



**SOUTH AUSTRALIA POLICE**  
KEEPING SA SAFE

Your Ref:  
Our Ref: 20/2666  
Enquiries:  
Telephone: 7322 3347  
Facsimile: 7322 4180

Mr Lee Odenwalder MP  
PO Box 1046  
ELIZABETH VALE SA 5112

Email: [REDACTED]@parliament.sa.gov.au

Dear Mr Odenwalder

**Re: Freedom of Information Act application**

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

*"Details of any ballistics test relating to gel blaster"*

On 13 July 2020 I spoke with [REDACTED] via telephone to clarify the request. [REDACTED] narrowed the scope to:

*"Minutes to Minister for Police created between March 2020 and June 2020 regarding gel blasters."*

Pursuant to Section 25 of the FOI Act consultation was undertaken with the Minister for Police, Emergency Services and Correctional Services and Consumer and Business Affairs to seek their views regarding the release of information contained in a document. The views of these agencies have been taken into account when making this determination.

Pursuant to Section 27 of the FOI Act unsuccessful attempts have been made to contact two businesses owners to seek their views regarding the release of information concerning their business affairs. It has been determined to refuse access to their business affairs.

South Australia Police (SAPOL) has located documents that fall within the scope of your request. The documents are 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. This determination was made on 1 September 2020.

SA POLICE - FREEDOM OF INFORMATION UNIT SCHEDULE				
No.	Document Description	Status	Act	Reason
1	Minute to Hon Minister for Police, Emergency Services and Correctional Services re "Gel Blasters" signed by Linda Williams, Deputy Commissioner of Police dated 12 March 2020 consisting of 3 pages.	Full Release		
2	<p>Minute to Hon Minister for Police, Emergency Services and Correctional Services re "Firearms Regulation (2017) Change – Inclusion of Gel Blasters" signed by Grant Stevens, Commissioner of Police dated 18 May 2020 consisting of 9 pages including attachments:</p> <ul style="list-style-type: none"> <li>• Appendix A – first date appearing 25 March 2019 - not marked as Appendix A but referred to in Minute and provides examples of reported incidents where people have been threatened or shot by gel blasters</li> <li>• Appendix B undated and consisting of 1 page</li> <li>• Appendix B undated and consisting of 1 page (revised version)</li> </ul>	Part Release	<p>Clauses 1(1)(e) 6(1) 7(1)(b)(i) 7(1)(b)(ii)(A) 7(1)(b)(ii)(B) 9(1)(a)(i) 9(1)(b)</p>	<p>A portion of the redacted text on page 5 of this document is exempt as it contains matter the disclosure of which would disclose information concerning Cabinet deliberation. The confidentiality necessary for effective government requires that the deliberations of Cabinet should be protected from mandatory disclosure pursuant to the FOI Act.</p> <p>Redacted text on Appendix A is the personal affairs of third parties other than Mr Lee Odenwalder. This information relates to third party ages, personal circumstances, offence locations and other identifying information. I am of the view, in all of the circumstances, that disclosure of such information is unreasonable.</p> <p>Redacted text on page 3 of this document is exempt as it identifies business names which have a commercial value to the owner/operators and disclosure could reasonably be expected to destroy or diminish the commercial value. I am of the view, in all of the circumstances that disclosure of such information would, on balance, be contrary to the public interest.</p> <p>A portion of the redacted text on page 5 of this document is exempt as it contains information that falls within the definition of internal working documents under the FOI Act. The redacted text contains advice and recommendations</p>



				prepared for the purposes of decision making functions of the agency in relation to the Firearms Act 2015. It is of paramount importance that SAPOL is able to provide expert advice to Cabinet with regard to decisions and deliberations. I am of the view, in all of the circumstances that disclosure would, on balance, be contrary to the public interest.
3	Minute to Hon Minister for Police, Emergency Services and Correctional Services re "Gel Blasters" signed by Linda Williams, Deputy Commissioner of Police dated 17 June 2020 consisting of 2 pages.	Full Release		

#### **CLAUSES FOR REFUSAL**

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

*"A document is an exempt document if it contains matter the disclosure of which would disclose information concerning any deliberation or decision of Cabinet."*

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 7(1)(b)(i) of Schedule 1 of the FOI Act which states:

*"A document is an exempt document if it contains matter consisting of information (other than trade secrets) that has a commercial value to any agency or any other person."*

Clause 7(1)(b)(ii)(A) of Schedule 1 of the FOI Act which states:

*"A document is an exempt document if it contains matter consisting of information (other than trade secrets) that has a commercial value to any agency or any other person; and the disclosure of which could reasonably be expected to destroy or diminish the commercial value or the information."*

Clause 7(1)(b)(ii)(B) of Schedule 1 of the FOI Act which states:

*"A document is an exempt document if it contains matter the disclosure of which would, on balance, be contrary to public interest."*

Clause 9(1)(a)(i) Schedule 1 of the FOI Act which states:

*"A document is an exempt document if it contains matter that relates to any opinion, advice or recommendation that has been obtained, prepared or recorded in the course of, or for the purpose of, the decision-making functions of the Government, a Minister or an agency"*

Clause 9(1)(b) Schedule 1 of the FOI Act which states:

*"A document is an exempt document if it contains matter the disclosure of which would, on balance, be contrary to public interest."*

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your FOI application, and the documents to which you are given access, will be published on the SAPOL website Disclosure Log. A copy of PC045 can be found at <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars>. If you disagree with publication, please advise the undersigned in writing by **26 September 2020**

#### Your rights to review

If you are dissatisfied with the determination for access to SAPOL records, 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 days from the date of this determination with a fee of \$36.75. Such a fee may be waived in the event of an exemption being claimed.

Yours sincerely,



Senior Sergeant First Class Tracy Gentgall  
Officer in Charge  
**Freedom of Information Unit**  
(Accredited Freedom of Information Officer)

/ September 2020

MINUTES *forming* ENCLOSURE to

20POL0094  
MLO0137/20

TO: HON MINISTER FOR POLICE, EMERGENCY SERVICES AND  
CORRECTIONAL SERVICES

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RE: GEL BLASTERS

I refer to your correspondence dated 5 February 2020, seeking an update in relation to gel blasters in South Australia.

Previously SAPOL considered that gel blasters are toys based on definitions contained within the Firearms Act and Regulations and historical ballistics assessment of items seized.

The determination of SAPOL's Forensic Services Ballistics examiner was that gel blaster firearms should be regarded as Children's Toys (Regulation 5, Firearm Regulations 2017):

**Certain devices excluded from definition of firearm**

- (1) Pursuant to paragraph (d) of the definition of **firearm** in section 4(1) of the Act, a device designed for the purposes of children's play (a **children's toy**) that fires toy projectiles is declared not to be a firearm.
- (2) For the avoidance of doubt, a children's toy does not include—
  - (a) a device known as, or that is similar to, a BB gun; or
  - (b) a device known as, or that is similar to, an Airsoft gun; or
  - (c) a device that is a regulated imitation firearm.

Since that assessment gel blasters collectively have evolved. Some of the items have increased velocity and accessories available to modify the devices to enable the firing of more solid projectiles in some cases. Some models now have parts that are interchangeable with airsoft guns.

Due to the evolution of the devices, recent advice as to modifications that are easily undertaken to the devices and the increasing prevalence of gel blasters being presented in public causing concern, SAPOL's Forensic Services Branch senior ballistics expert conducted a full examination and assessment of a gel blaster.

This recent examination determined the device provided was similar to an Airsoft gun, therefore was specifically excluded from being a children's toy under the Firearms Regulations and Act and is a prescribed firearm as it features automatic fire.



However the ongoing evolution of gel blasters since inception means that there is a variance in models that mean not all will meet the definition of a firearm. The items are also subject to aftermarket modification, so each item would require a ballistic examination to determine its status as a firearm.

Laws vary between states and territories, with gel blasters regulated or banned in all other jurisdictions except Queensland and South Australia. The prohibitions arise from appearance based legislation provisions. At times these provisions can be problematic in application and prosecution. Appearance based provisions have historically been present in South Australian legislation, however were removed with the introduction of the current Act.

SAPOL Firearms Branch met with representatives from Consumer and Business Affairs (CBS) to discuss the potential for CBS to prohibit the sale of gel blasters based on the assertion the item was a dangerous toy (velocity of projectile being 120 – 300 feet per second).

CBS advised that there were national standards defining children's toys and CBS assessment was that the devices were not children's toys and did not fit within their remit to order a sale prohibition.

As a result of the latest ballistics advice and the meeting with CBS, SAPOL are currently reviewing and considering potential response options with a view to develop an effective, efficient and balanced strategy of action.

SAPOL have not identified any legislative amendment for progression to remedy gel blasters and associated issues. A consideration may be given to the appropriateness and potential to licence and regulate gel blasters and any similar items, similar to the provisions for paint ball activity. This option requires further research to consider future trends and unintended consequences.

Regulation is problematic as actual determination is based on the merits of each individual item, with some older models potentially still classified a toy and not meeting the threshold definition to be considered a firearm. As such, legislative amendment is very difficult as any provision to cover all variables has potential to then capture a greater range of items and toys.



(Linda Williams)  
DEPUTY COMMISSIONER OF POLICE

12 March 2020

Contact: SAPOL MLO  
Phone: 23822

Recommendation(s)	Minister's Response MLO 0137/20
	<p>Approved / Not Approved / Noted</p>
Comments	<p><b>Hon. Corey Wingard MP</b>  Minister for Police, Emergency Services and  Correctional Services</p> <p>/ / 2020</p>

Official: Sensitive

MINUTES *forming* ENCLOSURE to20POL0094  
ML00137/20

TO: HON MINISTER FOR POLICE, EMERGENCY SERVICES AND  
CORRECTIONAL SERVICES

RE: FIREARMS REGULATION (2017) CHANGE - INCLUSION OF GEL  
BLASTERS

SAPOL has undertaken research into the issues associated with gel blasters. While advice provided on 12 March 2020 detailed that not all models would meet the definition of a firearm, there is now evidence that more often than not, a gel blaster meets the definition of a firearm. As such SAPOL is seeking an amendment to the *Firearms Regulations 2017* (the Regulations) to include gel blasters as a firearm, so as to remove any uncertainty in their classification.

With further analysis of the gel blaster firing mechanism, especially those used in assault rifle type gel blasters, the mechanism was found to be similar to Airsoft, the difference is that it fires a hydrated gel polymer as opposed to hard plastic pellet. Airsoft is a firearm and is specifically identified in the Regulations as a firearm.

Possession of a gel blaster circumvents the restrictions placed on Airsoft, BB guns which are both regulated by the Regulations, as retailers claim gel blasters are toys as they fire a soft projectile (yet they are sold with safety glasses). A gel blaster can easily be mistaken for a real firearm, with potential to cause concern in the community and trigger a police response that could involve the use of police firearms, or other tactical options.

Ballistic examination has identified that gel blasters meet the definition of a firearm, in that the mechanism compresses air to fire a projectile.

**Section 4 Firearms Act:**

*firearm means—*

- (a) *a device designed to fire bullets, shot or other projectiles by means of burning propellant or by means of compressed air or other compressed gas; or*
- (b) *a device of a kind declared by the regulations to be a firearm,*

Gel blasters generally use a spring powered piston, released by the trigger, to create the compressed air which propels the projectile. This is mechanically identical to a wide variety of single shot air rifles and air pistols on the market which are regulated as Category A firearms.

Official: Sensitive



Ballistic examination also identified that gel blasters have evolved as there have been overall improvements to the firing mechanism of gel blasters with the aim of increasing the velocity and rate of fire of the gel blaster. Improvements can be made to gel blasters after market and these include replacing the plastic barrel with a metal barrel, replacing the internal workings (i.e. stronger springs) of the firing mechanism and replacing the battery with a higher voltage battery. The purchase of these parts can be made through retail outlets or online. These parts improve the rate of fire, range and velocity, which increases the risk of injury.

Gel blasters can cause the following injuries: eye injuries, welts and bruises to skin and their use and appearance in criminal activities can cause mental harm and anguish to victims. SAPOL has examples of a service station console operator being shot by a gel blaster, a supermarket employee shot and children being shot while in playgrounds and walking along the footpath. In other examples offenders have posted photographs of themselves on social media posing with gel blasters that look like firearms and in the case of victim related offending this can cause fear and anguish at their directed victims (domestic abuse, targeted religious and minority groups).

#### **Police response to gel blasters**

Since November 2018, Firearms Branch has recorded **155** incidents where police have responded to incidents involving gel blasters. The types of incidents include threatening behaviour and police responding and determining the lawfulness of possession of a gel blaster in public, mistakenly believing it was a real firearm.

Please find attached Appendix A which provides examples of reported incidents where people have been threatened or shot by gel blasters.

#### **Importation of gel blasters**

Australian Border Force advise that for the purposes of importation, gel blasters are currently controlled on importation as imitation firearms under the *Customs (Prohibited Imports) Regulations 1956* and import permission – through the police certification test which is required for all gel blasters entering Australia. The approval form for SAPOL is a B709. As gel blasters are not classified as firearms (or an imitation firearm) in South Australia, SAPOL is not in a position to refuse approval of the permit. Queensland is in a similar position, making these two jurisdictions the only points of entry into Australia, as all other jurisdictions have gel blaster prohibitions.

For the period March 2019 – March 2020 SAPOL's Firearms Branch has processed approvals which resulted in the import of over **29,000** gel blasters.

SAPOL has temporarily suspended the processing of B709s until a position on gel blasters has been finalised, and there are **2,295** gel blasters awaiting approval.

South Australia and Queensland are the only two states that allow the import of gel blasters into Australia. All other states and territories have restricted or banned their importation and sale.

While South Australia and Queensland permit the importation and sale of gel blasters this enables members of the public of those other states and territories to purchase gel blasters online, and cause the same issues in those states as what is experienced here in South Australia.

### **Gel blaster sales and activities in South Australia**

SAPOL is aware of multiple retail outlets in SA selling gel blasters either exclusively or as a component of their business. These businesses are not firearms dealers and as such any change in status will significantly affect these businesses. EXEMPT  
EXEMPT located at EXEMPT sells only gel blasters and accessories. In addition to physical retail outlets there are a large number of internet sites which sell gel blasters.

The EXEMPT EXEMPT is an on-line Facebook community that EXEMPT EXEMPT skirmish. The EXEMPT has over 1700 followers, and organise events at the EXEMPT EXEMPT

### **Regulating gel blasters**

Regulating and classifying gel blasters as firearms would mean that to possess and use a gel blaster a person would require a firearms licence, the licence holder would need to apply for the gel blaster to be registered, and the business that sells the gel blaster would need to be a licenced dealer pursuant to the Firearms Act and Regulations. These requirements would significantly affect retail outlets (some to the point of closure) and also the activities of the EXEMPT which are all based on the use of gel blasters.

The effect of classifying gel blasters as firearms and the adverse impact on businesses that are involved in gel blaster sales needs to be considered against the need to align these items with the Firearms Act and Regulations.

There is a likelihood that gel blaster supporters will be vocal in their objection to any restriction on the sale of gel blasters. Information has been provided to SAPOL, which indicates there has been an increase in gel blaster supporters writing to their local member of parliament. Any proposal to regulate the sale of gel blasters may receive media attention.

While the issue of compensation may be raised by those who sell or have purchased a gel blaster, it should be considered that by including gel blasters as firearms within the Firearms Regulations it is not banning them. Possession and use becomes regulated within the framework of the Firearms Act and Regulations. The regulation of Airsoft firearms evolved in the same way. Airsoft are not banned, they are regulated. Possession of Airsoft firearms is uncommon as those who wish to possess them have been unable to demonstrate a lawful and safe purpose of use.



Regulating gel blasters would be justified due to the dangers gel blasters pose to the community, and as a result any issue of liability becomes to some extent irrelevant, especially when considered in the context of the principles of the Firearms Act relating to public safety.

The majority of gel blasters are modelled on assault rifles. These models usually have the capability of automatic fire. Pursuant to the Firearms Act a gel blaster that has the capability to fire automatically would be classified as a prescribed firearm. Prescribed firearms are strictly regulated as they do not fit within any category of firearm. Prescribed firearms that are registered in South Australia are usually automatic firearms (machineguns) that have historical value and have been deactivated (in that they can't fire ammunition), however are still strictly controlled. Penalties for possession of a prescribed firearm without a licence include a maximum penalty of \$50,000 or 10 years imprisonment, or if a person acquires a prescribed firearm without a permit the maximum penalty is \$75,000 or 15 years imprisonment. This aspect of the Act means that the majority of gel blasters could not be registered in South Australia.

The Registrar does not have the authority to exempt a person or business to deal, manufacture or possess a prescribed firearm. The Firearms Act and Regulations prohibit the dealing in prescribed firearms, and while there are exemptions available relating to the possession of prescribed firearms these should not be exercised for gel blasters. Gel blasters that meet the prescribed category should be as strictly controlled as any other prescribed firearm.

Regulating gel blasters would require those that possess gel blasters to ensure a serial number was marked on the firearm. A unique identifying mark as described in the Firearms Act is required for all firearms and the Act requires the identifying mark to include numbers and letters, stamped or engraved into a part of the metal structure of the firearm, be easily seen, and the characters must be at least 2 millimetres in height and engraved to a depth of 0.5 millimetres. This requirement would create a significant challenge to anyone who wanted to register a gel blaster, as the majority are made of plastic or have interchangeable parts.

If gel blasters are regulated and a person did not want to obtain a firearms licence and apply to register their gel blaster, then they would have the option to surrender the gel blaster to the Registrar pursuant to Section 64 Firearms Act:

**64—General amnesty**

*(1) If a person who has unauthorised possession of a firearm or ammunition, or a firearm part, prohibited firearm accessory, sound moderator or a restricted firearm mechanism, (an **unauthorised item**) brings the unauthorised item to a police station, or to another location approved by the Registrar, and surrenders it to the Registrar, no action is to be taken against the person in respect of any offence relating to the unauthorised possession of the item by that person.*

SAPOL would then collect and destroy the gel blasters. Depending on the number of gel blasters surrendered would determine the impact on police service delivery and cost.



Official: Sensitive

EXEMPT



I understand that your office has already and will likely to continue to receive enquiries in relation to the possession and use of gel blasters. Attached as Appendix B is a suggested draft response to these enquiries.



(Grant Stevens)  
COMMISSIONER OF POLICE

18 May 2020

Contact: SAPOL MLO  
Phone: 23822

Official: Sensitive

Recommendation(s)	Minister's Response MLO 0137/20
	Approved / Not Approved / Noted
<b>Comments</b>	
	<p><b>Hon. Corey Wingard MP</b> Minister for Police, Emergency Services and Correctional Services</p> <p>/ / 2020</p>

25/3/19	SAPOL received reports of a male at an address in <sup>EXEMPT</sup> in possession of a firearm, firing it into premises across from his address. Police searched the house and located a black coloured plastic pistol which fired gel capsules.
7/4/19	Information received suspect was pictured on Facebook in possession of a firearm, which appeared to be an assault rifle. The suspect posted to a Facebook page, intimating <sup>EXEMPT</sup> An investigation was conducted and the firearm transpired to be a gel blaster.
19/4/19	SAPOL received a report of a <sup>EXEMPT</sup> walking through a playground when she saw a stranger by a vehicle, she heard three quick bursts and was struck to the top of <sup>EXEMPT</sup> head once by a projectile fired from what is now believed to be a gel blaster. The incident was captured on CCTV at the playground.
31/5/19	SAPOL received a report of a <sup>EXEMPT</sup> shooting at people and passing cars in <sup>EXEMPT</sup> <sup>EXEMPT</sup> The suspect was located and found to be in possession of a gel blaster.
11/6/19	SAPOL members attended a domestic related incident when the male armed with an assault rifle type gel blaster, confronted police stating <sup>EXEMPT</sup>
21/6/19	SAPOL received a report of a <sup>EXEMPT</sup> in <sup>EXEMPT</sup> being shot at with a gel blaster from a passing vehicle.
29/6/19	SAPOL received a report of three persons with guns at a property - visible to the public. The suspects were located and it was established they had been playing with gel blasters on private property.
18/8/19	SAPOL responded to reports of a <sup>EXEMPT</sup> with a firearm shooting people. The suspect entered a <sup>EXEMPT</sup> and shot <sup>EXEMPT</sup> in neck with gel blaster then attended <sup>EXEMPT</sup> and shot a staff member in the shoulder. Suspect was located nearby in possession of the gel blaster and arrested.
9/10/19	A <sup>EXEMPT</sup> suspect in possession of a knife and a concealed gel blaster was arrested for aggravated robbery. The suspect stated he wanted to <sup>EXEMPT</sup> <sup>EXEMPT</sup>
17/12/19	SAPOL responded to a report of a domestic incident and seized six gel blasters which were used to assault the victim.
19/12/19	SAPOL attended to mental health incident where a <sup>EXEMPT</sup> stated to <sup>EXEMPT</sup> he was going to <sup>EXEMPT</sup> SAPOL seized four Gel Blasters. All examined by ballistics and three found to be firearms as defined by the Act.
17/1/20	Three <sup>EXEMPT</sup> were walking along the footpath when a <sup>EXEMPT</sup> old fired a gel blaster pistol at them. Pellets hit the <sup>EXEMPT</sup> causing minor injuries.
28/1/20	A suspect wanted for serious offences was arrested. Located in his backpack was a gel blaster, two balaclavas and a wig.
3/2/20	A <sup>EXEMPT</sup> suspect <sup>EXEMPT</sup> victim with a firearm and sent the victim a photograph of <sup>EXEMPT</sup> holding a shotgun (gel blaster).



Appendix B

20POLXXXX

Mr XXXXX XXXXX

By email: XXXXXX XXXXX

Dear Mr XXXXXX

Thank you for your correspondence received on XX XXXX 2020, in relation to gel blasters.

I have asked South Australia Police (SAPOL) for advice about this matter.

SAPOL advise gel blasters collectively have evolved over time with the velocity and rate of fire increasing. This evolution of gel blasters has resulted in court and ballistics outcomes that have found gel blasters to be firearms as defined by the *Firearms Act 2017*. The majority of gel blasters compress air to fire a projectile.

The assessment of gel blasters as a firearm supports the need for regulation which is being considered by SAPOL.

SAPOL will undertake consultation with all stakeholders as part of this process.

I trust this information is of assistance.

Yours sincerely

**Hon Corey Wingard MP**  
Minister for Police, Emergency Services and Correctional Services

/ / 2020

## Appendix B

20POLXXXX

Mr XXXXX XXXXX

By email: XXXXX XXXXX

Dear Mr XXXXX

Thank you for your correspondence received on XX XXXX 2020, in relation to gel blasters.

I have asked South Australia Police (SAPOL) for advice about this matter.

SAPOL advise gel blasters collectively have evolved over time with the velocity and rate of fire increasing. Ballistic examination has identified that gel blasters meet the definition of a firearm, in that the mechanism compresses air to fire a projectile.

The assessment of gel blasters as a firearm supports the need for regulation.

I am now considering the advice provided to me in respect to this matter.

I trust this information is of assistance.

Yours sincerely

**Hon Corey Wingard MP**

Minister for Police, Emergency Services and Correctional Services

/ / 2020

Official: Sensitive

MINUTES *forming* ENCLOSURE to20POL0094  
MLO0137/20

TO: HON MINISTER FOR POLICE, EMERGENCY SERVICES AND  
CORRECTIONAL SERVICES

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RE: GEL BLASTERS

I refer to correspondence dated 15 June 2020, from your office in relation to gel blasters.

The following information is provided.

When first introduced to the market gel blasters were viewed by the Australian Border Force as imitation firearms. At that time SAPOL's Firearms Branch viewed them as toys used for play or sporting purposes and provided approval for their import into South Australia via the B709 Customs certification approval process.

The previous determination of Forensic Services Ballistics examiner was that gel blaster firearms should be regarded as children's toys (Regulation 5, Firearm Regulations 2017):

**Certain devices excluded from definition of firearm**

- (1) Pursuant to paragraph (d) of the definition of **firearm** in section 4(1) of the Act, a device designed for the purposes of children's play (a **children's toy**) that fires toy projectiles is declared not to be a firearm.
- (2) For the avoidance of doubt, a children's toy does not include—
  - (a) a device known as, or that is similar to, a BB gun; or
  - (b) a device known as, or that is similar to, an Airsoft gun; or
  - (c) a device that is a regulated imitation firearm.

Since that time some gel blasters have increased velocity and accessories have become available to modify the devices to enable the firing of more solid projectiles in some cases. Some models now have parts that are interchangeable with Airsoft guns.

Due to the evolution of the devices (as to modifications being easily made) and the increase in gel blasters being presented in public, SAPOL's Firearms Branch purchased a gel blaster and requested the Forensic Services Branch senior ballistics expert conduct a full examination and assessment.

Official: Sensitive



This examination determined the device was similar to an Airsoft gun, so therefore was specifically excluded from being a children's toy under the Firearms Regulations and Act and is a prescribed firearm as it features automatic fire.

The following details describe a gel blaster that wasn't being sold 12 months ago. It is an example of their evolution.

Features:

- High density polymer receiver
- Metal M-lok hand guard
- Metal outer barrel and flash hider
- Alloy barrel
- Metal gearbox with metal gears
- Full metal rack piston
- ring cylinder head and O ring nozzle
- 280-290 fps average
- Metal, flip up iron sights

(Linda Williams)  
DEPUTY COMMISSIONER OF POLICE

17 June 2020

Contact: SAPOL MLO  
Phone: 23822

Recommendation(s)	Minister's Response MLO 0137/20
	Approved / Not Approved / Noted
Comments	
	<p><b>Hon. Corey Wingard MP</b> Minister for Police, Emergency Services and Correctional Services</p> <p>/ / 2020</p>