



**SOUTH AUSTRALIA POLICE**  
SAFER COMMUNITIES



**OFFICIAL: Sensitive**

Our Ref: 23-0672

Enquiry:

Telephone: 7322 3347



Dear 

**Re: Freedom of Information Act application**

In reference to your application made pursuant to the *Freedom of Information Act 1991* (FOI Act), access was sought to:

*“On April 16 2019 SAPOL’s then Officer in Charge of Firearms (Superintendent Stephen Howard) publicly announced that Gel Blasters were considered a toy and did not meet the definition of a firearm as defined under the Firearms Act 2015 (the Act). On October 7 2020 SAPOL’s then Officer in Charge of Firearms (Superintendent Stephen Howard) publicly announced that Gel Blasters had evolved and thus met the definition of a firearm as defined under the Firearms Act 2015 (the Act) What was the evolution with Gel Blasters that determined they met the definition of firearms as of 8th October 2020 as defined under the Firearms Act 2015 (the Act).”*

On 21 September 2022, South Australia Police (SAPOL) sent you a letter under section 13d of FOI Act requesting you to identify what documents you were seeking access too.

On 25 September 2022, you advised by email a revised scope where access was sought to:

*“For purposes and interests of public transparency, please provide the full documentation, including but not limited to reports, research and analysis, briefs, ministerial briefs, meeting briefs, discussion papers, information papers, options papers, meeting agendas, meeting minutes, notes and/or summaries, consultation processes, list of consulted stakeholders, outcomes of consultation, including by stakeholder, internal and external correspondence, including cross-departmental correspondence, that articulated and outlined the evolution of gel blasters to becoming defined as a firearm on 8 October 2020, per the Firearms Act.”*



**Government of  
South Australia**

Service Integrity Leadership Collaboration Courage Respect

South Australia Police, GPO Box 1539, Adelaide SA 5001

ABN 93 799 021 552

[www.police.sa.gov.au](http://www.police.sa.gov.au)



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On 28 September 2022, SAPOL sent you a letter under Section 18 of the FOI Act advising you that the scope of your request is extremely large and may require in excess of 40 hours to search for and locate all the documents in scope.

It was suggested that you amend your request to include **SAPOL Minutes to the Minister of Police regarding Gel Blasters** only in relation to a **particular time period**.

On 7 October 2022, you amended your scope to:

*“Please supply all documentation that clearly outlines the evolution of Gel Blasters between these dates in order for them to meet the definition of firearms as of 8th October 2020 as defined under the Firearms Act 2015 (the Act).”*

On 10 October 2022, SAPOL again advised you that “all documentation” was still considered unreasonable and offered a detailed Commissioners Briefing paper which outlined the evolution of gel blaster legislative change.

On 14 October 2022, you amended your scope to:

*“Please supply any official documentation that clearly outlines the evolution of Gel Blasters between these dates in order for them to meet the definition of firearms as of 8th October 2020 as defined under the Firearms Act 2015 (the Act).”*

SAPOL has located a document that falls within the scope of your request. The document is numbered and described in the following schedule. The schedule contains the details of the determination in compliance with section 23. In particular, note the grounds on which access has been refused, including the reasons which are contained in the schedule.

SA POLICE - FREEDOM OF INFORMATION UNIT SCHEDULE				
No	Document Description	Status	Act	Reason
1	Commissioner’s Briefing Paper – Gel Blasters in South Australia with the following attachments:	Part Release	Clauses: 6(1)  10(1)	A portion of the redacted text is the personal affairs of third parties other than [REDACTED]. The information relates to details such as a telephone number and name. I am of the view that disclosure of such information is unreasonable given the need to protect the person’s privacy and personal information and without being able to consult with them regarding their views of disclosure.  A portion of the redacted text is correspondence between SAPOL and Solicitors in obtaining legal advice. The text is exempt as they contain matter that would be privileged from production in legal proceedings on the grounds of legal professional privilege.
2	Attachment ‘A’ – Forensic Services Branch ballistic report - dated 4 July 2019	Full Release		

SA POLICE - FREEDOM OF INFORMATION UNIT SCHEDULE				
No	Document Description	Status	Act	Reason
3	Attachment 'B' – Forensic Services Branch ballistic report – dated 10 December 2019	Full Release		
4	Attachment 'C' – Report from Consumer and Business Services – dated 14 February 2020	Part Release	Clauses: 6(1)	A portion of the redacted text is the personal affairs of third parties other than [REDACTED]. The information relates to details such as telephone numbers, name & signature. I am of the view that disclosure of such information is unreasonable given the need to protect the person's privacy and personal information and without being able to consult with them regarding their views of disclosure.
5	Attachment 'D' – Adelaide District Court – R v Harrison 21 February 2020	Full Release		
6	Attachment 'E' – Case report – <i>Ocular injuries from gel blasters; not just a harmless toy</i> by Rylan Hayes & Shuan Dai.	Full Release		
7	Attachment 'F' – On line product sales for <a href="http://www.x-forcetactical.com">www.x-forcetactical.com</a> - dated 28 April 2020	Full Release		
8	Attachment 'G' – On line product sales for <a href="http://www.M4A1gelblasters.com">www.M4A1gelblasters.com</a> – dated 28 April 2020	Full Release		
9	Attachment 'H' – Brisbane Magistrates Court – MAG-00181736/17(8) Comptroller- General of Customs v Clark CFP Pty Ltd	Full Release		
10	Attachment 'I' – Legal Advice – Office of General Counsel dated 16 July 2019	Refuse Access	Clause: 10(1)	This document contains correspondence between SAPOL and Solicitors in obtaining legal advice. The text is exempt as they contain matter that would be privileged from production in legal proceedings on the grounds of legal professional privilege.

**CLAUSES FOR REFUSAL**

Clause 6(1) of Schedule 1 of the FOI Act which states:

*“A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).”*

Clause 10(1) Schedule 1 of the FOI Act which states:

*A document is an exempt document if it contains matter that would be privileged from production in legal proceedings on the ground of legal professional privilege.*

**Your rights to review**

If you are dissatisfied with this determination, you are entitled to exercise your right of internal review in accordance with section 29(1) of the FOI Act by completing a PD362 Application for Internal Review form, which can be downloaded from <https://www.police.sa.gov.au/services-and-events/freedom-of-information> or available upon request at your nearest police station. Alternatively, an application may be made in writing to the SAPOL Freedom of Information Unit. This application must be lodged within 30 (calendar) days after you receive this letter with a fee of \$39.00, if applicable.

Yours sincerely



Senior Sergeant Paul Friend  
**Freedom of Information Unit**  
(Accredited Freedom of Information Officer)

26 October 2022