

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)**

1 Name of instrument

This instrument is the *Director of Public Prosecutions Direction 2006 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Preamble

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.

*Name amended under Legislation Act, s 60

4 Direction

I, SIMON CORBELL, Attorney General, after consulting with and having regard to the advice of, the Director of Public Prosecutions (who agrees that the giving of a direction is appropriate on an interim basis, pending the passage of appropriate legislative amendments), hereby direct that no person shall be prosecuted for the offence of possession or use of a firearm, contrary to section 16(1) of the *Firearms Act 1996* (ACT) in the following circumstances:

- where the person is the resident of another State or Territory, and is within the jurisdiction of the Australian Capital Territory during the period 12 am Friday 27 October 2006 to 12am Tuesday 31 October 2006;
- where the person possesses a paint pellet gun for which they have a valid licence under the laws of another State or Territory;
- where the person is compliant with the requirement of storing the paint pellet gun, when not in legitimate use, at the Adventure Paintball range between registering for the competition and returning to their jurisdiction of residence;
- and

EITHER

- the person is travelling from their jurisdiction of residence to the Adventure Paintball paint pellet range in Tuggeranong Pines, operated by Kieriky Pty Ltd;

OR

- the person is travelling from the Adventure Paintball paint pellet range in Tuggeranong Pines, operated by Kieriky Pty Ltd, and returning to their jurisdiction of residence.

Simon Corbell MLA
Attorney General

24 October 2006