

# Director of Public Prosecutions Direction 2006 (No 1)

**Notifiable instrument NI2006–390**

made under the

***Director of Public Prosecutions Act 1990*, section 20 (Directions and guidelines by Attorney General)**

## EXPLANATORY STATEMENT

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Regulation 46 of the *Firearms Regulation 1997* reflects the general community view in the Australian Capital Territory (ACT) that the arrangement of paint pellet games by duly authorised operators is a legitimate and legal activity, which also contributes to economic growth. As it is currently worded, Regulation 46 provides a legal basis for participants in paint pellet games to possess and use paint pellet guns while they are on the paint pellet range. In other circumstances, persons possessing paint pellet guns would be in contravention of section 16 of the *Firearms Act 1996* (ACT) (the Firearms Act), which establishes a general prohibition on the possession and use of firearms in the ACT.

Kieriky Pty Ltd are operators of the Adventure Paintball paint pellet range in Tuggeranong, and are duly authorised to do so under the Firearms (Paint Pellet Range) Authorisation 2006 (No 1). Kieriky Pty Ltd are organising a paint pellet competition involving interstate visitors on the weekend of 28–29 October 2006. The intention was that the interstate visitors bring their paint pellet guns for the purpose of the competition, those paint pellet guns being duly licensed under the laws of their respective State or Territory of residence.

The combination of the Firearms Act and Regulation 46 does not provide the interstate competitors with a legal basis to possess paint pellet guns in the ACT while travelling to the competition and returning from the competition. This anomaly will be remedied by legislative amendment. However, for the purpose of the 28–29 October 2006 competition, this direction not to prosecute will provide interstate competitors with the freedom to possess paint pellet guns while travelling to and from the paint pellet range. Competitors will be required to store their paint pellet guns on the Adventure Paintball range when they are not in use.