



Your Ref :
Our Ref: 23-0448
Enquiry:
Telephone: 7322 3347
Facsimile: 7322 4180

6(1)

Email: [REDACTED]

Dear Mr [REDACTED]

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:

"1. The number of incidents where Gel Blasters have been involved since regulation has come into effect dated 8th October 2020 What were the accompanying charges? How many charges were laid in relation to them? What are the details of each incident? (personal details not required)

2. a) Copy of the scientific method conducted by the SAPOL ballisticsian that was used to determine that Gel Blasters utilize compress air to fire. b) Copy of the resulting findings

3. The number of Gel Blasters surrendered by the Public to SAPOL since 8th October 2020 to 25th August 2022."

On 1 September 2022, I advised you by letter that as per Section 18 (1) of the FOI Act, SAPOL was unable to process your request and we needed to clarify and narrow the scope of your request.

On 5 September 2002 by email you modified the scope of your request to the following:

1. a) Copy of the original method and methodology conducted by the SAPOL ballisticsian and that was used to determine that Gel Blasters utilize compressed air to fire and thus meet the definition of a firearm as defined under the Firearms Act 2015



(the Act).

b) Copy of the original resulting findings

2. Number of Gel Blasters surrendered since 8th October 2020

3. Copy of the original approach, method and stakeholder consultation, including number and persons and organisations/businesses that led to the amendment of the Act

4. Copy of the internal SAPOL review and final report that was undertaken in 2019/20 including consultation process and communications and engagement plan prior to the 8th October 2020 regulation

South Australia Police (SAPOL) advised you that parts 3 and 4 of your revised scope was not in your original request, however in a bid to assist you, SAPOL has agreed to include these into this modified request.

In relation to this part of your request:

“...2. Number of Gel Blasters surrendered since 8th October 2020...”

SAPOL advises that a six month amnesty specifically for gel blaster firearms was in effect between 8 October 2020 and 7 April 2021 during which 3,882 gel blaster firearms were surrendered.

During the 2021/2022 financial year (as at 24 May 2022), 373 gel blaster firearms have been surrendered under general amnesty provisions.

In relation to these parts of your request:

“1. a) Copy of the original method and methodology conducted by the SAPOL ballisticsian and that was used to determine that Gel Blasters utilize compressed air to fire and thus meet the definition of a firearm as defined under the Firearms Act 2015 (the Act).
b) Copy of the original resulting findings...”

3. Copy of the original approach, method and stakeholder consultation, including number and persons and organisations/businesses that led to the amendment of the Act

4. Copy of the internal SAPOL review and final report that was undertaken in 2019/20 including consultation process and communications and engagement plan prior to the 8th October 2020 regulation.”

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.

SA POLICE - FREEDOM OF INFORMATION UNIT SCHEDULE				
No.	Document Description	Status	Act	Reason
1	Gel Blaster Letter of Advice	Full Release		
2	Forensic Response Worksheet – Firearm examination template	Full Release		
3	Commissioners Briefing Paper – “Gel blasters classified as firearms” dated 4 August 2020	Part Release	6 (1) 10 (1)	A portion of the redacted text is the personal affairs of a party other than Mr [REDACTED]. The information relates to the name of a third party. I am of the view that disclosure of such information is unreasonable given the need to protect the person’s privacy and personal information. A portion of the redacted text is correspondence between SAPOL and Solicitor. The text is exempt as is it contains matter that would be privileged from production in legal proceedings on the grounds of legal professional privilege.
3a	Police report and Affidavit - Appendix A	Part Release	6 (1)	The redacted text is the personal affairs of a party other than Mr [REDACTED]. The information relates to details such as names, signatures and other identifying information. I am of the view that disclosure of such information is unreasonable given the need to protect their privacy and personal information.
3b	New South Wales Police Force Ballistic report Appendix B	Part Release	6 (1)	The redacted text is the personal affairs of a party other than Mr [REDACTED]. The information relates to details such as names, signatures, private telephone numbers and other identifying information. I am of the view, in all of the circumstances, that disclosure of such information is unreasonable.
3c	Australian Federal Police - Ballistic report Appendix C	Part Release	6 (1)	The redacted text is the personal affairs of third parties other than Mr [REDACTED]. The information relates to details such as names, phone number and signatures. I am of the view that disclosure of such information is unreasonable

SA POLICE - FREEDOM OF INFORMATION UNIT SCHEDULE				
No.	Document Description	Status	Act	Reason
				given the need to protect their privacy and personal information.
3d	Tasmania Police Force Ballistic report Appendix D	Part Release	6 (1)	The redacted text is the personal affairs of third parties other than Mr [REDACTED]. I am of the view that disclosure of such information is unreasonable given the need to protect their privacy and personal information.
3e	Victoria Police Force Ballistic report Appendix E	Part Release	6 (1)	The redacted text is the personal affairs of third parties other than Mr [REDACTED]. The information relates to details such as names, and signatures. I am of the view that disclosure of such information is unreasonable given the need to protect their privacy and personal information.
3f	Legal Advice from Crown Solicitors Office Appendix F	Refuse access	10 (1)	This document is correspondence between SAPOL and Solicitor. The document is exempt as it contains matter that would be privileged from production in legal proceedings on the grounds of legal professional privilege.
3g	List of known retail outlets for gel blasters Appendix G	Refuse access	9(1)(a) 9(1)(b)	This document contains opinion, and advice and recommendation associated with the decision making functions of South Australia Police, specifically with respect to intelligence gathering activities. I have formed the view that, in all of the circumstances, disclosure of such information would, on balance, be contrary to the public interest.
4	Gel Blasters – Communication Strategy – September 2020	Part Release	6 (1)	The redacted text is the personal telephone number of a party other than Mr [REDACTED]. I am of the view that disclosure of such information is unreasonable given the need to protect the person's privacy and personal information.

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 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 the public interest".

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.

In relation to the second part of number 3 of your request, I am advised by Firearms Branch that at least 14 businesses, associations and representative bodies were consulted, however there were other businesses and individuals who also made enquires with Firearms Branch. All enquirers were provided with the same advice contained in the letter, downloaded the advice from the website; the exact number is not known.

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
Officer in Charge
Freedom of Information Unit
(Accredited Freedom of Information Officer)

28 September 2022

Dear

On 8 October 2020, the Registrar of Firearms declared gel blaster firearms to be Regulated Imitation Firearms pursuant to the *Firearms Regulations 2017*. Gel blasters are treated as firearms (category A) in the same manner as paint-ball firearms.

Since the declaration, the Registrar has noted significant interest from members of the public who wish to engage in gel blaster skirmish activities. It is now proposed to reflect the declaration in the Firearm Regulations (2017) with amendments to align gel blasters with paint-ball firearms requirements.

How this affects you:

The Registrar of Firearms is now undertaking consultation with regards to the proposed changes to the *Firearms Regulations 2017*. The changes align gel blasters with all paint-ball regulations and provide certainty for the industry on how these firearms are treated. For those who have obtained Firearms Licences to possess gel blaster firearms, operate venues for gel blaster skirmish activities or deal in gel blaster firearms the regulatory changes will not impact you.

The following Regulations require amendment:

Regulation 3 (Interpretation) – *defines the meaning of names used in the Regulations and guides the interpretations of these items. A definition of a gel ball is necessary to ensure the items are clear for the addition of an exclusion of a gel ball from the definition of ammunition.*

Regulation 4 (Certain devices declared to be firearms) – *To declare and describe a gel blaster is a firearm and to include gel balls as a projectile in items that can be fired from a regulated imitation firearm.*

Regulation 5(2) (Certain devices excluded from definition of firearm) - *To confirm that a gel blaster is not a children's toy.*

Regulation 7 (Prescribed Firearms) - *To permit gel blasters and paint-ball to fit within the legislation at a particular size or length.*

Regulation 8 (Firearms not within definition of handgun) - *To permit gel blasters of a certain size to not be defined as a handgun, consistent with the current definition of paint-ball firearm. This amendment will enable a broader range of gel blasters firearms and paint-ball firearms that can be used in skirmish activities.*

In addition, it is proposed that all Firearms Regulations be amended so as to effectively replace every reference to “paint-ball” with “paint-ball and gel blaster” so that gel blaster firearms will be dealt with in the same manner as paint-ball firearms.

Further information about the proposed amendments can be obtained from SAPOL internet site www.police.sa.gov.au/servicesandevents/firearmsandweapons or telephone SAPOL's Firearms Branch on telephone 7322 3346.

Please provide your feedback to Firearms Branch in writing to SAPOL.Firearmsbranch@police.sa.gov.au by (two weeks from date of sending out)

Yours sincerely



FORENSIC RESPONSE WORKSHEET FIREARM EXAMINATION(1)



Government
of South Australia

Doc 2

Forensic Register No.: FR	Date: _____	Page: _____
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Forensic Officer: _____	ID No: _____
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EXHIBIT NUMBER:	_____
PACKAGING:	_____
DNA / FINGERPRINT:	<input type="checkbox"/> Done <input type="checkbox"/> Not Required <input type="checkbox"/> Other (see below)
BLOOD / TRACE EVIDENCE:	_____ _____ _____

MAKE:	_____
MODEL:	_____
CALIBRE/GAUGE	_____
FIREARM TYPE:	_____
SERIAL NO. & LOCATION(s)	_____ _____ _____ _____
ACTION:	<input type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Cocked <input type="checkbox"/> Uncocked <input type="checkbox"/> Unknown
SAFETY CATCH:	<input type="checkbox"/> On <input type="checkbox"/> Off <input type="checkbox"/> No Safety _____
CHAMBER LOADED WITH:	_____ _____
BORE:	<input type="checkbox"/> Clean <input type="checkbox"/> Dirty <input type="checkbox"/> Dust <input type="checkbox"/> Rust Rifling: _____ <input type="checkbox"/> Streaks <input type="checkbox"/> Propellant
MAGAZINE or CYLINDER:	_____
(Type, Capacity and Contents)	_____ _____ _____
REVOLVER FLARE MARKS:	_____ _____
CYLINDER ROTATION:	<input type="checkbox"/> Clockwise <input type="checkbox"/> Anticlockwise
DAMAGE/CONDITION/FINISH:	_____ _____ _____
SIGHTS (Type/Setting):	_____
SLING (Type):	_____

Corroborated By: _____	Date: _____
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FORENSIC RESPONSE WORKSHEET FIREARM EXAMINATION(2)



Government
of South Australia

Forensic Register No.: FR	Date: _____	Page: _____
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Forensic Officer: _____	ID No: _____
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DIMENSIONS	MASS (Loaded): _____	<input type="checkbox"/> Checked zero before & after	<input type="checkbox"/> DTC
	MASS (Unloaded): _____	<input type="checkbox"/> Checked zero before & after	<input type="checkbox"/> DTC
	Muzzle to Trigger _____		<input type="checkbox"/> DTC
	Barrel Length _____		<input type="checkbox"/> DTC
	Overall Length _____		<input type="checkbox"/> DTC
	Length Modifications _____		
SAFETY CATCH (Type / Function) _____			
Safety Functions Correctly: <input type="checkbox"/> Yes <input type="checkbox"/> No _____			
Applies with Action Open: <input type="checkbox"/> Yes <input type="checkbox"/> No _____			
Applies with Action Closed and Cocked: <input type="checkbox"/> Yes <input type="checkbox"/> No _____			
Applies with Action Closed and Uncocked: <input type="checkbox"/> Yes <input type="checkbox"/> No _____			
Action Opens with Safety On: <input type="checkbox"/> Yes <input type="checkbox"/> No _____			
Discharge by Safety Manipulation: <input type="checkbox"/> Yes <input type="checkbox"/> No _____			

SAFETY TESTS	Drop Test: <input type="checkbox"/> Pass <input type="checkbox"/> Fail	_____
	Strike Test: <input type="checkbox"/> Pass <input type="checkbox"/> Fail	_____
	Hammer Flick: <input type="checkbox"/> Pass <input type="checkbox"/> Fail	_____
	Trigger Guard: <input type="checkbox"/> Pass <input type="checkbox"/> Fail	_____
	Cocking Piece or Hammer Push off: <input type="checkbox"/> Pass <input type="checkbox"/> Fail	_____
	Blow to Uncocked Cocking Piece or Hammer: <input type="checkbox"/> Pass <input type="checkbox"/> Fail	_____
	Discharge by Forward or Lateral Trigger Movement: <input type="checkbox"/> Pass <input type="checkbox"/> Fail	_____
TRIGGER PRESSURES	Single Action: _____	Double Action: _____ <input type="checkbox"/> Suspended Weights <input type="checkbox"/> DTC
	Front Trigger: _____	Rear Trigger: _____ <input type="checkbox"/> Other _____

TEST FIRE	<input type="checkbox"/> Feed	<input type="checkbox"/> Fire	<input type="checkbox"/> Extract	<input type="checkbox"/> Eject	<input type="checkbox"/> Test-fires collected for IBIS

FIREARM CATEGORY	<input type="checkbox"/> A	<input type="checkbox"/> B	<input type="checkbox"/> C	<input type="checkbox"/> D	<input type="checkbox"/> H
	<input type="checkbox"/> Prescribed	<input type="checkbox"/> Regulation Imitation	<input type="checkbox"/> Antique	<input type="checkbox"/> Exempt	<input type="checkbox"/> Not a Firearm

Corroborated By: _____	Date: _____
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FORENSIC RESPONSE WORKSHEET FIREARM EXAMINATION(3)



Forensic Register No.: FR	Date: _____	Page: _____
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Forensic Officer: _____	ID No: _____
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NUMBER RECOVERY

Method of Erasure ☐ File or Grind ☐ Mill ☐ Overstamp ☐ Overweld ☐ Other

Treatments Applied _____

Number(s) Recovered _____

Number Confirmed by: _____

Corroborated By: _____ Date: _____

OFFICER IN CHARGE
FIREARMS BRANCH

Via

OFFICER IN CHARGE
FORENSIC RESPONSE SECTION

SUBJECT: Gel blaster firearms.

REFERENCE:

1. SAPOL Firearms Branch have obtained an example of a gel-blaster firearm and submitted this to Forensic Response Section for assessment against the Firearms Act 2015 and Firearms Regulations 2017. The purpose of this assessment is to determine if the article falls within the definition of a toy firearm.
2. The article is designed to simulate the size and appearance of an M4 / M16 - style automatic rifle. An initial assessment of this matter was described in an earlier report (dated 04/07/2019) wherein a preliminary opinion was provided that the item was a toy firearm (Regulation 5, Firearms Regulations, 2017). The firearm was then returned to Firearms Branch for display to other interested parties, and was returned to FRS for a more detailed assessment in November, 2019.
3. At the time of my initial report the firearm had not been dismantled to allow inspection of the internal mechanism. This has now occurred and my findings are as follows:
4. The firearm is a battery powered firearm designed to discharge 7mm gel pellets. These pellets start as small plastic beads which are expanded to 7mm diameter by absorption of water – the expanded gel pellets weigh approximately 191 mg (2.94 grains). Pellets are loaded into a detachable magazine and are fed into the firearm mechanism by a battery powered feeding motor.
5. The firearm is fitted with a three-position fire selector, having positions marked as "Safe" "Semi" and "Auto." This selector enabled the shooter to discharge pellets in either self-loading (i.e. semi-automatic) or continuously in automatic mode – the mechanism was found to be effective and functional when examined.
6. A steel piston body was fitted which contained a spring-loaded piston. The front of the piston body was fitted with a spur which would reciprocate to feed a pellet from the feeding mechanism into the chamber. This spur was itself fitted with a rubber ring which would seal against the rear of the chamber – when the piston was released it would compress a quantity of air and force this through the spur into the chamber of the barrel – this compressed air is the propulsive force used to discharge a gel pellet out of the barrel.
7. The internal mechanism was driven by an electric motor contained within the pistol grip. This activated a three-gear mechanism inside a plastic housing

contained in the lower receiver. Pulling the trigger would cause the gear mechanism to retract the piston against spring pressure, reciprocate the loading mechanism, and then release the piston to propel the loaded pellet.


8. The barrel of the firearm was made from a thin-walled metal tube (7.31 mm internal diameter). The firearm was substantially constructed from various plastic parts, except for assembly screws, springs, and the barrel.
9. No malfunction was identified when the firearm was discharged in either semi-automatic or automatic fire modes. The average velocity of a quantity of pellets discharged ($n=12$) from this firearm was found to be 131.5 ± 29.4 feet per second (40.0 ± 8.9 m/s) within a range of 108 to 160 fps (32.9 to 48.8 m/s). In 2019 a published medical report¹ detailed eye injuries sustained by people struck by gel-blaster firearms however this report did not detail the muzzle velocity of firearms used in those matters.
10. The spring powered piston communicating through a gas-sealed spur into the chamber is mechanistically very similar to other firearms commonly known as airsoft firearms. Such firearms have been examined by the undersigned and other examiners at FRS – while most of these are manually operated, electrically powered variants have also been examined (e.g. FR288708). It is unlikely that parts from different manufacturers are interchangeable between different makes of airsoft or gel-blaster firearms.
11. Whereas my preliminary findings were that this item should be regarded as a toy firearm (Regulation 5(1), Firearms Regulations 2017), this further examination has led me to form the opinion that the internal mechanism is substantially similar to that of an air-soft firearm, and that it should be therefore excluded from the definition of a toy firearm (see Reg 5(2)(b)).
12. On the basis that this firearm discharges a projectile (gel pellet) by means of compressed air it is a firearm as defined by the Firearms Act, 2015. The fact that it is an automatic firearm means that it is a Prescribed Firearm (Section 5(1)(f)(i), Firearms Act, 2015).
13. There is no industry or other standard definition of what constitutes an airsoft firearm known to me. As an airsoft firearm uses an internal piston to discharge a projectile by means of compressed air it meets the base definition of a firearm (airgun). Features which are common to airsoft firearms examined by me, which are not present on other airguns (e.g. air rifles commonly regulated as either Category A or H firearms) are:
 - a. The predominate use of plastic for functional components, including the receiver, piston, piston housing, gas seals and conduit channels.
 - b. The minimal use of metal components except for springs, assembly pins and screws.
 - c. Smooth bore barrels designed to discharge spherical non-metallic projectiles, but is not designed to discharge paintball or other marking projectiles.

¹ Hayes, R. and Dal, S., 2019, Occular injuries from gel blasters: not just a harmless toy, *BMJ Case Reports*, 2019, 12: e229629.

14. Irrespective of the appearance of the firearm, the operating mechanism of an airsoft firearm may be manual (the shooter pulls back on some feature to compress the internal spring piston, thereby cocking the firearm), or battery powered incorporating an electric motor and gearbox mechanism.
15. Whereas in the past gel blasters that have been examined at FRS may have been concluded to be toy firearms (i.e. by not being sufficiently similar to Airsoft firearms), this matter highlights that due to the variety of gel blaster technology on the market today each item needs to be considered on its own merits.

b(1)



B/Sgt 
Forensic Response Section
10 December, 2019

OFFICER IN CHARGE
FORENSIC SERVICES BRANCH

Via

OFFICER IN CHARGE
FORENSIC RESPONSE SECTION

SUBJECT: Gel blaster firearms.

REFERENCE:

1. SAPOL Firearms Branch have obtained an example of a gel-blaster firearm and submitted this to Forensic Response Section for assessment against the Firearms Act 2015 and Firearms Regulations 2017. The purpose of this assessment is to determine if the article falls within the definition of a toy firearm.
2. A full assessment of this article has not yet been made. The following should be considered to be preliminary findings only.
3. The article is designed to simulate the size and appearance of an M16 automatic rifle. It is substantially constructed from black plastic. A rechargeable battery is installed which operated an internal mechanism that is designed to feed gel pellets into the chamber and subsequently propel those pellets by means of an internal piston - the piston generates compressed air which is the propulsive force to discharge the pellets out of the barrel. The ammunition used for this firearm consists of 7mm diameter gel pellets, soft to touch and easily broken by weak pressure. The mechanism allows this to be fired in either self-loading or fully automatic modes.
4. Mechanistically, this is similar to other firearm mechanisms commonly known as airsoft firearms. However, airsoft pellets are smaller in diameter and, when tested, did not feed reliably into the mechanism, and were propelled with very minor force for a distance of only two metres.
5. During my initial examinations, I have not observed any feature which would enable the gel blaster firearm to be converted to fire live ammunition. As stated above, it is constructed substantially of weak plastic and would require more than a reasonable application of effort and skill to convert.
6. My preliminary opinion is that this article should be regarded as a toy firearm as defined by the Firearms Regulations, 2017.


B/Sgt 
Forensic Response Section
04 July, 2019



FORENSIC RESPONSE SECTION
(Ballistics Section)
Level 6, 21 Divett Place,
ADELAIDE

Telephone (08) 817-25220

STATEMENT COVER SHEET

Name:

[REDACTED]

Rank / Number:

Brevet Sergeant

[REDACTED]

Leave Periods:

[REDACTED]

Case File Number:

FR 308745

Principal Investigator:

[REDACTED]

Accused:

[REDACTED]

AP:

19/E56701

File includes:

12 x page Affidavit
19 x pages of notes
43 x photographs (0 supplied)



AFFIDAVIT

IN THE MAGISTRATES COURT
OF SOUTH AUSTRALIA AT

BETWEEN
POLICE
(NAME OF INFORMANT)
AND
[REDACTED]
(DEFENDANT/S)

I, [REDACTED] of ADELAIDE, in the State of South Australia, make oath and say as follows:

I am a Brevet sergeant of Police ID No. [REDACTED] stationed at Forensic Response Section. I
commenced this statement on Tuesday the 23rd day of October, 2018.

FORENSIC BALLISTICS REPORT

Case File: FR 308745
LOCATION: [REDACTED]
DATE: 4th September 2018
ACCUSED: [REDACTED]
AP: 19/E56701

Deponent's Signature: [REDACTED]

Date: 25th October 2018

Witnessed By: [REDACTED]

(Signature of person before whom affidavit sworn)

* Strike out whichever is inapplicable

Continuance of AFFIDAVIT of: [REDACTED]

FR: 308745

QUALIFICATIONS

1. I am Brevet Sergeant number [REDACTED] stationed at the South Australian Police Forensic Response Section.
2. I have been a member of the South Australia Police Service since September 1977. From 2001 until August 2009 I was attached to the Adelaide Crime Scene, Investigation Unit, Adelaide Local Service Area. I have been attached to the Forensic Response Section, Divett Place, ADELAIDE, since that time.
3. In December 2000 I completed a full time Crime Scene Investigators Course. My training and duties include the examination, photographing, fingerprinting, recording and interpretation of scenes and objects associated with crimes, as well as the collection, preservation and at times, the examination of physical evidence from such scenes.
4. I have received training from senior members of the Forensic Services Branch and from members of other Government Departments and Laboratories. I have regularly attended at Crime Scene related training venues as a participant.
5. I have satisfactorily completed a Forensic Procedures Sample Collection Course approved by the Attorney General.

Deponent's Signature: [REDACTED]

Date: 25th October 2018

Witnessed By: [REDACTED]

(Signature of person before whom affidavit sworn)

* Strike out whichever is inapplicable

Continuance of AFFIDAVIT of: [REDACTED] FR: 308745

6. In 2005 I successfully completed a Certificate IV in Crime Scene Investigation through the Canberra Institute of Technology.
7. Since 2001 I have processed numerous crime scenes and have been involved in a wide range of investigations relating to physical evidence. I have presented evidence, of my findings, relating to my work, to Magistrates, District and Supreme Courts of South Australia.
8. In 2009 I successfully completed the SAPOL Level 1 Forensic Firearms Examination Course.
9. In August 2012 and July 2016, I completed training in relation to the use and operation of the Brasstrax and Bulletrax systems relating to various types of firearm ammunition.
10. Part of my daily duties includes the identification of firearms and ammunition, identification of firearm components, examination and testing of firearms and ammunition and serial number restorations.
11. I hold Armourers qualifications for the 'Smith & Wesson' Model M & P self-loading .40 calibre pistol (2012 & 2017).
12. I hold Armourers qualifications for the 'Heckler & Koch' Model MP5 9mm sub machine gun and HK69 40mm grenade launcher (2018).

Deponent's Signature

Date: 25th October 2018

Witnessed By:

(Signature of person before whom affidavit sworn)

* Strike out whichever is inapplicable

Continuance of AFFIDAVIT of: [REDACTED] FR: 308745

13. I complete annual proficiency tests in the areas of Crime Scene Investigation (After the Fact).
14. I have access to and regularly review professional journals which include the AFTE (Association of Firearm and Tool mark Examiners) Journal.
15. The South Australia Police Forensic Response Section is an accredited laboratory for Firearm Examination and Identification, Marks Comparison and Scene Identification, by the National Association of Testing Authorities, Australia (NATA), NATA is recognized by the Commonwealth Government as the sole national accreditation body for establishing and maintaining competent laboratory practice. Accreditation requires adherence to an approved quality assurance system and participation in an external testing program. Accreditation number [REDACTED]

Deponent's Signature

Date: 25th October 2018

Witnessed By:

(Signature of person before whom affidavit sworn)

* Strike out whichever is inapplicable

Continuance of AFFIDAVIT of: [REDACTED]

FR: 308745

RECEIPT OF EXHIBITS

16. On the 16th of October 2018 the following items were received at the Forensic Response Section Ballistics Laboratory. At the time of receipt the exhibits were in sealed packaging [REDACTED] and placed in the Forensic Response Section (Ballistics) secure exhibit room.

Item Marked "19/A97943-8"

'Umarex' air soft pistol.

Item Marked "19/A97943-23"

Air soft pellets.

Item Marked "19/A97943-30"

'JM' automatic gel pellet rifle.

Item Marked "19/A97943-62"

'Tokyo Marui' air soft pistol.

EXAMINATION OF EXHIBITS

17. On the 19th of October 2018 I commenced examining the items.

Deponent's Signature: [REDACTED]

Date: 25th October 2018

Witnessed By: [REDACTED]

(Signature of person before whom affidavit sworn)

* Strike out whichever is inapplicable

Continuance of AFFIDAVIT of: [REDACTED]

FR: 308745

Item "19/A97943-8"

'Umarex' air soft pistol:

18. This item was a 'Umarex' Model HK P30 airsoft pistol, designed to fire 6mm plastic airsoft pellets by means of a battery powered compressed air piston. The receiver and slide were of moulded black plastic construction and it had black plastic grips. The barrel was unrifled. It is broadly similar in appearance to a 'Heckler & Koch' P-30 self-loading pistol.
19. The number 11E0774 was marked on the right side of the receiver and the number 129-000414 was marked on a plate attached on the underside of the receiver.
20. It was provided with a detachable box magazine that had a capacity of sixteen (16) 6mm airsoft pellets. An orange plastic fitting was attached at the muzzle end.
21. The 'Umarex' air soft pistol had an overall length of 226mm and a barrel length of 92mm. It weighed 0.28 kg unloaded.
22. I subjected it to a series of safety tests. I found that the airsoft pistol would not discharge when subjected to bumps and knocks as would be expected to be encountered during rough handling.

Deponent's Signature: [REDACTED]

Date: 25th October 2018

Witnessed By: [REDACTED]

(Signature of person before whom affidavit sworn)

* Strike out whichever is inapplicable

Continuance of AFFIDAVIT of: [REDACTED] FR: 308745

23. It would not discharge with forward or lateral movement of the trigger. It was fitted with an effective trigger guard. It was fitted with an effective safety mechanism. The trigger would support a maximum weight of less than 0.5 kg before it would discharge.
24. I test fired the 'Umarex' airsoft pistol. I found that although the batteries had charge, it would not fire a 6mm air soft pellet nor would the slide move rearwards and forwards as designed.
25. From the above examination, I found that the 'Umarex' airsoft pistol item "19/A97943-8" fits the description of a firearm as defined by Section 4 of the Firearms Act, 2015, as it is designed to fire a projectile by means of compressed air from a battery powered piston.
26. Because it is an actual firearm it is therefore excluded from the definition of an imitation firearm (Regulation 4, Firearms Regulations, 2017). Item "19/A97943-8" is a Category H firearm (Section 5, Firearms Act, 2015) as it has a barrel length less than 400 mm (92mm), is designed to be aimed and fired by the hand and is easily concealable because of its size.

Deponent's Signature: [REDACTED]

Date: 26th October 2018

Witnessed By: [REDACTED]

(Signature of person before whom affidavit sworn)

* Strike out whichever is inapplicable

Continuance of AFFIDAVIT of: [REDACTED] FR: 308745

Item "19/A97943-23" Air soft pellets:

27. This item consisted of a sealed tamper evident bag marked ACW-22 that contained fifteen (15) beige 6mm plastic air soft pellets.
28. These air soft pellets were suitable for use with in items "19/A97943-8" and "19/A97943-62".

Item "19/A92523-30" 'JM' gel pellet rifle:

29. This item was a 'JM' Model M4A1 automatic water gel rifle, designed to fire 8mm water gel pellets by means of compressed air from a battery powered piston. It was in excellent condition and was constructed of moulded black plastic. It broadly resembled a 'Colt' AR-15 assault rifle in appearance.
30. As received, it was disassembled into a number of components. I reassembled the item. An optical sight was included, that was missing the securing screw and could not be attached. A 'Trijicon' optical sight was also provided and I found that this could be attached to the upper rail of the receiver.
31. The receiver consisted of a left and right half, secured together from the right side with small Phillips head screws. It was not marked with a serial number.

Deponent's Signature: [REDACTED]

Date: 25th October 2018

Witnessed By: [REDACTED]

(Signature of person before whom affidavit sworn)

* Strike out whichever is inapplicable

Continuance of AFFIDAVIT of: [REDACTED]

FR: 308745

32. It was provided with a detachable black plastic box magazine that had a capacity of three-hundred (300) water gel pellets.
33. The 'JM' water gel rifle was fitted with a collapsible stock. It had an overall length of 713mm with the stock collapsed and an overall length of 807mm with the stock extended. It had barrel length of 273mm. It weighed 1.48 kg unloaded.
34. I subjected it to a series of safety tests. I found that the 'JM' gel pellet rifle would not discharge when subjected to bumps and knocks as would be expected to be encountered during rough handling.
35. It would not discharge with forward or lateral movement of the trigger. It was fitted with an effective trigger guard. It was fitted with an effective safety mechanism.
36. The trigger would support a maximum weight of between 1.0kg and 1.1kg before it would discharge.
37. I test fired the 'JM' gel pellet rifle using gel pellets from the Ballistics reference collection. It was fitted with a select lever that could be used to select either semi-automatic or automatic mode. I found it fired in automatic mode regardless of the selector position.

Deponent's Signature: [REDACTED]

Date: 25th October 2018

Witnessed By: [REDACTED]

(Signature of person before whom affidavit sworn)

* Strike out whichever is inapplicable

Continuance of AFFIDAVIT of: [REDACTED]

FR: 308745

38. From the above examination, I found that the 'JM' brand airsoft gel pellet rifle item "19/A97943-30" fits the description of a firearm as defined by Section 4 of the Firearms Act, 2015, as it is designed to fire a projectile by means of compressed air from a battery powered piston.
39. Furthermore it fits the description of a Prescribed Firearm as described by the Firearms Regulations, 2017, being a fully automatic firearm.

Item "19/A97943-62"

'Tokyo Marui' air soft pistol:

40. This item was a 'Tokyo Marui' Glock 17 airsoft pistol, designed to fire 6mm plastic airsoft pellets by means of a spring powered compressed air piston. The receiver and slide were of moulded black plastic construction and it had black plastic grips. The barrel was unrifled. It was broadly similar in appearance to a 'Glock' Model 17 self-loading pistol.
41. The number MG3129 was marked on the right side of the slide in two locations. This number is likely not unique to this item.

Deponent's Signature: [REDACTED]

Date: 25th October 2018

Witnessed By: [REDACTED]

(Signature of person before whom affidavit sworn)

* Strike out whichever is inapplicable

Continuance of AFFIDAVIT of: [REDACTED] FR: 308745

42. It was provided with a detachable box magazine that had a capacity of twenty-five (25) 6mm airsoft pellets.
43. The 'Tokyo Marui' air soft pistol had an overall length of 232mm and a barrel length of 102mm. It weighed 0.36 kg unloaded.
44. I subjected it to a series of safety tests. I found that the airsoft pistol would not discharge when subjected to bumps and knocks as would be expected to be encountered during rough handling.
45. It would not discharge with forward or lateral movement of the trigger. It was fitted with an effective trigger guard. It was not fitted with an effective safety mechanism. The trigger would support a maximum weight of between 1.7 kg and 1.8kg before it would discharge.
46. I test fired the 'Tokyo Marui' air soft pistol using 6mm air soft pellets from the Ballistics reference collection and found that it functioned correctly.
47. From the above examination, I found that the 'Tokyo Marui' airsoft pistol item "19/A97943-62" fits the description of a firearm as defined by Section 4 of the Firearms Act, 2015, as it is designed to fire a projectile by means of a spring powered compressed air piston.

Deponent's Signature

Date: 25th October 2018

Witnessed By:

(Signature of person before whom affidavit sworn)

* Strike out whichever is inapplicable

Continuance of AFFIDAVIT of: [REDACTED] FR: 308745

48. Because it is an actual firearm it is therefore excluded from the definition of an imitation firearm (Regulation 4, Firearms Regulations, 2017). Item "19/A97943-62" is a Category H firearm (Section 5, Firearms Act, 2015) as it has a barrel length less than 400 mm (102mm), is designed to be aimed and fired by the hand and is easily concealable because of its size.

49. At the conclusion of my examinations, I re-packaged and returned the exhibits to the Forensic Response (Ballistics) exhibit room.

☒ SWORN AT / ☐ AFFIRMED AND DECLARED AT ADELAIDE

by the above named deponent, this 25th day of October 20 18

^{B(1)}

[REDACTED]

(SIGNATURE OF DEPONENT)

Before me:

^{B(1)}
[REDACTED]
(Signature of person before whom affidavit sworn)

☒ Proclaimed Police Officer ☐ Justice of the Peace

☐ Other: (Specify) _____

* Select or strike out whichever is inapplicable

[REDACTED] [REDACTED] FORENSIC RESPONSE SECTION
(Name) (ID / Signing ID) (Station / Suburb)

Sensitive: Law Enforcement

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21 July 2020



NSW POLICE FORCE
FORENSIC BALLISTICS INVESTIGATION SECTION

Level 5, Sydney Police Centre
151-241 Goulburn Street,
Surry Hills, NSW, 2010
Tel: (02) 8(1)
Fax: (02) 92654622



EXPERT CERTIFICATE
Pursuant to Section 177, Evidence Act 1995 No. 25

In the matter of: J2020/754 – SAPOL Advice
Date: 21 July 2020

Name: 8(1)
Occupation: Senior Constable – Forensic Firearm Examiner

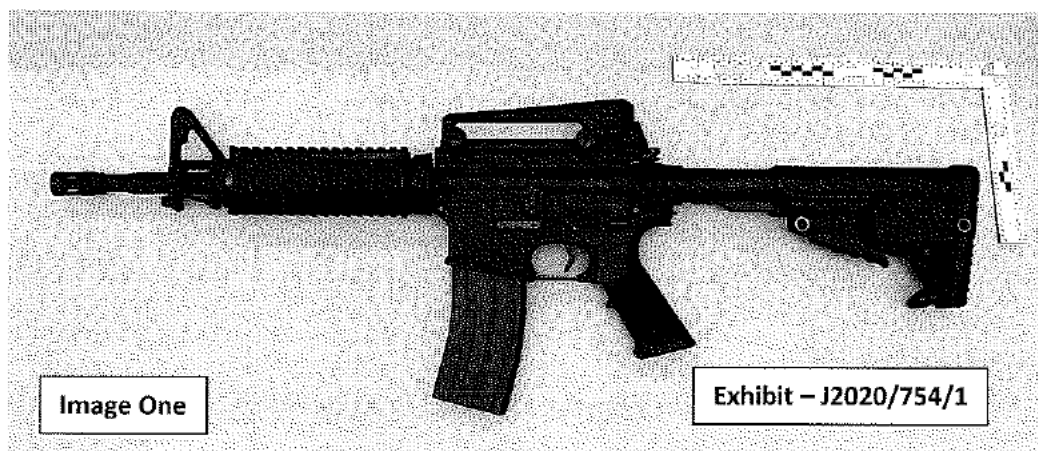
- (1) I acknowledge that:
- I have read the Expert Witness Code of Conduct in Schedule 7 of the NSW Uniform Civil Procedure Rules, 2005, and
 - I agree to be bound by the Code, and
 - I have made all inquiries that I believe are desirable and appropriate, and that no matters of significance which I regard to be relevant have, to my knowledge, been withheld from the court.
- (2) I am a Forensic Firearms Examiner. I have specialised knowledge based on my training, experience and study of Forensic Ballistics. Refer to Annexure A for a summary of my qualifications and experience and Annexure B for a glossary of terms.
- (3) All opinions expressed in the body of this Certificate are based wholly or substantially on my specialised knowledge.

Matter of: SAPOL Advice	J2020/754	Signature: 8(1)
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Sensitive: Law Enforcement

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- (4) On 21 July 2020, the following exhibit was received at the Forensic Ballistics Investigation Section:
- (4a) One UNKNOWN manufacture battery operated gel ball air gun, nil serial number, (J2020/754/1), Ex.....
{Received partially disassembled. Received with safety glasses, charging cable and instructions sheet – Not further examiend}



- (4b) One clear plastic container of hydrated gel pellets, (J2020/754/2), Ex.....
- (4c) Two packets of dehydrated gel pellets, (J2020/754/3), Ex.....
- (5) An examination of the exhibits revealed the following:
- (5a) A COLT M4 is a select-fire rifle originally manufactured in the UNITED STATES of AMERICA that is designed to propel a projectile by means of an explosive. It is a self-loading centre-fire rifle of a kind that is designed or adapted for military purposes.

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Signature:

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Image Two



Colt M4 select-fire rifle

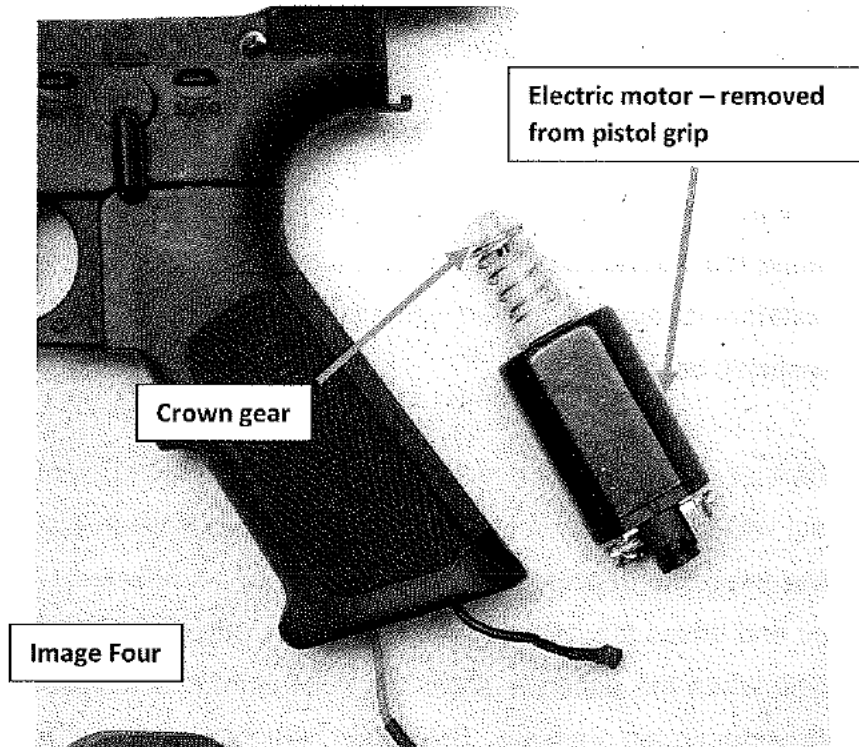
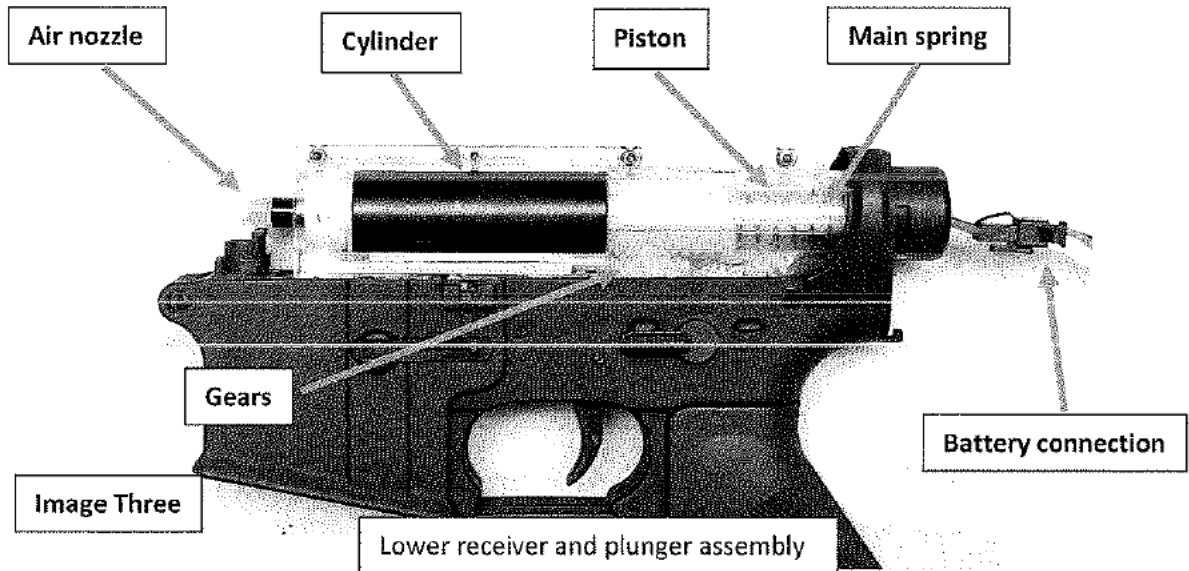
Image – <https://www.colt.com/detail-page/colt-le6920-carbine-223556-161-301-pmag-mbus-4-pos-stk-blk>

The UNKNOWN manufacture battery powered gel ball air gun, nil serial number, (4a), Ex....., was test fired and found to be in working order. Numerous pellets were discharged in this exhibit for test purposes. It is capable of propelling projectiles by means of air and a spring operated by a trigger mechanism. An arrangement of a piston within a cylinder and spring creates compressed air which is capable of propelling projectiles. The exhibit is also capable of propelling projectiles in rapid succession during one pressure of the trigger. The exhibit air gun, (4a), substantially duplicates in appearance the abovementioned firearm (Colt M4 select-fire rifle) in that it displays similar external features. It is fitted with a stock that is readily detachable and operates on a telescopic basis.

- (5b) The exhibit air gun's operating mechanism, (4a), consists of an electric motor which is in contact with an arrangement of gears and a spring driven piston within a cylinder. When the trigger is depressed a circuit is closed (connected), the electric motor is activated and drives the gear system. The gears drive the piston rearwards against a spring and when the piston is at its rearmost point it is released and it is propelled forwards under spring pressure. The piston being driven forwards compresses the air within the cylinder and this air is forced through the air nozzle into the receiver of the

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exhibit where a hydrated gel pellet is positioned by the hopper. This stream of compressed air forces the pellet through the barrel.



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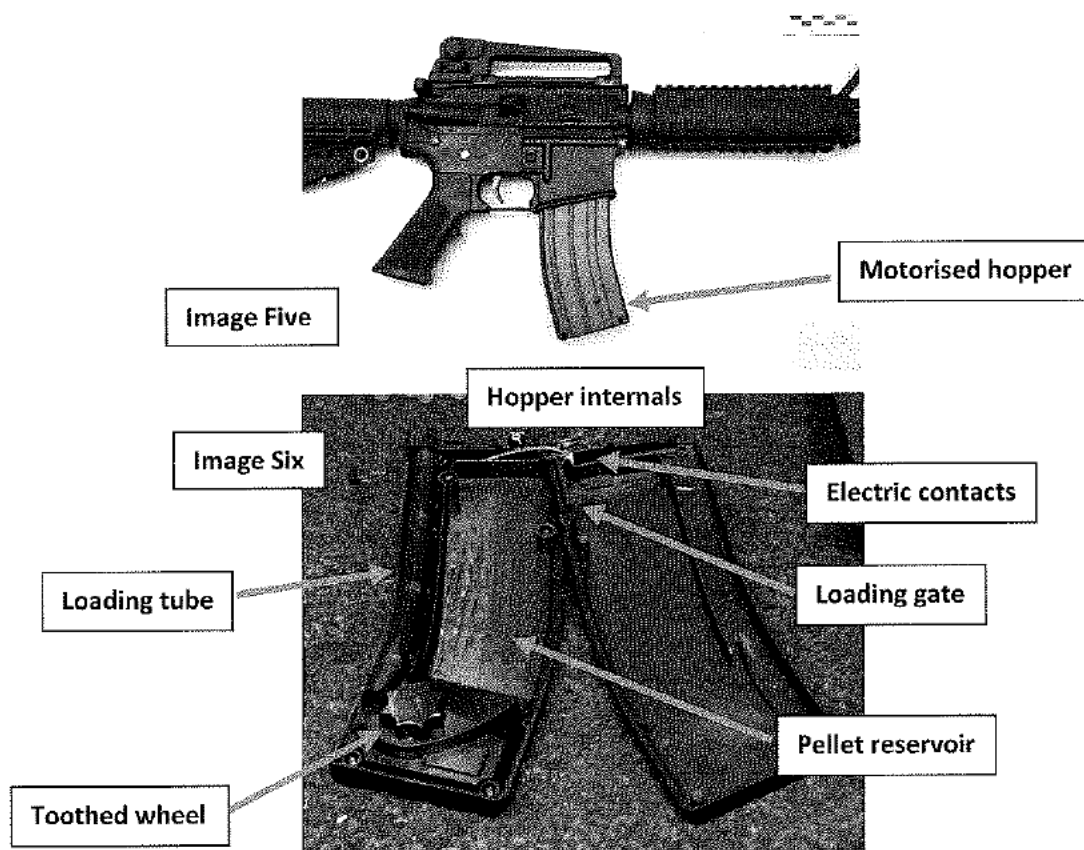
J2020/754

Signature:

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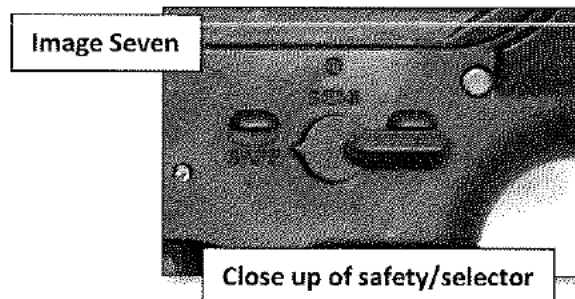
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- (5c) The exhibit has a motorised hopper which is designed to be fitted to the lower receiver of the exhibit air gun in the same manner as a traditional firearm magazine is fitted into the magazine well. The hopper has a large loading gate at the rear which allows for a quantity of hydrated gel pellets to be carried. When the trigger is depressed an electric motor turns a toothed wheel in the base of the hopper. The wheel is intended to force the hydrated pellets, against gravity, up the loading tube and into the body of the air gun. During the testing of this exhibit the motor in the hopper was not feeding gel pellets into the path of the air nozzle. It is not known what caused this fault. In order to test the exhibit air gun, gel pellets were loaded manually into the loading tube and then the exhibit was inverted so that the pellets would be gravity fed. Using the improvised gravity feed allowed the air gun to function in all modes. The item is not described as a magazine because it does not function by spring pressure.



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- (5d) The exhibit has a selector switch on the left hand side of the receiver that replicates the appearance and function of the safety selector lever on an actual M4 type select-fire rifle. The switch has three settings labelled "SAFE", "SEMI" and "AUTO". When set to the "SAFE" position depressing the trigger has no effect. When set to "SEMI" depressing the trigger operates the internal piston mechanism once and is capable of discharging a single projectile. When set to "AUTO" depressing the trigger continues to operate the internal piston mechanism and the exhibit is capable of discharging projectiles as long as the trigger is depressed, pellets are available in the hopper and there is charge in the battery.



- (5e) The exhibit is constructed mostly of plastic with a number of metal pins, springs and screws. The exhibit has a two part receiver and can be partially disassembled in a similar fashion to an actual M4 type select-fire rifle. The buttstock can be removed by twisting it out of a fitting. The battery pack is designed to fit within the buttstock when the exhibit is assembled.

In my opinion the exhibit, (4a), is an **AIR GUN** and thus a **FIREARM** as defined in Section 4(1) of the Firearms Act 1996 (New South Wales) (Refer to glossary).

Furthermore, in my opinion the exhibit, (4a), is a **PROHIBITED FIREARM** as defined in Items 1, 7 and 11 of Schedule 1 of the Firearms Act 1996 (New South Wales) (Refer to glossary).

Furthermore, in my opinion the exhibit, (4a), is an **AIR GUN** and thus a **FIREARM**

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as defined in Section 5(2) of the Firearms Act 2015 (South Australia) (Refer to glossary).

- (5f) The hydrated gel pellets in the clear plastic container, (4b), Ex....., are suitable for use in the exhibit battery operated gel ball air gun, (4a).

In my opinion, the exhibit pellets, (4b), are airgun pellets and therefore are **AMMUNITION** as defined in Section 4(1) of the Firearms Act 1996 (New South Wales) (Refer to glossary).

Furthermore, in my opinion the exhibit pellets, (4b), are **NOT** ammunition as defined in Section 4(1) of the Firearms Act 2015 (South Australia) (Refer to glossary).

- (5g) The gel pellets, (4c), Ex....., were dehydrated when received. When hydrated, they have an approximate diameter of 7mm, and are then suitable for use in the exhibit battery operated gel ball air gun, (4a).

In my opinion the exhibit dehydrated pellets, (4c), are **NOT** ammunition as defined in Section 4(1) of the Firearms Act 1996 (New South Wales).

Furthermore, in my opinion the exhibit dehydrated pellets, (4c), are **NOT** ammunition as defined in Section 4(1) of the Firearms Act 2015 (South Australia).

- (6) Further to the classifications provided above, on the 21 July 2020 I received the following request via email "*I ask that the ballistics look at Section 4 Firearms Act, definition of a firearm (firearm means), and Regulation 5 certain devices excluded from definition of a firearm*".

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- (6a) Both of these sections were considered previously when classifying the above exhibits. I have reviewed Section 4 of the Firearms Act 2015 (South Australia) and I can provide the following comments in the context of the classification of the examined exhibits.
- (6b) The definition of Firearm and Air Gun both include the definition of being "*designed to fire shot, bullets or other projectiles by means of compressed air or other compressed gas*". The exhibit air gun's operating mechanism (described in detail in paragraph (5b)) is consistent with this definition.
- (6c) Section 4 also contains the definition of a 'Round' 'Ammunition' 'Automatic Firearm'. Taking these definitions together it becomes clear that the Automatic Firearm definition cannot be applied to air guns as they do not fire 'Rounds' of ammunition.
- (6d) I have reviewed Clause 5 of the Firearms Regulation 2017 (South Australia) and I can provide the following comments.
- Clause 5(1) states that 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*". Clause 5(2) gives a list of items that are not included in the definition of children's toys including Airsoft guns (Clause 5(2)(b)). In my opinion gel ball air guns (often referred to colloquially as 'gel blasters') are similar to and operate in the same manner as some airsoft guns. The general differences between gel ball air guns and airsoft guns are the type of ammunition (gel pellets versus hard plastic pellets), the ammunition diameter and barrel diameter. Many Airsoft guns operate with a nearly identical electric motor, gear and plunger arrangement to the above exhibit. Both gel ball air guns and airsoft guns are widely used in simulated military events in jurisdictions where these are not restricted.

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Signature:

8(1)

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ANNEXURE A

SUMMARY OF QUALIFICATIONS AND EXPERIENCE

Steven Greening

Tertiary Qualifications

- Associate Degree of Policing Practice from Charles Sturt University
- Bachelor of Science from the University of Newcastle

Forensic training, study and experience

- I have been employed with the Forensic Services Group and Forensic Evidence & Technical Services Command since August 2014.
- I have successfully completed modules within the National Training Curriculum (NTC) in Forensic Firearms Examination, which includes theoretical and practical assessments in the:-
 - Examination, identification and testing of ammunition and ammunition components;
 - Examination, identification and testing of firearms and firearm parts.
- I have successfully completed courses conducted by Smith & Wesson (USA) and HK (Germany) attaining Armourer's Certificates relating to the care, maintenance and operation of Smith & Wesson M&P15 and M&P4 rifles, HK G36 and HK 417 rifles, HK UMP and MP5 sub-machine guns and HK 69 single shot grenade launcher.
- I have attended numerous autopsies performed upon persons who have been fatally wounded by gunshots of various calibres.
- I have successfully completed the NSWPF Advanced Identification and Tracing of Firearms and Component Parts Course conducted in conjunction with the Australian Criminal Intelligence Commission (ACIC).
- I have successfully completed the Forensic Investigation 1 Course facilitated by the Forensic Services Group, New South Wales Police Force (NSWPF).

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- I am a member of the Australian Army Reserve, where my duties include the use of small arms and other weapons currently on issue to the Australian military.

Membership and laboratory accreditation

- I am a provisional member of the Association of Firearm and Tool Mark Examiners (AFTE) based in the United States of America.
- The Forensic Ballistics Investigation Section (FBIS) is accredited by NATA as meeting the requirement specified by the Australian and International Standard (AS ISO/IEC 17025) for the competence of forensic laboratories (NATA Accreditation Number 15184).

Position and Responsibility

- I am a Senior Constable of Police at the Forensic Ballistics Investigation Section (FBIS), Forensic Evidence & Technical Services Command, New South Wales Police.
- My duties include the examination of crime scenes involving firearms and ammunition components and the collection, preservation and examination of exhibits.
- Provision of technical advice to police and legal professionals related to firearms, ammunition, prohibited weapons, crime scenes and legislative interpretation.
- Provision of expert testimony at Local, District, Supreme and Coronial courts in New South Wales in Forensic Ballistics related matters.

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Signature:

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ANNEXURE B

GLOSSARY OF TERMS

- **Association of Firearms and Toolmark Examiners (AFTE)** – The Association of Firearm and Tool Mark Examiners (AFTE) is the international professional organization for practitioners of Firearm and/or Toolmark Identification and has been dedicated to the exchange of information, methods and best practices, and the furtherance of research since its creation in 1969.
- **Australasian Forensic Science Assessment Body** – AFSAB is an independent body which certified individuals to an agreed professional standard. AFSAB accredits competent forensic field examiners, ensuring through re-validation that examiners maintain competence and reviews practitioners who fail to comply with established professional standards. Australia New Zealand Policing Advisory Agency (ANZPAA) National Institute of Forensic Science (NIFS) is responsible for the management of AFSAB. Formally known as the Australasian Forensic Field Sciences Accreditation Board (AFFSAB).
- **Gel Balls** – Are non-toxic water beads. When the tiny hard plastic balls are placed in water, they can grow up to 200 times their size. Can also be called *jelly beads, water orbs, hydro-orbs, polymer beads or gel beads*.

Water crystal gel or water beads is a gel which contains a large amount of water and is usually composed of a water-absorbing polymer such as polyacrylamide (frequently poly-methyl acrylate or sodium polyacrylate). The polyacrylamide can sometimes be referred to as *superabsorbent polymer (SAP)*.

- **Gel Ball Firearm** – A firearm that is typically constructed of plastic and is operated either manually by a piston air pump or automatically by means of a battery-powered motor. These firearms discharge hydrated gel balls by means of a spring and air operated by a trigger mechanism. They cannot discharge the hydrated gel balls by

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means of an explosive. They may also be known as *gel shooters*, *gel guns* or *gel blasters*.

- **Hopper** – A funnel-shaped chamber in which materials are stored temporarily and later discharged through the bottom¹
- **Magazine** – A container for cartridges which has a spring and follower to feed those cartridges into the chamber of a firearm. The magazine may be detachable or an integral part of the firearm.
- **NATA** – The National Association of Testing Authorities is recognised by the Commonwealth Government as the sole national accreditation body for establishing and maintaining competent laboratory practice. The Forensic Ballistics Investigation Section (FBIS) is accredited by NATA as meeting the requirement specified by the Australian and International Standard (AS ISO/IEC 17025) for the competence of forensic laboratories (NATA Accreditation Number 15184). Accreditation requires adherence to an approved quality system and participation in an external proficiency testing program. This laboratory (FBIS) has been accredited since 2005.
- **Projectile** – An object propelled by external force and continuing in motion by its own inertia through the air (e.g., a bullet propelled from a firearm by the force of rapidly expanding gases or other means).
- **Rifle** – A firearm with a rifled bore designed to be fired from the shoulder.
- **Select/Selective Fire** – The capability of some automatic firearms to fire in either the automatic or semi-automatic mode at the firer's discretion. These firearms normally have a switch or selector lever to facilitate the operator's choice.

¹ Delbridge, A et al (1991), 'Hopper', *Macquarie Dictionary*, The Macquarie Library Pty Ltd, Macquarie University Australia

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- **Self-Loading Action** – A repeating firearm that requires a separate pull of the trigger for each shot fired, and which uses the energy of discharge to perform a portion of the operating or firing cycle. Also known as **semi-automatic**.
- **Stock** – A part of a firearm, usually constructed from wood or plastic component(s) to which the metal parts of a firearm are attached to enable the shooter to hold the firearm.
- **Trigger** – That part of a firearm mechanism that is moved manually to cause the firearm to discharge.

LEGISLATION

➤ **Air Gun** -

Section 4(1) – Firearms Act 1996 (New South Wales)

air gun means a gun that—

(a) can propel, or is designed to propel, a projectile—

(i) by means of any gas or mixture of gases, including air but not including a gas or mixture of gases generated by an explosive, or

(ii) by means of a spring, and

(b) is operated or designed for operation by means of a trigger or similar device.

Section 5(2) – Firearms Act 2015 (South Australia)

air gun means a firearm (other than a handgun) designed to fire shot, bullets or other projectiles by means of compressed air or other compressed gas and not by means of burning propellant

➤ **Firearm-**

Section 4(1) – Firearms Act 1996 (New South Wales)

firearm means a gun, or other weapon, that is (or at any time was) capable of propelling a projectile by means of an explosive, and includes a blank fire firearm, or

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an air gun, but does not include a paintball marker within the meaning of the Paintball Act 2018 or anything declared by the regulations not to be a firearm.

Section 4(1) – Firearms Act 2015 (South Australia)

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,

and includes a receiver of a firearm and any device or devices which (whether or not rendered temporarily or permanently unusable) would, if in working order, or if assembled and in working order, be a firearm within the meaning of this definition but does not include—

(c) an antique firearm; or

(d) a device of a kind declared by the regulations not to be a firearm.

- **Prohibited Firearm** – A firearm of a type that appears in Schedule 1 to the Firearms Act 1996 (New South Wales). The schedule contains 18 items. The following 3 items were mentioned within this certificate:

1 - Any machine gun, sub-machine gun or other firearm capable of propelling projectiles in rapid succession during one pressure of the trigger.

7 - Any firearm that substantially duplicates in appearance (regardless of calibre or manner of operation) a firearm referred to in item 1, 5 or 6.

11 - A firearm, not being a pistol, fitted with a stock that is specially designed so as to be readily detachable, or to operate on a swivel, folding or telescopic basis.

All definitions are sourced from the Forensic Ballistics Investigation Section Glossary of Terms and Principles except where otherwise indicated

Matter of: SAPOL Advice

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Signature:

b(1)



Statement

Statement in the matter of: b(1) - Examination of soft air firearms

Name	b(1)
Occupation	Forensic Firearms Examiner
Employer	Australian Federal Police
Work Address	Firearms ID & Armoury Team, Specialist Operations, Majura, ACT
Work Phone	b(1)
Date	8 th September, 2017

Page 1 of 4

STATES:

This statement made by me accurately sets out the evidence which I would be prepared if necessary, to give in Court as a Witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

1. I am currently engaged full time in the technical investigation of firearms related crime, the collection and preservation of exhibits and the identification of firearms and related ammunition components. A part of these duties include the provision of firearm identification advice to the Department of Immigration and Border Protection/Australian Border Force and Australian Government Attorney General's Department.
2. I am an employee of the Australian Federal Police attached to Firearms Identification and Armoury Team, Criminalistics & Identification Sciences, Forensics, based at Weston in the Australian Capital Territory. I have been a member of the team since November 2015. I am an accredited Forensic Ballistics

b(1)

Investigator, recognised by the Australasian Forensic Field Sciences Accreditation Board.

3. I am a former sworn member of the South African Police Service, where I served for a period of 12 years, from 1988 till 2001, and attained the rank of Superintendent, before commencing employment within the Forensic Ballistics Investigation Section of the New South Wales Police Force in March 2001 where I held the position of Scientific Officer.
4. Since 1989 I have specialised in the examination of crime scenes involving firearms and the collection, preservation and examination of exhibits. My training at the South African Police Service's Forensic Science Laboratory was conducted over a period of three years, in which I successfully completed "Certificates in Forensic Firearm and Tool Mark Examination for Specialists". I have also successfully completed a three year "Advance Program in Forensic Criminalistics", majoring in Forensic Ballistics through the University of South Africa (UNISA).
5. The Forensic Science Society based in North Yorkshire, United Kingdom awarded me the "Diploma in Firearms Examination" after the successful completion of the required examination.
6. I have successfully completed armourers' courses conducted by Glock (Austria) and Armalite (USA) attaining Armourers Certificates relating to the care and maintenance of these firearms. I have successfully completed a workshop relating "Tool Mark Comparison Criteria" conducted under the auspices of the National Institute of Forensic Science, Australia (NIFS). I have also successfully completed a "Shooting Scene Reconstruction Course".

7. I have attended numerous autopsies upon persons who have been fatally wounded with firearms in order to interpret their wounds. I have tested and examined hundreds of firearms and studied South African and Australian small arms and ammunition production methods and the techniques adopted by other Police authorities in the field of firearms identification and the identification of ammunition components by comparative microscopy.
8. I undertake independent proficiency testing relating to the identification of ammunition components and tool marks via comparative microscopy, through Collaborative Testing Services (Virginia, USA) and the European Network of Forensic Sciences Institutes (The Hague, The Netherlands)
9. I am a Regular member of the Association of Firearm and Toolmark Examiners (AFTE) based in the United States of America and I am bound by the Code of Ethics of this body.
10. I declare that I have made all inquiries that I believe desirable and appropriate, and to the best of my knowledge, no matter of significance that to my knowledge is relevant has been withheld from the court.
11. I have conducted an examination on the received request; the Specialist Operations case reference number is 6119130.
12. Specialist Operations, Australian Federal Police, is accredited by the National Association of Testing Authorities (NATA), Australia. This document shall not be reproduced, except in full.

13. This statement consists of four (4) pages. Attached to the statement is a report dated the 8th of September 2017 that consists of fifty two (52) pages, each signed

^{s(1)} [REDACTED]

Forensic Firearm and Tool Mark Examiner / [REDACTED]
Majura, Canberra

8th September 2017

JUSTICES ACT 1886

I acknowledge by virtue of s.110A (6C) (c) of the Justices Act 1886 that:-

(i) This written statement by me dated 8th September 2017 and contained in the pages numbered 1 to 4 is true to the best of my knowledge and belief;

and

(ii) I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.

^{s(1)} [REDACTED]

..... Signature

Signed at Majura, Canberra this 8th day of September 2017.

^{s(1)} [REDACTED]



AFP

AUSTRALIAN FEDERAL POLICE

Examination of soft air firearms

BY

8(1)

Forensic Firearm Examiner

Firearms Identification and Armoury Team

Forensics, Specialist Operations

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REFERENCE NUMBERS: 6119130

Friday, 8 September 2017

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NATA

Accredited for compliance with ISO/IEC 17025 (Accreditation Number: 10821).

8(1)

1. CUSTODY OF ITEMS

On Wednesday, 26th of July, 2017, the exhibit items labelled in part '6119130' and 'Item 0001' to 'Item 0005' were retrieved from the FIAT Exhibit Store. A description of the exhibit items are as follows:

ITEM NUMBER	DESCRIPTION
0001	One (1) plastic bag labelled in part '6119130' and 'Item 0001' sealed with AFP evidence tape as well as a red evidence seal which contained: <ul style="list-style-type: none">• One (1) UNKNOWN brand Model UNKNOWN soft air firearm receiver• One (1) barrel attachment• One (1) bipod attachment• One (1) pair of safety glasses• One (1) USB charging cable• One (1) battery• One (1) Philips head screwdriver• One (1) plastic bottle containing hydrated gel balls• Five (5) packets of desiccated gel balls
0002	One (1) plastic bag labelled in part '6119130' and 'Item 0002' sealed with AFP evidence tape as well as a red evidence seal which contained: <ul style="list-style-type: none">• One (1) UNKNOWN brand Model UNKNOWN soft air firearm• One (1) gravity fed hopper with external appearance of an optical scope• One (1) pair of safety glasses• One (1) USB charging cable• One (1) battery• One (1) plastic bottle containing hydrated gel balls• Five (5) packets of desiccated gel balls

Examiner:

8(1)

Witness:

8(1)

ITEM NUMBER	DESCRIPTION
0003	<p>One (1) plastic bag labelled in part '6119130' and 'Item 0003' sealed with AFP evidence tape as well as a red evidence seal which contained:</p> <ul style="list-style-type: none">• One (1) UNKNOWN brand Model UNKNOWN soft air firearm• One (1) pair of safety glasses• One (1) USB charging cable• One (1) battery in simulated magazine extension• One (1) plastic bottle containing hydrated gel balls• Five (5) packets of desiccated gel balls
0004	<p>One (1) plastic bag labelled in part '6119130' and 'Item 0004' sealed with AFP evidence tape as well as a red evidence seal which contained:</p> <ul style="list-style-type: none">• One (1) UNKNOWN brand Model UNKNOWN soft air firearm• One (1) gravity fed hopper with external appearance of an optical scope• One (1) pair of safety glasses• One (1) USB charging cable• One (1) battery• One (1) plastic bottle containing hydrated gel balls• Five (5) packets of desiccated gel balls

Examiner:

8(1)

Witness:

8(1)

ITEM NUMBER	DESCRIPTION
0005	<p data-bbox="517 360 1418 483">One (1) plastic bag labelled in part '6119130' and 'Item 0005' sealed with AFP evidence tape as well as a red evidence seal which contained:</p> <ul data-bbox="560 499 1358 1460" style="list-style-type: none"><li data-bbox="560 499 1342 533">• One (1) UNKNOWN brand Model UNKNOWN soft air firearm<li data-bbox="560 544 1342 622">• One (1) laser pointer with external appearance of an optical scope<li data-bbox="560 633 1342 712">• One (1) battery compartment with external appearance of a laser sight<li data-bbox="560 723 863 757">• One (1) muzzle shroud<li data-bbox="560 768 943 801">• One (1) adjustable butt stock<li data-bbox="560 813 943 846">• One (1) pair of safety glasses<li data-bbox="560 857 927 891">• One (1) USB charging cable<li data-bbox="560 902 767 936">• One (1) battery<li data-bbox="560 947 927 981">• One (1) empty plastic bottle<li data-bbox="560 992 1070 1025">• Five (5) packets of desiccated gel balls<li data-bbox="560 1037 1134 1182">• One (1) clip lock plastic bag containing:<ul data-bbox="655 1104 1134 1182" style="list-style-type: none"><li data-bbox="655 1104 1134 1137">○ Six (6) accessory rail cover plates<li data-bbox="655 1149 895 1182">○ Four (4) screws<li data-bbox="560 1193 1150 1460">• One (1) clip lock plastic bag containing:<ul data-bbox="655 1238 1150 1460" style="list-style-type: none"><li data-bbox="655 1238 1007 1272">○ One (1) white LED torch<li data-bbox="655 1283 1150 1317">○ One (1) accessory rail torch mount<li data-bbox="655 1328 1118 1361">○ One (1) accessory rail front sight<li data-bbox="655 1373 1118 1406">○ One (1) accessory rail rear sight<li data-bbox="655 1417 1007 1451">○ One (1) sheet of stickers

Examiner

Witness:

On Tuesday, 1st of August, 2017, the exhibit items labelled in part '6119130' and 'Item 0006' to 'Item 0010' were retrieved from the FIAT Exhibit Store. A description of the exhibit items are as follows:

ITEM NUMBER	DESCRIPTION
0006	<p>One (1) plastic bag labelled in part '6119130' and 'Item 0006' sealed with AFP evidence tape as well as a red evidence seal which contained:</p> <ul style="list-style-type: none">• One (1) UNKNOWN brand Model UNKNOWN soft air firearm receiver• One (1) barrel attachment• One (1) bipod attachment• One (1) cardboard box containing:<ul style="list-style-type: none">○ One (1) gravity fed hopper with external appearance of an optical scope○ One (1) pair of safety glasses○ One (1) charging cable○ One (1) battery○ One (1) plastic bottle containing hydrated gel balls○ One (1) plastic sleeve containing:<ul style="list-style-type: none">○ Five (5) packets of desiccated gel balls○ Five (5) foam darts

Examiner:

S(1)

Witness:

S(1)

0007	<p>One (1) plastic bag labelled in part '6119130' and 'Item 0007' sealed with AFP evidence tape as well as a red evidence seal which contained:</p> <ul style="list-style-type: none">• One (1) UNKNOWN brand Model UNKNOWN soft air firearm• One (1) accessory similar in appearance to a suppressor• One (1) accessory similar in appearance to a magazine• One (1) pair of safety glasses• One (1) USB charging cable• One (1) battery• One (1) plastic bottle containing hydrated gel balls• Five (5) packets of desiccated gel balls• One (1) plastic clip lock bag containing:<ul style="list-style-type: none">◦ One (1) white LED torch◦ One (1) accessory rail torch mount◦ One (1) accessory rail front sight◦ One (1) accessory rail rear sight
0008	<p>One (1) plastic bag labelled in part '6119130' and 'Item 0008' sealed with AFP evidence tape as well as a red evidence seal which contained:</p> <ul style="list-style-type: none">• One (1) UNKNOWN brand Model UNKNOWN soft air firearm• One (1) gravity fed hopper with external appearance of an optical scope• One (1) accessory similar in appearance to a suppressor• One (1) instruction sheet• One (1) plastic bottle containing hydrated gel balls• Five (5) packets of desiccated gel balls• One (1) plastic sleeve containing:<ul style="list-style-type: none">◦ One (1) USB charging cable◦ One (1) battery

Examiner:

Witness:

0009	<p>One (1) plastic bag labelled in part '6119130' and 'Item 0009' sealed with AFP evidence tape as well as a red evidence seal which contained:</p> <ul style="list-style-type: none"> • One (1) UNKNOWN brand Model UNKNOWN soft air firearm with within a replica pistol carbine conversion kit • One (1) sling • One (1) pair of safety glasses • One (1) USB charging cable • One (1) battery • One (1) plastic bottle containing hydrated gel balls • Five (5) packets of desiccated gel balls
0010	<p>One (1) plastic bag labelled in part '6119130' and 'Item 0010' sealed with AFP evidence tape as well as a red evidence seal which contained:</p> <ul style="list-style-type: none"> • One (1) UNKNOWN brand Model UNKNOWN soft air firearm receiver • One (1) barrel attachment • One (1) force fed hopper with external appearance of a magazine • One (1) instruction sheet • One (1) plastic bottle containing hydrated gel balls • One (1) cardboard box containing: <ul style="list-style-type: none"> ◦ One (1) pair of safety glasses ◦ One (1) USB charging cable ◦ One (1) battery ◦ One (1) accessory similar in appearance to an optical scope ◦ One (1) packet of desiccated gel balls ◦ One (1) plastic sleeve containing: <ul style="list-style-type: none"> ◦ Five (5) plastic accessory parts

Examiner:

8(1)

Witness:

8(1)

On Thursday, 3rd of August, 2017, the exhibit items labelled in part '6119130' and 'Item 0011' to 'Item 0014' were retrieved from the FIAT Exhibit Store. A description of the exhibit items are as follows:

ITEM NUMBER	DESCRIPTION
0011	One (1) plastic bag labelled in part '6119130' and 'Item 0011' sealed with AFP evidence tape as well as a red evidence seal which contained: <ul style="list-style-type: none">• One (1) UNKNOWN brand Model UNKNOWN soft air firearm• One (1) blue LED torch• One (1) laser pointer• One (1) sling• One (1) pair of safety glasses• One (1) USB charging cable• One (1) battery• One (1) plastic bottle containing hydrated gel balls• Ten (10) packets of desiccated gel balls• One (1) cardboard target
0012	One (1) plastic bag labelled in part '6119130' and 'Item 0012' sealed with AFP evidence tape as well as a red evidence seal which contained: <ul style="list-style-type: none">• One (1) UNKNOWN brand Model UNKNOWN soft air firearm• One (1) sling• One (1) pair of safety glasses• One (1) USB charging cable• One (1) battery• One (1) plastic bottle containing hydrated gel balls• Six (6) packets of desiccated gel balls

Examiner:

b(1)

Witness:

b(1)

0013	<p>One (1) plastic bag labelled in part '6119130' and 'Item 0013' sealed with AFP evidence tape as well as a red evidence seal which contained:</p> <ul style="list-style-type: none">• One (1) UNKNOWN brand Model UNKNOWN soft air firearm• One (1) accessory similar in appearance to a suppressor• One (1) pair of safety glasses• One (1) charging cable• One (1) battery• One (1) plastic bottle containing hydrated gel balls• Five (5) packets of desiccated gel balls• One (1) Philips head screwdriver
0014	<p>One (1) plastic bag labelled in part '6119130' and 'Item 0014' sealed with AFP evidence tape as well as a red evidence seal which contained:</p> <ul style="list-style-type: none">• One (1) UNKNOWN brand Model UNKNOWN soft air firearm• One (1) butt stock• One (1) vertical post grip• One (1) pair of safety glasses• One (1) cardboard box containing:<ul style="list-style-type: none">◦ One (1) empty plastic bottle◦ One (1) USB charging cable◦ One (1) battery◦ Ten (10) packets of desiccated gel balls

Examiner

Witness:

On Friday, 4th of August, 2017, the exhibit items labelled in part '6119130' and 'Item 0015' and 'Item 0016' were retrieved from the FIAT Exhibit Store. A description of the exhibit items are as follows:

ITEM NUMBER	DESCRIPTION
0015	One (1) plastic bag labelled in part '6119130' and 'Item 0015' sealed with AFP evidence tape as well as a red evidence seal which contained: <ul style="list-style-type: none">• One (1) UNKNOWN brand Model UNKNOWN soft air firearm• One (1) butt stock• One (1) charging cable• One (1) battery• One (1) pair of safety glasses• One (1) empty plastic bottle• Five (5) packets of desiccated gel balls• Five (5) foam darts• One (1) plastic accessory part
0016	One (1) plastic bag labelled in part '6119130' and 'Item 0016' sealed with AFP evidence tape as well as a red evidence seal which contained: <ul style="list-style-type: none">• One (1) UNKNOWN brand Model UNKNOWN soft air firearm• One (1) accessory similar in appearance to a suppressor• One (1) blue LED torch• One (1) laser pointer• One (1) accessory similar in appearance to a holographic weapons sight• One (1) sling• One (1) instruction sheet• One (1) USB charging cable• One (1) pair of safety glasses• One (1) empty plastic bottle• Five (5) packets of desiccated gel balls

The exhibit items were returned to the FIAT Exhibit Store on Monday, 21st August, 2017.

Examiner:



Witness:



2. EXAMINATION & RESULTS

An examination of the exhibit items was undertaken and the results are recorded as follows:

Item 0001

The soft air firearm¹ was received in commercial packaging and in a disassembled condition. The exhibit item had "CROSS T4MEBR" and "MADE IN CHINA" moulded on both the left and right hand side of the receiver. A wolf logo and "MAX SHOOTING" were moulded into the left hand side of the butt stock. The supplied barrel was fitted to the receiver and the bipod was attached to the forward under barrel accessory rail for the purposes of the examination. The soft air firearm had an overall length of approximately 1003mm.

A battery compartment was located on the right hand side of the butt stock and a two position sliding switch was located adjacent marked "OFF" and "ON". A gravity fed hopper² with the external appearance of an optical scope was located on the top accessory rail.

With the supplied battery attached and the two position slide switch moved to the "ON" position, I test fired the soft air firearm with the gel balls³ supplied and found it capable of discharging gel balls. Furthermore, it was found that the soft air firearm was only capable of firing in a fully automatic fashion with the ability to propel projectiles in rapid succession during one pressure of the trigger.


The exhibit item is a soft air rifle similar in appearance to a CHEYTAC brand Model M200 INTERVENTION bolt action rifle available in .408 CheyTac and .357 CheyTac calibres.

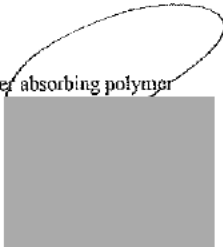
The exhibit item was disassembled and found to operate on a soft air mechanism whereby compressed air was generated by a spring powered plunger driven by an electrically powered gear box. See ANNEXURE 1 for disassembly of internal mechanism.

¹Soft air firearm refers to the use of an internal plunger mechanism to create compressed air behind a projectile to fire the projectile from the barrel. The term 'soft air' is used to distinguish between compressed air created by a plunger and compressed air from a pressurised container (e.g. CO₂ canister).

²Hopper refers to a device used to feed projectiles into the chamber of a firearm.

³Gel ball refers to a projectile of a spherical nature available in a range of different sizes comprised of a water absorbing polymer (superabsorbent polymer). Also commonly referred to as water beads, crystal bombs and splatballs.

Examiner: 

Witness: 

Item 0002

The soft air firearm was received in commercial packaging and had "SIG SAUER P226" moulded into the left hand side of the slide and "P226" in the right hand side of the slide. "P-226" was also moulded into the left and right hand sides of the handgrip. The soft air firearm had an overall length of approximately 195mm.

A battery compartment was located on the base of the hand grip and a two position sliding switch marked "OFF" and "ON" was located in place of the hammer. A detachable gravity fed hopper with the external appearance of an optical scope could be attached to the top accessory rail.

With the supplied battery attached and the two position slide switch moved to the "ON" position, I test fired the soft air firearm with the gel balls supplied and found it capable of discharging gel balls. Furthermore, it was found that the soft air firearm was only capable of firing in a fully automatic fashion with the ability to propel projectiles in rapid succession during one pressure of the trigger.

The exhibit item is a soft air pistol similar in appearance to a 9x19mm calibre SIG SAUER brand Model P226 self-loading pistol.

The exhibit item was disassembled and found to operate on a soft air mechanism whereby compressed air was generated by a spring powered plunger driven by an electrically powered gear box. See ANNEXURE 1 for disassembly of exemplar internal mechanism.

Item 0003

The soft air firearm was received in commercial packaging and had "SIG SAUER P226" moulded into the left hand side of the slide and "P226" in the right hand side of the slide. "P 226" was also moulded into the left and right hand sides of the handgrip. The soft air firearm had an overall length of approximately 195mm.

A battery compartment similar in appearance to an extended magazine was located on the base of the handgrip and a two position sliding switch marked "OFF" and "ON" was located in place of the hammer. A detachable gravity fed hopper with the external appearance of an optical scope could be attached to the top accessory rail.

With the supplied battery attached and the two position slide switch moved to the "ON" position, I test fired the soft air firearm with the gel balls supplied and found it capable of discharging gel balls. Furthermore, it was found that the soft air firearm was only

Examiner:

Witness:

capable of firing in a fully automatic fashion with the ability to propel projectiles in rapid succession during one pressure of the trigger.

The exhibit item is a soft air pistol similar in appearance to a 9x19mm calibre SIG SAUER brand Model P226 self-loading pistol.

The exhibit item was disassembled and found to operate on a soft air mechanism whereby compressed air was generated by a spring powered plunger driven by an electrically powered gear box. See ANNEXURE 1 for disassembly of exemplar internal mechanism.

Item 0004

The soft air firearm was received in commercial packaging and was labelled "FIRE SPRINT" on the left hand side of the slide. "MADE IN CHINA" was also moulded into the right hand side of the frame. The soft air firearm had an overall length of approximately 260mm.

A battery compartment was located in the under barrel accessory rail and a two position sliding switch marked "OFF" and "ON" was located on the base of the handgrip. A detachable gravity fed hopper fitted with a laser pointer with the external appearance of an optical scope could be attached to the top accessory rail.

With the supplied battery attached and the two position slide switch moved to the "ON" position, I test fired the soft air firearm with the gel balls supplied and found it capable of discharging gel balls. Furthermore, it was found that the soft air firearm was only capable of firing in a fully automatic fashion with the ability to propel projectiles in rapid succession during one pressure of the trigger.

The exhibit item is a soft air pistol similar in appearance to a 9x19mm calibre BERETTA brand Model 92 self-loading pistol.

The exhibit item was disassembled and found to operate on a soft air mechanism whereby compressed air was generated by a spring powered plunger driven by an electrically powered gear box. See ANNEXURE 1 for disassembly of exemplar internal mechanism.

Item 0005

The soft air firearm was received in commercial packaging and in a disassembled condition. The supplied muzzle shroud was attached to the front of the exhibit and the adjustable butt stock was attached to the receiver for the purposes of the examination.

Examiner: [REDACTED]

Witness: [REDACTED]

The soft air firearm had an overall length of approximately 758mm with the stock collapsed and approximately 842mm with the stock extended.

A battery compartment with the external appearance of a laser sight could be attached to an accessory rail and plugged into the appropriate socket on the receiver. A three position selector switch was located on the left hand side of the receiver and was marked "SAFE", "SEMI" and "AUTO". The corresponding positions on the right hand side of the receiver were marked "SAFE", "SEMI" and "BURST". A detachable force fed hopper with the external appearance of a magazine could be fitted into the receiver magazine well. A laser pointer with the external appearance of a holographic weapons sight could be fitted to the top accessory rail along with flip-up front and rear sights. An angle fore grip was fitted to the under barrel accessory rail and a white LED torch could be fitted to any accessory rail.

With the supplied battery attached and the three position selector switch moved to the "SEMI" position, I test fired the soft air firearm with the gel balls supplied and found it capable of discharging gel balls. With the selector switch moved to the "AUTO" position, I test fired the soft air firearm with the gel balls supplied and found it capable of discharging gel balls. It was found that the soft air firearm was only capable of firing in a fully automatic fashion with the ability to propel projectiles in rapid succession during one pressure of the trigger irrespective of if the selector switch was in the "SEMI" or "AUTO" position.

The exhibit item is a soft air rifle similar in appearance to a 5.56x45mm calibre M4 platform variant select fire rifle.

The exhibit item was disassembled and found to operate on a soft air mechanism whereby compressed air was generated by a spring powered plunger driven by an electrically powered gear box. See ANNEXURE 1 for disassembly of exemplar internal mechanism.

Item 0006

The soft air firearm was received in commercial packaging and in a disassembled condition. The exhibit item had "LIAGANG TOYS" moulded on both the left and right hand side of the stock check rest. The left and right hand sides of the receiver were labelled "FUNNY GAME" and "SAFETY AMMO". "CAUTION: DO NOT AIM AT EYES OR FACE" was moulded into the right hand side of the receiver. The supplied barrel was fitted to the receiver and the bipod attached to the forward under barrel accessory rail for

Examiner:



Witness:



the purposes of the examination. The soft air firearm had an overall length of approximately 780mm.

A battery compartment was located in the rear of the stock and a two position sliding switch marked "OFF" and "ON" was located on the right hand side of the stock. A detachable gravity fed hopper fitted with a multicolour LED with the external appearance of an optical scope could be fitted attached to the top accessory rail.

With the supplied battery attached and the two position slide switch moved to the "ON" position, I test fired the soft air firearm with the gel balls supplied and found it capable of discharging gel balls. Furthermore, it was found that the soft air firearm was only capable of firing in a fully automatic fashion with the ability to propel projectiles in rapid succession during one pressure of the trigger.

The exhibit item is a soft air rifle similar in appearance to a .338 Lapua Magnum calibre BARRETT brand Model M98B bolt action rifle.

The exhibit item was disassembled and found to operate on a soft air mechanism whereby compressed air was generated by a spring powered plunger driven by an electrically powered gear box. See ANNEXURE 1 for disassembly of exemplar internal mechanism.

Item 0007

The soft air firearm was received in commercial packaging and had "VECTOR" and "KRISS SUPER V" moulded on the left hand side of the receiver. The supplied folding stock was fitted to the rear of the receiver for the purposes of the examination. The soft air firearm had an overall length of approximately 581mm with the stock folded and approximately 640mm with the stock extended.

A battery compartment was located in the base of the receiver and a two position selector switch marked "OFF" and "ON" was located on the left hand side of the receiver. A laser pointer with the external appearance of a holographic weapons sight could be fitted to the top accessory rail along with flip-up front and rear sights. A vertical fore grip was fitted to the under barrel accessory rail and a white LED torch could be fitted to any accessory rail. A storage container with the external appearance of a magazine could be fitted into the receiver magazine well. An accessory similar in appearance to a suppressor could be fitted to the muzzle.

With the supplied battery attached and the two position slide switch moved to the "ON" position, I test fired the soft air firearm with the gel balls supplied and found it capable of discharging gel balls. Furthermore, it was found that the soft air firearm was only

Examiner:

Witness:

capable of firing in a fully automatic fashion with the ability to propel projectiles in rapid succession during one pressure of the trigger.

The exhibit item is a soft air firearm similar in appearance to a KRISS brand Model VECTOR submachine gun available in a variety of calibres.

The exhibit item was disassembled and found to operate on a soft air mechanism whereby compressed air was generated by a spring powered plunger driven by an electrically powered gear box. See ANNEXURE 1 for disassembly of exemplar internal mechanism.

Item 0008

The soft air firearm was received in commercial packaging and was labelled "FALCON M92" on the left and right hand sides of the slide. "LN" was also moulded into the left and right hand sides of the handgrip. The soft air firearm had an overall length of approximately 250mm.

A battery compartment was located in the under barrel accessory rail and a two position sliding switch labelled "OFF" and "ON" was located on the base of the handgrip. A detachable gravity fed hopper with the external appearance of an optical scope could be attached to the top accessory rail. An accessory similar in appearance to a suppressor could be fitted to the muzzle.


With the supplied battery attached and the two position slide switch moved to the "ON" position, I test fired the soft air firearm with the gel ball supplied and found it capable of discharging gel balls. Furthermore, it was found that the soft air firearm was only capable of firing in a fully automatic fashion with the ability to propel projectiles in rapid succession during one pressure of the trigger.


The exhibit item is a soft air pistol similar in appearance to a 9x19mm calibre BERETTA brand Model 92 self-loading pistol.

The exhibit item was disassembled and found to operate on a soft air mechanism whereby compressed air was generated by a spring powered plunger driven by an electrically powered gear box. See ANNEXURE 1 for disassembly of exemplar internal mechanism.

Item 0009

The soft air firearm was received in commercial packaging and was contained within a replica pistol carbine conversion kit. The soft air firearm had "SIG SAUER P226" moulded

Examiner: 

Witness: 

into the left hand side of the slide and "P226" in the right hand side of the slide. "P 226" was also moulded into the left and right hand sides of the handgrip. The soft air firearm had an overall length of approximately 200mm.

A battery compartment similar in appearance to an extended magazine was located on the base of the hand grip and a two position sliding switch marked "OFF" and "ON" was located in place of the hammer. A detachable gravity fed hopper with the external appearance of an optical scope could be attached to the top accessory rail.

With the supplied battery attached and the two position slide switch moved to the "ON" position, I test fired the soft air firearm with the gel ball supplied and found it capable of discharging gel balls. Furthermore, it was found that the soft air firearm was only capable of firing in a fully automatic fashion with the ability to propel projectiles in rapid succession during one pressure of the trigger.

The exhibit item is a soft air pistol similar in appearance to a 9x19mm calibre SIG SAUER brand Model P226 self-loading pistol.

The exhibit item was disassembled and found to operate on a soft air mechanism whereby compressed air was generated by a spring powered plunger driven by an electrically powered gear box. See ANNEXURE 1 for disassembly of exemplar internal mechanism.

The pistol carbine conversion kit had "RUNQI" moulded on the left hand side. "RUNQI" and "MADE IN CHINA" was moulded on the right hand side. A two position sliding switch marked "OFF" and "ON" was located on the right hand side. The kit was fitted with a detachable adjustable folding stock and detachable barrel shroud with vertical post grip. The gravity fed hopper could be attached to the top accessory rail.

With the exhibit item fitted within the replica pistol carbine conversion kit, the overall length was approximately 645mm with the stock collapsed. With the stock extended the length was approximately 725mm and approximately 450mm with the stock folded. The replica pistol carbine conversion kit is similar in appearance to a RONI brand Pistol Carbine Conversion kit produced for a variety of pistols including the 9x19mm calibre SIG SAUER brand Model P226 self-loading pistol.

Item 0010

The soft air firearm was received in commercial packaging and in a disassembled condition. "MADE IN CHINA" was moulded in the right hand side of the receiver. The supplied barrel and shroud was attached to the front of the exhibit and the adjustable butt stock was attached to the receiver for the purposes of the examination. The soft air

Examiner:

Witness:

firearm had an overall length of approximately 875mm with the stock collapsed and approximately 960mm with the stock extended.

A battery compartment was located in the base of the handgrip. A two position selector switch was located on the left hand side of the receiver and was marked "OFF" and "ON". The corresponding positions on the right hand side of the receiver were marked "SAFE", "SEMI" and "AUTO" in a third position. A three digit LED display was located on the left hand side of the receiver. A detachable force fed hopper with the external appearance of a magazine could be fitted into the receiver magazine well. An accessory with the external appearance of an optical scope could be fitted to the top accessory rail. An angle fore grip that could also act as a bipod could be fitted to the under barrel accessory rail.

With the supplied battery attached and the two position selector switch moved to the "ON" position, I test fired the soft air firearm with the gel balls supplied and found it capable of discharging gel balls. Furthermore, it was found that the soft air firearm was only capable of firing in a fully automatic fashion with the ability to propel projectiles in rapid succession during one pressure of the trigger.

The exhibit item is a soft air rifle similar in appearance to a 5.56x45mm calibre M4 platform variant select fire rifle.

The exhibit item was disassembled and found to operate on a soft air mechanism whereby compressed air was generated by a spring powered plunger driven by an electrically powered gear box. See ANNEXURE 1 for disassembly of exemplar internal mechanism.

Item 0011

The soft air firearm was received in commercial packaging and was labelled "FIGHTER UNION" and "SMG9" on the left and right hand side of the receiver. The soft air firearm had an overall length of approximately 450mm with the stock folded and approximately 690mm with the stock extended.

A battery compartment was located in the rear of the receiver and a two position selector switch marked "OFF" and "ON" was located on the left hand side of the receiver. A gravity fed hopper with the external appearance of a holographic weapons sight was fitted to the top accessory rail. A vertical fore grip was fitted to the under barrel accessory rail. A blue LED torch and a laser pointer could be fitted to any accessory rail. An accessory with the external appearances of a magazine could be fitted into the

Examiner:



Witness:



receiver magazine well. An accessory with the external appearance of a suppressor could be fitted over the muzzle.

With the supplied battery attached and the two position selector switch moved to the "ON" position, I test fired the soft air firearm with the gel balls supplied and found it capable of discharging gel balls. Furthermore, it was found that the soft air firearm was only capable of firing in a fully automatic fashion with the ability to propel projectiles in rapid succession during one pressure of the trigger.

The exhibit item is a soft air firearm similar in appearance to a 9x19mm calibre HECKLER & KOCH brand Model UMP9 submachine gun.

The exhibit item was disassembled and found to operate on a soft air mechanism whereby compressed air was generated by a spring powered plunger driven by an electrically powered gear box. See ANNEXURE 1 for disassembly of exemplar internal mechanism.

Item 0012

The soft air firearm was received in commercial packaging and was labelled "RUNQI", "FROM ELITE TO ELITE" and "DO THE BAD THING TO THE BAD PEOPLE" on the left hand side of the receiver. The soft air firearm had an overall length of approximately 535mm.

A battery compartment was located in the rear of the receiver and a two position selector switch marked "OFF" and "ON" was located in the trigger guard. A gravity fed hopper with the external appearance of a magazine was fitted to the receiver. A laser pointer with the external appearances of a holographic weapons sight was fitted to the top accessory rail.

With the supplied battery attached and the two position selector switch moved to the "ON" position, I test fired the soft air firearm with the gel balls supplied and found it capable of discharging gel balls. Furthermore, it was found that the soft air firearm was only capable of firing in a fully automatic fashion with the ability to propel projectiles in rapid succession during one pressure of the trigger.

The exhibit item is a soft air rifle similar in appearance to a 5.7x28mm calibre FABRIQUE NATIONALE brand Model P90 bullpup style rifle / PDW (Personal Defence Weapon).

The exhibit item was disassembled and found to operate on a soft air mechanism whereby compressed air was generated by a spring powered plunger driven by an electrically powered gear box. See ANNEXURE 1 for disassembly of exemplar internal mechanism.

Examiner:



Witness:



Item 0013

The soft air firearm was received in commercial packaging and was fitted with a detachable stock. The soft air firearm had an overall length of approximately 820mm.

A battery compartment was located in the right hand side of the magazine and a two position selector switch marked "OFF" and "ON" was located on the right hand side of the receiver. A detachable gravity fed hopper with the external appearance of a holographic weapons sight was fitted to the top accessory rail. A vertical fore grip with laser pointer was fitted to the under barrel accessory rail. An accessory with the external appearance of a suppressor could be fitted over the muzzle.

With the supplied battery attached and the two position switch moved to the "ON" position, I test fired the soft air firearm with the gel balls supplied and found it capable of discharging gel balls. Furthermore, it was found that the soft air firearm was only capable of firing in a fully automatic fashion with the ability to propel projectiles in rapid succession during one pressure of the trigger.

The exhibit item is a soft air rifle similar in appearance to a 5.56x45mm calibre HECKLER & KOCH brand Model G36C select fire rifle.

The exhibit item was disassembled and found to operate on a soft air mechanism whereby compressed air was generated by a spring powered plunger driven by an electrically powered gear box. See ANNEXURE 1 for disassembly of exemplar internal mechanism.

Item 0014

The soft air firearm was received in commercial packaging and in a disassembled condition. "MADE IN CHINA" was marked on the left hand side of the receiver. The supplied butt stock was attached to the receiver for the purposes of the examination. The soft air firearm had an overall length of approximately 735mm.

A battery compartment was located on the right hand side of the simulated magazine. A three position selector switch was located on the left hand side of the receiver and was marked "SAFE", "AUTO" and "SEMI". The corresponding positions on the right hand side of the receiver were marked "SAFE", "SEMI" and "AUTO". A detachable gravity fed hopper with the external appearance of a holographic weapons sight was fitted to the top accessory rail. A vertical fore grip could be fitted to the under barrel accessory rail.

Examiner: Witness: 

With the supplied battery attached and the three position selector switch moved to the "SEMI" position, I test fired the soft air firearm with the gel balls supplied and found it capable of discharging gel balls. With the selector switch moved to the "AUTO" position, I test fired the soft air firearm with the gel balls supplied and found it capable of discharging gel balls in an automatic fashion with the ability to propel projectiles in rapid succession during one pressure of the trigger.

The exhibit item is a soft air rifle similar in appearance to a 5.56x45mm calibre M4 platform variant select fire rifle.

The exhibit item was disassembled and found to operate on a soft air mechanism whereby compressed air was generated by a spring powered plunger driven by an electrically powered gear box. See ANNEXURE 1 for disassembly of exemplar internal mechanism.

Item 0015

The soft air firearm was received in commercial packaging and in a disassembled condition. "LUN YU" was marked on the left hand side of the receiver. The supplied butt stock was attached to the receiver for the purposes of the examination. The soft air firearm had an overall length of approximately 775mm.

A battery compartment was located in the base of the magazine. A two position slide switch marked "OFF" and "ON" was located on the right hand side of the receiver. A two position selector switch was located on the left hand side of the receiver and was marked "A", "1" and "S". The corresponding positions on the right hand side of the receiver were marked "A", "1" and "S". A detachable gravity fed hopper with a multicolour LED with the external appearance of an optical scope was attached to the top accessory rail. A storage container with the external appearances of an enhance grenade launching module was attached to the under barrel accessory rail. An accessory with the external appearance of a suppressor could be fitted over the muzzle.

With the supplied battery attached and the two position slide switch moved to the "ON" position, and the two position selector switch moved to the "1" position, the trigger could not be actioned. With the two position selector switch moved to the "A" position, I test fired the soft air firearm with the gel balls supplied and found it capable of discharging gel balls. Furthermore, it was found that the soft air firearm was only capable of firing in a fully automatic fashion with the ability to propel projectiles in rapid succession during one pressure of the trigger.

Examiner

Witness:

The exhibit item is a soft air rifle similar in appearance to a 5.56x45mm calibre FABRIQUE NATIONALE brand Model SCAR-L select fire rifle.

The exhibit item was disassembled and found to operate on a soft air mechanism whereby compressed air was generated by a spring powered plunger driven by an electrically powered gear box. See ANNEXURE 1 for disassembly of exemplar internal mechanism.

Item 0016

The soft air firearm was received in commercial packaging and fitted with a detachable stock. The soft air firearm had an overall length of approximately 830mm.

A battery was fitted in a compartment located in the handgrip. A two position slide switch was located at the rear of the receiver. A detachable force fed hopper fitted with the external appearance of a magazine could be fitted into the receiver magazine well and a storage container with the external appearances of a holographic weapons sight could be attached to the top accessory rail. An accessory with the external appearance of a suppressor could be fitted over the muzzle. A laser pointer and a blue LED torch could be attached to the accessory rails.

With the supplied battery attached and the two position slide switch moved to the upper most position, I test fired the soft air firearm with the gel balls supplied and found it capable of discharging gel balls. Furthermore, it was found that the soft air firearm was only capable of firing in a fully automatic fashion with the ability to propel projectiles in rapid succession during one pressure of the trigger.

The exhibit item is a soft air rifle similar in appearance to a 7.62x39mm calibre AK variant select fire rifle.

The exhibit item was disassembled and found to operate on a soft air mechanism whereby compressed air was generated by a spring powered plunger driven by an electrically powered gear box. See ANNEXURE 1 for disassembly of exemplar internal mechanism.

Examined

Witness:

3. CONCLUSIONS

I formed the opinion that:

- 3.1. Items 0001, 0005 to 0007, 0010 to 0016 are soft air rifles and, as such, would be subject to the control of Schedule 6, Part 2, Item 1 of the Customs (Prohibited Imports) Regulations 1956.
- 3.2. Items 0002 to 0004, 0008 and 0009 are soft air handguns and, as such, would be subject to the control of Schedule 6, Part 2, Item 9 of the Customs (Prohibited Imports) Regulations 1956.
- 3.3. However, due to the fully automatic firing capabilities, all of the soft air firearms, Items 0001 to 0016, would be subject to the control of Schedule 6, Part 2, Item 12 of the Customs (Prohibited Imports) Regulations 1956.
- 3.4. Additionally, Items 0005, 0007, and 0010 to 0016 are substantially the same in appearance to a fully automatic firearm and, as such, would be subject to the control of Schedule 6, Part 2, Item 12 of the Customs (Prohibited Imports) Regulations 1956.
- 3.5. Furthermore, the gel ball projectiles supplied with all of the exhibit items would be deemed to be components of ammunition for a firearm and, as such, would be subject to the control of Schedule 6, Part 2, Item 23 of the Customs (Prohibited Imports) Regulations 1956.

Examiner:



Witness:



4. ANNEXURE 1

The internal firing mechanism of all of the soft air firearms, Item 0001 to Item 0016 were found to operate on a similar principle as depicted below:

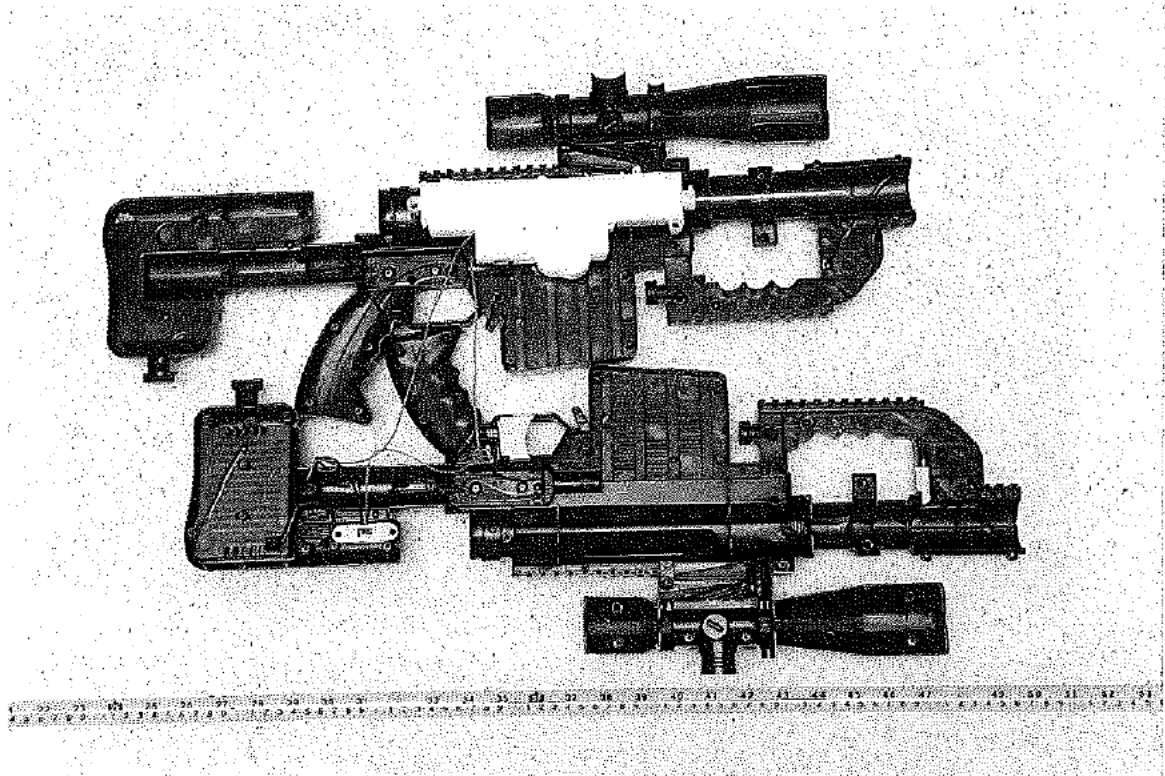


Figure 1 – firing mechanism within frame

Examiner

Witness:

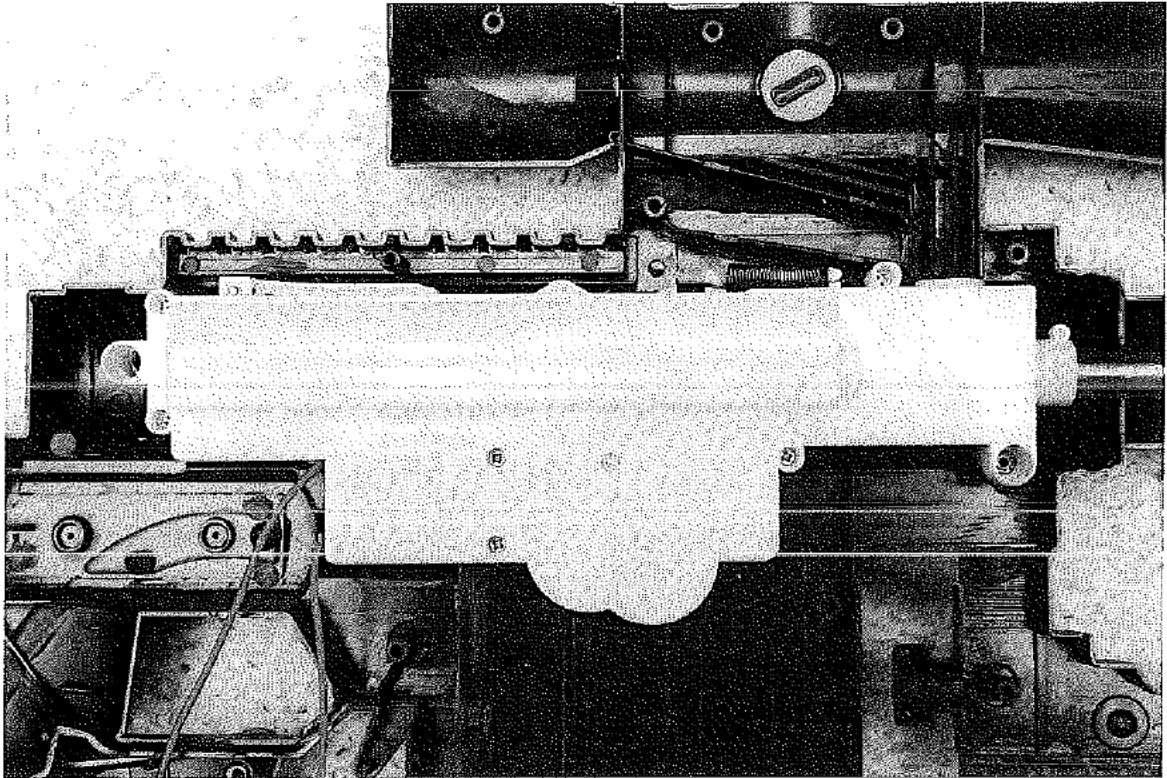


Figure 2 – close up of firing mechanism

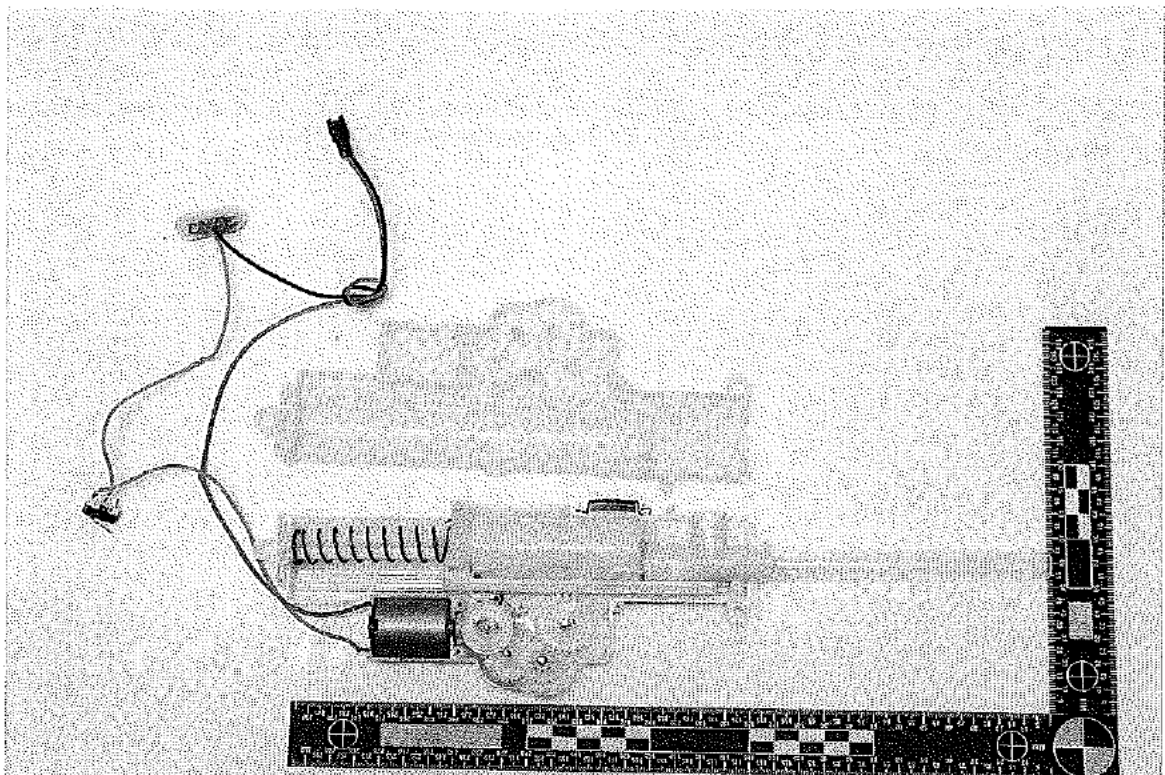


Figure 3 – internal components of firing mechanism

Examiner:

Witness:

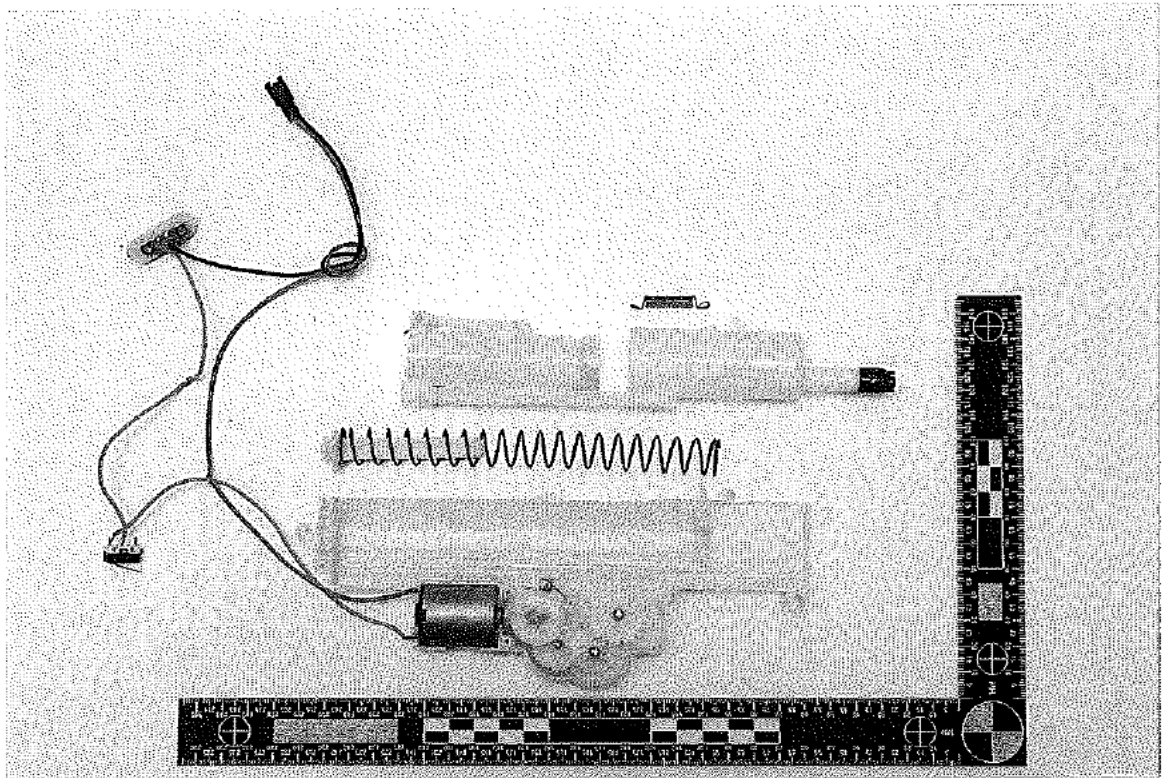


Figure 4 – removal of spring and plunger system

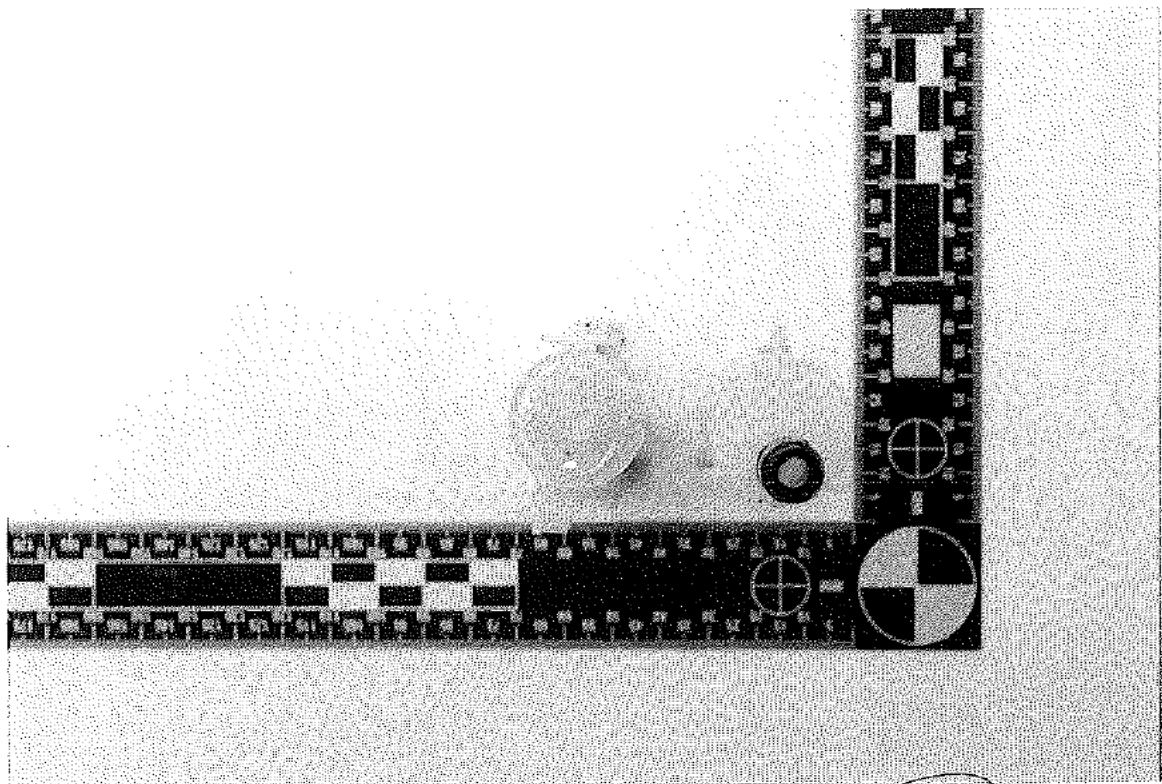


Figure 5 – plunge and nozzle components

Examine:

Witness:

5. ANNEXURE 2

Figure 1 – exhibit Item 0001 – left hand side



Figure 2 – exhibit Item 0001 – right hand side

Examine

Witness:

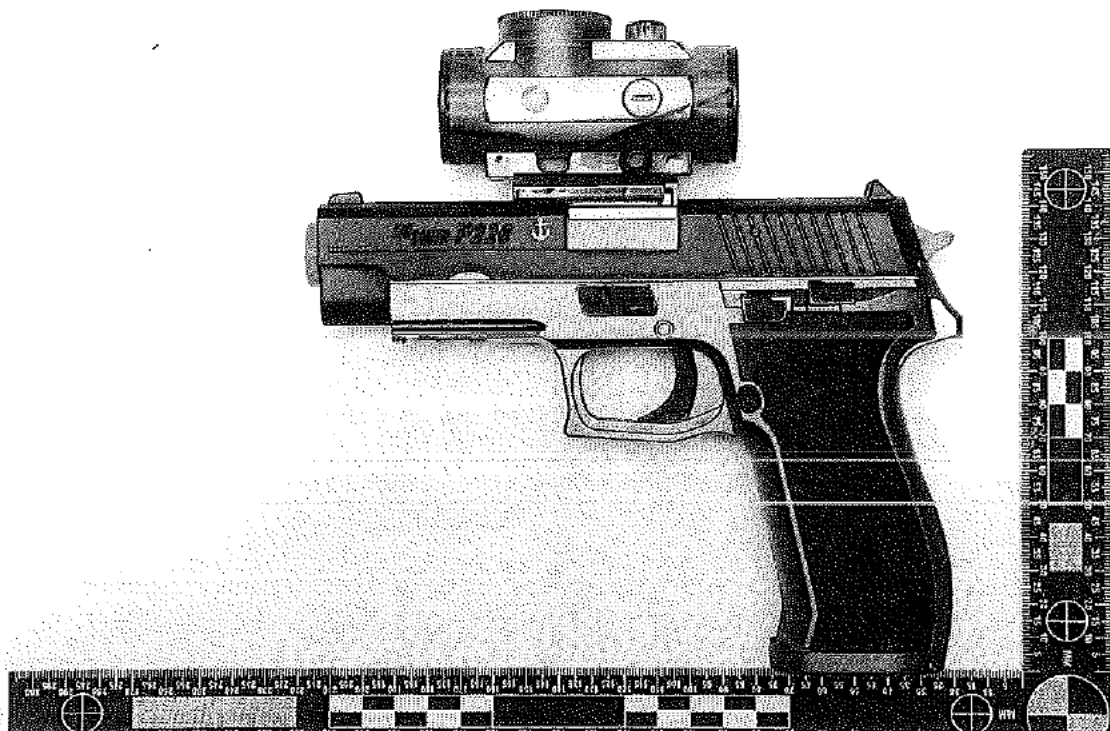


Figure 3 -- exhibit Item 0002 -- left hand side

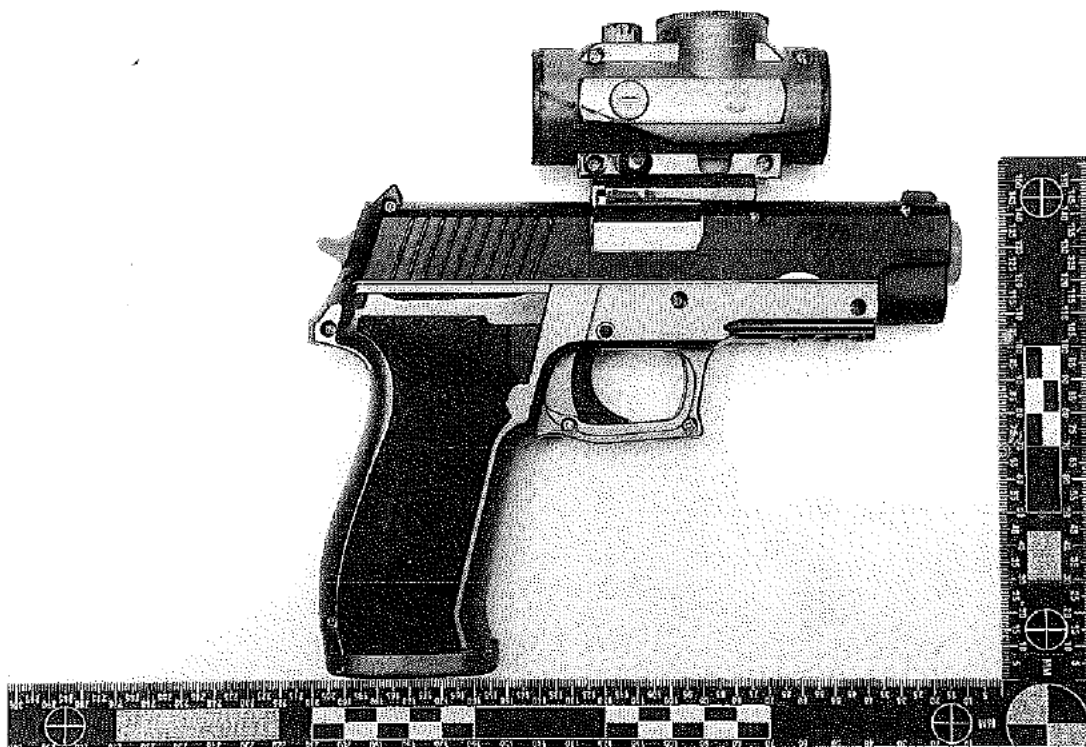


Figure 4 -- exhibit Item 0002 -- right hand side

Examiners:

Witness:



Figure 5 – exhibit Item 0003 – left hand side



Figure 6 – exhibit Item 0003 – right hand side

Examine

Witness:



Figure 7 -- exhibit Item 0004 -- left hand side

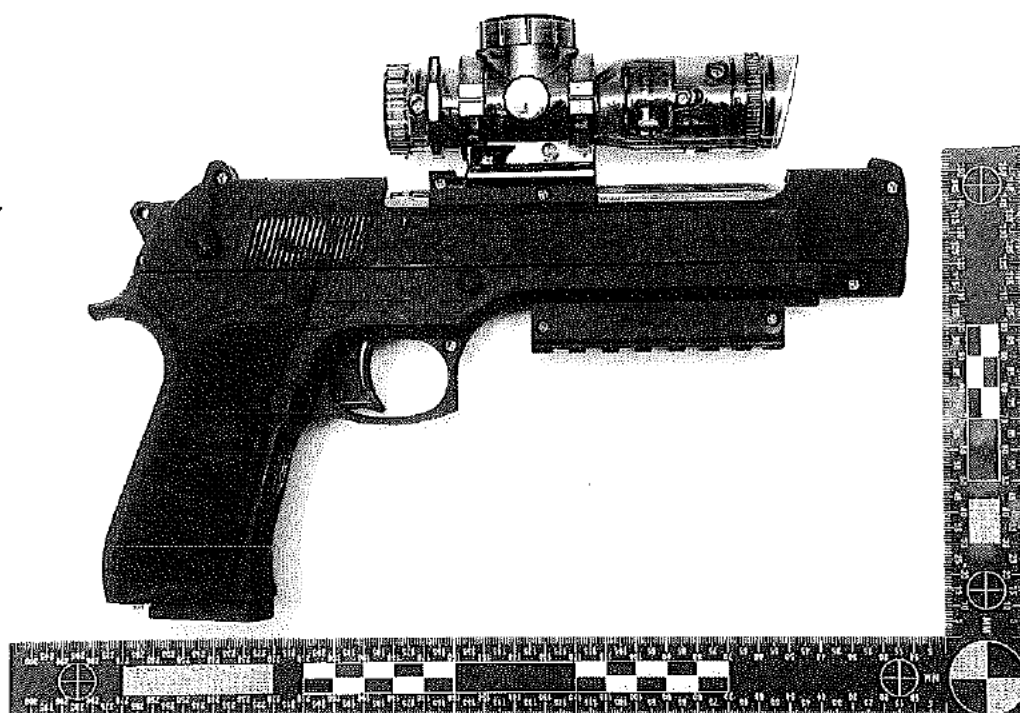


Figure 8 -- exhibit Item 0004 -- right hand side

Examiner: [REDACTED]

Witness: [REDACTED]



Figure 9 – exhibit Item 0005 – left hand side

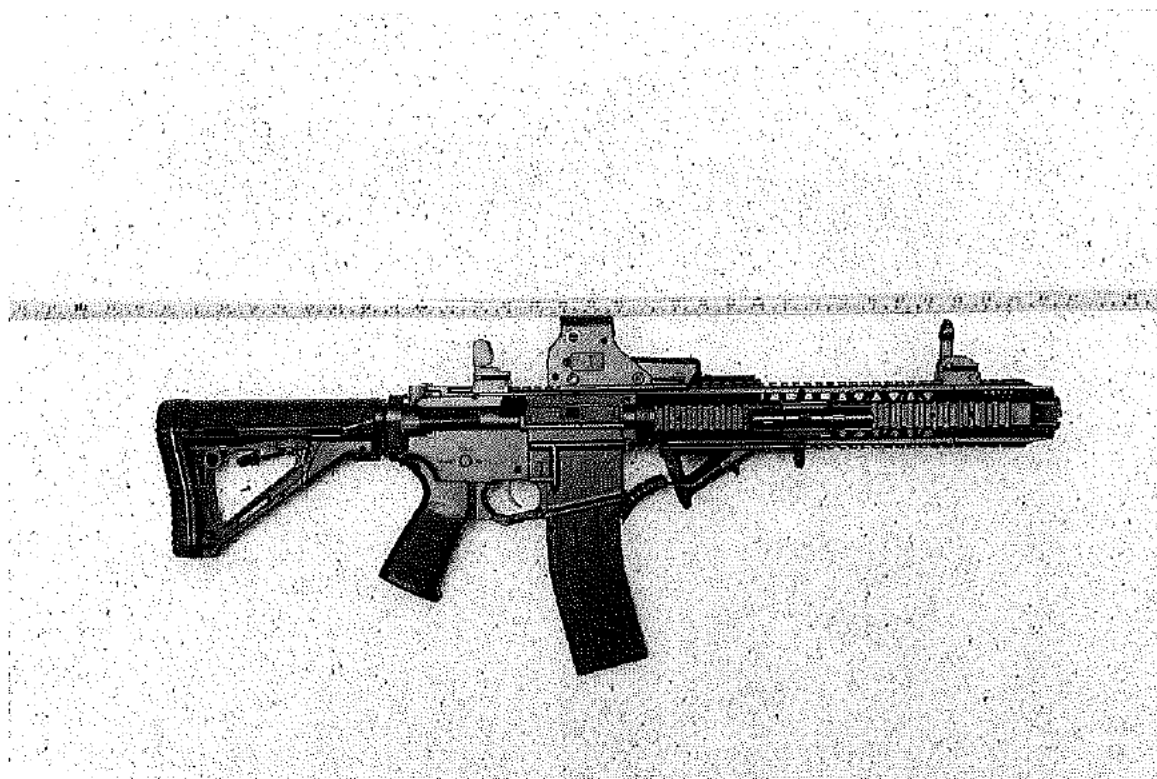


Figure 10 – exhibit Item 0005 – right hand side

Examined

Witness:



Figure 11 – comparison of exhibit Item 0005 (above) with a M4 platform variant select fire rifle (below) – left hand side



Figure 12 – comparison of exhibit Item 0005 (above) with a M4 platform variant select fire rifle (below) – right hand side

Examiner

Witness:



Figure 13 – exhibit Item 0006 – left hand side



Figure 14 – exhibit Item 0006 – right hand side

Examiner

Witness:



Figure 15 – exhibit Item 0007 – left hand side

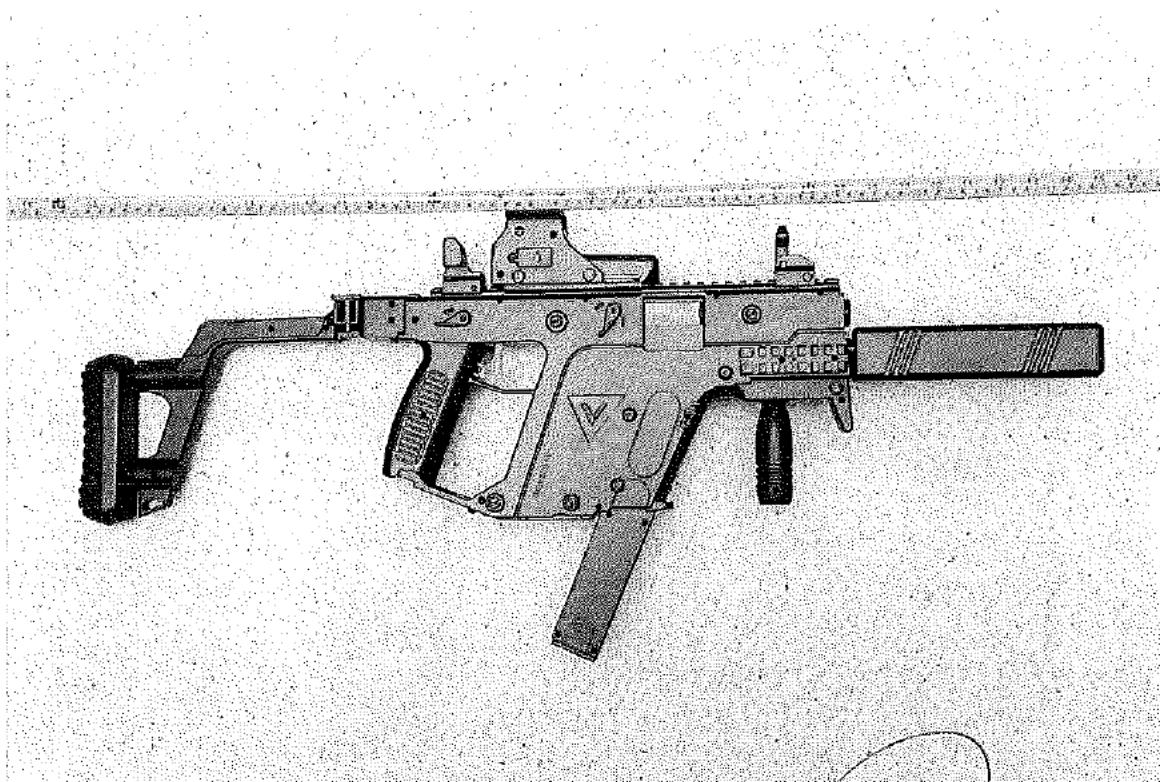


Figure 16 – exhibit Item 0007 – right hand side

Examiner

Witness:

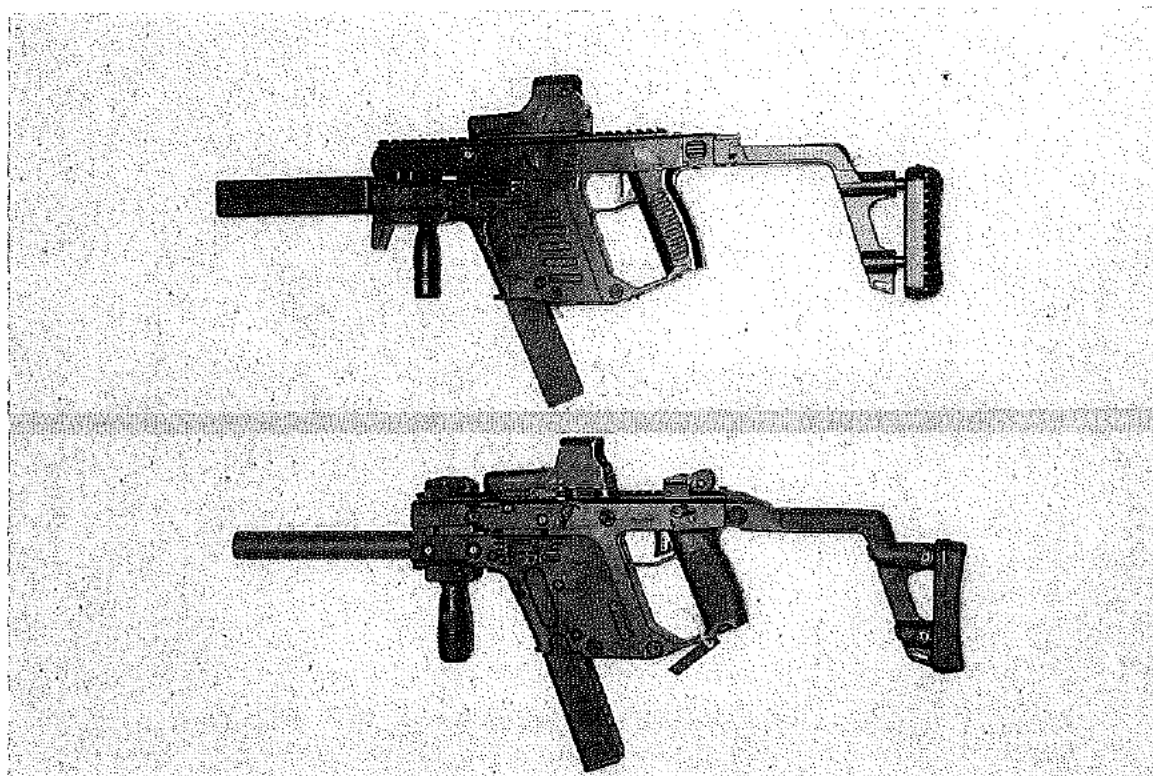


Figure 17 -- comparison of exhibit Item 0007 (above) with a .45ACP calibre KRISS brand Model Vector submachine gun (below) -- left hand side

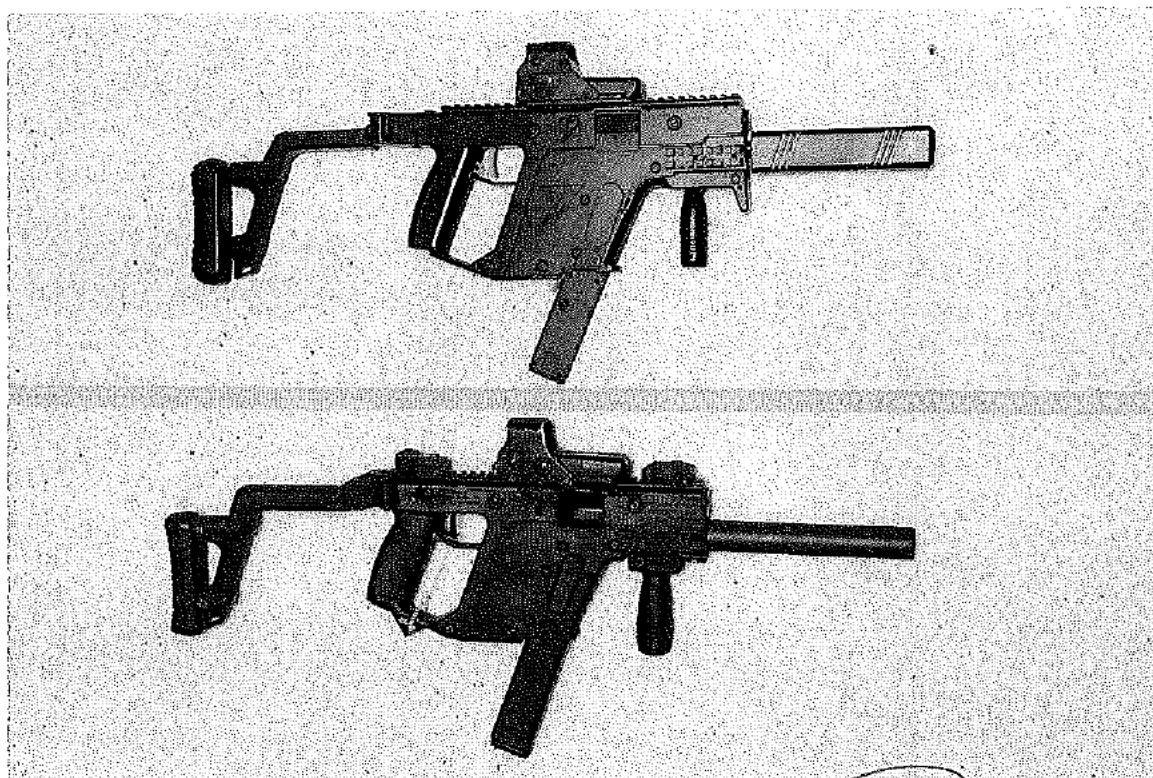


Figure 18 -- comparison of exhibit Item 0007 (above) with a .45ACP calibre KRISS brand Model Vector submachine gun (below) -- right hand side

Examiner:

Witness:

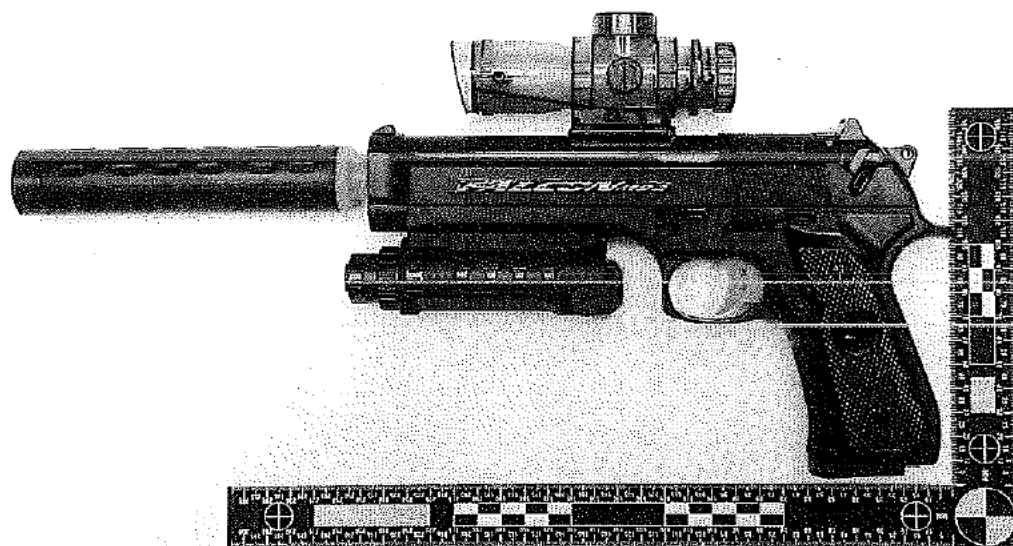


Figure 19 – exhibit Item 0008 – left hand side

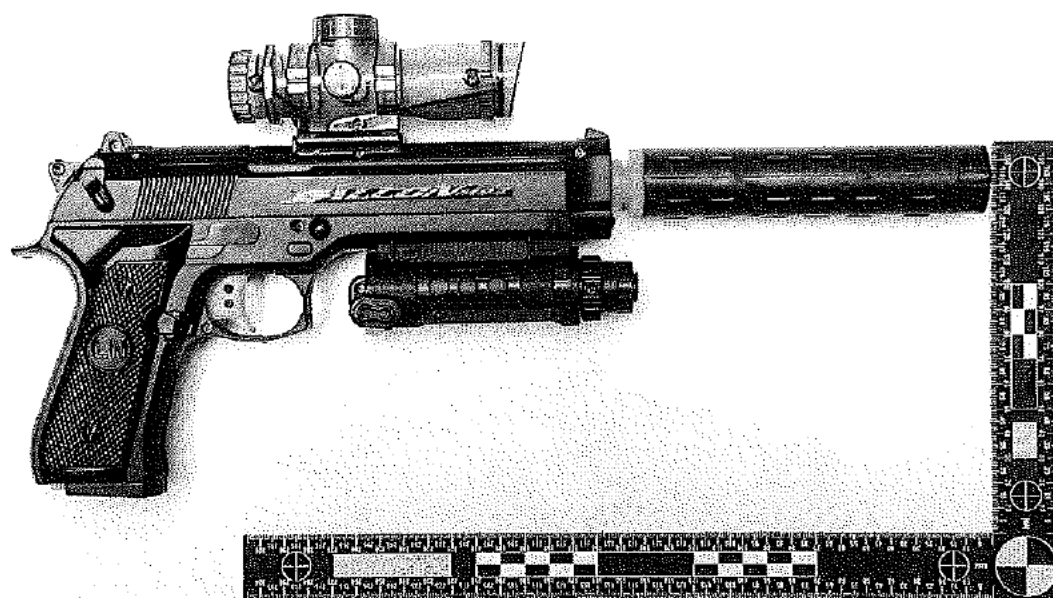


Figure 20 – exhibit Item 0008 – right hand side

Examiner

Witness:



Figure 21 – exhibit Item 0009 – left hand side

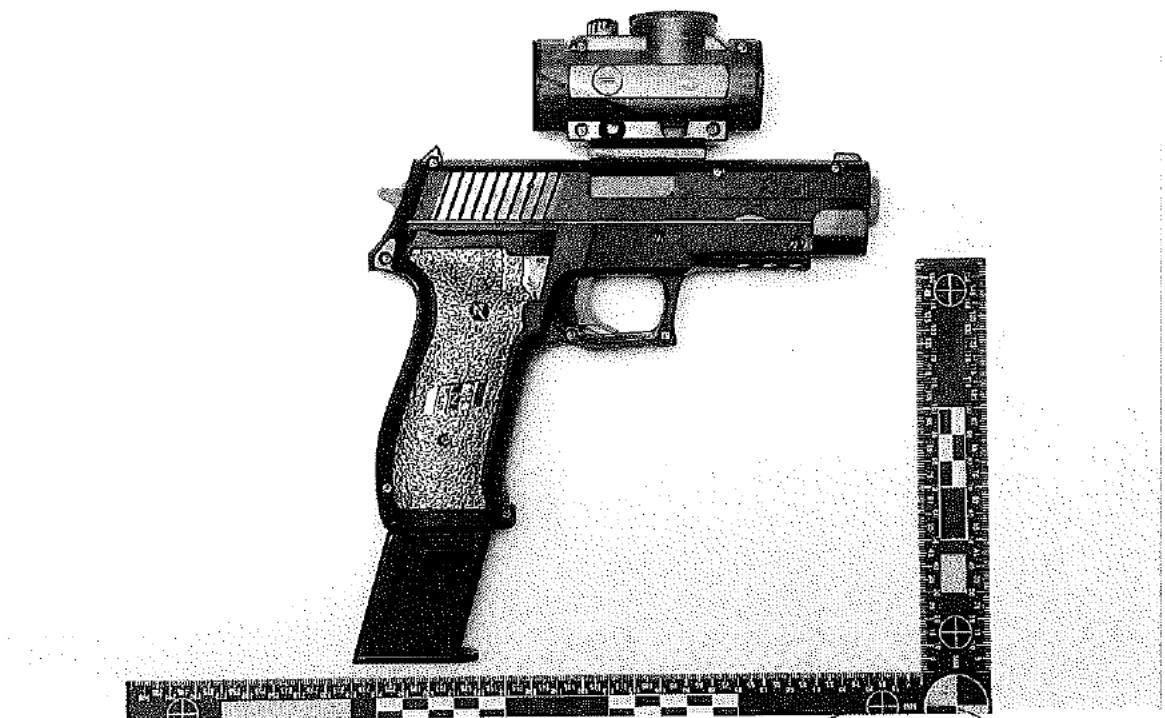


Figure 22 – exhibit Item 0009 – right hand side

Examiner

Witness:

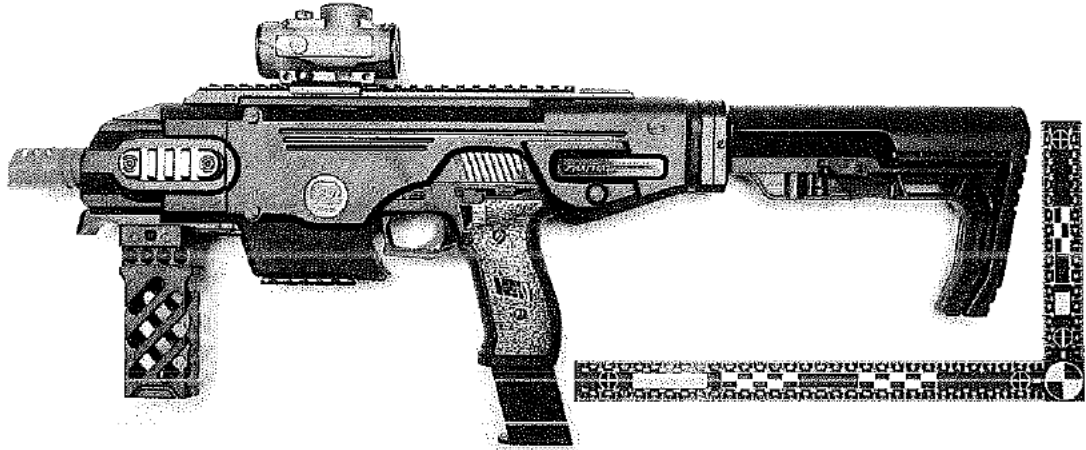


Figure 23 – exhibit Item 0009 mounted in replica pistol carbine conversion kit – left hand side



Figure 24 – exhibit Item 0009 mounted in replica pistol carbine conversion kit – right hand side

Examine

Witness:

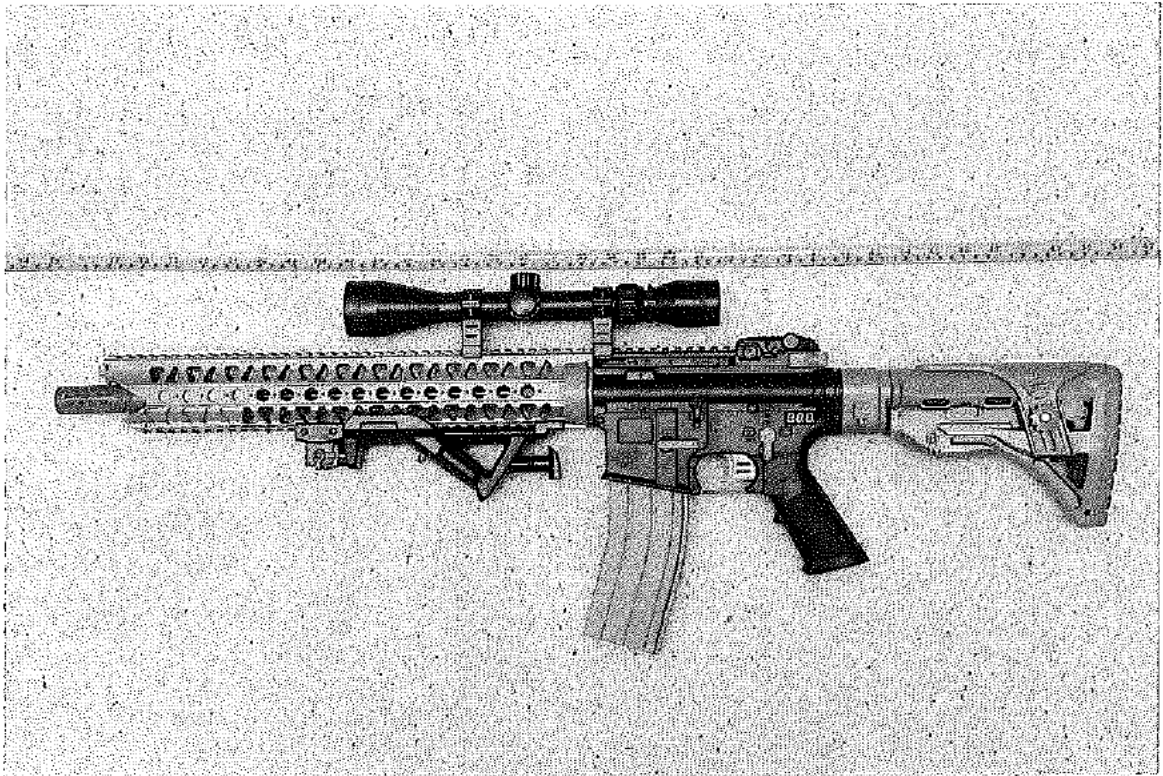


Figure 25 – exhibit Item 0010 – left hand side

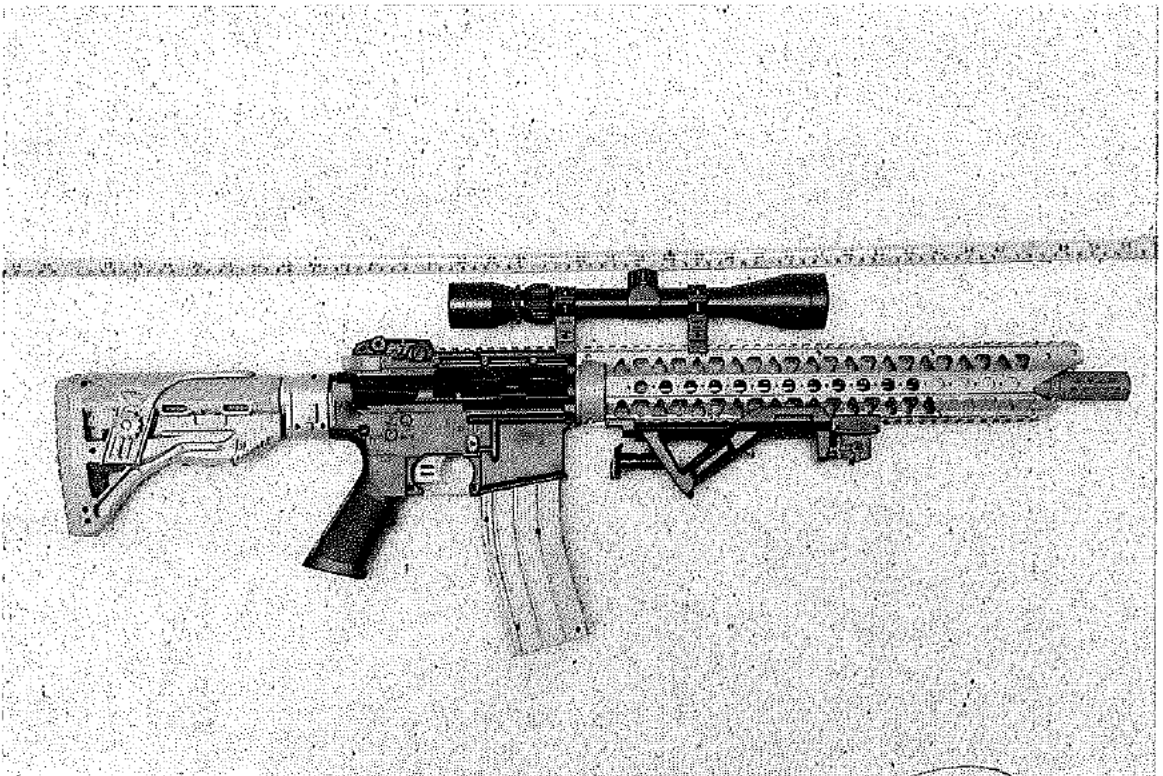


Figure 26 – exhibit Item 0010 – right hand side

Examine:

Witness:

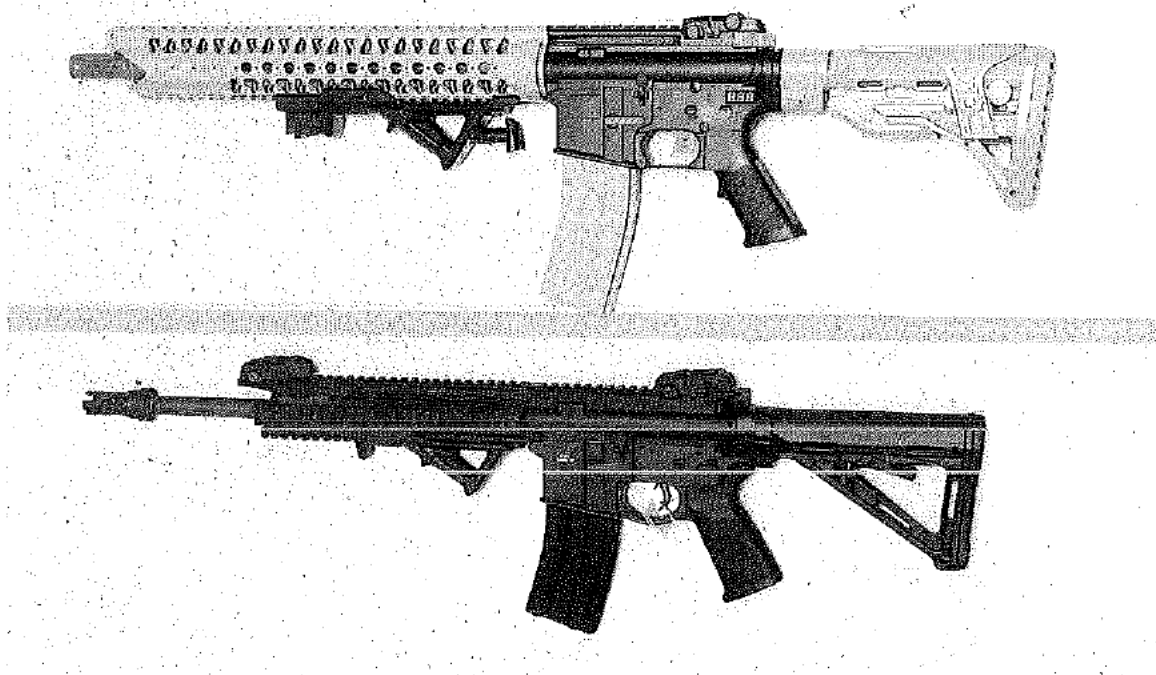


Figure 27 – comparison of exhibit Item 0010 (above) with a 5.56x45mm calibre M4 platform variant select fire rifle (below) – left hand side

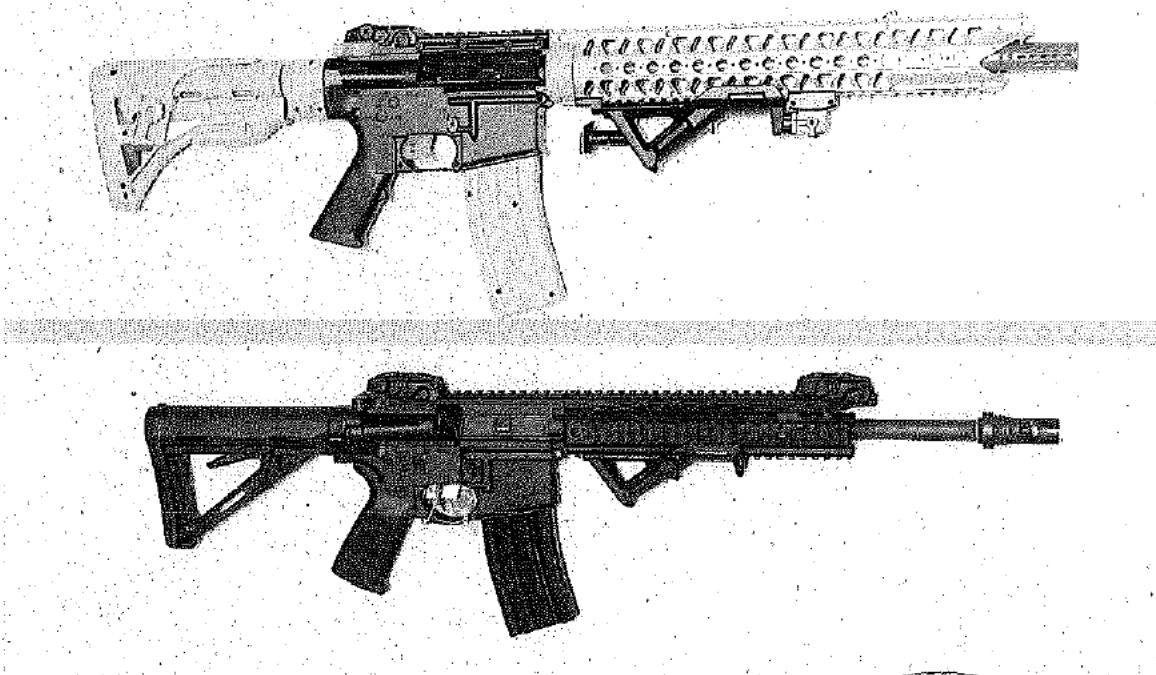


Figure 28 – comparison of exhibit Item 0010 (above) with a 5.56x45mm calibre M4 platform variant select fire rifle (below) – right hand side

Examiner

Witness:



Figure 29 – exhibit Item 0011 – left hand side



Figure 30 – exhibit Item 0011 – right hand side

Examiner

Witness:



Figure 31 – comparison of exhibit Item 0011 (above) with a 9x19mm calibre HECKLER & KOCH brand Model UMP9 submachine gun (below) – left hand side



Figure 32 – comparison of exhibit Item 0011 (above) with a 9x19mm calibre HECKLER & KOCH brand Model UMP9 submachine gun (below) – right hand side

Examiner

Witness:



Figure 33 – exhibit Item 0012 – left hand side

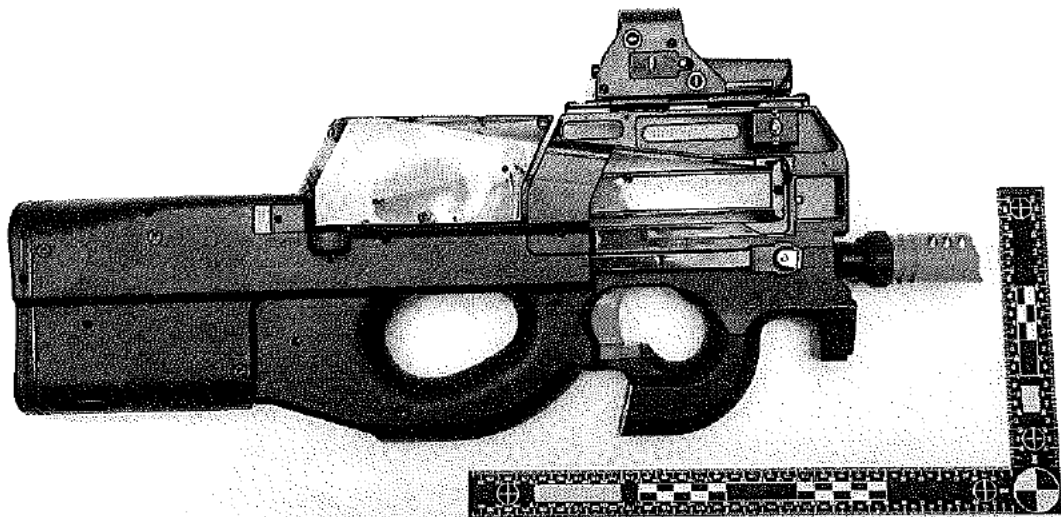


Figure 34 – exhibit Item 0012 – right hand side

Examine: [REDACTED]

Witness: [REDACTED]

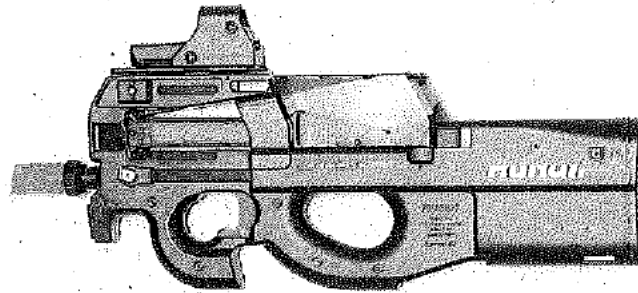


Figure 35 – comparison of exhibit Item 0012 (above) with a 5.7x28mm calibre FABRIQUE NATIONALE brand Model P90 bullpup style rifle (below) – left hand side

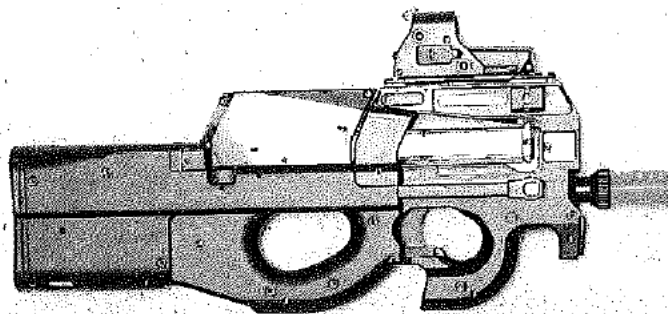


Figure 36 – comparison of exhibit Item 0012 (above) with a 5.7x28mm calibre FABRIQUE NATIONALE brand Model P90 bullpup style rifle (below) – right hand side

Examiner

Witness:



Figure 37 – exhibit Item 0013 – left hand side



Figure 38 – exhibit Item 0013 – right hand side

Examiner:

Witness:

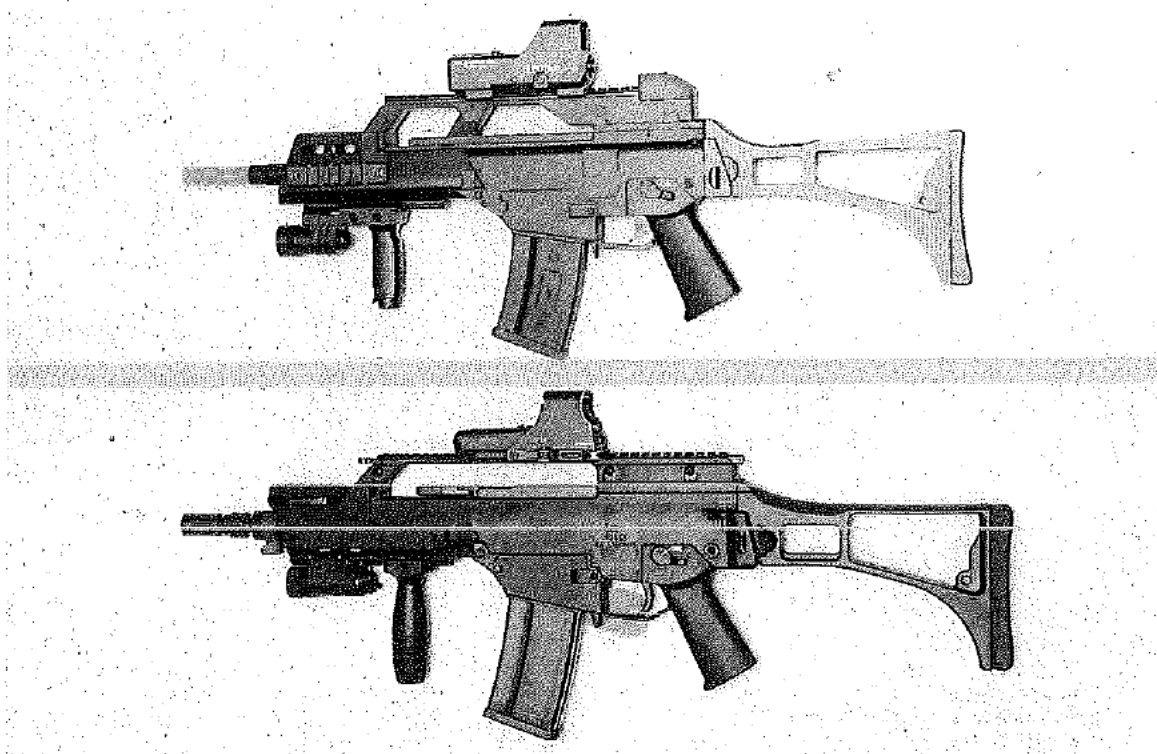


Figure 39 – comparison of exhibit Item 0013 (above) with a 5.56x45mm calibre HECKLER & KOCH brand Model G36 select fire rifle (below) – left hand side



Figure 40 – comparison of exhibit Item 0013 (above) with a 5.56x45mm calibre HECKLER & KOCH brand Model G36 select fire rifle (below) – right hand side

Examine

Witness:



Figure 41 – exhibit Item 0014 – left hand side



Figure 42 – exhibit Item 0014 – right hand side

Examiner:



Witness:

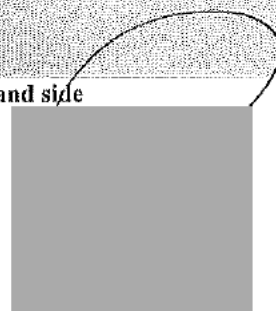




Figure 43 – comparison of exhibit Item 0014 (above) with a 5.56x45mm calibre M4 platform variant select fire rifle (below) – left hand side

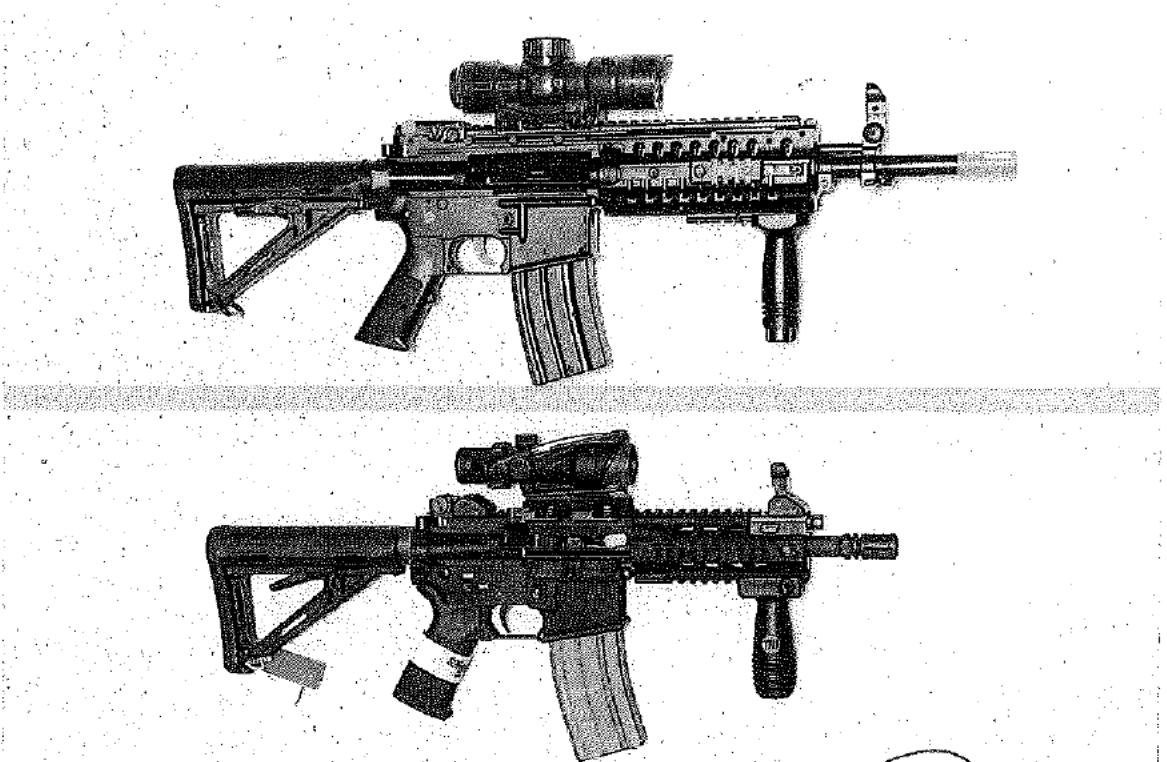


Figure 44 – comparison of exhibit Item 0014 (above) with a 5.56x45mm calibre M4 platform variant select fire rifle (below) – right hand side

Examining

Witness:



Figure 45 – exhibit Item 0015 – left hand side



Figure 46 – exhibit Item 0015 – right hand side

Examine

Witness:

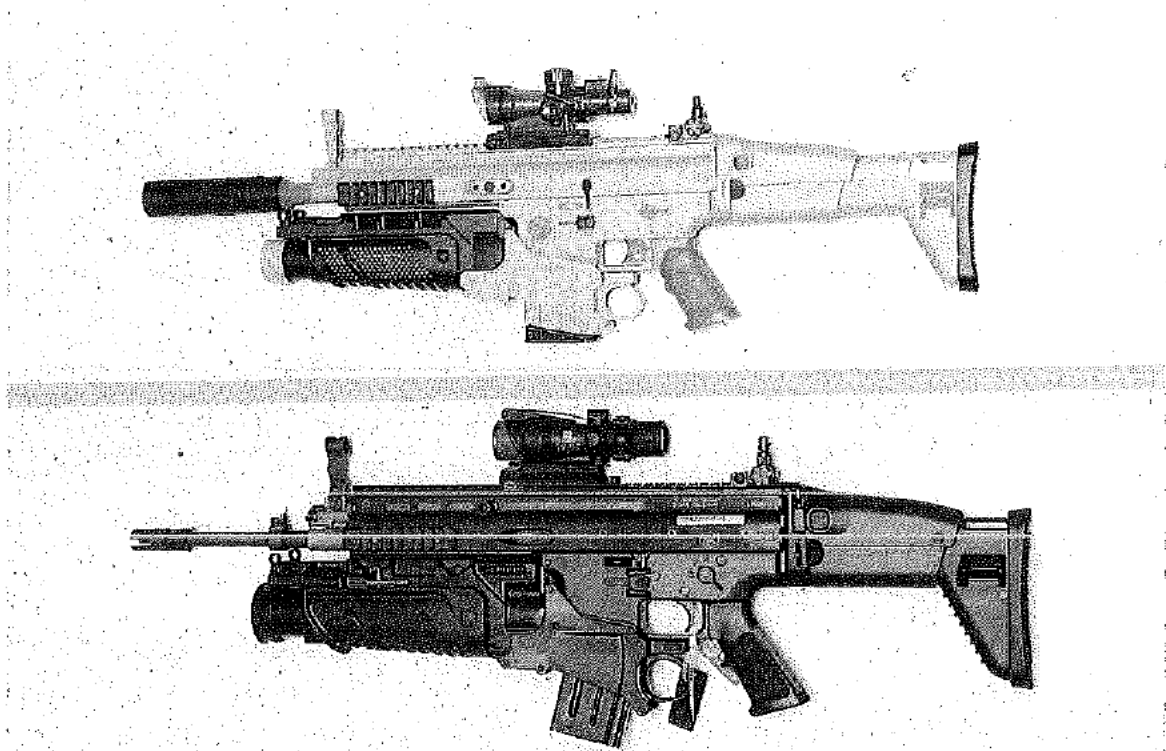


Figure 47 – comparison of exhibit Item 0015 (above) with a 5.56x45mm calibre FABRIQUE NATIONALE brand Model SCAR-L select fire rifle (below) – left hand side



Figure 48 – comparison of exhibit Item 0015 (above) with a 5.56x45mm calibre FABRIQUE NATIONALE brand Model SCAR-L select fire rifle (below) – right hand side

Examine

Witness:



Figure 49 – exhibit Item 0016 – left hand side



Figure 50 – exhibit Item 0016 – right hand side

Examin

Witness:



Figure 51 – comparison of exhibit Item 0016 (above) with a 7.62x39mm calibre AK platform variant select fire rifle (below) – left hand side



Figure 52 – comparison of exhibit Item 0016 (above) with a 7.62x39mm calibre AK platform variant select fire rifle (below) – right hand side

Examiner

Witness:

Statutory Declaration re: [REDACTED]

1

I, [REDACTED] a **Sergeant** in the Tasmania Police Force stationed at the Ballistics Section, Forensic Services, Police Headquarters, Hobart, do solemnly and sincerely declare that:-

1. My qualifications and experience in forensic firearms investigation are outlined in Annexure 1, attached.

2. On 16 August 2018, the following exhibit (**Barcode No. 374101828**) was received in a sealed paper bag from [REDACTED] of Western District RPOS:

(a) **A Chinese made olive and black coloured plastic imitation of a 5.56mm calibre Fabrique Nationale (FN) select fire rifle, model SCAR Mk 16.**

3. I made an examination of these exhibits with the following results:

The Chinese imitation rifle is an olive and black coloured plastic copy of a 5.56mm calibre FN model SCAR Mk 16 rifle. The imitation rifle is of similar size to the firearm it copies and the attention to detail of the various components on the imitation is extremely close in shape and features to the genuine FN model SCAR Mk 16 rifle.

The imitation rifle is designed to propel water gel spherical projectiles of approximately 7.5mm diameter in both semi-automatic and full automatic modes of fire. The detachable magazine is designed to hold a large quantity of water gel projectiles. The battery, which provides power to electrically operate the action, is located in the butt. The imitation rifle is not capable of discharging real ammunition and it is doubtful that any serious injury could occur, except perhaps to the eyes, as a result of being struck with a water gel projectile discharged from the imitation rifle.

The imitation rifle is classified as a **“firearm”**, being -

(e) an imitation firearm other than a toy, as defined in Part 1(3) of the Firearms Act 1996.

“Imitation firearm” means an article of any material or colour that –

- (a) is a copy or a reproduction of a firearm or has the appearance of a firearm; and
- (b) could reasonably be mistaken for a firearm.

It is also classified as a **“prohibited firearm”**, as defined in Schedule 1 – Prohibited Firearms of the Firearms Act 1996 by virtue of the following –

(6) Any firearm that substantially duplicates in appearance a firearm referred to in item 1.

Item 1 states: **Any machine gun, submachine gun or other firearm capable of propelling projectiles in rapid succession during one pressure of the trigger.**

The genuine FN model SCAR Mk 16 rifle that the Chinese imitation rifle copies, has select fire capability and can operate in semi-automatic or fully automatic modes of fire.

And I make this Solemn Declaration by virtue of the Oaths Act, 2001.

8(1)



Declared at Hobart this 6th day of September 2018 before me-

.....

Commissioner for Declarations

Police Officer

8(1)



ANNEXURE 1

The qualifications of ^{B(1)} [REDACTED] in forensic firearms investigation are as follows:

From mid 1987 to mid January 1995, I was a member of the New South Wales Police; attached to the Forensic Ballistics Unit in Sydney as a forensic firearms and toolmarks investigator. From mid February 1995, I have been Officer in Charge of the Tasmanian Police Ballistics Section.

For over thirty one years I have continuously studied the technical investigation of crime involving firearms, explosives and toolmarks and in that time have examined and tested thousands of firearms and tools; firearms identification being the most highly specialised form of toolmark identification. I have studied the identification of ammunition components and toolmarks by comparative macroscopy and I regularly undertake independent proficiency testing relating to the identification of ammunition components and toolmarks using the comparison microscope, through the National Institute of Forensic Science, Collaborative Testing Services, Virginia, USA and by participation in international research studies.

I have personally studied firearm, ammunition and tool production methods at factories in Australia, Austria and the United States of America. I have personally examined the techniques adopted by other Police authorities in the field of forensic firearms investigation and toolmark identification by visiting dozens of forensic laboratories in Australia, Austria, Belgium, Canada, England, Germany, Hong Kong, Israel, Ireland, The Netherlands, New Zealand, Palestine, Sweden, Switzerland, the United Arab Emirates and the United States of America.

I have attended hundreds of autopsies upon persons who have been fatally wounded by the discharge of pistols, rifles and shotguns and I have studied the techniques of gunshot wound interpretation.

I have written over one hundred technical papers and articles on forensic firearms investigation and related topics which have been published worldwide in police, forensic and technical journals. I have won thirteen national and three international honours for my papers; awarded by the Australian Police Journal (3), the National Institute of Forensic Science (10) and the International Association of Firearm and Toolmark Examiners (3).

I have given numerous ballistics presentations to my peers and the general public at various meetings and forensic science symposia in Australia, Austria, Canada, England, Germany, Hong Kong, Indonesia, The Netherlands, New Zealand, Palestine, Sweden, Switzerland, the United Arab Emirates and the United States of America.

I am a member and Treasurer of the Tasmanian Branch of the Australian and New Zealand Forensic Science Society (ANZFSS) and was Chairman of the Organising Committee for the ANZFSS 21st International Symposium on the Forensic Sciences held in Hobart in 2012. I have also previously held the position of President and Vice President of the Tasmanian Branch of ANZFSS. I am a Distinguished Member of the International Association of Firearm and Tool Mark Examiners (AFTE).

I have served on a number of national and international committees relating to my work including but not limited to:

- Member and Chairman of the Australian Firearms and Toolmarks Scientific Working Group.
- Member and Chairman of the AFTE Ethics Committee.
- Assistant Editor of the AFTE Journal and past member of the AFTE Journal Editorial Committee Review Panel.
- Member of an international committee convened by the United Nations Office on Drugs and Crime (UNODC) to prepare and deliver training in forensic firearms investigation for the Palestinian Civil Police (PCP). I consequently travelled to Ramallah in the West Bank in April 2014, May 2015, May 2016 and August 2017 to deliver face to face training to officers of the PCP.
- The only non USA based member of the NIST-OSAC (National Institute of Standards and Technology - Organisation of Scientific Area Committees for Forensic Science) Firearms/Toolmarks Process Mapping Project, which required travel to Washington DC, USA in August 2018 to undertake this work, with an associated ongoing commitment to the project.
- Member and past National Legislation Officer for the Australian Cartridge Collectors Association.
- Member of the Australasian Forensic Field Sciences Accreditation Board (AFFSAB), responsible for accrediting police specialists in the Ballistics, Crime Scene and Fingerprints disciplines Australia wide.

I have given specialist/expert testimony in person many hundreds of times in Children's, Local, District, Supreme and Coroners Court jurisdictions in New South Wales and Tasmania, in the High Court of New Zealand and the District Court in Norway.

Hillier, Troy (SAPOL)

From:

b(1)

Sent:

Tuesday, 24 September 2019 8:25 AM

To:

b(1)

Cc:

Subject:

RE: Information request - Gelblasters - ballistic testing, legal advice [DLM=For-Official-Use-Only]

Attachments:

J18-107 Gel Blaster.doc

Hello Stephen and all,

I've attached a report on a Gel Blaster I examined in recent times.

I've classified it as a "firearm" under Tasmania legislation, by virtue of the fact it is an imitation firearm. As it duplicates a fully automatic firearm it is also a Prohibited Firearm.

I've disassembled the mechanism on some gel blasters, which usually means damaging them as they're not designed to easily take apart. The mechanisms I've seen use a short piston (electrically/battery driven) to compress air to propel the projectiles.

This would also mean they fit the definition of an air rifle (and therefore a firearm) under our Firearms Act, 1996. I didn't classify the one in the attached report as an air rifle as I didn't actually examine the mechanism and it is possible, albeit unlikely, that the gel spheres might be propelled by a spring operated plunger and not air, which means they wouldn't fit the air rifle definition. Those gel spheres are fragile and I would think that if they were propelled by impact with a spring plunger they would break/shatter upon impact with the plunger head. It is highly likely they are all air operated for this reason.

Other imitation firearms that propel other types of projectiles like *plastic* spheres (Air Soft for example) *could* use a plastic spring plunger and not air as the projectiles are more robust. Anyway the bottom line is that unless I have personally examined the mechanism and I know for certain it is using air to propel the projectile, I am wary of classing these as an air rifle. I don't know if the gel blasters would/could propel plastic spheres from AirSoft guns as well; I assume they probably would if they were the same diameter, they are both lightweight round projectiles. I've not tested this personally however. It wouldn't change how we classify them as our legislation just states that it "is capable of propelling a projectile by means of compressed gas or air." The projectile could be a peanut, or...anything!

Anyway, as Gel Blasters copy a real firearm, classing them as an imitation firearm, still means they fit the definition of "firearm" under our Firearms Act, not to mention also fitting the definition of a Prohibited Firearm. Same result via a different avenue and it is not unusual that these things fit multiple definitions.

It's a bit of a minefield and frustrating at times dealing with the myriad variants of these items and classing them appropriately; there is lots of grey areas in our legislation. Of course, how this all equates to how SAPOL firearms legislation is worded (and in the other Australian police jurisdictions) I have no idea. I hope this helps.

Regards,

b(1)

BALLISTICS SECTION – FORENSIC SERVICES
TASMANIA POLICE
PO BOX 308
HOBART TASMANIA 7000

b(1)

b(1)



From: ^{B(1)}

Sent: Monday, 23 September 2019 6:11 PM

^{B(1)}

Subject: Fwd: Information request - Gelblasters - ballistic testing, legal advice [DLM=For-Official-Use-Only]

Hello Gents,

Please see below for request for info from SAPOL if possible.

If yes, can you forward it back either through me or just cc me in.

Regards

^{B(1)}

Begin forwarded message:

From: ^{B(1)}

Date: 23 September 2019 at 4:55:52 pm AEST

To: ^{B(1)}

Subject: FW: Information request - Gelblasters - ballistic testing, legal advice [DLM=For-Official-Use-Only]

Can you chase up with Ballistics if they have reports relating to Gel blasters that could be provided to SAPOL, they are looking for information that classifies the Gel blaster as a firearm

From: ^{B(1)}

Sent: 23 September 2019 16:48

^{B(1)}

Subject: Information request - Gelblasters - ballistic testing, legal advice [DLM=For-Official-Use-Only]

For-Official-Use-Only

Good afternoon everyone

Stephen Howard (South Australia Police) has sent through the below request for consideration and input.

Responses have been requested by **COB Friday 4 October**.

Please provide responses directly to Stephen ^{(b)(1)} ensuring you copy your reply to the FWPWG inbox.

If you have any questions or concerns regarding the request, please contact Stephen directly.

Kind regards

^{(b)(1)}

Project Officer | Firearms Section
Law Enforcement Policy Branch | National Security and Law Enforcement Policy Division
Policy Group
Department of Home Affairs

^{(b)(1)}

Good afternoon,

As you recall Gel Blasters were discussed at FWPWG and I would like to know if the following information could be provided:

- Ballistic reports relating to Gel blasters that could be provided to SAPOL, I am looking for information that classifies the Gel blaster as a firearm in your jurisdiction.
- Information/evidence that the mechanism is the same as used in Airsoft or can be easily converted to Airsoft.
- Legal opinions relating to the classification of gel blasters (I have Vicpol's), or relating to the import of gel blasters.
- Will it make any difference if SA were to ban gel blasters? I had the feeling that they are still readily available.

Could I please have a response by 4/10/19.

Regards Stephen

^{(b)(1)}

Superintendent
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VICTORIA POLICE LICENCING AND REGULATION DIVISION

RE. *FIREARMS ACT 1996* and *CONTROL OF WEAPONS ACT 1990*

ADVICE

1. I am asked to advise whether plastic water gel guns are:
 - (a) classified as firearms under the *Firearms Act 1996*; or
 - (b) imitation firearms under the *Control of Weapons Act 1990*.
2. Ballistics expert, Leading Senior Constable ^{B(1)} [REDACTED] undertook an examination of three plastic water gel guns: an "M4" longarm; a 'Glock' handgun; and an 'H+K' handgun. He prepared a Report ^{B(1)} [REDACTED] in which he concluded that all three gel guns met the definition of a firearm under the *Firearms Act*. He further concluded that each gun met the definition of an imitation firearm under the *Control of Weapons Act* due to the resemblance between the plastic guns and operable firearms.

A. FIREARMS

3. The *Firearms Act* relevantly provides that a firearm is any device:
 - 3(1)(a) which is designed or adapted, or is capable of being modified, to discharge shot or a bullet or other missile by the expansion of gases produced in the device by the ignition of strongly combustible materials or by compressed air or other gases, whether stored in the device in pressurised containers or produced in the device by mechanical means; ...
4. A list of exceptions then follows. A number of exemptions (not relevant to my considerations) are found in regulation 6 of the *Firearms Regulations*.
5. The *Firearms Act* therefore requires that the device meets three specified criteria, namely it is:
 - (i) designed or adapted, or is capable of being modified;

- (ii) to discharge shot or a bullet or other missile; and
- (iii) does so by ignition of combustible materials or compressed air or other gases the expansion of gases produced in the device.

6. In respect of the M4 water gel gun, the ^{B(1)} notes:

- (a) the compression chamber moves a short distance rearward, allowing a water gel pellet to be fed from the magazine into the chamber end of the barrel tube;
- (b) the piston is drawn completely rearward by the action of the cog assembly causing the mainspring to compress;
- (c) when the piston has travelled completely rearward it is released from the cog assembly and is driven rapidly forward by the spring tension stored in the mainspring;
- (d) the head of the piston, which is contained within the compression chamber, rapidly compresses the air contained within the compression chamber;
- (e) the pressurised air within the compression chamber is forced out of a small hole at the forward end to act upon the water gel pellet contained within the chamber end of the barrel;
- (f) the compressed air rapidly accelerates the water gel pellet down the bore of the barrel discharging it from the gun.

7. With respect to the 'Glock' and 'H+K' water gel handguns, the ^{B(1)} notes these:

discharged soft pellets by means of compressed air generated by mechanical means using the piston and compression chamber system.

8. The ^{B(1)} concludes that:

each of the water-gel guns examined is designed to discharge a soft-gel pellet by means of compressed air generated within the gun by mechanical means.

9. Thus, each of the water gel guns is designed to discharge a soft gel pellet by means of compressed air generated within the gun by mechanical means. The first and third criteria of the section concerning design and operation is therefore met in the case of each weapon.

10. As to the second criteria, the key question is whether a gel pellet is a 'missile' for the purposes of the Act. The terms 'shot, bullet or other missile' are not defined in the Act.

11. Ordinary rules of statutory interpretation dictate that where the words of the section are clear, by reference to the context, consequences and purpose of a provision, this construction is to be preferred.¹
12. The section lists 'shot or a bullets or other missile'. Shot and bullets are terms that are commonly understood and commonly used in firearms. Shot refers to small spherical metal pellets, and bullets are cylindrical metal projectiles, sometimes containing an explosive.
13. The inclusion of the words 'or other' in s 3(1)(a) is clearly intended to indicate a syntactical or contextual presumption of similarity. It indicates an inclusive rather than an exhaustive list.²
14. The ordinary meaning of 'missile' is an object that may be thrown or propelled. The Macquarie Dictionary definition is:

1. An object or weapon that can be thrown, hurled, or shot, as a stone, a bullet, a lance, or an arrow ... 3. Capable of being thrown, hurled or shot, as from the hand, a gun, etc.

The Oxford Dictionary definition is similar, however it includes a reference to force:

An object which is forcibly propelled at a target, either by hand or from a mechanical weapon.'

15. The section does not specify the degree of similarity between shot, bullets and other types of projectiles. Nor does it specify the means of propulsion, the materials, characteristics or impact of the projectile.
16. Plainly a range of objects comprised of a range of materials could meet the definition unless it was restricted in some way, for example, explosives, or metal objects.
17. The exceptions found in s3(1)(c)-(i) contemplate that no such restriction should apply – for example:
 - a. fasteners or plugs in (c);
 - b. flares in (f);

¹ See e.g. *Project Blue Sky Inc. v Australian Broadcasting Authority* [1998] HCA 28; (1998) 194 CLR 355.

² See e.g. *Prior v Sherwood* (1906) 3 CLR 1054; Pearce DC and Geddes RS, *Statutory Interpretation in Australia* (6th ed.).

- c. compressed air in (h); and
 - d. lines in (i).³
18. The ⁸⁽¹⁾ [REDACTED] notes that the water gel guns are designed to discharge rehydrated water gel pellets at relatively low velocity which 'reduces the injury potential of the projectile, unless it hits a vulnerable area of the human body ...'
19. The fact of low velocity discharge and injury potential appear to be matters taken into account by VGSO in considering the definition of missile in their advice dated 1 June 2018.⁴ VGSO note, for example, at [4] that the pellets are 'lightweight', 'disintegrate on impact' and 'do not cause injury (unless they hit sensitive areas like eyes)'.
20. VGSO conclude:
- [27] All of the items described [In the exceptions] are hard and capable of causing injury, reflecting the category provided in the ordinary meaning...
- [30] Given the water gel pellets disintegrate on impact, and cannot cause serious injury (unless discharged close to sensitive areas such as the eyes) we do not believe water gels constitute 'missiles' within the meaning of the Firearms Act 1996...
- [38] ...it is our opinion that the word 'discharge' should be taken to refer to propulsion at a comparable force and velocity as traditional ammunition from a firearm.
- And in summary, note:
- [2] In our opinion water gels do not constitute missiles within the meaning of the *Firearms Act* 1996. As a result, devices designed to discharge water gels, which cannot be modified to discharge harmful missiles at velocities capable of causing significant injury, are not firearms within the meaning of the *Firearms Act*.
21. In reaching this conclusion VGSO have therefore assumed that in order to fall within the statutory definition, the nature of the missile must be similar to shot or bullets and so must necessarily have certain physical characteristics and be subject to certain impact effects. In other words, VGSO has assumed that the 'missile' must:
- (i) be subjected to significant acceleration and high velocity exiting the barrel;
 - (ii) be comprised solid or hard materials; and

³ This conclusion is consistent with the conclusion of the majority of the Full Court of the Supreme Court of South Australia in *Field v Gent* (1996) 67 SASR 122 in concluding that liquid fuel was a 'missile' for the purposes of the *Summary Offences Act* (1953) SA.

⁴ VGSO also appear to conflate the findings concerning airsoft pellets with the water gel systems.

- (iii) be capable of causing significant injury.
22. While this approach appears superficially consistent with the reference in s 3(1)(a) to 'shot' or 'bullet', it is not, in my view, necessarily implied from the plain reading of the words of the section or its context and would narrow the operation of the section impermissibly. It infers that a qualitative judgment is to be made for each device across a range of undefined criteria and potential consequences.
23. This approach is also inconsistent with the express exceptions listed in s 3(1).
24. In any event, the VGSO assumptions are incorrect. The items described in the exceptions are not all 'hard' and the Watson Report concludes there is, in fact, a potential for injury through use of the gel gun weapons, albeit one that is reduced.
25. VGSO have placed reliance upon a decision of the Queensland Magistrates' Court in *Comptrolle-General of Customers v Clark CFP Pty Ltd*⁵ as support for their approach. This decision purports to follow a decision of the Full Federal Court in concluding that, under the *Customs (Prohibited Imports) Regulations* the words 'shot and bullets and other projectiles' intend to capture only 'metal or other hard ammunition capable of causing injury or death.'
26. Assuming that 'projectiles' and 'missiles' are sufficiently similar for these purposes, the decision of the Magistrate does not represent an authoritative or persuasive review for a number of reasons.
27. First, it is wrong. Contrary to the findings, there is no requirement in the Customs Regulations that:
- (a) projectiles must be metal or hard ammunition;
 - (b) the projectile must maintain integrity on impact;
 - (c) the ammunition is capable of causing injury or death.
28. Second, the Magistrate appears to have wrongly relied on obiter remarks concerning the purpose of the relevant Customs Regulation in *CEO v Granite Arms Pty Ltd*⁶ of

⁵ (Unreported), Shearer M., 14 December 2017).

⁶ [2004] FCAFC 81; [2004] 136 FCR 515.

the Full Federal Court. That case concerned revocation of authorisation to import handguns into Australia as prohibited imports. The case turned on the identity of the 'owner' or importer.

29. At [51], of the Full Federal Court judgment, Kiefel J (as Her Honour then was) noted:⁷

The aim of reg 4F is to control the circumstances in which a person might import firearms into Australia. It may be inferred, without reference to the Explanatory Statement of 1996, that the concern of the Regulations is the protection of the public from the danger of firearms. The danger of course arises when they are in the possession of persons who might use them to harm others. Protection is sought to be achieved, in the first place, by prohibition upon the import of firearms ...

30. This passage does not support the reasoning of the Magistrate beyond expressing a broad purpose of the Act. This judgment does not, in any other respect, assist in the task of interpretation of the *Firearms Act*.
31. Third, to imply each of these matters as prerequisite conditions under the *Firearms Act* would impermissibly restrict the operation of s 3(1)(a) in a manner not contemplated by the plain language of the section and the express exceptions and exemptions.
32. And finally, the decision does not constitute a precedent, as the Queensland Court is not a Court of Record.

B. IMITATION

33. Those weapons which do not fit the definition of a firearm may nevertheless be controlled as an imitation firearm if they have the appearance of an operable firearm under the *Control of Weapons Act*.
34. The *Control of Weapons Act* describes an imitation firearm as a device:

3(1)(a) the appearance of which could reasonably be mistaken for that of an operable firearm; but

⁷ 136 FCR 515 at 525.

- (b) which is not designed or adapted to discharge shot or a bullet or other missile by the expansion of gases produced in the device by the ignition of strongly combustible materials or by compressed air or other gases, whether stored in the device in pressurised containers or produced in the device by mechanical means and is not capable of being made to do so.

35. This aspect appears to have been assumed and certainly it appears likely the devices are imitation firearms if they are not in fact firearms.

CONCLUSIONS

36. In my view the water gel devices in question are firearms for the purposes of the *Firearms Act*.

37. In answer to the specific questions posed by my instructors:

- (1) Is the water gel gun a firearm?

Yes.

- (2) Given an airgun (which includes an air rifle) is regulated under the *Firearms Act* 1996 and further – any item that uses compressed gas (including air) or explosive charges to discharge projectiles is currently classified as a firearm under the *Commonwealth Customs (Prohibited Imports) Regulations* 1968 how would an **airsoft rifle** be defined?

As firearms under the *Firearms Act*.

- (3) Within the *Firearms Act* 1996 should the ordinary meaning of projectile and missile be used?

Yes.

- (4) In applying the definition of a firearm to determine whether a device meets the definition, does the functionality or operating mechanism of the firearm determine whether it is defined as a firearm or is it only the projectile or missile that determines whether a device is a firearm?

Both are relevant.

- (5) Would you also provide comment on the significance of the Qld Magistrate's decision and if similar type decisions impact Victoria within its regulatory functions?

The decision does not constitute a precedent and should not, in any event, be followed in Victoria for the reasons noted.

B(1)



7 February 2019

COMMISSIONERS BRIEFING PAPER

SUBJECT: Gel blasters classified as Firearms – proposed SAPOL response.

BACKGROUND:

This is additional information and should be read in conjunction with Commissioner's briefing paper (CBP) titled 'B709A for import of Gel blasters into South Australia dated 10 July 2020.

A gel blaster fires a hydrated gel polymer, and the firing mechanism is similar to Airsoft (compresses air to fire a projectile), and as such meets the threshold test to be defined as a firearm.

Section 4 Firearms Act (2015) – “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”.

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.

This paper is to provide options for SAPOL's response to gel blaster sales and possession of gel blasters.

RELEVANT POINTS:

- On 20 December 2019 a SAPOL ballisticsian determined that a gel blaster (Colt M4 replica) examined was substantially similar to an Airsoft and as per Section 5(2)(b) of the Firearms Regulations 2017 (the Regulations) was a firearm, and should be excluded from the definition of a toy firearm (**appendix A**). A peer review of this assessment was undertaken. NSW Police ballisticsian assessment supports SAPOL's ballisticsian report that the Colt M4 replica gel blaster assessed by SAPOL's ballisticsian was a firearm pursuant to the Firearms Act (2015) – South Australian legislation. The NSW Police peer review is attached (**appendix B**).
- The NSW Police peer review did identify that previous SAPOL ballisticsian reports had identified a gel blaster as being categorised as being a prescribed firearm in that they had the capability to fire projectiles automatically. This is incorrect, while gel blasters meet the definition of a firearm, in that they compress air to fire a projectile, a gel blaster that fires projectiles automatically does not meet the definition of a prescribed firearm. A prescribed firearm must be able to fire “rounds” automatically. A round means an unfired live cartridge. A cartridge case holds propellant and primer and holds a projectile at the front and functions as a gas seal when fired. A gel blaster is a firearm, not a prescribed firearm.
- The SAPOL ballisticsian's findings are supported by interstate ballisticsian reports. In a report on the examination of soft air firearms by the Australian federal Police (AFP) dated 8 September 2017, 16 gel blasters were examined and it was found that all 16 firearms utilised compressed air to fire the gel projectile and all had a fully automatic firing capability (**appendix C**).
- A Tasmanian Police (TASPOL) ballisticsian has provided information in a report dated 6 September 2018 based on their examination of a gel blaster. In the report the gel blaster was deemed to be a firearm by being an imitation firearm, based on its appearance only. South Australia does not have appearance based firearms legislation. In an email dated 24 September 2019 the TASPOL ballisticsian advises, that while not undertaken during the

reported examination, the ballistics has disassembled the mechanism of other gel blasters and found they all use compressed air to propel the projectiles. The full report and email correspondence is attached (**appendix D**).

- Victoria Police sought legal advice from ⁶⁽¹⁾ [REDACTED], on whether plastic water gel guns are: (a) classified as firearms under the Firearms Act (1996); or (b) imitation firearms under the Control of Weapons Act 1990. This advice included a review of a determination by the Victorian Government Solicitor's Office (VGSO) as to whether a gel blaster was a firearm, and whether the Victorian Firearms Act definition of projectile or missile can be applied to gel pellets, and whether VGSO reliance on a decision in the Queensland Magistrates Court, *Comptroller-General of Customs v Clark CFP Pty Ltd* was correct, which found gel blasters to be toys. In summary the advice details that the gel gun is a firearm (compresses air to discharge a projectile), the gel pellets are a projectile as defined by the Firearms Act (1996), and the Queensland Magistrates Court decision does not set a precedent and should not be followed in Victoria (**appendix E**). This advice was provided by VICPOL Licensing and Regulation Division to OC Firearms Branch and is not for release.
- Legal advice was sought from the Crown Solicitors Office CSO as to whether the gel blaster OC FAB had purchased and had examined by ballisticians from SAPOL and NSWPOL (as described above) met the definition of a firearm pursuant to the Firearms Act (2015). The advice provided on 3 August 2020 (**appendix F**) by the CSO ¹⁰⁽¹⁾ [REDACTED]
[REDACTED]
- OC Firearms Branch is satisfied that the peer review supports all other ballistic reports relating to gel blasters and fit the definition of a firearm under the Firearms Act (2015).
- As of 21 July 2020, information held at Firearms Branch show there are 31 known retail outlets for gel blasters currently operating in South Australia, the retailers are listed in **appendix G**. It's highly likely there are more retail outlets than this, as previously being classed as a toy they did not require a licence to sell or supply gel blasters in South Australia, FAB import records are also being checked. Firearms Branch Intelligence Section are currently working with Districts and LSA Intelligence sections to identify all additional retail outlets who may not primarily deal in gel blasters, yet still have them for available for sale.
- Retailers have estimated there to be over 350,000 gel blasters circulating in the South Australian community. These numbers are unable to be verified.
- With gel blasters not being regulated, the ability to identify individual gel blaster owners in the community will be difficult, if not impossible. As such the primary SAPOL response should be to stop the supply of firearms (gel blasters) to the community. Gel blasters owned by individuals should be removed by way of the general amnesty.
- This paper provides a number of options to consider. The following steps should be implemented prior to or in conjunction with an operational response. These options need to be considered in the following context that gel blasters are firearms pursuant to the definition provided within the Firearms Act (2015). A gel blaster rifle would be a category A firearm, same as paintball. A gel blaster handgun would be a category H firearm, the same as any handgun.

➤ **Step 1 - SAPOL internal communications.**

Internal communications consisting of:

- DL email explaining why gel blasters are firearms and action to be taken. This includes investigative considerations
- updated information on the Firearms Branch intranet page

Communications to advise members:

- gel blasters are to be treated as a firearm
- positive action is to be taken on every occasion when a gel blaster is located
- gel blasters are to be sent for ballistics determination
- gel blasters are to be handled and treated as firearms in regards to property and rendering safe
- Separate advice to District/LSA Commanders, SAPOL Property Management, and Officer in Charge of Forensic Services Branch to be advised of an increase in exhibits relating to gel blasters.
- Gel blasters can be handed in under amnesty to either a police station or a firearms dealer. A dealer can hold the gel blaster until the owner meets the requirements of the Firearms Act and Regulations to possess a gel blaster.

➤ **Step 2 - Public media campaign.**

Conduct media on the following:

- gel blasters are now classified as firearms and it is an offence to possess them with associated penalties of up to 7 years imprisonment or a \$35,000 fine
- promotion reminding the public of the on-going firearms amnesty (section 64 Firearms Act)
- Process for surrendering gel blasters pursuant to the amnesty.

This media campaign will be important to assist the public with voluntary compliance with the surrendering of any gel blasters in their possession.

Note: If a buyback campaign is to be considered and utilised it should be conditional on only complete and operational gel blasters handed in, broken gel blaster or parts should not be included in any buyback program.

➤ **Step 3 – Individuals located with gel blasters**

Any person found to be in possession of a gel blaster will be investigated for offences pursuant to the Firearms Act, including possession of an unregistered firearm with or without a firearms licence.

➤ **Step 4 – Issuing advice to retail outlets.**

Depending on the option selected will determine when this communication will be undertaken. When determined, retail outlets are to be served a letter by Firearms Branch outlining, forthwith to cease the sale of gel blasters and that all B709a's submitted for the importation of gel blasters into South Australia will not be approved, unless it can be proved that the consignment does not contain any firearms (unless they are a licensed firearms dealer). Provide direction to retailers and public on how gel blasters are to be surrendered or disposed of. Sale of gel blasters will only be allowed in accordance with the Firearms Act and Regulations.

Consultation - While OC FAB has had discussions with some retailers it would be recommended to expand this further and call a meeting of all 31 retailers and explain the options that police can take being: immediate enforcement; amnesty with cessation of trade in gel blasters; development of gel blaster industry during amnesty, similar to paint ball and licencing and registration of gel blasters. This should be undertaken before any of the recommended options below are implemented. This would be an opportunity to seek more broadly their feedback on the regulation of gel blasters.

➤ **Step 5 – Ministerial briefing**

Provide a Briefing to the Minister for Police regarding the intended course of action selected as a result of this briefing paper.

- Three options are proposed outlining SAPOL's response:

Option 1

- Option 1 occurs after consultation with retailers.
- All business owners who currently sell or supply gel blaster's are individually contacted by the Firearms Branch and advised of the determination on these devices. They are provided with a written direction which clearly states they are not to sell or trade these items forthwith (including online sales), direction to include that if they continue to sell gel blasters then they are committing offences pursuant to the Firearms Act and Regulations.
- An exemption by an Assistant Commissioner would be required under Section 8(6) of the Firearms Act for each retailer, allowing for the possession of firearms without a licence and for failing to comply with storage requirements only. No exemption will be granted for selling gel blasters in South Australia.
- It is proposed these businesses are provided with an exemption from the Firearms Act for a period of 12 weeks. This will enable them to surrender them under the amnesty, and change their business model. They will not be able to sell their stock to South Australians or in South Australia, as this will constitute an offence.
- Opportunity for retailers to apply to become dealers pursuant to the Firearms Act.
- During this exemption period, Firearms Branch will conduct spot audits on retail outlets ensuring compliance.
- Individuals who possess gel blasters are encouraged to surrender them pursuant to the amnesty.

Considerations relating to Option 1:

- Minimises impact on SAPOL general duties resources, as opposed to attending all retail outlets and seizing these firearms.
- This option falls in line with how SAPOL has previously managed changes to legislation and directions by providing a designated education phase. This is consistent with other changes to the Firearms Act. There is a legislative provision in *the Regulations* providing a 12 month period allowing for private firearms licence holders time to increase firearm security to comply with the new requirements.
- Current firearms dealers are still undergoing a transition period relating to security of firearm dealer premises.
- Discussions held with retailers and previous ministerial advisor (Richard Fowler) have discussed the regulation of the gel blaster industry, and how it would work. Option 1 is consistent with those discussions, and provides the gel blaster industry the opportunity to meet the requirements of the Firearms Act and Regulations if they wish to continue to sell gel blasters.
- Gel blasters could continue to be imported into South Australia by a firearms dealer, and only sold to firearm licence holders.
- **This option is the recommended option.**

Option 2

- Option 2 is similar to option 1, with the exception that no exemption is provided to store and hold the gel blasters by the retailer.
- All retailers who sell or supply gel blasters are individually contacted by the Firearms Branch and advised of the determination relative to gel blasters. Retailers are advised they are not to sell or possess gel blasters, and are to be surrendered under the firearms amnesty forthwith.
- With this option, they are not provided with any exemption under the Firearms Act. Firearms Branch will conduct spot audits on retail outlets ensuring compliance with this direction.
- Individuals who possess gel blasters are encouraged to surrender them pursuant to the amnesty.

Considerations relating to Option 2:

- Managing the surrender of an unknown quantity of firearms may result in property management stores being overwhelmed.
- This will make it difficult for retailers to become licensed dealers, as they will be required to dispose of their stock.
- Considerations detailed in Option 1 are relevant to Option 2.
- **This option is not a recommended option.**

Option 3

- A combined joint Operation (or day of action) to be conducted across SAPOL targeting all gel blaster retailers and taking affirmative action.
- During this Operation all retailers gel blaster stock would be investigated to see if there were any offences committed against the Firearms Act. If offences identified then the firearms seized and suspects reported or arrested for breaches of the Firearms Act.
- Individuals who possess gel blasters are encouraged to surrender them pursuant to the amnesty.

Considerations relating to Option 3:

- Possibility for increase in prosecutions for both minor and major indictable matters.
- Provides the gel blaster community the opportunity to discredit SAPOL claiming they were not treated fairly and provided opportunity to recoup costs through the lawful disposal of their stock.
- If a retailer is convicted of a prescribed offence pursuant to the Firearms Act, i.e. in possession of a gel blaster (firearm) without a licence then the convicted person is precluded from applying for a firearms licence for five years. This action would remove any ability for retailers to establish a lawful regulated industry like paintball.
- Given the determination by SAPOL that gel blasters meet the definition of a firearm under the Firearms Act this is the most affirmative and decisive action. If this type of action is not taken there is opportunity for retailers to dispose of their stock should SAPOL give them prior warning, which would defeat the purpose of removing these firearms from the community. Whilst this is the option with the greatest resource impact this can be managed through the coordination of a corporate operation as a 'day of action'.
- **This option is not a recommended option.**

- All options should also be considered together with advice to retailers that B709A approvals (refer CBP dated 13 July 2020) will not be approved unless the retailer can show the gel blasters seeking to be imported are not firearms by definition. This would not exclude a licensed firearms dealer being able to import gel blasters but sales would be restricted to a firearms licence holder only in accordance with the current act and regulations (and only after the gel blaster was appropriately identified). This will mean that all aspects of the retail chain (not being current firearms dealers) are covered in that gel blasters will not be approved for importation and retail sales will be prohibited (unless it can be shown they are not a firearm).
- It is recommended the Commissioner support Option 1 as this enables retail sales of gel blasters to cease under direction from SAPOL and allows ongoing consultation with the industry to change their business model, if they so desire. Should any direction be disregarded prosecutorial action will occur.

RECOMMENDATIONS:

It is recommended the Commissioner supports Option 1 as the preferred option.

APPROVED / NOT APPROVED

Contact: Superintendent Stephen Howard
 Telephone: 732 24300
 Ref: PCO 19/2338
 Date: 4 August 2020

Supported:

.....
 Scott Duval
 Assistant Commissioner
 Operations Support Service

August 2020



SOUTH AUSTRALIA POLICE
KEEPING SA SAFE

Gel Blasters **Communications Strategy**

September 2020

SAPOL Lead: Superintendent Stephen Howard, OIC Firearms Branch

Prepared by: Ali Martin, Senior Public Information Officer



Government of
South Australia

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SOUTH AUSTRALIA POLICE
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of South Australia

1. Introduction

Gel blasters have previously been sold in South Australia without restriction. However it has now been classified as a regulated imitation firearm, meaning the sale and position of gel blasters now becomes regulated (following declaration from Commissioner and Government Gazette).

Gel blasters can still be possessed or sold, they will however be subject to licencing and control. If a person or business does not wish to become licenced then it will become illegal for them to sell or possess a gel blaster.

2. Objectives

The key objective of this plan is to:

- Advise of the changes to the classification of a gel blaster.
- Promote what this change means to those who own or sell gel blasters.
- Promote the firearms amnesty.

3. Background/ Situational Awareness

3.1 Background

Gel or hydro blasters fire a projectile by compressing air, some are used by people who engage skirmish games similar to paintball, and military simulation activities. Gel blasters in many cases can't be distinguished from other firearms which include pistols, assault rifles and machine guns.

They have been growing in popularity which in turn has seen the items coming to the attention of SA Police. Some reports suggest hundreds are being sold per week.

Gel blasters are regulated or banned in all states except Queensland and South Australia.

3.2 Situational Awareness

There has been significant media interest in gel blasters and their use over the past months. A report of three gel blasters being seized on 16 September has increased media interest.

There is a likely a large number of people who own gel blasters with an estimate of 62,000 gel blasters in the community, but retailers estimate more than 350,000 circulating in the community. SAPOL had identified approximately 31 known gel blaster retail outlets currently operating in South Australia.



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4. Stakeholders / Target Audience

Internal Stakeholders	External Stakeholders
Firearms Branch	Minister for Police
Policy Officers	SA Gelball Association
All Staff	Shooters Union
	SA Gel Blasters Association
	Retailers stocking gel blasters
	General Public

5. Issues and Risks

The South Australian Gelball Association, Gel Blaster Association of Australia, Shooters Union and retailers who sell gel blasters have been reasonably vocal in seeking clarification on what the regulated imitation firearm classification means for their members/ customers.

If gel blaster owners and retailers are able to establish a gel blaster industry, similar to paint-ball, there is a risk that passing amendments to the regulations to facilitate the establishment of the industry may not pass quickly enough to the detriment of the proposed industry.

Firearms amnesty has associated risks - a person could be harmed during the amnesty period (physically, psychologically and/or financially) and seek to argue that this harm was a result of the Registrar not enforcing particular provisions of the Act and Regulations in relation to gel blasters.

A financial risk is the cost to collect and dispose of gel blasters surrendered during the proposed amnesty.

A SA Police risk is the Firearms Branch's capacity to manage a significant increase in firearm licence applications.

6. Key messages

The key messages to ensure are communicated:

- Gel blasters will be declared a regulated imitation firearm from 8 October 2020.
- People with a gel blaster will need to obtain a firearms licence (similar to a paint-ball licence), and register the gel blaster. It will be an offence to possess them without a licence, or to possess an unregistered gel blaster.
- A firearms Amnesty will be offered to reduce the number of unlawful firearms in the community. NOTE: amnesty may offer different conditions to the current amnesty so this will have to be communicated also. The amnesty will take place from 8 October 2020 to 7 April 2021.



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7. Communication Strategies and Tactics

7.1 External Communication

7.1.1 Media Release and Media Conference

Media release and conference (7 October) will be held to announce the regulation of gel blasters. Explain the options for those who sell or are in possession of a gel blaster.

Follow up media with ABC mornings, FIVEAA mornings and ABC Regional Drive to be conducted post launch.

Ongoing Media content will be developed following a monthly report on amnesty figures at the end of each month. This will either be distributed to media in the form of a media release or social media graphic.

7.1.2 Social Media

Social media strategy, with graphics and information will feature on SA Police Facebook and Instagram to educate people on the change and what they need to do.

7.1.3 PACE forum

Firearms branch will hold a Police and Community Engagement forum on 21 October from 6pm. This will be different to previous forums and online options are being investigated.

7.1.4 Website content

Add information on firearms page regarding gel blasters for people searching for updated information. When first announced a Latest Information page can go on the home page of the website to give information regarding the regulation change and what people who sell or possess gel blasters. This will also include a form with a 'decision tree' to assist people to decide what direction they want to take – amnesty or registration/licence.

7.1.5 External partner communication

Communicate the change in wording external partners can use in newsletters. Deliver posters emailed and printed to external partners who can publicise the changes and what current owners, or those who plan to purchase gel blasters in the future have to do before they can legally possess or purchase a gel blaster.

Retailers: An Amnesty will allow for the disposal of gel blasters by way of surrender to SAPOL or to hold in secure storage until the retailer obtains a dealer's licence during the Amnesty period. The Amnesty will also allow retailers or importers to sell their current stock to another person or entity interstate, where each sale must occur in compliance with all the relevant laws of the receiving State or Territory. It will be incumbent on the retailer to ensure their sale complies with the relevant laws of other states.

Current firearms

licences: contact current

people with firearms licences to educate them about the change and if they have to undertake any action.

Firearms Association: Contact the Firearms Association and potentially include an update on changes in their newsletter.

Department of Sport and Recreation: Educate them regarding the change as they may have sporting clubs who are affected.

7.1.6 Retailer Online Forum

Firearms Branch will hold an online forum with retailers on 15 October 2020 at 10am to discuss how changes will impact their business.

7.1.7 Visual materials (internal and external)

Develop posters, social media graphics to promote amnesty and what gel blaster owners/ sellers need to do. This will include a decision tree for people who possess gel blasters.

7.1.8 Public Notice

Depending on the requirements in the Firearms Act it may be required to have a public notice printed in The Advertiser alerting the public to the change.

7.1.9 Video

Communicate changes with a simple video, potentially graphics only to be used on digital platforms.

7.2 Internal Communication

7.2.1 Intranet Content

Intranet content on the change and amnesty options will be published to update members and educate them on any operational changes they need to undertake and information they can share with the public. Photos of gel blasters and internal mechanisms will be posted to explain the reasoning to staff.

7.2.2 DL

DL email will be sent to all staff to update them on the change, including any change in processes and information they can share with the public.

7.2.3 Internal partners

Liaise with internal partners to announce the change and include additional information, processes they need to share with their sections.

7.2.4 Gazette Notice (internal)

Gazette notice will update them on the change, including any change in processes and information they can share with the public.

7 Talking Points

A gel blaster fires a hydrated gel polymer, and the firing mechanism is similar to Airsoft (compresses air to fire a projectile), and as such meets the threshold test to be defined as a firearm. Airsoft is a firearm.

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.

SAPOL purchased a gel blaster (Colt M4 Assault Rifle gel blaster) and this gel blaster was examined by a SAPOL ballisticsian, who assessed the gel blaster was a firearm pursuant to the Firearms Act.

SAPOL has had the gel blaster and ballisticsian report assessed by other ballisticsians who support the original ballisticsian's assessment, that the gel blaster is assessed as a firearm. Other gel blasters have been seized and assessed as firearms.

The mechanism used to fire the gel blaster projectiles is common across most gel blasters. The mechanism compresses air to fire the projectile. In addition upgrade kits can be purchased to increase the velocity of the projectiles fired.

Gel blasters can cause injury, in particular if fired at the face. Gel blasters are generally sold with safety glasses. Gel blasters are not toys. They are not designed for children's play (aged between 3 -14), and do not meet the Australian Standard for projectile toys.

SAPOL has had discussions with gel blaster retailers and associations, these discussions are ongoing.

The Firearms Act contains a general amnesty. If a member of the public is in the possession of a firearm that is not registered or they don't have a firearms licence then they should make use of the amnesty and surrender the firearm at a police station.

Gel blasters from 8 October 2020 are declared as a regulated imitation firearm.

This will mean:

- It is an offence to possess a firearm without a licence
- It is an offence to possess an unregistered firearm
- The sale and possession of gel blasters becomes regulated
- They will be subject to licencing and control.
- If a person or business does not wish to become licenced then it will become illegal for them to sell or possess a gel blaster.

The principles and objects of the Act are clear: to confirm that firearm possession and use is a privilege that is conditional on the overriding need to ensure public safety. To improve public safety by imposing strict controls on the possession, use, acquisition and supply of firearms.



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Importantly the objects are to minimise the risk of persons becoming victims of crime involving the use or threatened use of firearms and to minimise the risk of persons causing injury or harm (including psychological harm) to themselves or others by the use or threatened use of firearms.

SAPOL estimates there are 62,000 gel blasters in the community, but retailers estimate there more than 350,000 gel blasters circulating in the SA community, however this figure is unable to be verified.

There is no current requirement, for retailers to collect or provide details of individual purchases.

8 Questions and Answers

What is a gel blaster?

A gel blaster fires a hydrated gel polymer, and the firing mechanism is similar to Airsoft (compresses air to fire a projectile), and as such meets the threshold test to be defined as a firearm. Airsoft is a firearm.

Why are gel blasters now called firearms?

SAPOL purchased a gel blaster (Colt M4 Assault Rifle gel blaster) and this gel blaster was examined by a SAPOL ballisticsian, who assessed the gel blaster was a firearm pursuant to the Firearms Act.

SAPOL has had the gel blaster and ballisticsian report assessed by other ballisticsians who support the original ballisticsian's assessment, that the gel blaster is assessed as a firearm. Other gel blasters have been seized and assessed as firearms.

The mechanism used to fire the gel blaster projectiles is common across most gel blasters. The mechanism compresses air to fire the projectile. In addition upgrade kits can be purchased to increase the velocity of the projectiles fired.

Aren't they just toys?

Gel blasters are not toys. They are not designed for children's play (aged between 3 - 14), and do not meet the Australian Standard for projectile toys.

What can people who have a gel blaster do?

You need to register your firearm and ensure you have a firearms licence, or you have the opportunity to make use of the firearms amnesty and surrender the firearm at a police station.

Can you just take a gel blaster into a police station?

Gel blasters can be surrendered to police, in the following conditions:

- Magazine removed and empty
- Battery removed
- Stock removed (if possible, the battery is often housed in the stock)
- Gel blaster should be carried in a bag or cover to prevent causing concern.

SAPOL will not accept accessories including:

- Batteries - they are generic, rechargeable and the owner can keep them and do with them what they wish.

- Battery chargers
- Scopes, sights, imitation silencers, muzzle brakes, slings
- Fore grips, bipods, tripods
- Gel balls
- Goggles or protective clothing
- Torches (specific torches are sold to fit to the gel blaster).

How many gel blasters are in South Australia?

SAPOL estimates there are 62,000 gel blasters in the community, but retailers estimate there more than 350,000 gel blasters circulating in the SA community, however this figure is unable to be verified.

What is your advice to a member of the public who sees someone with a weapon that might be a gel blaster?

Our advice would be the same as it is to our own officers – all weapons should be regarded as real and reported to police. We take all reports of firearms in public, and our responsibility to ensure the safety of the community, very seriously.

What is the potential worst outcome that you are fearful of?

We don't want to speculate about outcomes, however the potential for tragic consequences is significant.

How close have people come to being shot/tasered?

Too close for comfort. This is why we are urging gel blaster owners to take these concerns and risks very seriously.

Is there evidence of criminals deliberately using these rather than real firearms?

That is an issue we are mindful of, given the ease with which a gel blaster can be obtained, however it should be remembered that if one is used in the commission of a crime it is an aggravating factor. For instance if someone used one in the course of an assault or a robbery, it will lead to a more serious charge being laid.

Additional notes about the 'gel blaster community' in SA:

This community is made up of retail businesses, skirmish businesses and hobby groups that promote the use of gel blasters. Some have already indicated a keen awareness of the issue and want to get the message out about safe handling of the gel blaster. They want their hobby to continue without being banned.

SCES have been involved in this topic to create some educational flyers about responsible use, carriage and exposure of the toy. Queensland with the gel blaster businesses supply fliers at the point of sale. It is most likely SAPOL will need to fund the fliers.

9 Budget

The budget for these communications tactics is \$XX provided by cost centre X.

10 Evaluation

This communication plan will be against the objectives evaluated by the following statistics:

These figures are to be implemented following the event/rollout and presented at debrief where learnings will be discussed.

11 Learnings

The learnings from this communications plan will be discussed following an event/rollout and attached in Appendix D for consideration of future communications.

12 Contacts

POLICE CONTACTS – NOT FOR PUBLIC RELEASE

Lead: Superintendent Stephen Howard

13 Appendix

- A. Release of Information Timeline
- B. Content
- C. Learnings

DOCUMENT CONTROL

Queries regarding the information in this document can be forwarded to:

Contact	Ali Martin
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Document History

Date	Version	Author	Comments
16 Sept 2020	1	Ali Martin	
17 Sept 2020	2	Ali Martin	
21 Sept 2020	3	Ali Martin	
28 Sept 2020	4	Ali Martin	
29 Sept 2020	5	Ali Martin	

Appendix A

Release of Information Timeline

Task	Detail	Content prepared by	Prepared by date	Content Published by	Publish date	Status
Media Release	Prepare media release for launch media conference	Ali	2/10	Ali	7/10	Draft complete awaiting approval
Media Conference	Arrange time for media conference and send alert	Ali	2/10	Ali	7/10	In progress
Followup media	Arrange interviews with ABC mornings, FIVEAAA morning and ABC regional drive to get changes publicised	Ali	7/10	Ali	8/10	To be arranged
Questions and Answers	Develop QandA to go along with media and possibly website information	Ali	30/9	Ali	7/10	Complete
Ongoing Media	Monthly statistics will be given to the Media Unit on the number of gel blasters handed in during the amnesty. This will form either a media release or answer if asked.	Ali	1/11	Ongoing	2/11	When required
Social media strategy	Develop social media strategy for the change	Steph	1/10	Steph	7/10 ongoing	In progress
PACE forum	Hold PACE forum for members of the public to ask questions and have them answered by Firearms Branch. Discuss alternative options to Facebook which may cause continued angst amongst the audience – possible alternative is Go To	Ali	9/10	Ali	21/10	Planning in progress

	Webinar. PACE forum to be promoted in the fortnight prior.					
Website content	Add a page of new content just about changes to gel blaster regulation	Miriam to make changes to Ali's draft	1/10	Miriam	7/10	Draft complete awaiting approval
Update current website content	Current content on firearms pages needs to be updated.	Peter/Stephen	2/10	Miriam	7/10	Word doc provided, content to be updated.
Communicate with external partners	Letters to retailers, those with current firearms licences, firearms association and gel blaster associations, Department for Sport and Recreation. All need different letters targeted at their audience.	Paul	1/10	TBC	8/10	Draft complete awaiting approval
Online forum with retailers	Speak to retailers in an online forum environment as an opportunity for them to get answers to their questions	Stephen	7/10	Stephen	15/10	In planning
Visual materials	Develop social media graphics, tiles for web and internet to highlight changes and answer questions from those who own gel blasters	Sarah	1/10	Karina	2/10	In progress
Decision tree for website	Develop and create a graphic of a decision tree to assist people seeking information about what they need to do.	Peter/ Miriam	1/10	Miriam	7/10	In progress
Public notice	Publish changes in The Advertiser – likely content will be prescriptive and outlined in Firearms Act. Will feature in Thursday	Karina	30/09	Karina	8/10	Draft complete awaiting

	and Saturday paper.					approval
Gazette notice (external)	Change needs to be published in government gazette.	Stephen	1/10		8/10	In progress
Video	Develop video outlining changes in simple terms – possibly just graphics. In development following launch	Karina		Karina	TBC	
Intranet content	Develop notice and update for members on change.	Karina to revise following Ali draft	1/10	Karina	7/10	Draft complete
DL	Update members on upcoming change.	Karina to revise following Ali draft	1/10	Stephen	7/10	Draft complete
Communicate with internal partners	Update members on upcoming change.	Stephen/ Karina	1/10	TBC	7/10	
Gazette notice (internal)	Update members on upcoming change.	Karina to revise following Ali draft	28/09	Karina	7/10	Draft complete

Appendix B

Content

Media Release

7 October 2020

Gel blasters declared regulated imitation firearm

From 8 October 2020 gel blasters are declared as a regulated imitation firearm.

People who own a gel blaster will have to register their gel blaster, obtain a firearms licence within six months, or surrender the gel blaster as part of a firearms amnesty. The amnesty will take place from today until 7 April 2021.

Officer in Charge Firearms Branch, Superintendent Stephen Howard said the declaration comes following investigations by police who have assessed gel blasters to be firearms as defined in the Firearms Act.

“The firing mechanism in a gel blaster compresses air to fire a projectile and therefore meets the threshold test to be defined as a firearm,” he said.

“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.”

SAPOL estimates more than 62,000 are circulating in the South Australian community.

These changes mean:

- It is an offence to possess a gel blaster without a licence.
- It is an offence to possess an unregistered gel blaster.
- The sale and possession of gel blasters becomes regulated.
- They will be subject to licencing and control.
- If a person or business does not wish to become licenced then it will become illegal for them to sell or possess a gel blaster.

Details on how to apply for a firearms licence is available from the SAPOL website - <https://www.police.sa.gov.au/services-and-events/firearms-and-weapons/apply-for-a-firearms-licence2> .

The Firearms Act contains a general amnesty which can be utilised to surrender a gel blaster to police, additional amnesty conditions are in place for those gel blaster owners to obtain a firearms licence

“If a member of the public is in the possession of a firearm that is not registered or they don’t have a firearms licence then they should make use of the amnesty and surrender the firearm at a police station. Gel blasters are not



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to be surrendered at a firearm dealers.”

To ensure the safety of police officers, when surrendering a gel blaster it must be in

the following condition:

- Magazine removed and empty
- Battery removed
- Stock removed (if possible, the battery is often housed in the stock)
- Gel blaster should be carried in a bag or cover to prevent causing concern.

SAPOL will not accept accessories including:

- Batteries - they are generic, rechargeable and the owner can keep them and do with them what they wish.
- Battery chargers
- Scopes, sights, imitation silencers, muzzle brakes, slings
- Fore grips, bipods, tripods
- Gel balls
- Goggles or protective clothing
- Torches (specific torches are sold to fit to the gel blaster)

If a person deals, owns or possesses a gel blaster and does not hold the appropriate firearms licence then that person may be committing offences against the Firearms Act 2015 and Firearms Regulations 2017, and maybe liable to prosecution.

For more information about the changes to gel blasters visit the SA Police website – www.police.sa.gov.au

Website

Intranet

DL

Internal Gazette



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GEL BLASTERS DECLARED REGULATED IMITATION FIREARMS

The Registrar of Firearms has declared that devices commonly known as 'gel blasters' as regulated imitation firearms. To possess, use, own or deal in gel blasters will require compliance with the Firearms Act and Regulations, including holding the appropriate firearms licence and registration of gel blasters.

A gel blaster is a declared regulated imitation firearm and can be surrendered pursuant to the Section 64 of the *Firearms Act 2015* amnesty.

Section 64 provides for a general amnesty if the person 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.

Additional gel blaster amnesty conditions:

- The gel blaster amnesty conditions will commence from date of declaration for a period of six months.
- A person who possesses or owns gel blasters and wishes to apply for a firearms licence to either deal in firearms (gel blasters), or possess or use gel blasters, then they may continue to possess their gel blasters while they apply for the relevant firearms licence. The licence must be applied for during the amnesty period.
- The amnesty will exempt a person from the *Code of Practice for the Security, Storage and Transport of Firearms* and is applicable only to gel blasters, and only during the amnesty period. Once a firearms licence is obtained, then the *Code of Practice for Security, Storage and Transport of Firearms* must be complied with.
- The gel blaster amnesty will allow for the disposal of gel blasters through sale, either to a licensed firearms dealer (in South Australia), or sale to another person or entity interstate. This sale must comply with all relevant laws of the receiving state or territory. It will be the responsibility of the person selling the gel blaster to ensure the sale complies with the relevant laws of the receiving state or territory.
- The gel blaster amnesty period will allow those who own or deal in gel blasters the opportunity to apply for a firearms licence without being prosecuted for the following firearms offences:
 - possession of a firearm (gel blaster) without a firearms licence
 - possession of an unregistered firearm (gel blaster)
 - breach of the *Code of Practice for the Security, Storage and Transport of Firearms* relating to gel blasters only.
- The amnesty will not allow the use (shooting or firing) of gel blasters in any person's possession until they have been granted the appropriate firearms licence, and had the firearm registered, or at a recognised gel blaster venue under the supervision of a category 4 licence holder.
- The amnesty will allow for the disposal of gel blasters by way of surrender to South Australia Police (SAPOL). Gel blaster accessories and batteries are not to be surrendered to SAPOL.
- Firearms licence conditions and registration for gel blasters will be the same as for paintball firearms licences and conditions.

FIREARMS REGULATIONS 2017

Regulated Imitation Firearms

Pursuant to Regulation 4(4) of the *Firearms Regulations 2017*, I, Grantley John Stevens, hereby declare an item of the class specified in Schedule 1 to be a regulated imitation firearm.

SCHEDULE 1

All devices designed to fire or propel hydrated superabsorbent polymer balls or other similar gel-like projectiles by means of compressed air or other compressed gas including, without limitation, those devices commonly known as 'gel blasters'.

G. J. STEVENS,
Registrar of Firearms

For the purpose of this declaration and the Gel Blaster Amnesty SAPOL has provided additional information that can be accessed from the SAPOL internet site at www.police.sa.gov.au/services-and-events/firearms-and-weapons

Dated October 2020



**Government of
South Australia**

PN4209

PN4209
30x3 (96mm)
Adelaide Advertiser - Public Notices
1 & 3 October 2020

Public Notice



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Appendix C

Learnings

What worked well	
What didn't work well	
Improvements that could have been made	
Ideas for next time	



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