

**Hartley.TraceyL[SER]**

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**From:** Admin.Commissioner of Police[COMMOFF]  
**Sent:** Friday, 22 June 2018 09:33  
**To:** QPS.Ministerials  
**Subject:** DOC18/905691 - MBN - Gel Ball Blasters  
**Attachments:** DOC18\_905691 - MBN - Gel Ball Blasters#2.pdf

Good morning

Attached DOC18/905691 - MBN - Gel Ball Blasters - for your attention.

Regards

Lisa Bowman  
Commissioner's Office | Queensland Police Service

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— Bowman.LisaJ@police.qld.gov.au  
07 3364 8156 | 📠 07 3364 4650  
GPO Box 1440, Brisbane Qld 4001

🌱 Please consider the environment before printing this email

Bowman.LisaJ[OSC] has sent you a copy of "DOC18/905691 - MBN - Gel Ball Blasters" (A4616304) v3.0 from Objective.

QUEENSLAND POLICE SERVICE

DOC Ref: 18/905691

File Ref:

Requested by: QPS Ministerial Liaison Officers

**MINISTER FOR POLICE and**  
**MINISTER FOR CORRECTIVE SERVICES**

- |  |   |
|--|---|
| <input type="checkbox"/> Submission for Approval           | <input checked="" type="checkbox"/> Briefing Note for Information |
| <input type="checkbox"/> Information for Minister's Speech | <input type="checkbox"/> Joint Media Release                      |
| <input type="checkbox"/> Locality Brief                    | <input type="checkbox"/> Function Checklist                       |

CRITICAL <input type="checkbox"/>	URGENT <input type="checkbox"/>	ROUTINE <input checked="" type="checkbox"/>
MINISTER'S DUE DATE    31 May 2018		MINISTER'S APPROVAL REQUIRED BY

**SUBJECT: GEL BLASTERS****RECOMMENDATION:**

It is recommended that the minister notes the content of this briefing note.

<p><b>NOTED / SUPPORTED</b></p> <p><i>[Signature]</i>  Steve Gollschewski  Deputy Commissioner, Specialist Operations  19/5/18</p>	<p><b>NOTED / APPROVED / NOT APPROVED</b></p> <p>The Honourable Mark Ryan MP  <b>Minister for Police and</b>  <b>Minister for Corrective Services</b>  / /18</p>
<p><b>NOTED / SUPPORTED</b></p> <p><i>[Signature]</i>  Ian Stewart  Commissioner  21/5/18</p>	<p><b>MINISTER'S COMMENTS:</b></p>
<p><b>COMMENTS:</b></p>	

**MINISTERIAL BRIEFING NOTE / APPROVAL****SUBJECT: GEL BALL BLASTERS****PURPOSE:**

1. To inform the Minister of the current legal advice regarding the importation and possession of Gel Ball Blasters (Gel Ball guns) and how they differ to paintball pellets.

**BACKGROUND:**

2. A Gel Ball Blaster is designed to fire a projectile known as a gel ball which is a water-based pellet designed to explode on impact. Gel Ball Blasters are similar to plastic nerf guns but fire small water balls (gel balls) from 25 to 60 feet depending on the model.
3. The Comptroller-General of Customs (Border Force) has determined that gel ball blasters are imitation firearms within the meaning of the *Customs (Prohibited Imports) Regulations 1956*.
4. In the case of *Comptroller-General of Customs v Clark CFP Pty Ltd* at the Brisbane Magistrates Court on 14 December 2017, Magistrate Shearer ruled that the gel balls did not fall within the category of 'other projectiles' and found that Gel Ball Blasters are not capable or discharging shot, bullets or other projectiles and therefore do not fall within the definition of a firearm.
5. The Magistrate ruled that despite their appearance, the Gel Ball Blasters are only capable of firing a water-based pellet and should be classified as projectile toys.
6. As Border Force is responsible for controlling the importation of controlled items, and many jurisdictions other than Queensland regulate replica and imitation firearms, once Customs determines that an item is an imitation or replica firearm they require the authority of the relevant jurisdiction by means of a B709A.
7. A B709A is the form known as a police certification, and requires jurisdictions into which a controlled item is being imported to certify that the person importing the item is authorised by a relevant licence, permit or authority to have the items, or confirmation by the jurisdiction that an authority, licence or permit is not required in the relevant jurisdiction.
8. Unless the imitation or replica Gel Ball Blaster is a Category R weapon, namely a reasonable facsimile of a machine gun or sub-machine gun, Weapons Licensing will issue a B709 certifying that no licence, authority or permit is required to possess the Gel Ball Blaster in Queensland.
9. If the Gel Ball Blaster is a reasonable facsimile of a machine gun or sub-machine gun, the weapon is a Category R weapon and the B709 would only be issued in the highly unlikely circumstance that the person is authorised to possess category R weapons.
10. Legislation surrounding paint-pellet sports is contained within the *Weapons Act 1990* (the Act). Paint-pellet guns are categorised in the *Weapons Regulation 2016* (the Regulation) generally as Category A – air rifles, or if the weapon is less than 75cm, it would be a category H handgun.

**UNCLASSIFIED**

**ISSUES:**

11. The Act recognises paint-pellet sports activities and provides unlicensed persons the ability to participate at approved shooting galleries utilising the gallery operator's firearms. The legislation also provides the ability for individuals to obtain a firearms licence and acquire their own firearms for paint-pellet sports use.
12. The muzzle velocity and power of a paintball marker and paintball pellets is significantly greater than Gel Ball Blasters and their water based gel ball ammunition which is smaller in size.
13. The current weapons legislation concerning paint-pellet firearms is consistent with other States and Territories and reflects Queensland's commitment to the national agreements on firearms and weapons.
14. In the absence of legislation relating to the regulation of replica or imitation firearms in Queensland, amendments to current legislation would be necessary to categorise and or regulate Gel Ball Blasters.
15. As the law presently stands, unless the Gel Ball Blaster is an imitation or replica of a category R weapon, Weapons Licensing will issue a B709 certifying that no licence, authority or permit is required to possess the item in Queensland.

**RECOMMENDATION/S:**

16. It is recommended that the Minister notes the content of this Briefing Note.

  
**Steve Dabinett**  
**Acting ASSISTANT COMMISSIONER**  
**OPERATIONS SUPPORT COMMAND**

Contact Officer:  
Inspector Adam Guild  
Manager, Weapons Licensing  
Telephone: (07) 3015 7771  
Date: 30 May 2018

**Hartley.TraceyL[SER]**

---

**From:** Wheeler.MarkP[COMMOFF]  
**Sent:** Thursday, 30 August 2018 10:11  
**To:** Whelan.NyreeL[COMMOFF]  
**Cc:** Executive Support COP  
**Subject:** Re: Media statement - Gel Ball Blasters

Thanks Nyree

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**From:** Whelan.NyreeL[COMMOFF] <whelan.nyreeL@police.qld.gov.au>  
**Sent:** Thursday, August 30, 2018 10:10 am  
**To:** Wheeler.MarkP[COMMOFF]  
**Cc:** Executive Support COP  
**Subject:** FW: Media statement - Gel Ball Blasters

Good morning Nyree

Previous MBN attached.

Dot points re Gel Ball Blasters:

- A Gel Ball Blaster is designed to fire a projectile known as a gel ball which is a water-based pellet designed to explode on impact.
- Comptroller-General of Customs (Australian Border Force) determined that gel ball blasters are imitation firearms within the meaning of the Customs (Prohibited Imports) Regulations 1956.
- In the Case of Comptroller-General of Customs v Clark Pty Ltd in a Brisbane Magistrates Court on 14 December 2017, Magistrate Shearer ruled that the gel balls did not fall within the category of 'other projectiles' and found that Gel Ball Blasters are not capable of discharging shot, bullets or other projectiles and therefore do not fall within the definition of a firearm
- The Magistrate ruled that despite their appearance the Gel Ball Blasters are only capable of firing a water based pellet and should be classified as 'projectile toys'.
- ABF is responsible for controlling imported items and many other jurisdictions, other than Queensland, regulate replica and imitation firearms.
- Once ABF determine an item is an imitation or replica firearm they require the authority of the relevant jurisdiction to allow import – a B709A.

## Sch3( 7)

- If the Gel Ball Blaster is a reasonable facsimile of a machine gun or sub-machine gun, the weapon is a Category R weapon and a B709A could only be issued if that person was authorised to possess category R weapons.
- In QLD, only licence holders with a Collectors licence can possess a deactivated Category R weapon. As such, a Gel Ball Blaster could not be retained on any licence in QLD if it was a reasonable facsimile of Category R weapon, unless it was rendered inoperable.
- A Ballistics examination would be required to determine if a Gel Ball Blaster was in fact a reasonable facsimile of a Category R weapon.

- In the absence of legislation relating to the regulation of replica or imitation firearms in Queensland, Gel Ball Blasters are unable to be regulated through legislation.
- The previous Magistrates decision that Gel Ball Blasters are 'toys' means the selling of such items at stores, online or other places is the responsibility of the Office of Fair Trading.
- Weapons Licensing currently process multiple B709A's for the importation of Gel Ball Blasters as Queensland is the only state where they can be imported due to legislation in other states with respect to imitation firearms and appearance based controls.
- Thousands of Gel Ball Blasters are imported each week through this process.
- Weapons Licensing currently has twenty (20) B709A's awaiting attention that relate to Gel Ball Blasters.

Regards,



**Adam Guild**  
Inspector  
Manager Weapons Licensing  
Specialist Services Group  
Operations Support Command (OSC)  
Queensland Police Service

**Phone:** +61 7 30157771

**Mobile:** Sch4p4(6)

**Email:** [Guild.AdamP@police.qld.gov.au](mailto:Guild.AdamP@police.qld.gov.au)

**Address:** Brisbane City Police Station, Level 7, 46 Charlotte Street,  
Brisbane, Queensland 4000 Australia

**Postal:** GPO Box 892, Brisbane, Queensland 4001, Australia

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**From:** Whelan.NyreeL[COMMOFF]

**Sent:** Thursday, 30 August 2018 9:37 AM

**To:** Guild.AdamP[OSC] <[Guild.AdamP@police.qld.gov.au](mailto:Guild.AdamP@police.qld.gov.au)>

**Subject:** FW: Media statement - Gel Ball Blasters

Regards Nyree

**Nyree Whelan**

Inspector

Commissioner's Office

Queensland Police Service

E: [Whelan.NyreeL@police.qld.gov.au](mailto:Whelan.NyreeL@police.qld.gov.au)

**From:** Saunders.ToddR[CCC]

**Sent:** Wednesday, 29 August 2018 1:39 PM

**To:** Cathie Thompson <Cathie.thompson@ministerial.qld.gov.au>; Davidson.BrentP[CCC]

<Davidson.BrentP@police.qld.gov.au>; Ellen McIntyre <ellen.mcintyre@ministerial.qld.gov.au>; Executive Support COP <CSV-D-ExecutiveSupportCOP@qldpolice.onmicrosoft.com>; Gee.BobW[REGOPS]

<Gee.BobW@police.qld.gov.au>; Kate Griffiths <kate.griffiths@ministerial.qld.gov.au>; Kelly.SimonJ[CCC]

<Kelly.SimonJ@police.qld.gov.au>; Lampe.AmandaM[CCC] <Lampe.AmandaM@police.qld.gov.au>;

MacCracken.AngusD[PP] <Maccracken.AngusD@police.qld.gov.au>; MinisterialLiaison.Officer[HQ]

<MinisterialLiaison.Officer@police.qld.gov.au>; Phil Willmington <phil.willmington@ministerial.qld.gov.au>; Police

Media <PoliceMedia@police.qld.gov.au>; QPS.PLO[ORGCC] <QPS.PLO@police.qld.gov.au>; Saunders.ToddR[CCC]

<Saunders.ToddR@police.qld.gov.au>; Stephanie Saal <stephanie.saal@ministerial.qld.gov.au>; Strategy &

Performance Office Deputy Commissioner (Regional Operations) <DCSP-D-

Strategy\_PerformanceOfficeDepCommRegOps@qldpolice.onmicrosoft.com>; Strategy and Performance Community

Contact Command[CCC] <StrategyandPerformance.CommunityContactCommand@police.qld.gov.au>; Strategy and

Performance Officer DCSP <CSV-D-StaffOfficerDC\_SPP\_@qldpolice.onmicrosoft.com>; Strategy and Performance

Officer Deputy Commissioner (Specialist Operations) <StrategyandPerformanceDCSO@qldpolice.onmicrosoft.com>;

Taylor.RyanD[CCC] <Taylor.RyanD@police.qld.gov.au>; Taylor-Ward.RobynL[CCC] <Robyn.Taylor-

Ward@police.qld.gov.au>; Tragis.EmilyJ[CCC] <Tragis.EmilyJ@police.qld.gov.au>

**Subject:** Media statement - Gel Ball Blasters

Good afternoon

FYI – the attached media statement will be provided to 7 News regarding Gel Ball Blasters shortly.

The Queensland Police Service (QPS) manage the records of approximately 835,000 registered firearms and 195,000 weapons licence holders in Queensland.

The QPS is aware of gel ball blasters but do not regulate them or require they be registered. A recent magistrates court decision determined that the gel balls used in gel ball blasters did not fall within the category of 'other projectiles' and deemed that gel ball blasters are not capable of discharging shot, bullets or other projectiles and therefore do not fall within the definition of a firearm and should be classified as projectile toys.

Australian Border Force is responsible for the importation of controlled items at the border.

In Queensland, unless the gel ball blaster is an imitation or replica of a 'Category R' weapon, a notice will be issued certifying that no licence, authority or permit is required to possess the item. There are however offences for the misuse of weapons, including replica weapons in certain circumstances outlined in the *Weapons Act 1990* that could be applicable to certain gel ball blasters.

Regards

Todd



**Todd Saunders**

Senior Media Advisor | Media Unit Supervisor

Media and Public Affairs Group

P: (07) 3015 2444


M: **Sch4p4(6)**

[Saunders.toddr@police.qld.gov.au](mailto:Saunders.toddr@police.qld.gov.au)

*Please direct all media enquiries to [policemedia@police.qld.gov.au](mailto:policemedia@police.qld.gov.au)*

**QUEENSLAND POLICE SERVICE** COMMUNITY CONTACT COMMAND

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# QUEENSLAND POLICE SERVICE

## MEDIA STATEMENT

August 29, 2018

### Gel ball blasters

2pm

#### Enquiry received from Sch4p4(6) 7 News:

We are promoting a story about the new 'Gel Blaster' craze. Basically they are like paint guns but are more realistic looking and fire gel balls.

You can get them in an assortment of rifles, pistols etc.

A store is opening up at Coopers Plains where people can buy them.

They used to be classified as replica firearms, but legislation has now changed and they're considered 'toys.'

Could I please get confirmed whether QPS considers Gel Blaster guns to be classified as toys or imitation/replica firearms? There is conflicting information online.

#### Response:

The Queensland Police Service (QPS) manage the records of approximately 835,000 registered firearms and 195,000 weapons licence holders in Queensland.

The QPS is aware of gel ball blasters but do not regulate them or require they be registered.

A recent magistrates court decision determined that the gel balls used in gel ball blasters did not fall within the category of 'other projectiles' and deemed that gel ball blasters are not capable of discharging shot, bullets or other projectiles and therefore do not fall within the definition of a firearm and should be classified as projectile toys.

Australian Border Force is responsible for the importation of controlled items at the border.

In Queensland, unless the gel ball blaster is an imitation or replica of a 'Category R' weapon, a notice will be issued certifying that no licence, authority or permit is required to possess the item.

There are offences for the misuse of weapons, including replica weapons in certain circumstances outlined in the *Weapons Act 1990* that could be applicable to certain gel ball blasters.

Issued by the QPS Media Unit: Brisbane, Australia.

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**Hartley.TraceyL[SER]**

**From:** Police Media  
**Sent:** Tuesday, 16 October 2018 08:21  
**To:** Akhavan.SeiaT[CCC]; Cathie Thompson; Davidson.BrentP[CCC]; Ellen McIntyre; Executive Support COP; Gee.BobW[REGOPS]; Grey.JohnC[CCC]; Kate Griffiths; Kelly.SimonJ[CCC]; Lampe.AmandaM[CCC]; MacCracken.AngusD[PP]; MinisterialLiaison.Officer[HQ]; Murray.RaymondJ[CCC]; Phil Willmington; Police Media; QPS.PLO[ORGCC]; Saunders.ToddR[CCC]; Stephanie Saal; Strategy & Performance Office Deputy Commissioner (Regional Operations); Strategy and Performance Community Contact Command[CCC]; Strategy and Performance Officer DCSP; Strategy and Performance Officer Deputy Commissioner (Specialist Operations); Taylor.RyanD[CCC]; Taylor-Ward.RobynL[CCC]  
**Subject:** Update: Media statement, Gel blasters, ABC News  
**Attachments:** Media statement, Gel ball blasters, ABC enquiry.pdf

Good morning

Further to the attached media statement, the journalist has questioned whether QPS is reviewing its position on the legalities of gel ball blasters.

We intend to provide the following:

The Queensland Police Service is aware of issues surrounding the use of gel ball blasters in Queensland and is monitoring the situation.

Regards  
 Todd



**Todd Saunders**  
 Senior Media Advisor | Media Unit Supervisor  
 Media and Public Affairs Group  
 P: (07) 3015 2444  
 M: Sch4p4(6)  
[Saunders.toddr@police.qld.gov.au](mailto:Saunders.toddr@police.qld.gov.au)

Please direct all media enquiries to [policemedi@police.qld.gov.au](mailto:policemedi@police.qld.gov.au)

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**From:** Marsden.JoeM[CCC]  
**Sent:** Thursday, 11 October 2018 13:06  
**To:** Cathie Thompson <Cathie.thompson@ministerial.qld.gov.au>; Davidson.BrentP[CCC] <Davidson.BrentP@police.qld.gov.au>; Ellen McIntyre <ellen.mcintyre@ministerial.qld.gov.au>; Emma.McBryde@ministerial.qld.gov.au; Executive Support COP <CSV-D-ExecutiveSupportCOP@qldpolice.onmicrosoft.com>; Gee.BobW[REGOPS] <Gee.BobW@police.qld.gov.au>; Kate Griffiths <kate.griffiths@ministerial.qld.gov.au>; Kelly.SimonJ[CCC] <Kelly.SimonJ@police.qld.gov.au>; Lampe.AmandaM[CCC] <Lampe.AmandaM@police.qld.gov.au>; MacCracken.AngusD[PP] <Maccracken.AngusD@police.qld.gov.au>; MinisterialLiaison.Officer[HQ] <MinisterialLiaison.Officer@police.qld.gov.au>; Phil Willmington <phil.willmington@ministerial.qld.gov.au>; Police

Media <PoliceMedia@police.qld.gov.au>; QPS.PLO[ORGCC] <QPS.PLO@police.qld.gov.au>; Saunders.ToddR[CCC] <Saunders.ToddR@police.qld.gov.au>; Stephanie Saal <stephanie.saal@ministerial.qld.gov.au>; Strategy & Performance Office Deputy Commissioner (Regional Operations) <DCSP-D-Strategy\_PerformanceOfficeDepCommRegOps@qldpolice.onmicrosoft.com>; Strategy and Performance Community Contact Command[CCC] <StrategyandPerformance.CommunityContactCommand@police.qld.gov.au>; Strategy and Performance Officer DCSP <CSV-D-StaffOfficerDC\_SPP\_@qldpolice.onmicrosoft.com>; Strategy and Performance Officer Deputy Commissioner (Specialist Operations) <StrategyandPerformanceDCSO@qldpolice.onmicrosoft.com>; Taylor.RyanD[CCC] <Taylor.RyanD@police.qld.gov.au>; Taylor-Ward.RobynL[CCC] <Robyn.Taylor-Ward@police.qld.gov.au>; Tragus.EmilyJ[CCC] <Tragus.EmilyJ@police.qld.gov.au>  
**Subject:** Media statement, Gel blasters, ABC News

Good afternoon,

Please find attached and below a media statement which will be provided to the ABC soon re: gel blasters.

October 11, 2018

## Gel ball blasters, ABC enquiry

1:05pm

**Media enquiry received from Sch4p4(6), ABC News:**

I'd like to request an on camera interview with the Police Commissioner (or other appropriate representative) about the Department's attitude to Gel Blasters. I understand they are not considered a firearm in Queensland, but wanted to know if police had any concerns and whether there are moves afoot to have them banned.

### Response:

The Queensland Police Service is aware of gel ball blasters but does not regulate them or require they be registered.

Magistrates court decisions determined the gel balls used in gel ball blasters did not fall within the category of 'other projectiles' and deemed that gel ball blasters are not capable of discharging shot, bullets or other projectiles and therefore do not fall within the definition of a firearm and should be classified as projectile toys.

Australian Border Force is responsible for the importation of controlled items at the border.

In Queensland, unless the gel ball blaster is an imitation or replica of a 'Category R' weapon, confirmation notices may be issued certifying that no licence, authority or permit is required to possess the item.

There are however offences for the misuse of weapons, including replica weapons in certain circumstances outlined in the *Weapons Act 1990* that could be applicable to certain gel ball blasters.

Kind regards,



**Joe Marsden**  
Media Officer  
Media and Public Affairs Group  
Ph: (07) 3015 2444  
[marsden.joem@police.qld.gov.au](mailto:marsden.joem@police.qld.gov.au)



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# QUEENSLAND POLICE SERVICE

## MEDIA STATEMENT

October 11,  
2018

### Gel ball blasters, ABC enquiry

1:05pm

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Australian Border Force is responsible for the importation of controlled items at the border.

In Queensland, unless the gel ball blaster is an imitation or replica of a 'Category R' weapon, confirmation notices may be issued certifying that no licence, authority or permit is required to possess the item.

There are however offences for the misuse of weapons, including replica weapons in certain circumstances outlined in the *Weapons Act 1990* that could be applicable to certain gel ball blasters.

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**Gately.JasmineM[LD]**

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**From:** Manktelow.BevanJ[OSC]  
**Sent:** Tuesday, 2 October 2018 16:02  
**To:** Obst.GregB[LD]; Capper.CraigJ[LD]; Fraser.IanP[LD]  
**Cc:** Guild.AdamP[OSC]; Smith.AndrewC[OSC]; Meara.BrettJ[OSC]  
**Subject:** FW: Gel Blaster Guns

Mr OBST,

I am just following up in relation to the below email trail. I have spoken with the Inspectors from WLB and we still believe we need to have a meeting in relation to Gel Blaster guns. These are becoming a greater issue for the Ballistics and are being lodged here for examination and categorisation.

I attended your office last week and spoke with an Administrative Officer who suggested that I send this email and that she would speak with you regarding my enquiry.

I will now be on days off, but Brett MEARA is now the Acting Senior Sergeant of the Ballistics Unit and is well aware of this issue.

Thanks

**Bevan MANKTELOW | Sergeant**  
**Ballistics Unit | Scientific Section**  
**Forensic Services Group**  
**Queensland Police Service**  
 200 Roma Street, Brisbane 4000 | PO Box 1440  
 Ph: 07 3364 6781 | Fax: 07 3364 6227  
 Email: [manktelow.bevanj@police.qld.gov.au](mailto:manktelow.bevanj@police.qld.gov.au)

---

**From:** Manktelow.BevanJ[OSC]  
**Sent:** Thursday, 20 September 2018 3:07 PM  
**To:** Obst.GregB[LD] <Obst.GregB@police.qld.gov.au>; Capper.CraigJ[LD] <Capper.CraigJ@police.qld.gov.au>; Fraser.IanP[LD] <Fraser.IanP@police.qld.gov.au>  
**Cc:** Guild.AdamP[OSC] <Guild.AdamP@police.qld.gov.au>; Smith.AndrewC[OSC] <Smith.AndrewC@police.qld.gov.au>; Pobar.DarrenJ[OSC] <Pobar.DarrenJ@police.qld.gov.au>; Clark.MichaelD[OSC] <Clark.MichaelD@police.qld.gov.au>; Meara.BrettJ[OSC] <Meara.BrettJ@police.qld.gov.au>  
**Subject:** FW: Gel Blaster Guns

Mr OBST,

I am just following up on my original email below in relation to having a meeting to discuss the "gel-blaster guns" and our approach to their examination. We have several case files with these items included awaiting examination and we are receiving phone calls from investigators seeking advice and guidance as to the investigation of the possession of them. I have spoken with Inspector GUILD from Weapons Licensing Branch and we are hopeful to achieve a consistent approach to Gel-Blaster guns between our two units.

Is it possible to arrange a meeting to discuss these items?

If you have any questions please let me know and I will be happy to assist.

**Bevan MANKTELOW | Acting Senior Sergeant**  
**Ballistics Unit | Scientific Section**

## Forensic Services Group

### Queensland Police Service

200 Roma Street, Brisbane 4000 | PO Box 1440

Ph: 07 3364 6781 | Fax: 07 3364 6227

Email: [manktelow.bevanj@police.qld.gov.au](mailto:manktelow.bevanj@police.qld.gov.au)

**From:** Manktelow.BevanJ[OSC]

**Sent:** Tuesday, 11 September 2018 11:59 AM

**To:** Obst.GregB[LD] <[Obst.GregB@police.qld.gov.au](mailto:Obst.GregB@police.qld.gov.au)>; Capper.CraigJ[LD] <[Capper.CraigJ@police.qld.gov.au](mailto:Capper.CraigJ@police.qld.gov.au)>

**Cc:** Smith.AndrewC[OSC] <[Smith.AndrewC@police.qld.gov.au](mailto:Smith.AndrewC@police.qld.gov.au)>; Rowan.AndrewJ[OSC]

<[Rowan.AndrewJ@police.qld.gov.au](mailto:Rowan.AndrewJ@police.qld.gov.au)>; Guild.AdamP[OSC] <[Guild.AdamP@police.qld.gov.au](mailto:Guild.AdamP@police.qld.gov.au)>; Meara.BrettJ[OSC]

<[Meara.BrettJ@police.qld.gov.au](mailto:Meara.BrettJ@police.qld.gov.au)>; Clark.MichaelD[OSC] <[Clark.MichaelD@police.qld.gov.au](mailto:Clark.MichaelD@police.qld.gov.au)>; Pobar.DarrenJ[OSC]

<[Pobar.DarrenJ@police.qld.gov.au](mailto:Pobar.DarrenJ@police.qld.gov.au)>

**Subject:** Gel Blaster Guns

Mr OBST and Mr CAPPER,

I have spoken with Michelle from your office and she suggested sending this email

I am currently relieving as the OIC of the Ballistics Unit and I was speaking with Inspector Andrew SMITH of the Weapons Licencing Branch in relation to Gel Blaster guns and he asked me to organise a meeting with you in relation to these items.

I am not sure of your awareness of these items, but they are generally plastic in construction and use battery operation to propel hydrolysed pellets (water soaked balls) which disintegrate upon striking a target. We have received a number of these items for examination over the last twelve months, some of which have failed to fire and some have proved poor in the achievable muzzle velocity of the gel balls. Some have been able to be fired at a person and have left a small red mark.

Given recent court decisions in relation to Border Force and the subsequent importation of these items into Queensland we are seeking some advice in relation to how the Ballistics Unit deal with these items moving forward.

If at all possible can we arrange a time to meet and discuss this issue. I understand Insp SMITH is now away from the office until next week.

If I can provide any further information please let me know.

Thank-you

**Bevan MANKTELOW | Acting Senior Sergeant**

**Ballistics Unit | Scientific Section**

**Forensic Services Group**

**Queensland Police Service**

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**Gately.JasmineM[LD]**

---

**From:** Meara.BrettJ[OSC]  
**Sent:** Wednesday, 10 October 2018 10:38  
**To:** David.ToddJ[CR]  
**Subject:** Gel Guns - QP1701910878

Hi Todd,

I have started a period of relieving as the OIC of Ballistics. I have checked our task list and noted that we have had a task T1800345455 in our list for a period of time.

I understand this matter relates to Gel Guns that have caused an injury. We are currently seeking a direction on how to handle these articles. The various factors are:

1. Border Force initially attempted to prevent importation of these items as they believed they were a firearm. However a court case was lost and they are now allowed into the country provided a permit is issued. The permit is still required as these items are classified as Imitation Firearms (basically replicas).
2. Qld does not have legislation that makes the possession of an imitation firearm illegal (other states do)
3. Weapons licensing branch have been issuing importation permits for gel guns, which allows them to be sold in Qld (don't know exactly for how long but certainly since the start of the year)
4. There are several categories of weapon (under the *Weapons Categories Regulation 1997*) that could apply to this class of gun:
  - a. Category A – an air gun (this is for those that are over 75cm long and are deemed to be a firearm)
  - b. Category D – a firearm that substantially duplicates a self-loading centre-fire rifle designed or adapted for military purposes (basically replicates a military rifle and is deemed a firearm)
  - c. Category H - a firearm under 75cm long (also needs to be classified as a firearm)
  - d. Category R – a replica of a machine gun or submachine gun that isn't a toy
5. The other option is that the items may simply be classed as a Replica (under the *Weapon Act 1990*), which can still apply to various behavioural offences.

For categories A, D and H we would need to determine if the articles are considered a firearm. To do this we assess each item against the definition of a firearm under the Act. To be brief we calculate the energy of the projectile and use this to determine if injury is possible. Some of the gel guns we have previously examined exceed this level. The issue we have is that there is a discrepancy about whether these items could be considered a toy, this means there is doubt over whether we can classify these items which would otherwise fall into category R.

As Weapons Licencing are issuing permits to import (we are hoping to have a meeting about this next week), we have a section authorising their sale, so we can't have one section in the QPS saying yes and the other saying no. We are working towards a solution for this, but I cannot advise how long this will take.

What can we currently do:

If you need our examination to be completed sooner rather than waiting for a future outcome, we can assess the articles against the categories above and also assess whether they constitute a replica. But our statement won't be able to provide a definitive finding due to the issues outlined above. We are more likely to provide a definitive finding on whether they can be considered a replica, depending on the examination outcome.

Sorry for the long email, but I wanted to give you a better picture of the issues. Please feel free to pass this onto your prosecution office, and I am of course happy to talk with yourself or prosecutions to clarify anything we might or might not be able to do.

Thanks,

Brett MEARA  
Acting Senior Sergeant 11109  
Scientific Section (Ballistics Unit)  
Forensic Services Group  
Operations Support Command  
Ph: (07) 3364 6795  
[meara.brettj@police.qld.gov.au](mailto:meara.brettj@police.qld.gov.au)

QPS Right to Information & Privacy

**Gately.JasmineM[LD]**

---

**From:** Meara.BrettJ[OSC]  
**Sent:** Friday, 31 August 2018 14:59  
**To:** Bruce.IanS[OSC]; Clark.MichaelD[OSC]; Everist.ShaneR[OSC]; Huth.AshleyM[OSC]; Manktelow.BevanJ[OSC]; Meara.BrettJ[OSC]; Piper.AlanG[OSC]; Radnidge.Peta[OSC]  
**Subject:** Gel Guns

SSgt Manktelow, can you look into this one???

Shane gave us the heads up about the following channel 7 news story on Gel Guns. See next link:

<https://www.facebook.com/7NewsBrisbane/videos/vb.130736376939223/299749200822213/?type=2&theater>

Also had a look at one of the local suppliers who have been selling guns since January this year. The following link has their story and an interesting reference to the Ballistics Division (always felt we were bigger than we thought):

<https://tacticaledge.com.au/pages/about-us>

Seeing as everyone else reckons they are good to go, then I say we don't do them. Problem is, that if you look at some of the ones they sell, they are falling in the gamut of category R, unless of course, as the Commissioner says, they are toys.

We probably need to determine a stance. Perhaps then we can send the ones we currently have here back to the investigators.

Cheers,

Brett MEARA  
Sergeant 11109  
Scientific Section (Ballistics Unit)  
Forensic Services Group  
Operations Support Command  
Ph: (07) 3364 6795  
[meara.brettj@police.qld.gov.au](mailto:meara.brettj@police.qld.gov.au)

**Gately.JasmineM[LD]**

---

**From:** Meara.BrettJ[OSC]  
**Sent:** Thursday, 18 October 2018 08:54  
**To:** Bellamy.EmmaJ[OSC]  
**Subject:** RE: Gel Guns

Thanks Emma.

Brett MEARA  
 Sergeant 11109  
 Scientific Section (Ballistics Unit)  
 Forensic Services Group  
 Operations Support Command  
 Ph: (07) 3364 6795  
[meara.brettj@police.qld.gov.au](mailto:meara.brettj@police.qld.gov.au)

---

**From:** Bellamy.EmmaJ[OSC]  
**Sent:** Thursday, 18 October 2018 8:53 AM  
**To:** Meara.BrettJ[OSC] <Meara.BrettJ@police.qld.gov.au>  
**Subject:** RE: Gel Guns

Thanks Brett,

I will discuss this with the team here to hopefully stop some being submitted for categorisation. They may need help at times with determining whether to submit to examine as replica. We will just give you guys a call when needed.

I will print out this email to keep at the counter as explanation for Investigators as they come in.

Thanks,

*Emma*

**Emma Bellamy | Team Leader | Forensic Reception Centre**  
 Forensic Services Group | Operations Support Command | Queensland Police Service  
 GPO Box 1440 | Brisbane QLD 4001 | Australia  
 Ph (07) 3364 6205 | Ext 66205 | Fax (07) 3364 6083 | [Bellamy.EmmaJ@police.qld.gov.au](mailto:Bellamy.EmmaJ@police.qld.gov.au)  
 Forensic Reception Centre email [Forensic.ReceptionCentre@police.qld.gov.au](mailto:Forensic.ReceptionCentre@police.qld.gov.au)

---

**From:** Meara.BrettJ[OSC]  
**Sent:** Thursday, 18 October 2018 8:45 AM  
**To:** Bellamy.EmmaJ[OSC] <[Bellamy.EmmaJ@police.qld.gov.au](mailto:Bellamy.EmmaJ@police.qld.gov.au)>  
**Cc:** Pobar.DarrenJ[OSC] <[Pobar.DarrenJ@police.qld.gov.au](mailto:Pobar.DarrenJ@police.qld.gov.au)>; Bruce.IanS[OSC] <[Bruce.IanS@police.qld.gov.au](mailto:Bruce.IanS@police.qld.gov.au)>; Clark.MichaelD[OSC] <[Clark.MichaelD@police.qld.gov.au](mailto:Clark.MichaelD@police.qld.gov.au)>; Everist.ShaneR[OSC] <[Everist.ShaneR@police.qld.gov.au](mailto:Everist.ShaneR@police.qld.gov.au)>; Huth.AshleyM[OSC] <[Huth.AshleyM@police.qld.gov.au](mailto:Huth.AshleyM@police.qld.gov.au)>; Manktelow.BevanJ[OSC] <[Manktelow.BevanJ@police.qld.gov.au](mailto:Manktelow.BevanJ@police.qld.gov.au)>; Meara.BrettJ[OSC] <[Meara.BrettJ@police.qld.gov.au](mailto:Meara.BrettJ@police.qld.gov.au)>; Piper.AlanG[OSC] <[Piper.AlanG@police.qld.gov.au](mailto:Piper.AlanG@police.qld.gov.au)>; Radnidge.Peta[OSC] <[Radnidge.Peta@police.qld.gov.au](mailto:Radnidge.Peta@police.qld.gov.au)>  
**Subject:** Gel Guns

Good Morning Emma,

Our current stance on gel guns is that we cannot certify them as a category of weapon under the *Weapons Categories Regulation 1997*, for the following reasons:

- WLB are issuing permits to import them into Qld (based on advice from QPS solicitors)
- WLB are advising people that Gel Ball Blasters are deemed to be toys in Qld and therefore are legal to own. (this has been happening since 2017)
- The potential level of injury, based on current testing, is as minor as it gets, some may not even leave an injury (this is not to say that there may be some out there that could cause a greater injury, we just haven't seen it yet)
- The Commissioner has described these items as toys
- We have two overseas standards that have indicated that the items they tested have passed the Australian/New Zealand Standard on Safety of toys AS/NZS ISO 8124.1: 2016

They **can however still be assessed as a Replica** for the purposes of the *Weapons Act 1990*.

Instances where determination of a replica may be relevant include:

- Carrying a weapon exposed to view in a public place without a reasonable excuse (Section 57 of *Weapons Act*)
- Dangerous conduct with a weapon (Section 58 of *Weapons Act*)
- Possession of a weapon under the influence of liquor or a drug – for some reason this is only for a replica of an antique firearm (Section 59 of the *Weapons Act*)

So I would propose our current advice is that we do not certify these items as a weapon under the WCR, but we can provide some opinion that they are a replica depending on the outcome of our examination.

Hope that is clear? If you want me to explain anything further let me know?

Thanks,

Brett MEARA  
Sergeant 11109  
Scientific Section (Ballistics Unit)  
Forensic Services Group  
Operations Support Command  
Ph: (07) 3364 6795  
[meara.brettj@police.qld.gov.au](mailto:meara.brettj@police.qld.gov.au)

**Gately.JasmineM[LD]**

---

**From:** Meara.BrettJ[OSC]  
**Sent:** Thursday, 13 December 2018 15:59  
**To:** Rowan.AndrewJ[OSC]  
**Subject:** RE: MBN - Gel Ball Blasters

Inspector,

There is one aspect which will need modification. Point 7 is:

7. If the Gel Ball Blaster is a reasonable facsimile of a machine gun or sub-machine gun, the weapon is a Category R weapon and the B709 would only be issued in the highly-unlikely circumstance that the person is authorised to possess category R weapons.

The problem is that the section referred to in point 7 (*Weapons Categories Regulation 1997*, section 8(1)(a)), specifically prohibits the categorisation of such articles as a Category R weapon if they are considered to be a toy. There is ambiguity around this with Gel Ball Blasters as:

- The Office of Fair Trading does not assess these items under Australian and New Zealand standards (AS/NZS 8124) as they only assess articles that are designed for use by children under the age of 14 years. Previous contact with Fair Trading indicates that Gel Ball Blasters would not fall into the gamut of what they would assess. (Described at point 14). There is no answer for the question of whether an item designed for children over 14 years of age is still a toy.
- Regardless of the Office of Fair Trading's responsibilities, there are two accreditation bodies (Bureau Veritas Shenzhen Co. LTD and EMTEK (Dongguan) Co. LTD) that have assessed a sample of Gel Ball Blaster against the AS/NZ 8124 standard and have certified them as passing the requirements to be classified as a toy.

This creates doubt, and as such we cannot eliminate the possibility that they could be considered a toy and as such they cannot be classified as a Category R weapon.

Point 7 should be modified to something like:

7. If an item is a reasonable facsimile of a machine gun or sub-machine gun, the item can be classified as a Category R weapon provided it isn't considered to be a toy. In this circumstance a B709 would only be issued in the highly-unlikely circumstance that the person is authorised to possess category R weapons.
8. However, international accreditation organisations have assessed samples of Gel Ball Blasters and found that they pass the requirements of the Australian and New Zealand Standards AS/NZS ISO 8124 Safety of Toys. As such they can be classified as a toy and would no longer fall into the requirements for a Category R weapon.

Or something like that,

Brett MEARA  
 Acting Senior Sergeant 11109

Officer in Charge, Ballistics Unit  
Forensic Services Group  
Operations Support Command  
Ph: (07) 3364 6795  
[meara.brettj@police.qld.gov.au](mailto:meara.brettj@police.qld.gov.au)

---

**From:** Rowan.AndrewJ[OSC]  
**Sent:** Thursday, 13 December 2018 2:48 PM  
**To:** Meara.BrettJ[OSC] <[Meara.BrettJ@police.qld.gov.au](mailto:Meara.BrettJ@police.qld.gov.au)>  
**Subject:** FW: MBN - Gel Ball Blasters  
**Importance:** High

Brett  
Opportunity to add any points to the attached MBN

**Andy Rowan** | Acting Inspector 8823  
Officer in Charge Scientific Section  
Scientific Section | Forensic Services Group Queensland Police Headquarters, 200 Roma Street, Brisbane Qld 4000  
Phone (07) 3364 6272  
Mobile OUT OF SCOPE  
Email [rowan.andrewj@police.qld.gov.au](mailto:rowan.andrewj@police.qld.gov.au)

---

**From:** Carnes.AliceM[OSC]  
**Sent:** Thursday, 13 December 2018 1:58 PM  
**To:** Rowan.AndrewJ[OSC] <[Rowan.AndrewJ@police.qld.gov.au](mailto:Rowan.AndrewJ@police.qld.gov.au)>  
**Cc:** Strategy and Performance Officer OSC <[OSC-D-CommandOffice-StrategyandPerformanceOfficerOSC@qldpolice.onmicrosoft.com](mailto:OSC-D-CommandOffice-StrategyandPerformanceOfficerOSC@qldpolice.onmicrosoft.com)>  
**Subject:** FW: MBN - Gel Ball Blasters  
**Importance:** High

Good Afternoon Inspector,

Do you have anything you wish to add to this MBN from a ballistics perspective?

Thank you



**Alice Carnes**  
Acting Senior Sergeant  
Strategy and Performance Officer  
Operations Support Command | Queensland Police Service  
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200 Roma Street, Brisbane QLD 4001  
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---

**From:** Guild.AdamP[OSC]  
**Sent:** Thursday, 13 December 2018 1:43 PM  
**To:** Strategy and Performance Officer OSC <[OSC-D-CommandOffice-StrategyandPerformanceOfficerOSC@qldpolice.onmicrosoft.com](mailto:OSC-D-CommandOffice-StrategyandPerformanceOfficerOSC@qldpolice.onmicrosoft.com)>  
**Cc:** Manager WL Branch <[ADM-D-ManagerWLB@qldpolice.onmicrosoft.com](mailto:ADM-D-ManagerWLB@qldpolice.onmicrosoft.com)>  
**Subject:** MBN - Gel Ball Blasters

Good morning

Please find attached an MBN relating to the current situation with Gel Ball Blasters.

I would recommend the MBN be forwarded to Inspector Pobar – Scientific, to determine whether Ballistics wish to add to the content of the MBN

Thanks,



**Adam Guild**  
Inspector  
Manager Weapons Licensing  
Specialist Services Group  
Operations Support Command (OSC)  
Queensland Police Service

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**Gately.JasmineM[LD]**

---

**From:** Guild.AdamP[OSC]  
**Sent:** Monday, 15 October 2018 14:05  
**To:** Strategy and Performance Officer OSC; Holmes.ShaneM[OSC]  
**Cc:** Supt SSG; Manager WL Branch  
**Subject:** Dot Points re Gel Ball Blasters  
**Attachments:** MBN Gel Blasters - (003).doc

**Importance:** High

Good afternoon

For the information of the AC

Previous MBN re Gel Blasters attached.

Dot points re Gel Ball Blasters:

- A Gel Ball Blaster is designed to fire a projectile known as a gel ball which is a water-based pellet designed to explode on impact.
- Comptroller-General of Customs (Australian Border Force) determined that gel ball blasters are imitation firearms within the meaning of the Customs (Prohibited Imports) Regulations 1956.
- In the Case of Comptroller-General of Customs v Clark Pty Ltd in a Brisbane Magistrates Court on 14 December 2017, Magistrate Shearer ruled that the gel balls did not fall within the category of 'other projectiles' and found that Gel Ball Blasters are not capable of discharging shot, bullets or other projectiles and therefore do not fall within the definition of a firearm
- The Magistrate ruled that despite their appearance the Gel Ball Blasters are only capable of firing a water based pellet and should be classified as 'projectile toys'.
- ABF is responsible for controlling imported items and many other jurisdictions, other than Queensland, regulate replica and imitation firearms.
- Once ABF determine an item is an imitation or replica firearm they require the authority of the relevant jurisdiction to allow import – a B709A.

## Sch3( 7)

- If the Gel Ball Blaster is a reasonable facsimile of a machine gun or sub-machine gun, the weapon is a Category R weapon and a B709A could only be issued if that person was authorised to possess category R weapons.
- In QLD, only licence holders with a Collectors licence can possess a deactivated Category R weapon. As such, a Gel Ball Blaster could not be retained on any licence in QLD if it was a reasonable facsimile of Category R weapon, unless it was rendered inoperable.
- A Ballistics examination would be required to determine if a Gel Ball Blaster was in fact a reasonable facsimile of a Category R weapon.
- Ballistics have recently raised further concerns with Weapons Licensing and the QPS Legal Unit about Gel Blasters due to an increase in items being seized by first response police for ballistics

examination. This is creating further issues given that the Gel Blasters have been classified as projectile toys.

- In the absence of legislation relating to the regulation of replica or imitation firearms in Queensland, Gel Ball Blasters are currently unable to be regulated through legislation.
- Other states have laws relating to Imitation Firearms and Appearance based controls which prohibit the import of these items through these states.
- The previous Magistrates decision that Gel Ball Blasters are 'toys' means the selling of such items at stores, online or other places is the responsibility of the Office of Fair Trading.
- Weapons Licensing is currently processing numerous B709A's for the importation of Gel Ball Blasters. The current B709's awaiting processing at Weapons Licensing would relate to in excess of 100,000 individual Gel Ball Blasters.
- It should also be noted that a B709 has no fee attached to it and an officer at Weapons Licensing is dedicated to processing B709 import permits.
- ABF advise that their systems indicate 19,055 Gel Ball Blasters have been imported since January 2018, with 18,660 release on the provision of a B709 and 395 remain in the armoury under Customs Control.
- From these figures, it is clear that importation of Gel Ball Blasters is certainly on the rise.
- Police media were contacted again by ABC in relation to whether the QPS is reviewing its decision on whether the firearms should be banned or not after a recent interview with the Commissioner and calls from the Opposition. At this time, advice has been provided to Media Branch that the situation is being 'monitored'.



**Adam Guild**  
Inspector  
Manager Weapons Licensing  
Specialist Services Group  
Operations Support Command (OSC)  
Queensland Police Service

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QUEENSLAND POLICE SERVICE

DOC Ref: 18/

Requested by: QPS Ministerial Liaison Officers

File Ref:

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**MINISTER FOR CORRECTIVE SERVICES**

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| <input type="checkbox"/> Submission for Approval           | <input checked="" type="checkbox"/> Briefing Note for Information |
| <input type="checkbox"/> Information for Minister's Speech | <input type="checkbox"/> Joint Media Release                      |
| <input type="checkbox"/> Locality Brief                    | <input type="checkbox"/> Function Checklist                       |

CRITICAL <input type="checkbox"/>	URGENT <input type="checkbox"/>	ROUTINE <input checked="" type="checkbox"/>
MINISTER'S DUE DATE    31 May 2018		MINISTER'S APPROVAL REQUIRED BY

**SUBJECT: GEL BLASTERS****RECOMMENDATION:**

That the Minister notes the content of this briefing note.

NOTED / SUPPORTED  <i>Steve Gollschewski</i> <i>Deputy Commissioner, Specialist Operations</i> / /18	NOTED / APPROVED / NOT APPROVED  The Honourable Mark Ryan MP <b>Minister for Police and</b> <b>Minister for Corrective Services</b> / /18
NOTED / SUPPORTED  <i>Ian Stewart</i> <i>Commissioner</i> / /18	<b>MINISTER'S COMMENTS:</b>          
COMMENTS:	

**MINISTERIAL BRIEFING NOTE / APPROVAL****SUBJECT: GEL BALL BLASTERS****PURPOSE:**

1. To inform the Minister of the current legal advice regarding the importation and possession of Gel Ball Blasters (Gel Ball guns) and how they differ to paintball pellets.

**BACKGROUND:**

2. A Gel Ball Blaster is designed to fire a projectile known as a gel ball which is a water-based pellet designed to explode on impact. Gel Ball Blasters are similar to plastic nerf guns but fire small water balls (gel balls) from 25 to 60 feet depending on the model.
3. The Comptroller-General of Customs (Border Force) has determined that gel ball blasters are imitation firearms within the meaning of the *Customs (Prohibited Imports) Regulations 1956*.
4. In the case of *Comptroller-General of Customs v Clark CFP Pty Ltd* at the Brisbane Magistrates Court on 14 December 2017, Magistrate Shearer ruled that the gel balls did not fall within the category of 'other projectiles' and found that Gel Ball Blasters are not capable or discharging shot, bullets or other projectiles and therefore do not fall within the definition of a firearm.
5. The Magistrate ruled that despite their appearance, the Gel Ball Blasters are only capable of firing a water-based pellet and should be classified as projectile toys.
6. As Border Force is responsible for controlling the importation of controlled items, and many jurisdictions other than Queensland regulate replica and imitation firearms, once Customs determines that an item is an imitation or replica firearm they require the authority of the relevant jurisdiction by means of a B709A
7. A B709A is the form known as a police certification, and requires jurisdictions into which a controlled item is being imported to certify that the person importing the item is authorised by a relevant licence, permit or authority to have the items, or confirmation by the jurisdiction that an authority, licence or permit is not required in the relevant jurisdiction.
8. Unless the imitation or replica Gel Ball Blaster is a Category R weapon, namely a reasonable facsimile of a machine gun or sub-machine gun, Weapons Licensing will issue a B709 certifying that no licence, authority or permit is required to possess the Gel Ball Blaster in Queensland.
9. If the Gel Ball Blaster is a reasonable facsimile of a machine gun or sub-machine gun, the weapon is a Category R weapon and the B709 would only be issued in the highly unlikely circumstance that the person is authorised to possess category R weapons.
10. Legislation surrounding paint-pellet sports is contained within the *Weapons Act 1990* (the Act). Paint-pellet guns are categorised in the *Weapons Regulation 2016* (the Regulation) generally as Category A – air rifles, or if the weapon is less than 75cm, it would be a category H handgun.

**ISSUES:**

11. The Act recognises paint-pellet sports activities and provides unlicensed persons the ability to participate at approved shooting galleries utilising the gallery operator's firearms. The legislation also provides the ability for individuals to obtain a firearms licence and acquire their own firearms for paint-pellet sports use.
12. The muzzle velocity and power of a paintball marker and paintball pellets is significantly greater than Gel Ball Blasters and their water based gel ball ammunition which is smaller in size.
13. The current weapons legislation concerning paint-pellet firearms is consistent with other States and Territories and reflects Queensland's commitment to the national agreements on firearms and weapons.
14. In the absence of legislation relating to the regulation of replica or imitation firearms in Queensland, amendments to current legislation would be necessary to categorise and or regulate Gel Ball Blasters.
15. As the law presently stands, unless the Gel Ball Blaster is an imitation or replica of a category R weapon, Weapons Licensing will issue a B709 certifying that no licence, authority or permit is required to possess the item in Queensland.

**RECOMMENDATION/S:**

16. It is recommended that the Minister notes the content of this Briefing Note.

**Allan MCCARTHY**  
**ASSISTANT COMMISSIONER**  
**OPERATIONS SUPPORT COMMAND**

Contact Officer:  
Inspector Adam Guild  
Manager, Weapons Licensing  
Telephone: (07) 3015 7771  
Date: 30 May 2018