



New South Wales

# Paintball Regulation 2019

under the

Paintball Act 2018

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Paintball Act 2018*.

KEVIN ANDERSON, MP  
Minister for Better Regulation and Innovation

## Explanatory note

The objects of this Regulation are as follows:

- (a) to prescribe further matters in relation to applications for, and conditions of, paintball venue permits, paintball marker permits and international paintball competitor permits,
- (b) to set out additional information that must be included in the Register of paintball markers,
- (c) to set out the time within which certain information is to be provided regarding the supply or disposal of paintball markers,
- (d) to prescribe additional offences as relevant offences,
- (e) to prescribe certain interstate licences as equivalent authorisations,
- (f) to prescribe the fees payable for certain applications made under the *Paintball Act 2018*,
- (g) to make certain offences against the *Paintball Act 2018* and this Regulation penalty notice offences,
- (h) to insert an additional savings provisions into Schedule 1 of the *Paintball Act 2018*.

This Regulation is made under the *Paintball Act 2018*, including sections 3 (1) (definition of **relevant offence**), 11 (1) (d), 14 (1) (e), 15 (3), 17 (5), 37 (3) (a), 41, 65 (6), 66 (1), (3) and (4), 71, 74 (2) and (5) and 80 (the general regulation-making power) and clause 1 of Schedule 1.

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## Paintball Regulation 2019

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### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Paintball Regulation 2019*.

#### 2 Commencement

This Regulation commences on 1 July 2019 and is required to be published on the NSW legislation website.

#### 3 Definitions

(1) In this Regulation:

*fee unit*—see Part 2 of Schedule 1.

*firearm* has the same meaning as in the *Firearms Act 1996*.

*the Act* means the *Paintball Act 2018*.

**Note.** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

## Part 2 Permits

### 4 Training

For the purposes of section 14 (1) (e) of the Act, the course of training that is prescribed is a course of training that:

- (a) addresses the safe use of paintball markers and the safe conduct of activities associated with paintball markers, and
- (b) has been approved by the Secretary.

### 5 Deemed refusal of permit

- (1) For the purposes of section 17 (5) of the Act, the prescribed period is 28 days.
- (2) If the Secretary requires information from another agency in order to assess an application, the period from when the Secretary requests that information until the information is provided is not to be included for the purposes of calculating the period of 28 days.

### 6 Paintball venue permit holder sharing arrangements

- (1) A holder of a paintball venue permit (the *supplier*) who supplies a paintball marker to another holder of a paintball venue permit (the *recipient*) under a paintball marker sharing arrangement is exempt from section 66 (1) of the Act in relation to the supply if the paintball marker is returned within 14 days.
- (2) If a paintball marker is supplied under a paintball marker sharing arrangement and the paintball marker is not returned within 14 days, the period for notifying the Secretary of the supply is, for the purposes of section 66 (1) of the Act, 7 days after the end of those 14 days.
- (3) A paintball marker sharing arrangement must provide that a paintball marker must not be supplied to the recipient under the arrangement for more than 14 consecutive days.
- (4) The supplier and the recipient must keep in a form suitable for inspection, and retain for 7 years, a record specifying the following in relation to each supply of a paintball marker under a paintball marker sharing arrangement:
  - (a) the name, address and paintball venue permit number of the supplier and the recipient,
  - (b) the serial number of the paintball marker, or for a paintball marker that has no serial number, information that the Secretary considers sufficient to enable the paintball marker to be identified,
  - (c) the day on which the supply occurred,
  - (d) the day on which the paintball marker was returned, or if the paintball marker was not returned within 14 days, that fact.

Maximum penalty: 50 penalty units.

- (5) In this clause:

*paintball marker sharing arrangement* means a paintball marker sharing arrangement referred to in section 11 (1) (d) of the Act.

### 7 Supervision of the use of paintball markers

For the purposes of section 41 of the Act, the other requirement that is to be satisfied for an employee (who does not hold a paintball marker permit) to be able to supervise the use of paintball markers at a paintball venue is the satisfactory completion of a course of training that:

- (a) addresses the safe use of paintball markers and the safe conduct of activities associated with paintball markers, and
- (b) has been approved by the Secretary.

#### **8 Protective clothing and equipment**

- (1) For the purposes of section 37 (3) (a) of the Act, the protective clothing and equipment that is prescribed for a person to be permitted to enter a paintball game area when there is a paintball marker in the area is as follows (the ***required clothing and equipment***):
  - (a) protective covering for the person's eyes and face (for example, a paintball helmet or mask),
  - (b) enclosed shoes,
  - (c) other clothing or equipment that covers as much of the person as is reasonable in the circumstances.
- (2) The required clothing and equipment must be appropriate to the person and the conditions.

## **Part 3 Register of paintball markers**

### **9 Register of paintball markers**

For the purposes of section 65 (6) of the Act, the following information is to be included in the Register:

- (a) for a paintball marker that has no serial number, information that the Secretary considers sufficient to enable the paintball marker to be identified,
- (b) for each paintball marker, the address of the person (the *permit holder*) who holds the permit for the paintball marker and, if the paintball marker is stored at a different address, the address at which the paintball marker is stored,
- (c) for each permit holder (including persons who were formerly permit holders):
  - (i) details of any cancellation or suspension of a permit held by the person, and
  - (ii) details of any disciplinary action taken against the permit holder, and
  - (iii) details of any convictions for an offence under the Act.

### **10 Provision of information to Secretary about supply or disposal of paintball markers**

- (1) For the purposes of section 66 (1) and (3) of the Act, the period of 7 days is prescribed as the period within which the relevant information must be provided to the Secretary.
- (2) For the purposes of section 66 (4) of the Act, the information is to be provided in a form approved by the Secretary.

## Part 4 Miscellaneous

### 11 Relevant offences

For the purposes of the definition of *relevant offence* in section 3 (1) of the Act, the following are prescribed:

- (a) the *Fair Trading Act 1987*,
- (b) the *Australian Consumer Law (NSW)*.

### 12 Recognition of equivalent authorisations

- (1) For the purposes of section 71 of the Act, each of the following licences is an equivalent authorisation that is taken to be a paintball marker permit but only if the licence was issued in respect of a paintball marker (however described):
  - (a) an adult firearms licence issued in the category of paintball marker under the *Firearms Act 1996* of the Australian Capital Territory,
  - (b) a licence for a category A weapon within the meaning of the *Weapons Act 1990* of Queensland,
  - (c) a licence for a category A firearm within the meaning of the *Firearms Act 2015* of South Australia,
  - (d) a Category A firearms licence within the meaning of the *Firearms Act 1996* of Tasmania,
  - (e) a paintball marker licence within the meaning of the *Firearms Act 1996* of Victoria,
  - (f) a licence for a subcategory E5 firearm issued under the *Firearms Act 1973* of Western Australia.
- (2) An equivalent authorisation referred to in subclause (1) ceases to be taken to be a paintball marker permit if the holder of the licence has resided in this State for a continuous period of more than 3 months.

## Schedule 1 Fees

### Part 1 Fees payable

Item	Type of fee	Fee (in fee units)
1	Application for a paintball venue permit	5
2	Application for a paintball marker permit	0.75
3	Application for an international paintball competitor permit	0.75
4	Application for a variation of a permit	0.34
5	Application for a replacement permit	0.34

### Part 2 Adjustment of fees for inflation

#### 1 Definitions

In this Part:

**CPI number** means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

**financial year** means a period of 12 months commencing on 1 July.

#### 2 Calculation of fee unit for purposes of Regulation

- (1) For the purposes of this Regulation, a **fee unit** is:
- (a) in the financial year 2019–20—\$100, and
  - (b) in each subsequent financial year—the amount calculated as follows:

$$\$100 \times \frac{A}{B}$$

where:

**A** is the CPI number for the March quarter in the financial year immediately preceding the financial year for which the amount is calculated.

**B** is the CPI number for the March quarter of 2019.

- (2) The amount of a fee unit is to be rounded to the nearest cent (and an amount of 0.5 cent is to be rounded down).
- (3) However, if the amount of a fee unit calculated for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.

#### 3 Rounding of fee amounts

The amount of a fee calculated by reference to a fee unit is to be rounded to the nearest dollar (and an amount of 50 cents is to be rounded down).

#### 4 Notice of indexed fees

- (1) As soon as practicable after the CPI number for the March quarter is first published by the Australian Statistician, the Secretary is required to:
- (a) notify the Parliamentary Counsel of the amount of the fee unit for the next financial year so that notice of that amount can be published on the NSW legislation website, and



- (b) give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of a fee unit calculated under this Part.
- (2) This Part operates to change an amount of a fee that is calculated by reference to a fee unit and that change is not dependent on the notification or other notice required by this clause.

## Schedule 2 Penalty notice offences

For the purposes of section 74 of the Act:

- (a) each offence specified in this Schedule is an offence for which a penalty notice may be issued, and
- (b) the amount payable under any such penalty notice is the amount specified in this Schedule for the offence.

Column 1	Column 2	Column 3
Provision	Penalty— corporations	Penalty— individuals
<b>Offences under the Act</b>		
Section 28 (1) for a contravention of the condition set out in:		
(a) section 37 (1) of the Act, or	\$3,600	\$720
(b) section 37 (2) of the Act, or	\$4,800	\$1,200
(c) section 37 (3) of the Act, or	\$4,800	\$1,200
(d) section 38 (1) of the Act, or	\$6,000	\$1,200
(e) section 38 (2) of the Act, or	\$4,800	\$1,200
(f) section 39 (1) of the Act, or	\$3,000	\$600
(g) section 39 (2) of the Act, or	\$3,000	\$600
(h) section 39 (3) of the Act, or	\$4,800	\$1,200
(i) section 41 (1) of the Act	\$3,600	\$720
Section 30 (1)	\$4,800	\$1,200
Section 33 (2)	\$4,800	\$1,200
Section 34 (3)	\$3,000	\$600
Section 63	\$3,600	\$720
Section 64	\$3,000	\$600
Section 66 (1)	\$3,000	\$600
Section 66 (3)	\$3,000	\$600
<b>Offences under this Regulation</b>		
Clause 6 (4)	\$3,000	\$600

## **Schedule 3 Amendment of Paintball Act 2018 No 44**

**[1] Schedule 1 Savings, transitional and other provisions**

Insert “plus an additional 12 months” after “term” in clause 3 (4).

**[2] Schedule 1, clause 4 (2A)**

Insert after clause 4 (2):

- (2A) A course of training undertaken before the commencement day that would have been sufficient for an existing application had that application continued to be determined under the Firearms Act is taken to satisfy any requirement for training required for the issue of the corresponding permit.