

To whom it may concern,

Thank you for giving me the opportunity to expand on the issue of Gel Blasters being banned in WA.

There are a few things we would like to address and only 2 pages to do it, so I'll get straight into it.

Lack of research done by Police Minister's office.

It appears the minister's office has done little to no research into the Gelball community or sport/hobby. There was no business impact analysis done (we have asked for a business impact statement) and in the press conference Police Minister Paul Papalia did not even know there were registered businesses here in WA. This has led to the closure of businesses in WA and the halting of plans to register more. This has placed extreme economic pain on some individuals as well as put people out of work.

You can tell by the way that Police Minister Paul Papalia and Police Commissioner Chris Davies were circling back to the same script over and over and their inability to deal with questions that this was very rushed.

Lack of democratic process and empathy to those affected by this ban.

In his press conference (14th June 2021), Minister Paul Papalia expressed multiple times that this was not up for discussion. It was going to happen and those people that would be affected by it in the community should "get another hobby". When pressed on the businesses (that he knew nothing about) he suggested that "the mines are looking for workers". Even when the benefits to people with mental health issues, military and police veterans fighting PTSD, people with disabilities and disorders, and the broader community were raised the Minister changed the subject.

Unsubstantiated claims and statistics.

In the press conference and subsequent email reply template (all that anyone has managed to get back from the Police Minister's office) a figure of 1600 incidents in WA since 2017 involving gel blasters was mentioned. Also, it was stated that in 2020 there were 147 incidents in WA. When pressed in a meeting with WA Police Superintendent Gilbert and Inspector Bell to provide citable evidence of this Inspector Bell responded that the data was from incident logs. When asked how we can verify this we were told that we cannot as the information comes from "a nationwide informational source at Home Affairs and its internal intelligence." Superintendent Gilbert then also added "And our dispatch systems" (they'd later recant this claim of national sources, stating they "misspoke"). When we asked why a Freedom of Information Act search turned up no results for gel blasters (and many other relevant keywords) neither would comment.

Lack of buy back for legitimately purchased blasters

The Western Australia Police Force advise that it has never been lawful to import gel blasters into Western Australia and therefore, there is no intention to fund a buy back scheme for gel blasters.

The question had been raised multiple times in parliament of whether gel blasters were legal or illegal since 2017 and each time the response was "not legal". This is different to "illegal" as a potato can be defined as "not legal" as it has no legal status, but we know that potatoes are not illegal. As some people had spent hundreds and even thousands of dollars on blasters this was not received well by the community. Same also with businesses and their stock (hundreds of thousands, down the drain).

Lack of return communication

When emailing the Police minister's office, we are no longer even receiving the auto response prompting many people to believe their email addresses have been put on a blacklist. There have been reports of people being blocked on Facebook from tagging his page in relevant articles about gel blasters. Phone calls are also being ignored for months now.

Inconsistent communication – In meeting with Superintendent Gilbert and Inspector Bell, the figure of 1600 incidents was given and clarified to be Nationwide. A day or so after the meeting an email was sent stating that this was in error and in fact the figures are for WA only.

In an email from _____, Senior Constable _____, Licensing Enforcement Division, WAPOL dated **8th October 2020** Snr Constable _____ states that "Licensing Services will continue to **deem them a firearm**". Even though seizures and tests were happening, no one was charged, and most were returned labelled "Toy Gun".

13 days later, on **21st October 2020** an email from _____, Senior Constable _____, Corporate Licensing, Licensing Enforcement Division, WAPOL stated that "No direction has been provided by the Government in relation to Gel Blasters and currently as a result of no direction, Licensing Services **does not, at this time, deem them to be a firearm**. Currently unless they are used in a manner to cause fear or harm to a person there are no offences to possess a Gel Blaster."

So we have one email saying that WAPOL deem gel blasters to be a firearm and then another one 13 days later saying WAPOL do not deem them to be a firearm.

Facts:

Incidents – Using the unverifiable figures supplied from WAPOL, which the police minister sponsored this ban on, we can see that this ban was introduced in a time when the incident rate had **decreased 82%** and this was largely due to the community groups creating an education program around mid-2019 with no support from WAPOL.

Claim that gel blasters can be converted into real firearms – this one is tricky as technically it is true that a gel blaster can be converted into an airsoft marker, and they are classed as firearms. However, the intent behind those words is clearly to frighten the public as nearly everybody associates the word “firearm” with “gun” – something that shoots a bullet or projectile that will seriously injure or kill you.

Gel blasters look like conventional firearms – this is true and is part of the allure for some people. It also makes accessorizing much easier as many mount systems and accessories are already around for other sports. Also remember that one of the communities that benefits from gel ball is Veterans. The look and feel gives veterans the familiarity of something they have used while integrating back into public society in a fun and controlled environment. But you cannot ban something based solely on its looks. This is like trying to ban all cruiser style motorcycles because they look like Harley Davidson motorcycles that “bikie gangs” use.

No charges laid – With the claim from WAPOL that gel blasters were “not legal”, there were multiple seizures of blasters since 2017 and the majority were returned to their owners after testing of them by ballistics and firearms branch categorized them as “toy gun”.

Queensland model – In 2017 a magistrate deemed that gel blaster gels were not classed as ammunition as even though they can cause injury, any injury is very minor and classing gels as “other projectiles” was not in the spirit of how the Firearms Act was written at the time of writing. The magistrate explained that anything to be classed as “other projectile” or in our case “missile” was more considered to be made of metal to cause physical debilitating harm not just injury (bruise etc). Since 2017 Qld was recording between 200 and 300 gel blaster related incidents per year. In December 2020 it was announced there would be tougher penalties for the misuse of gel blasters which was advertised through the community and police campaign of “Stop and Think”. In February 2021 these penalties were introduced and, since the introduction of that campaign, Qld recorded 10 incidents for 2021 to date.

This is something we can replicate here. This is something that was done with no requirement for licencing just safe carriage and safe storage and the people who did wrong were penalised not the people doing the right thing.

Current Legislation – there is already legislation in place in WA for carrying objects to cause fear or intimidate others with penalties that could be increased like Qld did. There is also legislation already in place to penalise anyone who either manufactures a firearm or converts something into a firearm. This would stop any law-abiding citizen from converting them even into airsoft markers. So you see we already have all the legislation in place to penalise people doing the wrong thing so why instead ban gel blasters punishing an entire community.

Response to Armed Shooter Incidents – Police Minister Papalia says that it is only a matter of time before an innocent is shot or hurt while wielding a gel blaster. Going back to WAPOL’s own unverified figures they have been faced with this over 1600 times and there have been zero cases of this happening.

Solution:

Repeal amendment completely and work with community and the general public to promote awareness and increase penalties as proven to work in Qld.

- Allow the recovery of “handed in” or “sent away” gel blaster toys
- Remove gel balls from Weapons Regulations 1999 as prohibited
- Match carriage and storage rules of Qld (no unconcealed carriage and storage preferred in locked cabinet or bag – No gun safe required)
- Match or exceed penalties in Qld
 - Up to 2 years imprisonment or up to \$24,000 fine for unconcealed carriage / or using in public view not on a designated course or private property
 - Up to 3 to 7 years imprisonment or up to \$84,000 fine for firing at someone without their permission
 - Up to 3 to 7 years imprisonment or up to \$84,000 fine for firing at someone without their permission for use while committing a crime or for inciting fear in general public