker.

Recommendation 5

Enhancing transportation requirements for paintball marker to ensure public safety.

The Review is supportive of clarifying and strengthening transport requirements for paintball markers, to ensure the safety of the public. For example, requiring that the paintball marker must be transported in a strong lockable bag.

4.8 The Crimes Act 1900

In developing the Act, amendments were made to the *Crimes Act 1900* so that all offences that relate to firearms apply to paintball markers if used as offensive weapons, to ensure public safety and confidence in the new regulatory framework. There are significant penalties for these offences, including fines and imprisonment.

The Review sought feedback on whether the *Crimes Act 1900*, in light of the Act's policy objectives, continue to deal appropriately with paintball markers.

Under the firearms legislation, the definition of firearms excludes paintball markers. However, under the Crimes Act, a reference to a firearm is taken to include a paintball marker within the meaning of the Paintball Act 2018. This means that all existing offences

and penalties under the *Crimes Act 1900* can apply to paintball markers if used in a criminal manner.

Further if a device does not meet the definition of a paintball marker under the Act, i.e. a paintball marker that has been modified to propel something other than a paintball, then it will fall under the Firearms Act. Under section 7(1) of the Firearms Act, a permit is required to use or possess an imitation firearm (section 4D(2)(b) of the Firearms Act). If a person does not hold a relevant permit under the Firearms Act, they may be subject to prosecution under the *Crimes Act 1900* and/or the Firearms Act for an offence, such as for unauthorised possession of a firearm (section 7A of the *Firearms Act 1996*).

The Review sought feedback on whether it is appropriate for these penalties to continue to apply to paintball markers. Overwhelmingly, 75% of survey respondents agreed that the offences and penalties continue to appropriately support the Act's objective of ensuring that paintball markers are used safely.

In this context, the Review finds that the Crimes Act 1900 sufficiently deals with the potential harms associated with paintball markers. As such, the Review recommends maintaining the existing provisions held within the Crimes Act 1900 to uphold and address public safety. The Review recognises that paintball activity is low risk. These existing provisions in the Crimes Act 1900 should be retained to deter the very rare occasions where paintball markers are misused or modified and become dangerous.

4.9 Other matters

4.9.1 Penalties

The Discussion Paper also sought survey respondents' views as to the appropriateness of increasing penalty amounts in line with the Consumer Price Index (CPI), since the Act started on 1 July 2019.

The majority of survey respondents and Police agreed that the Act should reflect these changes.

It is a matter of good regulatory maintenance that penalties are periodically reviewed to ensure consistency and that the deterrent outweighs the perceived benefit, such as the financial gain of committing an offence. This ensures that penalties retain their deterrent value over time, and are consistent with other regulatory schemes administered by the Department of Customer Service.

Recommendation 6

Imposing appropriate penalties for breaches of the amendments made to the Act, and in consultation with the Department of Communities and Justice, reviewing the existing penalties under the Act and Regulation, to determine whether they remain fit-for-purpose and reflect increases in the Consumer Price Index.

Therefore, the Review recommends, in consultation with the Department of Communities and Justice, reviewing the existing penalties under the Act and Regulation, to determine whether they remain fit-for-purpose and reflect increases in the Consumer Price Index, as well as imposing appropriate penalties for breaches for the proposed amendments to the Act, recommended as part of this Review.

4.9.2 Airsoft guns and gel blasters

During consultation, there was a large percentage of respondents who advocated to recognise and regulate gel blasters and airsoft in the same way as paintball markers. This included 78 submissions which used a campaign template. These submissions did not comment on any other matters raised in the Discussion Paper.

In all Australian jurisdictions, gel blasters and airsoft guns are classified as firearms, and regulated by the relevant state or territory police force.

In NSW, items described as 'Gel Blasters', 'Gel Ball Shooters' or 'Gel Ball Blasters', and 'airsoft guns' or 'BBs' are classified as either air guns or imitation firearms under the *Firearms Act 1996*. The gel balls are suitable for use as airgun pellets and therefore satisfy the definition of ammunition in *the Firearm Act 1996*, which includes blank cartridges, airgun pellets, training cartridges or gas cartridges. In addition, firearms that look similar to military firearms are also classified as prohibited firearms in NSW. This means gel blasters that copy the appearance of military firearms are prohibited, as they are captured by the 'appearance laws'. It is an offence to acquire, supply, possess or use a firearm that is not registered.

The Review did not make a recommendation about the regulation of gel blasters and airsoft guns as this is regulated and administered by NSW Police Force and was outside the scope of the Review.

Appendix A: List of Discussion Paper questions

1. Is the scope of the Act appropriate? Please explain.
2. Are the objectives included as part of the Second Reading speech to the Act valid and relevant? Please explain.
 - a. Should the objectives be explicitly written into the Act?
3. Are there other objectives that should be included? If so, please specify them and explain why.
4. Please provide comment on the suitability of maintaining the Paintball Register and the information that is required to be recorded, in order to achieve the Act's objectives.
 - a. Is the information required to be recorded in the Paintball Register suitable to help keep the community safe?
5. What benefits are there to making the Paintball Register (or parts of it) publicly available?
6. Should paintball marker permit holders be required to notify the Department when a paintball marker is supplied to them from an interstate or overseas supplier (who is not an authorised supplier), so that it can be recorded on the register? Please explain why or why not.
7. Paintball markers may be supplied to paintball marker permit holders from interstate and overseas suppliers. If this happens, what details about the supplied paintball markers should be recorded on the register?
8. What other measures could be taken to ensure paintball markers supplied from interstate or overseas directly to paintball marker permit holders are recorded on the register?
9. For what purposes (other than to play paintball) are paintball markers being used? Please provide relevant information.
10. Should the Act regulate other uses of paintball markers? Please explain why.
11. What parts of the Act should, or should not, apply to other uses of paintball markers (e.g. penalty provisions, registration of paintball markers, safety provisions)?

12. Are paintball markers, being modified to propel something other than a paintball? If so, how often and in what circumstances?
13. Given the existing provisions in the *Crimes Act 1900* to address potential harms associated with paintball markers being modified to propel something other than a paintball, do you think that the Act should introduce offences for modifying paintball markers to propel something other than a paintball? Please explain.
14. For businesses that operate multiple paintball venues, should the same venue permit apply to all the venues? Please explain why.
15. Are the conditions on paintball venues proportionate to the risks posed by the sport of paintball? If not, what changes should be made and why?
16. Are the safety provisions under the Act proportionate to the risks posed by the sport of paintball? If not, what changes should be made to them? Please explain.
17. What reasons (if any) are there for not replacing the term “employee” in the Act to “worker”, as defined in the *Work Health and Safety Act 2011*?
18. Do the offences and penalties appropriately support the Act’s objective of ensuring that paintball markers used safety?
19. Should the penalty levels be adjusted to take account of increases in the Consumer Price Index (a measure of inflation) since the commencement of the Act on 1 July 2019?
20. Do authorised officers appointed under the Act have sufficient powers to ensure compliance with the Act? If not, what other powers do they need?
21. Please provide any comments that you may have on these other matters under the Act.

Appendix B: List of stakeholder submissions

The Department received 81 anonymous survey responses. It received 93 written submissions, of which 78 submissions were from individuals that used the gel blaster campaign template, advocating for legalisation of gel blasters and airsoft.

| # | Name/Organisation | Type |
|----|-------------------------|---|
| 1 | Anonymous | Paintball player or someone interested in the sport |
| 2 | Stephen Harback | Paintball player or someone interested in the sport |
| 3 | Frederick Heffey | Interested member of the public |
| 4 | Anonymous | Paintball marker permit holder |
| 5 | Anonymous | Interested member of the public |
| 6 | Anonymous | Interested member of the public |
| 7 | Anonymous | Interested member of the public |
| 8 | Adam McMullen | Interested member of the public & Industry association member |
| 9 | Anonymous | Paintball player or someone interested in the sport |
| 10 | Issac Biglia | Interested member of the public |
| 11 | Anonymous | Paintball marker permit holder |
| 12 | Christopher Hofstaetter | Interested member of the public |
| 13 | Daniel Schwarzenberg | Interested member of the public |
| 14 | Tugan Unal | Interested member of the public |
| 15 | Ian Jones | Interested member of the public |
| 16 | Anonymous | Interested member of the public |
| 17 | Anonymous | Interested member of the public |
| 18 | Adrian Lewis | Paintball player or someone interested in the sport |
| 19 | Anonymous | |
| 20 | Dan Beasley | Interested member of the public |
| 21 | Anonymous | Interested member of the public |
| 22 | Anonymous | Interested member of the public & Industry association member |
| 23 | Anonymous | Paintball player or someone interested in the sport |
| 24 | Tegan Maynard | Other (please specify) - Gelsoft Field & Shop Owner |

| # | Name/Organisation | Type |
|----------|--------------------------|---|
| 25 | Anonymous | Paintball player or someone interested in the sport |
| 26 | Anonymous | Interested member of the public |
| 27 | Jordan Anthony Ross | Other (please specify) - Gelsoft player and Airsoft enthusiast |
| 28 | Anonymous | Interested member of the public |
| 29 | Anonymous | Interested member of the public |
| 30 | Anonymous | Interested member of the public |
| 31 | Adam Wright | Community organisation member |
| 32 | Jack Wicks | Interested member of the public |
| 33 | Anthony Beverley | Interested member of the public |
| 34 | Anonymous | Interested member of the public |
| 35 | Anonymous | Interested member of the public |
| 36 | Jason Liu | Interested member of the public |
| 37 | Benjamin Gale | Paintball marker permit holder |
| 38 | Anonymous | Paintball player or someone interested in the sport |
| 39 | Anonymous | Interested member of the public |
| 40 | Anonymous | Interested member of the public |
| 41 | Jeremy Wise | Paintball player or someone interested in the sport |
| 42 | Anonymous | Paintball marker permit holder |
| 43 | Viktor Mechtler | Interested member of the public |
| 44 | Laszlo Lipot Mechtler | Paintball player or someone interested in the sport |
| 45 | David Wooldridge | Paintball marker permit holder |
| 46 | Ryan Mcfall | Paintball player or someone interested in the sport |
| 47 | Alex Smallwood | Interested member of the public |
| 48 | Anonymous | Interested member of the public |
| 49 | John Neville | Other (please specify) - Organiser of South Pacific Airsoft Alliance - WolfPack and avid paintball/airsoft player |
| 50 | Zoe Keefer | Paintball player or someone interested in the sport |
| 51 | Anonymous | Interested member of the public |
| 52 | Paul Timothy Hammond | Paintball player or someone interested in the sport |
| 53 | Kris Micallef | Interested member of the public |

| # | Name/Organisation | Type |
|----------|-------------------------------|---|
| 54 | Zac Fullerton | Interested member of the public |
| 55 | Anonymous | Interested member of the public |
| 56 | Connor Thomas Claydon Mcguire | Interested member of the public |
| 57 | Anonymous | Paintball player or someone interested in the sport |
| 58 | Daniel Ferguson | Interested member of the public |
| 59 | Anonymous | Interested member of the public |
| 60 | Nelson | Interested member of the public |
| 61 | Anonymous | Industry association member |
| 62 | Karim | Interested member of the public |
| 63 | Tait Fraser | Interested member of the public |
| 64 | Anonymous | Interested member of the public |
| 65 | Anonymous | Interested member of the public |
| 66 | Anonymous | Interested member of the public |
| 67 | Anonymous | Interested member of the public |
| 68 | Rod Strong | Interested member of the public |
| 69 | Anonymous | Interested member of the public |
| 70 | Joshua McKenzie | Industry association member |
| 71 | Anonymous | Interested member of the public |
| 72 | Jarrod Oudenryn | Paintball marker permit holder |
| 73 | Blake Mcleay | Interested member of the public |
| 74 | Aaron Stanford | Interested member of the public |
| 75 | Anonymous | Other (please specify) - Hobbyist looking to get into airsoft |
| 76 | Anonymous | Paintball player or someone interested in the sport |
| 77 | John Bowring | Other (please specify) - Film Armourer and Special Effects Technician |
| 78 | Anonymous | Interested member of the public |
| 79 | Anonymous | Interested member of the public |
| 80 | Anonymous | Interested member of the public |
| 81 | Anonymous | Interested member of the public |
| 82 | Scott Rauchle | Interested member of the public |

| # | Name/Organisation | Type |
|----------|---|-----------------------------|
| 83 | Anonymous | Paintball marker supplier |
| 84 | Anonymous | Film effects business |
| 85 | Anonymous | Film effects business |
| 86 | Anonymous | Film effects business |
| 87 | Anonymous | Film effects business |
| 88 | Lloyd Finmore, the Effects Department Pty Ltd | Film effects business |
| 89 | Rodney Burke, Special Effects Australia Pty Ltd | Film effects business |
| 90 | Anonymous | Film effects business |
| 91 | John Bowring, Paradox FX | Film effects business |
| 92 | NSW Police | NSW Police |
| 93 | Anonymous | Industry association member |

Appendix C: Public consultation process

Public consultation on the paintball laws took place over four weeks from November to December 2021 through a written submission to the discussion paper or an anonymous survey.

The Department received 81 survey responses and 93 submissions. The review considered all the survey results and submissions made during consultation.

Table 1: written submissions by stakeholder type

| Stakeholder type | No. | % |
|---|-----|-----|
| Interested member of the public | 53 | 57% |
| Paintball player or someone interested in the sport | 15 | 16% |
| Film effects business | 7 | 8% |
| Paintball marker permit holder | 6 | 6% |
| Industry association member | 3 | 3% |
| Community organisation member | 1 | 1% |
| Paintball marker supplier | 1 | 1% |
| State or local government stakeholder | 1 | 1% |
| Legal practitioner | 0 | 0% |
| Paintball venue operator | 0 | 0% |
| Other | 5 | 5% |
| Blank (not provided) | 1 | 1% |
| Total | 93 | |

Table 2: survey responses by stakeholder type as they claimed

| Stakeholder type | No. | % |
|---|-----|-----|
| Interested member of the public | 40 | 49% |
| Paintball player or someone interested in the sport | 16 | 20% |
| Paintball marker permit holder | 12 | 15% |
| Industry association member | 4 | 5% |
| Paintball marker supplier | 3 | 4% |
| Paintball venue operator | 3 | 4% |
| Community organisation member | 1 | 1% |
| Legal practitioner | 0 | 0% |
| State or local government stakeholder | 0 | 0% |
| Other (please specify) | 2 | 2% |
| Total | 81 | |

Table 3: survey responses breakdown

| | No. | % |
|--|-----------|-----|
| Total no. of surveys | 81 | |
| Q1 Which one of the following best describes you? | | |
| Interested member of the public | 40 | 49% |
| Paintball player or someone interested in the sport | 16 | 20% |
| Paintball marker permit holder | 12 | 15% |
| Industry association member | 4 | 5% |
| Paintball marker supplier | 3 | 4% |
| Paintball venue operator | 3 | 4% |
| Community organisation member | 1 | 1% |
| Legal practitioner | 0 | 0% |
| State or local government stakeholder | 0 | 0% |
| Other (please specify) | 2 | 2% |
| Total | 81 | |