

Regulatory Impact Statement

Paintball Regulation 2019

Table of Contents

EXECUTIVE SUMMARY	3
CONSULTATION PROCESS	4
Making a submission	4
Identified stakeholders	5
Evaluation of submissions	5
Commencement of the Regulation	5
NEED FOR GOVERNMENT ACTION	6
OBJECTIVE AND RATIONALE OF THE REGULATION	7
Objective	7
Rationale	8
OPTIONS FOR ACHIEVING OBJECTIVES	9
Option 1: Make the proposed Regulation	9
Option 2: Do nothing	9
Criteria used to assess the regulatory options	9
IMPACT ASSESSMENT OF OPTIONS	10
Assessment of option 1	10
Option 1 – Costs	10
Option 1 - Benefits	10
Option 1 – Conclusion	11
Assessment of Option 2	11
Do nothing and do not make the proposed Regulation	11
Option 2 – Costs	11
Option 2 – Benefits	12
Summary of costs and benefits of each option	12
Preferred option	12
REGULATION MAKING POWERS	13
DISCUSSION OF THE PROPOSED REGULATION	15
Preliminary matters	15
Date of Commencement	15
Training	15
Grant or refusal of a permit	15

Paintball marker sharing arrangements	15
Supervision of the use of paintball markers	16
Protective clothing and equipment	16
Register of paintball markers	17
Provision of information about supply or disposal of paintball markers	17
Recognition of equivalent authorisations	17
Penalty notice offences	18
APPENDIX 1	19
Background information	19
APPENDIX 2	20
Summary of the Regulation	20
APPENDIX 3	21
List of stakeholders	21
Key stakeholders	21
APPENDIX 4	23
Proposed fees	23
APPENDIX 5	24
Proposed penalty notice offences	24

Executive summary

The Paintball Regulation 2019 (the Regulation) is proposed by the Hon Kevin Anderson MP, Minister for Better Regulation and Innovation.

On 15 August 2018, a new *Paintball Act 2018* (the Act) was passed by the NSW Parliament. The Act removes the regulation of paintball markers from the *Firearms Act 1996* and establishes a separate system of permits for the regulation of paintball markers, paintball venues and paintball activities.

The Act provides a framework for paintball markers and activities that will ensure the safety and security of players and the community, while reducing red tape for businesses and providing them with enhanced levels of customer service from Government.

Key features of the Act include reclassifying paintball markers as a sporting device, rather than maintaining their current 'prohibited firearm' status, delivering a more modern and streamlined permit system and reducing the age limit to play from 16 years to 12 years and over.

Clear and consistent regulation will reduce compliance burdens for industry and put in place provisions that are commensurate with the low risk profile of the paintball industry.

The Regulation will provide the legislative support for the operation of the Act and includes key provisions such as; training requirements for permit applicants and supervisors, paintball marker sharing arrangements, protective clothing and equipment, register of paintball markers, mutual recognition of applicable interstate permits and specific penalty notice offences.

The Regulatory Impact Statement (RIS) sets out the rationale and objectives of the proposed Regulation and options for achieving the objectives, including an assessment of the costs and benefits. The proposed Regulation is the option that provides the greatest net public benefit.

Consultation process

Making a submission

Interested organisations and individuals are invited to provide a submission on any matter relevant to the proposed Regulation, whether or not it is addressed in this RIS. **Matters covered by the principal Act – *Paintball Act 2018*– are not the subject of the consultation process.**

We would prefer to receive submissions by email and request that any documents provided to us are produced in an 'accessible' format. Accessibility is about making documents more easily available to those members of the public who have some form of impairment (visual, physical, cognitive). Further information on how you can make your submission accessible is contained at <http://webaim.org/techniques/word/>.

We invite you to read this paper and provide comments. Additional copies of the RIS and the proposed Regulation can be downloaded from www.fairtrading.nsw.gov.au

Printed copies can be requested from NSW Fair Trading by phone on (02) 9895 0791.

Please forward submissions by:

Email to: policy@finance.nsw.gov.au

Mail to: Paintball Regulation 2019

Better Regulation Division, Department of Finance, Services and Innovation

McKell Building

2-24 Rawson Place

SYDNEY NSW 2000

The closing date for submissions is close of business Monday, 14 June 2019.

Please note: The Department of Finance, Services and Innovation will become the Department of Customer Service from 1 July 2019.

Important note: release of submissions

All submissions will be made publicly available. If you do not want your personal details or any part of your submission published, please indicate this clearly in your submission together with reasons. Automatically generated confidentiality statements in emails are not sufficient. You should also be aware that, even if you state that you do not wish certain information to be published, there may be circumstances in which the Government is required by law to release that information (for example, in accordance with the requirements of the *Government Information (Public Access) Act 2009*). It is also a

statutory requirement that all submissions are provided to the Legislation Review Committee of Parliament.

Identified stakeholders

The RIS has been provided directly to some stakeholder organisations. A list of these stakeholders is provided at **Appendix 3**.

Evaluation of submissions

All submissions will be considered and assessed, and the proposed Regulation will be amended, if necessary, to address issues identified in the consultation process. If further information is required, targeted consultation will be held before the Regulation is finalised.

The Minister for Better Regulation and Innovation will then decide on the content of the final Regulation.

Commencement of the Regulation

After the Minister for Better Regulation and Innovation has finalised the Regulation, it will be submitted to the Governor for approval.

Once approved by the Governor, the Regulation will be published on the official NSW Government website for online publication of legislation at www.legislation.nsw.gov.au and in the NSW Government Gazette. Information on how to access the Gazette is available on the NSW Parliamentary Counsel's website.

A proposed commencement date for the Act and Regulation will be resolved through the consultation process for the Regulation

Need for government action

The Act was passed by the NSW Parliament on 15 August 2018. The proposed Regulation is a necessary and detailed component of the new paintball regulatory framework in NSW and forms a critical link between the Act and achieving compliance. The Act cannot function as intended without the proposed supporting Regulation.

Objective and rationale of the Regulation

Objective

The primary objective of the proposed Regulation is to provide legislative support and administrative detail for the operation of the *Paintball Act 2018*.

The Act removes the regulation of paintball markers and associated activities from the *Firearms Act 1996* and establishes a separate system of permits through the Department of Finance, Services and Innovation (DFSI). The DFSI will become the Department of Customer Service (DCS) from 1 July 2019. The Act delivers a new regulatory framework for paintball markers and activities that ensures the safety and security of players and the community, while also reducing red tape and providing enhanced levels of customer service for businesses in the industry.

The reforms in the Act include:

- Reducing the minimum age limit of participants from 16 years to 12 years and over (subject to written parental consent), with additional and appropriate safety precautions.
- Establishing a separate system of permits and requirements for the regulation of paintball markers and paintball venues to be administered by the Department through NSW Fair Trading.
- Reclassifying paintball markers as a sporting device, by removing their classification as 'prohibited firearms', which currently sees them categorised and controlled in the same way as lethal weapons such as cannons and machine guns.
- Delivering a more modern and streamlined permit system and removing the requirement to complete an application for each marker purchased.
- Establishing a register that records and monitors the sale, disposal, ownership and location of all paintball markers, with access provided to NSW Fair Trading and NSW Police Force.
- Establishing a clear and safe regulatory system specific to the unique profile of the paintball industry including key statutory offence provisions and maintaining offences in the *Crimes Act 1900*, which apply to paintball markers if they are used unlawfully or endanger the community.

The objectives of the proposed Regulation are to:

- Ensure training requirements required for new permit applicants or those who supervise the use of paintball markers at paintball venues are appropriate.
- Establish administrative requirements necessary for the new regulatory scheme relating to permits, paintball marker sharing arrangements and the register that balance regulatory burden with the necessary administration of the Act.

- Provide further provisions ensuring the safety of users which relate to protective clothing and equipment, and supervision.

Rationale

The Regulation is necessary as it provides the legislative support and administrative detail necessary for the effective operation of the *Paintball Act 2018*. Without the Regulation, the Act could not be effectively administered or enforced.

It is necessary to make the proposed Regulation because it:

- enables clarity to paintball venue operators and business owners, permit holders and paintball enthusiasts about the new legislative framework, ensuring they are aware of their responsibilities and how to comply.
- strengthens the new legislative framework for paintball activities and markers.

Options for achieving objectives

The primary objective of the proposed Regulation is to provide operational and administrative detail to support the operation of the Act. There are 2 options for achieving the objectives and they are:

Option 1: Make the proposed Regulation

- The provisions of the proposed Regulation will provide updated legislative support and administrative detail for the *Paintball Act 2018*, allowing for its commencement
- Appropriate compliance mechanisms will assist in enforcing consumer and community safety and security, and investigators will have powers to address situations which pose a real risk of harm.
- Paintball permit holders, paintball venue operators and business owners will be provided with necessary clarity through a Regulation to ensure they are able to achieve compliance with the new Act.
- The proposed Regulation sets out in detail, specific requirements associated with certain provisions of the Act.

Option 2: Do nothing

- Paintball permit holders, paintball venue operators and business owners will not have necessary clarity through a Regulation to ensure they are able to achieve compliance with the new Act.
- The Regulator will not have all appropriate compliance and enforcement mechanisms at its disposal.
- Industry would be obliged to comply with the 24-hour timeframes in the Act relating to the supply and disposal of paintball markers.
- Commencement of the scheme might be delayed in the absence of provisions enabling the administration of the new scheme by the Regulator such as prescribing requirements for the supervision of younger players and the industry would have no guidance or clarity about training requirements.

Criteria used to assess the regulatory options

The following criteria, which relate to the regulatory objectives, are used in the evaluation of the two options:

- the extent to which the options supports the objectives of the Act; and
- the cost effectiveness of each option, in terms of costs and benefits to consumers, industry and government; and
- the extent to which the option contributes to the overall efficiency of the of the regulatory system.

Impact assessment of options

Assessment of option 1

Make the proposed Regulation

Option 1 – Costs

A key aspect of the reforms to the industry by the Act is a reduction in the minimum playing age from 16 years to 12 years and over. To ensure the safety of all participants, including this new cohort of young people, supervisors will have to meet a new requirement of either holding a paintball permit, or satisfying other requirements. The proposed Regulation provides that if a supervisor does not hold a paintball permit, they will be required to successfully complete a course of training that addresses the safe use of paintball markers and the safe conduct of activities associated with paintball markers. This is a crucial condition to ensuring the safety of all players, however it may impose additional resource implications upon some businesses.

The proposed Regulation specifies the protective clothing and equipment that is to be used by a person entering a paintball game area. Paintball venues routinely provide this level of equipment. It is proposed to prescribe the required protective clothing and equipment to ensure a minimum standard of protection for all participants, including those aged 12 to 16 years. An assessment of protective equipment at venues to ensure the safety of younger players as new participants will likely require the purchase of additional protective clothing and equipment.

The Regulation also provides the type of information that is required to be included in the register of paintball markers. The Regulator will need to develop a register that has appropriate information requirements and is able to be shared with NSW Police.

Other provisions in the regulation provide clarity to provisions already contained in the Act and do not in themselves generate any additional costs.

Option 1 - Benefits

The proposed Regulation will provide the paintball industry and all paintball participants with clarity around their regulatory responsibilities. It prescribes control measures that are proportionate to the low risk profile of the industry. The proposed provisions also recognise that there are safety and security risks that must be managed, and the proposed Regulation provides certainty to stakeholders on how to achieve compliance with the requirements of the Act.

The proposed Regulation will provide the Regulator with meaningful information that will ensure paintball marker information, including their ownership and location details are properly registered. This critical information will make sure that compliance and enforcement as well as education and assistance strategies can be targeted and effective and achieve positive safety outcomes.

Paintball participants, including players as young as 12 years of age will be protected when participating in paintball activities, wearing protective clothing and equipment which must be provided to them. This will ensure that paintball is a safe and family friendly activity.

Introduction of training for supervisors of paintball markers and activities, who do not hold a paintball permit will ensure that all players receive adequate supervision. This is especially important in the context of the reduction in the age limit to play. Supervisors, who will have added responsibilities to supervise a wider age span of players will benefit from the support of receiving training and be more effective and confident in their roles.

Option 1 – Conclusion

Option 1 supports the regulatory objectives of the Act and provides benefits for paintball businesses, players and the community through clarity in compliance requirements, increased protection and supervision as well as more useful information around paintball markers and their ownership being provided to the Regulator.

For these reasons, **option 1 is the preferred option.**

Assessment of Option 2

Do nothing and do not make the proposed Regulation

Option 2 – Costs

Commencement of the new regulatory scheme for Paintball may be delayed without the proposed Regulation. The paintball industry will remain burdened by outdated and inappropriate regulation which will not make it easier to do business in NSW and discourage industry investment. Paintball businesses will continue to operate in an environment of uncertainty, without clarity of compliance provisions, potentially investing money into unwarranted resources.

Paintball venues will not be able to share markers with other businesses during times of peak demands, creating a situation of either losing customers to competitors or needing to purchase extra markers that will remain idle during non-peak periods.

There will remain uncertainty around the level of protective equipment to provide players, including those as young as 12 years of age.

Critical information, required to ensure the safety and security of players and the community may not be captured in the register of paintball markers.

Persons who hold equivalent permits from other jurisdictions may be excluded from having their authorisation recognised in NSW.

In the absence of a regime of penalty notice offences, the Regulator will not have integral enforcement tools to deter unsafe conduct and support compliance with the new regulatory scheme.

Option 2 – Benefits

The proposed Regulation provides operational clarity to the Act. There are no real benefits achieved by not progressing the proposed Regulation. If the proposed regulation is not progressed, the paintball industry will be left with uncertainty on how to comply with the Act and the Regulator will not have the necessary administrative detail in place to support the new legislative framework.

For these reasons, **Option 2 is not the preferred option.**

Summary of costs and benefits of each option

Option	Likely Costs	Likely Benefits	Overall Benefit
Option 1	Low	High	Positive
Option 2	High	Low	Negative

Preferred option

Option 1 - make the proposed Regulation is the preferred option as it will provide legislative support and administrative detail needed to ensure the operation of the *Paintball Act 2018* and give full effect to its provisions, which will have considerable benefits to the industry and community while providing strict safety protections for the public and penalties for non-compliance.

Regulation making powers

Regulation making power in the Act	Clause in proposed Regulation
<p>Section 11 (1) (d)</p> <p>A person may be authorised to:</p> <p>Supply paintball markers to another holder of a paintball venue permit under a paintball marker sharing arrangement</p>	<p>Clause 6</p> <p>Paintball venue permit holder sharing arrangements</p>
<p>Section 14 (1) (e)</p> <p>A person will not be found suitable to hold a permit:</p> <p>The person has not completed any course of training that may be prescribed by the regulations</p>	<p>Clause 4</p> <p>Training</p>
<p>Section 15 (3) - Application for permit:</p> <p>The regulations may provide for a fee to be paid for an application for the grant of a permit</p>	<p>Schedule 1</p> <p>Fees</p>
<p>Section 17 (5) - Grant or refusal of permit:</p> <p>If the Secretary fails to give an applicant for a permit notice of a decision to grant or refuse the permit within the period prescribed by the regulations, the Secretary is taken to have refused to grant the permit</p>	<p>Clause 5</p> <p>Deemed refusal of a permit</p>
<p>Section 37 (3) (a)</p> <p>Paintball game area:</p> <p>A person must not be permitted to enter a paintball game area at any time during which there is a paintball marker in the area unless the person has protective clothing or equipment (or both) that is prescribed by the regulations</p>	<p>Clause 8</p> <p>Protective clothing and equipment</p>
<p>Section 41 (1)</p> <p>Supervision of the use of paintball markers:</p> <p>The holder of a paintball venue permit must ensure that any use of paintball markers at the paintball venue is supervised by an employee who holds a paintball marker permit or who satisfies other requirements as may be prescribed by the regulations</p>	<p>Clause 7</p> <p>Supervision of the use of paintball markers</p>
<p>Section 65 (6)</p>	<p>Clause 9</p>

Register of paintball markers: Make provision with respect to the register	Register of paintball markers
Section 66 (1), Section 66 (3) and Section 66 (4) Provision of information to the Secretary about the supply or disposal of paintball markers	Clause 10 Provision of information to the Secretary about the supply or disposal of paintball markers
Section 71 Recognition of equivalent authorisations: The regulations may recognise an equivalent authorisation as being equivalent to a type of permit under this Act	Clause 11 Recognition of equivalent authorisations
Section 74 (2), Section 74 (5) - Penalty notices: (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence (5) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations	Schedule 2 Penalty notice offences
Section 80 - Regulations: The general regulation-making power	Paintball Regulation 2019
Clause 1 of Schedule 1 Savings, transitional and other provisions	Schedule 3 Amendment of Paintball Act 2018

Discussion of the proposed regulation

Submissions are welcome on any aspect of the proposed Regulation or any other relevant issue, whether or not raised in this Regulatory Impact Statement. However, the following discussion points provide greater context for the key provisions in the proposed Regulation and explore some regulatory options for these provisions. A summary of the proposed Regulation is provided in **Appendix 2**.

Preliminary matters

Date of Commencement

The draft Regulation provides for commencement on (Date TBA) at which time the *Paintball Act 2018* will come into effect.

Training

Section 14 (1) (e) of the Act provides that a person is not suitable to hold a permit if they have not completed a course of training prescribed by the Regulation. Clause 4 of the proposed Regulation intends to prescribe that training will be required to be granted a permit, to address the safe use of paintball markers and the safe conduct of activities associated with paintball markers.

1. What training is necessary to ensure the safe use of paintball markers and the safe conduct of activities?

2. Should the same training be required for paintball marker permits and paintball venue permits, or should it encompass different modules? If not, why not?

Grant or refusal of a permit

Section 17 (5) of the Act provides for a permit applicant to be notified of the outcome of their application within a timeframe specified by the Regulation. If notice is not given within the prescribed timeframe, it is taken that the application has been refused. Clause 5 of the proposed Regulation sets the time frame for notification at 60 days.

3. Is 60 days a reasonable timeframe for an applicant to be notified in writing of the decision to grant or refuse them a permit?

Paintball marker sharing arrangements

Section 11 (1) (d) of the Act authorises paintball venues to supply paintball markers to another authorised venue under a paintball sharing arrangement. Clause 6 of the proposed Regulation details how venue operators may enter into sharing arrangements and their obligations in doing so.

A paintball sharing arrangement provides flexibility to paintball businesses, especially during high demand periods, negating the need to purchase additional equipment that may only be used infrequently. It also provides the Regulator with necessary information regarding the possession and location of paintball markers.

4. Is 14 days an appropriate period for a paintball marker sharing arrangement?

5. Are the proposed conditions for the sharing of paintball markers appropriate??

Supervision of the use of paintball markers

Section 41 of the Act provides that the use of paintball markers must be supervised by a person who holds a paintball marker permit or who satisfies other requirements prescribed in the Regulation.

Clause 7 of the proposed Regulation seeks to prescribe satisfactory completion of a course of training to be eligible to supervise the use of paintball markers. The training would address the safe use of paintball markers and the safe conduct of activities associated with paintball markers.

Adequate training of supervisors will ensure that all paintball areas are a safe environment for participants and that the game is played in accordance with safety guidelines.

6. Should those persons who do not hold a paintball marker permit and who supervise the use of paintball markers be required to complete a specific training course to be able to undertake their duties?

7. Are there any other requirements that should be prescribed in the Regulation for supervisors of paintball marker use?

Protective clothing and equipment

Section 37 (3) of the Act specifies that a person must not enter a paintball game area at any time during which there is a paintball marker in the area unless the person has protective clothing or equipment (or both). The proposed Regulation prescribes minimum requirements for protective clothing and equipment, which must be used or worn to be permitted into a paintball game area. These requirements under clause 8 are a paintball helmet and mask or other protective covering for the person's eyes, neck, head and face, as well as enclosed shoes and other clothing that covers as much of the person as is reasonable in the circumstances. This prescription is intended to ensure that all venues provide a safe environment for all players.

8. Is the proposed protective clothing and equipment reasonable and appropriate for the safety of participants?

9. Are there other or different items of protective clothing and equipment that should be used or worn by participants?

Register of paintball markers

Section 65 of the Act prescribes that a register of paintball markers is to be compiled and maintained by the Regulator and outlines the information to be contained in it.

Clause 9 of the proposed Regulation provides for additional information to be included in the register that enables a paintball marker to be identified, contains details about the permit holder of the marker, the storage location of the marker and any cancellation or suspension, disciplinary action or convictions against the permit holder that are listed in the Act.

The register is not a public register. The information will enable the Regulator to know who possesses markers, where they are located and continually monitor whether the permit holder is a suitable person to hold a permit.

10. Should the register of paintball markers contain the information specified in the proposed Regulation?

Provision of information about supply or disposal of paintball markers

Section 66 of the Act prescribes that certain information is to be provided to the Regulator when a paintball marker is supplied to another person or disposed of within 24 hours or such other period as may be prescribed in the Regulation. Clause 10 of the proposed Regulation suggest that a period of 7 days for the information to be provided is appropriate.

11. Is 7 days an appropriate period to advise of the supply or disposal of a paintball marker?

Recognition of equivalent authorisations

Section 71 of the Act allows the Regulator to recognise an equivalent authorisation (permit) issued within another jurisdiction as being equivalent to a permit granted in NSW. Clause 11 of the proposed Regulation gives clarity to the specific authorisations from each State or territory that are to be recognised for the purposes of the Act. This provision supports current arrangements, whereby interstate competitors compete in other jurisdictions without the need to make application for a new permit.

Additionally, the proposed Regulation limits recognition of interstate permits if the permit holder has resided in NSW for a continuous period of more than 3 months.

12. Should paintball permits issued in other Australian jurisdictions be recognised as being equivalent to the permit issued in NSW?

13. Is 3 months an appropriate and reasonable timeframe to allow for mutual recognition of equivalent permits?

Penalty notice offences

Section 74 of the Act empowers authorised officers to issue a penalty notice if it appears a penalty notice offence has been committed. For the purposes of Section 74 of the Act, Schedule 2 of the proposed Regulation specifies a range of offences against which a penalty notice might be issued

Penalty notices are used to enforce compliance in situations where it is not considered appropriate to take prosecution action against a corporation or individual. Penalty notices are an important feature of the suite of compliance and enforcement options available to the Regulator and are relied on as an effective deterrent against non-compliance.

14. Should the proposed penalty notice offences be included in the Regulation?

15. Are the proposed penalty notice offences and amounts fair and reasonable?

16. Are there any additional penalty notice offences that should be prescribed?

Appendix 1

Background information

Paintball is a popular recreational activity across New South Wales. There are approximately 40 authorised paintball venues in NSW, almost 900 individuals who hold a permit to possess a paintball marker and over 1400 paintball markers attached to those permits. Thousands of people participate safely in paintball games each year, from groups of friends, work colleagues and families to interstate and overseas competitors

The current regulation of paintball imposes unnecessary and disproportionate regulatory burden on the industry when compared to the actual risk of the activity. Following the establishment of the National Firearms Agreement 1996, the *Firearms Act 1996* imposed strict restrictions on the ownership and use of firearms. Paintball markers were classified as 'prohibited firearms' along with lethal weapons such as cannons and machine guns. NSW Police and the NSW Firearms Registry are currently required to oversee the paintball industry, the administration of which draws resources away from areas of criminal activity that present a much greater threat to the community.

Consultation regarding the reform of the paintball industry was wide ranging and effective. The paintball industry, their representatives, players and the community provided useful insight into the issues they see as unnecessarily burdening the industry. Key NSW government agencies including Family and Community Services, Justice, Advocate for Children and Young People and Office of the Children's Guardian were also consulted.

In deciding to modernise the regulation of this industry, hospital data, work health and safety incidents, and crime statistics were reviewed. All these data sets demonstrated that the paintball industry is a low-risk industry with high levels of operator maturity in NSW.

Research has also been undertaken to attempt to understand the number and types of injuries occurring in the industry. The data indicates that paintball is a safe sport, with reported injuries being mainly sprains and strains from the physical activity demanded of participating in paintball activities.

The proposed regulatory regime has been designed based on the principle that the paintball industry in NSW should be regulated proportionate to its true lower-risk profile, with clear sanctions for non-compliance.

Appendix 2

Summary of the Regulation

Clauses 1 and 2 provide the name and date of commencement of the Regulation.

Clause 3 provides definitions to terms used in the Regulation.

Clause 4 prescribes that a course of training must be undertaken by permit applicants.

Clause 5 sets out the prescribed period for the Secretary to notify a permit applicant whether their applicant has been granted or refused.

Clause 6 sets out the requirements for sharing arrangements for paintball venue permit holders.

Clause 7 establishes the level of training required for an employee that does not hold a paintball marker permit to supervise the use of paintball markers and the safe conduct of activities associated with paintball markers.

Clause 8 prescribes the protective clothing and equipment required for a person to enter a paintball game area and when the requirements take effect.

Clause 9 prescribes further information that is to be included in the register of paintball markers.

Clause 10 prescribes a period of 7 days for information to be provided to the Regulator when a paintball marker is supplied to another person or disposed of.

Clause 11 outlines which types of permits issued by other States and Territories that may be recognised as an equivalent authorisation to a permit granted in NSW under the *Paintball Act 2018*.

Schedule 1 outlines the fee structure for new permits and renewal of current permits.

Schedule 2 specifies the offences that are listed as a penalty notice offence and the penalty amount for corporations and individuals.

Schedule 3 provides clarification that permit applicants with undetermined applications on commencement of the Act who have previously undertaken training as approved by NSW Police will be taken to have satisfied any new requirements imposed by the Regulation.

Appendix 3

List of stakeholders

Key stakeholders

The following key stakeholders have been provided with a copy of the proposed Regulation and this RIS:

- Australasian Paintball Association
- Australian Paintball Industry Association
- Semoz Paintball
- The Paintball Place Pty Ltd
- Skirmish Ulladulla Pty Ltd
- Castlerock Paintball
- Ballina Adventure Park
- Echidna Gully Adventures
- Wolumla Paintball
- Hunter Valley Paintball
- Highlands Paintball
- Tamworth Paintball
- Paintball Albury/Wodonga
- Adrenalin Paintball
- Players Paintball
- Delta Force Properties Pty Ltd
- Dubbo Paintball
- Tactical Assault Paintball
- Outback Paintball
- Versatility Pty Limited
- Hellfire Paintball
- Aussie Paintball
- Tactical Paintball Games
- Elite 1 Paintball
- Project Paintball Wagga Pty Ltd
- Die Hard Indoor Paintball
- Spitfire Paintball Pty Ltd
- Demons Paintball
- Action Paintball Rouse Hill Pty Ltd
- Mid North Coast Paintball Telegraph Point
- Shoalhaven Skirmish

- Parkes Paintball
- Action Paintball Yarramundi
- Inverell Paintball Pty Ltd
- Bearded Dragon Pty Ltd
- Cooba Sport and Education Centre
- LPG Holdings Pty Ltd
- Rapidfire Paintball
- Delta Force Paintball
- Hawkesbury Paintball
- Alpha Paintball

Appendix 4

Proposed fees

Type of Fee	Fee Amount (fee units / \$)
Application for a paintball venue permit (5-year duration)	5 / \$500
Application for a paintball marker permit (5-year duration)	0.75 / \$75
Application for an international paintball competitor permit (1-year duration)	0.75 / \$75
Application for a variation of permit	0.34 / \$34
Application for a replacement permit	0.34 / \$34

Appendix 5

Proposed penalty notice offences

Provision of penalties under Schedule 2 of the proposed Regulation:

Act Reference.	Short Description	Max Penalty	Penalty Notice - Corporation	Penalty Notice - Individual
From the Act				
Section 28 (1) (for a contravention of the condition set out in section 37 (1) of the Act)	Paintball game area – provide signs and boundaries.	\$110,000	\$3,600	\$720
Section 28 (1) (for a contravention of the condition set out in section 37 (2) of the Act)	Allow use of marker outside paintball game area.	\$110,000	\$4,800	\$1,200
Section 28 (1) (for a contravention of the condition set out in section 37 (3) of the Act)	Allow person to enter paintball game area without protective equipment.	\$110,000	\$4,800	\$1,200
Section 28 (1) (for a contravention of the condition set out in section 38 (1) of the Act)	Allow person under 12 years to play.	\$110,000	\$6,000	\$1,200
Section 28 (1) (for a contravention of the condition set out in section 38 (2) of the Act)	Allow person 12 – 17 years to play without written parental consent.	\$110,000	\$4,800	\$1,200
Section 28 (1) (for a contravention of the condition set out in section 39 (1) of the Act)	Not have public liability insurance.	\$110,000	\$3,000	\$600
Section 28 (1) (for a contravention of the condition set out in section 39 (2) of the Act)	Public liability insurance does not cover those under 18 years.	\$110,000	\$3,000	\$600
Section 28 (1) (for a contravention of the condition set out in section 39 (3) of the Act)	Allow paintball game to occur while not holding public liability insurance.	\$110,000	\$4,800	\$1,200
Section 28 (1) (for a contravention of the condition set out in section 41 (1) of the Act)	Supervisor of paintball games must hold permit or satisfy other provision (Training).	\$110,000	\$3,600	\$720

Section 30(1)	Let out, hire or lend permit.	\$22,000 or 6 months	\$4,800	\$1,200
Section 63	Failure to comply with direction.	\$55,000 or \$22,000	\$3600	\$720
Section 64	Fail to produce permit.	\$55,000 or \$22,000	\$3,000	\$600
Section 66 (1)	Disposal – provision of information.	\$22,000	\$3,000	\$600
Section 66 (3)	Disposal – Notification information.	\$22,000	\$3,000	\$600
From the Regulation				
Clause 6 (4)	Paintball sharing arrangement.		\$3,000	\$600
Clause 8 (3)	Enter paintball game area without protective equipment.		\$3,000	\$600