

***** EXPLANATORY MEMORANDUM *****

Firearms Amendment (Airsoft) Bill 2019

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26 September 2019

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Overview

The purpose of this Bill is to legalise airsoft in Western Australia.

Airsoft is a game in which players attempt to shoot one another or other targets with airsoft markers using airsoft pellets. Airsoft is – in some ways – similar to paintball, and for this reason, the Bill seeks to legalise and regulate airsoft in a manner that is analogous to paintball.

Specifically, this Bill:

- Enables the playing of airsoft;
- Enables the possession, handling and use of airsoft markers by an individual who is 16 years and older, or by an individual who is younger than 16 years, and is accompanied by a parent or guardian;
- Enables the purchase and ownership of airsoft pellets;
- Enables the purchase and ownership of airsoft markers by an individual who is 18 years and older, and is the holder of a firearm licence, or by an airsoft club that is the holder of a corporate licence;
- Applies a form of mandatory colouration for airsoft markers, which can be removed during play at an approved venue;
- Applies a limitation on the performance of airsoft markers, depending on whether they have a fully-automatic operation, or any other kind of operation – including a semi-automatic operation;
- Provides for a means of identification for airsoft markers;
- Provides for the holding of events at temporary venues; and
- Provides for the use of attachments and accessories with airsoft markers.

This bill will require consequential amendments to both the Firearms Regulations 1974 and the Combat Sports Regulations 2004, namely the following:

- An amendment to Clause 9 of the Firearms Regulations 1974 to list an airsoft marker as a Category E firearm;
- An amendment to the Firearms Regulations 1974 to prescribe a suitable means of identification for airsoft markers, one which is mindful of the fact that most of these markers are constructed using plastic; and
- An amendment to Clause 4 of the Combat Sports Regulations 2004, to indicate that airsoft – just like paintball – is not a combat sport.

This Bill defines extensively the terms airsoft, airsoft marker and airsoft pellets, and for this reason, no further elaboration of these terms is expected within the Firearms Regulations or any other regulations.

Commentary

Clause 1 Short title

Clause 1 provides for the short title of the Act, which is the Firearms Amendment (Airsoft) Act 2019.

Clause 2 Commencement

Clause 2 provides for the commencement of the act, which is – for sections 1 and 2 – on the day on which the Act receives the Royal Assent, and – for the rest of the Act – on a day as fixed by proclamation.

Clause 3 Amendment

Clause 3 provides for the amendment of the Firearms Act 1973 (“the Firearms Act”).

Clause 4 Airsoft and airsoft pellets

Airsoft

Clause 4 defines airsoft as a game in which players attempt to shoot one another or other targets with airsoft markers using airsoft pellets.

Airsoft pellets

Clause 4 defines airsoft pellets as spherical pellets that:

- Are at least 6 mm and not greater than 8 mm in diameter; and
- Are at least 0.12 gm and not greater than 0.5 gm in weight; and
- Are made of plastic or biodegradable materials; and
- Are designed to be discharged or propelled from an airsoft marker.

Clause 5 Airsoft markers, exemptions from mandatory colouration, serialisation

Airsoft marker

Sub-clause 5(1) defines an airsoft marker as a firearm, whether or not it has a military appearance, that:

- Is powered by gas, battery, or spring, or as otherwise prescribed; and
- If it has a fully automatic operation – is designed to discharge or propel airsoft pellets with a pellet energy not greater than 1.3 joules; and
- If it has any other kind of operation, including a semi-automatic operation – is designed to discharge or propel airsoft pellets with a pellet energy not greater than 2.5 joules; and
- Is marked with 3 bands, each band being at least 1 cm wide and coloured bright green, bright pink, bright orange, or bright yellow (whether the bands are the same colour or any combination of colours), and – if it has a muzzle – a bright orange tip around the muzzle.

Exemption from mandatory colouration

Sub-clause 5(2) amends section 4 to provide an exemption from mandatory colouration, when an airsoft marker is used during play at an approved venue.

Serialisation

Sub-clause 5(3) provides for a prescribed means of identification for an airsoft marker.

Clause 6 Exemptions from licensing requirements, temporary venues

Exemption from licensing requirements

Sub-clause(6)(1) amends section 8 to provide an exemption from licensing requirements if an individual uses an airsoft marker at an approved venue with the permission of its owner. For example, such as by hiring a marker from a club – much like in paintball. This sub-clause also provides an

exemption from licensing requirements for purchasing and possessing airsoft pellets – also much like in paintball.

Temporary venues

Sub-clause(6)(2) amends section 8 to enable the holding of events on temporary venues.

Clause 7 Addition of genuine reason

Clause 7 amends section 11A to provide a genuine reason to purchase and own an airsoft marker, for the purposes of playing airsoft.

Clause 8 Offences and fines

Clause 8 amends Section 19AA which deals with certain offences of lesser severity to provide the same penalty for committing an offence under subclause 19(1) as paintball.

Clause 9 Accessories and modifications

Sub-clause 9(1) amends section 23 to provide for the modification of an airsoft marker where it is done so in accordance with manufacturer's design and is effected by the addition of a commercially produced product.

Sub-clauses 9(2)-(3) amend section 23 to allow individuals to point airsoft markers at each other, much like they do with paintball markers in paintball.

Sub-clause 9(4) amends section 23(12) to require an individual under the age of 16 to be accompanied by their parent or guardian to an airsoft venue.