

## **Firearms Amendment (Airsoft) Bill 2019**

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Western Australia

LEGISLATIVE COUNCIL

(Introduced by Hon. Mr Aaron Stonehouse, MLC)

## **Firearms Amendment (Airsoft) Bill 2019**

**A Bill for**

**An Act to amend the *Firearms Act 1973*.**

The Parliament of Western Australia enacts as follows:

1   **1.     Short title**

2           This is the *Firearms Amendment (Airsoft) Act 2019*.

3   **2.     Commencement**

4           This Act comes into operation as follows —

- 5           (a)   sections 1 and 2 — on the day on which this Act  
6                receives the Royal Assent;
- 7           (b)   the rest of the Act — on a day fixed by proclamation,  
8                and different days may be fixed for different provisions.

9   **3.     Act amended**

10          This Act amends the *Firearms Act 1973*.

11   **4.     Section 4 amended**

12          In section 4 insert in alphabetical order:

13

14                   *airsoft* means a game in which players attempt to shoot  
15                   at one another or other targets with airsoft markers  
16                   using airsoft pellets;

17                   *airsoft marker* has the meaning given in section 4A(1);

18                   *airsoft pellets* means spherical pellets that —

- 19                   (a)   are at least 6 mm and not greater than 8 mm in  
20                        diameter; and
- 21                   (b)   are at least 0.12 gm and not greater than 0.5 gm  
22                        in weight; and
- 23                   (c)   are made of plastic or biodegradable materials;  
24                        and
- 25                   (d)   are designed to be discharged or propelled from  
26                        an airsoft marker;
- 27

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1   **5.       Section 4A inserted**

2           After section 4 insert:

3

4       **4A.       Airsoft markers**

5           (1) In this Act —

6           *airsoft marker* means a firearm, whether or not it has a  
7           military appearance, that —

- 8                   (a) is powered by gas, battery or spring or as  
9                   otherwise prescribed; and
- 10                   (b) if it has a fully automatic operation — is  
11                   designed to discharge or propel airsoft pellets  
12                   with a pellet energy not greater than 1.3 joules;  
13                   and
- 14                   (c) if it has any other kind of operation, including a  
15                   semi-automatic operation — is designed to  
16                   discharge or propel airsoft pellets with a pellet  
17                   energy not greater than 2.5 joules; and
- 18                   (d) subject to subsection (2), is marked —
- 19                           (i) with 3 bands, each band being at least  
20                           1 cm wide and coloured bright green,  
21                           bright pink, bright orange or bright  
22                           yellow (whether the bands are the same  
23                           colour or any combination of colours);  
24                           and
- 25                           (ii) if it has a muzzle — as described in  
26                           subparagraph (i) and with bright orange  
27                           around the tip of the muzzle.

28           (2) Paragraph (d) of the definition of *airsoft marker* in  
29           subsection (1) does not apply to an airsoft marker while  
30           it is being used in the playing of airsoft in accordance  
31           with a licence or permit under this Act.

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1           (3) A reference in this Act to the identification of a  
2           firearm, including a reference to an identification mark  
3           or a serial number, is taken to be, in relation to an  
4           airsoft marker, a reference to a prescribed means of  
5           identification of the airsoft marker.  
6

7   **6.       Section 8 amended**

8       (1) In section 8(1):

9           (a) after paragraph (ma) insert:

10  
11           (maa) by a person who, at a venue that is approved  
12           and properly constructed and maintained for the  
13           playing of airsoft, is in possession of, handles  
14           or uses an airsoft marker or airsoft pellets —

15                   (i) with the permission of the owner of the  
16                   airsoft marker; or

17                   (ii) if the owner of the airsoft marker is an  
18                   approved club or other approved  
19                   organisation, as a member of that club  
20                   or other organisation;  
21

22           (b) in paragraph (mb) delete “pellets;” and insert:

23  
24                   pellets or airsoft pellets;  
25

26       (2) After section 8(1) insert:

27  
28           (1A) A venue may be approved for the purposes of  
29           subsection (1)(maa) whether the venue is to be used for  
30           the playing of airsoft on an ongoing basis or for a  
31           limited period.  
32

1 **7. Section 11A amended**

2 After section 11A(2)(da) insert:

3

4 (db) in the case of an airsoft marker, it is required by  
5 the person to conduct or engage in airsoft in  
6 accordance with this Act; or

7

8 **8. Section 19AA amended**

9 In section 19AA(2) delete “gun,” and insert:

10

11 gun or an airsoft marker,

12

13 **9. Section 23 amended**

14 (1) After section 23(5a) insert:

15

16 (5B) Subsection (5)(c) does not apply to an airsoft marker  
17 where the alteration is in accordance with the  
18 manufacturer’s design and is effected by the addition  
19 of a commercially produced product.

20

21 (2) In section 23(8) delete “subsection (8a),” and insert:

22

23 subsection (8a) or (8B),

24

25 (3) After section 23(8a) insert:

26

27 (8B) A player of airsoft being conducted in accordance with  
28 a licence or permit under this Act does not commit an  
29 offence under subsection (8) if the person points an

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1                   airsoft marker, as identified in that licence or permit, at  
2                   another person while playing the game.

3

4       (4) In section 23(12) after “paintball” insert:

5

6                   or airsoft

7

8

