



New South Wales

Paintball Amendment Bill 2023

Explanatory note

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

Overview of Bill

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

Outline of provisions

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

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Paintball Act 2018 No 44

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Schedule 2 Amendment of Paintball Regulation 2019

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



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Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Paintball Act 2018 No 44	3
Schedule 2	Amendment of Paintball Regulation 2019	6



New South Wales

Paintball Amendment Bill 2023

No. , 2023

A Bill for

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

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Paintball Amendment Act 2023*.

3

2 Commencement

4

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

5

Schedule 1 Amendment of Paintball Act 2018 No 44

[1] Section 3 Definitions

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

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

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

Insert at the end of the section—

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

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

[3] Section 9 Unauthorised supply of paintball markers

Insert at the end of section 9(1)(b)—

, or

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

[4] Section 12 Paintball marker permit

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

Insert instead “1 or more paintball markers”.

[5] Section 13 International paintball competitor permit

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

Insert instead “1 or more paintball markers”.

[6] Section 34 Transport of paintball markers	1
Omit section 34(1)(b). Insert instead—	2
(b) in a bag or container that—	3
(i) is locked, and	4
(ii) is not able to be readily accessed by an unauthorised person, and	5
(iii) conceals the paintball marker, and	6
(iv) does not indicate that the bag or container contains a paintball marker.	7
	8
[7] Sections 36A and 36B	9
Insert after section 36—	10
36A Display of paintball venue permit details	11
The holder of a paintball venue permit must display a copy of the permit or the permit number and the name of the permit holder in the following ways—	12
(a) in a prominent position at the entry to the paintball venue,	13
(b) if the holder of the permit makes information about the venue available on a publicly accessible website maintained by the holder—in a prominent position on the website,	14
(c) if the holder of the permit makes information about the venue available on a publicly accessible social media platform—on the social media platform account page for the venue or permit holder.	15
Maximum penalty—20 penalty units.	16
	17
	18
	19
	20
	21
36B Use of non-venue paintball markers at paintball venue	22
The holder of a paintball venue permit must ensure a person does not use the person's own paintball marker at the paintball venue unless the person's paintball marker permit has been shown to—	23
(a) the holder of the paintball venue permit, or	24
(b) an employee of the holder of the paintball venue permit.	25
Maximum penalty—200 penalty units.	26
	27
	28
[8] Part 4, Division 3	29
Insert after Division 2—	30
Division 3 Conditions of paintball marker permit	31
41A Requirements of division are conditions of paintball marker permit	32
The requirements set out in this division are conditions of every paintball marker permit.	33
	34
41B Use of own paintball marker at paintball venue	35
The holder of a paintball marker permit must not use the holder's own paintball marker at a paintball venue unless the holder shows the permit before entering the venue to—	36
(a) the holder of the paintball venue permit, or	37
(b) an employee of the holder of the paintball venue permit.	38
	39
	40

[9] Section 66 Provision of information to Secretary about supply or disposal of paintball markers	1
	2
Omit section 66(5). Insert instead—	3
(5) In this section—	4
<i>permit number</i> means—	5
(a) for the holder of a firearms dealer licence under the <i>Firearms Act 1996</i> —the number of the licence, and	6
	7
(b) for the holder of a weapons dealer permit under the <i>Weapons Prohibition Act 1998</i> —the number of the permit, and	8
	9
(c) for the holder of an authorisation issued under the law of another Australian jurisdiction equivalent to a firearms dealer licence or a weapons dealer permit—the number of the authorisation.	10
	11
	12
[10] Section 82	13
Insert after section 81—	14
82 Extraterritorial application	15
This Act is intended to have extraterritorial application so far as the legislative powers of the State allow.	16
	17

Schedule 2 Amendment of Paintball Regulation 2019

1

Schedule 2 Penalty notice offences

2

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

3

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