



VICTORIA POLICE

LICENSING & REGULATION DIVISION



LASER TAG AND OTHER LASER SPORT DEVICES Regulatory scheme for Victoria

BACKGROUND

Changes were made to the *Control of Weapons Act 1990* (the Act) on 1 July 2011 that had the effect of regulating imitation longarms in Victoria for the first time. Prior to this date, only imitation handguns were regulated under the *Firearms Act 1996*.

The definition of “imitation firearm” in the Act consists of two elements, being a device—

- (a) the appearance of which could reasonably be mistaken for that of an operable firearm; but
- (b) which is not designed or adapted to discharge shot or a bullet or other missile, and is not capable of being made to do so.

Whilst imitation firearms cannot cause death or injury they can nonetheless cause public alarm due to their resemblance/closeness to a working firearm and therefore could be mistaken for a working firearm depending on the circumstances and level of knowledge of those in contact with it when carried or used within the community.

It is for this reason that imitation firearms are a prohibited weapon in Victoria. A prohibited weapon such as an imitation firearm cannot be possessed, carried, used or offered for sale in Victoria without a Chief Commissioner’s Prohibited Weapons Approval or a Governor in Council Exemption.

Further information about imitation firearms can be found at <http://www.police.vic.gov.au/weapons> under ‘Imitation Firearm Amendments’.

IMITATION FIREARMS AND LASER DEVICES

Laser tag or other laser sport devices are generally the size of a longarm and may fall into the definition of an imitation firearm depending on their appearance (i.e. whether they have the appearance of a working firearm). For some businesses such as those operating a laser tag gaming venue, this may mean that some laser tag devices in their possession are prohibited weapons, whilst others are not.



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WHICH LASER DEVICES WILL BE REGULATED?

All laser tag or laser target shooting devices that have the appearance of working firearms but do not function as a working firearm are regulated, as follows:

- A laser tag or laser skirmish device (this comprises any device which could reasonably be mistaken for an operable firearm, including devices modelled on real firearms). Where laser tag or laser skirmish games employ a military or combat theme, it is more likely they will use laser taggers which could reasonably be mistaken for operable firearms. The devices may be intended to look like real firearms to increase the authentic look and feel of the game for participants.
- A laser clay pigeon shooting device (i.e., a purpose-built laser imitation 'rifle', but excluding converted firearms).
- A Biathlon laser target shooting device (i.e., a purpose built laser imitation 'rifle')
- A Modern Pentathlon laser target shooting device (i.e., a purpose built laser imitation 'pistol' such as the 'Eko-Aims' laser pistol).

Converted firearms, which are operable firearms rendered inoperable and adapted to fire laser or infra-red beams will continue to be regulated as firearms (and not prohibited weapons) under the *Firearms Act 1996* regardless of their appearance.

WHICH LASER DEVICES WILL NOT BE REGULATED?

Laser tag and laser target shooting devices that **could not reasonably be mistaken for operable firearms** are not classed as imitation firearms and will not be regulated. These may include taggers or phasers in bright colours and boxy shapes which look like toys and can be lawfully possessed by anyone within the State of Victoria.

HOW DO I DETERMINE WHETHER A LASER DEVICE IS AN IMITATION FIREARM (REGULATED)?

Victoria Police, Licensing & Regulation Division (LRD) has published a quick guide to provide assistance to distinguish between characteristics of an imitation firearm as opposed to a toy or other firearm paraphernalia in order to comply with Victorian laws in this area. This guide can be found at <http://www.police.vic.gov.au/firearms> under 'Forms and Downloads' 'Brochures and Quick Guides'.



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REGULATORY SCHEME FOR LASER GAME AND SPORT DEVICES

Laser devices used for gaming and/or sporting purposes and which fit the definition of an imitation firearm (described above) are regulated as a prohibited weapon.

Under the Act, prohibited weapons may only be brought in, purchased, sold, advertised for sale, manufactured, possessed, used or carried if the person:

- Is a member of a class of persons covered by an exemption issued by the Governor in Council under section 8B of the Act, or
- Has been granted an approval by the Chief Commissioner under section 8C of the Act.

To limit the impact on the various industries that use laser devices that have the appearance of a firearm, a regulatory scheme combining both of the above regimes has been developed.

In general, participants in laser tag and target shooting activities (except those who own their own imitation laser/infrared firearms) will be covered under a General Exemption and therefore will not be required to take any action (i.e. obtain a Chief Commissioner's Prohibited Weapons Approval). This will also apply to participants and officials in the sports of Modern Pentathlon and Biathlon. However, operators of laser gaming venues and laser tags will be required to be approved by the Chief Commissioner should they wish to continue to possess these devices.

The regulatory scheme will now be described in more detail:

WHO IS COVERED UNDER A GOVERNOR IN COUNCIL EXEMPTION?

The following classes of persons will be 'exempt' which will enable them to participate in certain gaming or sporting events without the need to apply for an Approval of Victoria Police:

- Participants, athletes, coaches and officials involved in the sports of Modern Pentathlon and Biathlon who wish to bring in, purchase, sell, possess, use and carry imitation laser/infrared firearms.
- Participants in laser tag, laser skirmish and laser pigeon target shooting who wish to possess, carry and use imitation laser/infrared firearms for the purposes of partaking in gaming (skirmish) activities. Participants are not able to purchase and own such devices unless they apply for and are granted a Chief Commissioner's Prohibited Weapons Approval.



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Persons covered under a Governor in Council Exemption are subject to the following conditions:

- Exemptions will not apply to prohibited persons (see below for further details).
- Devices may only be used for the purposes specified in the exemption.
- Biathlon and Modern Pentathlon devices must be stored safely and securely by their owners to ensure the device is not readily accessible to anyone other than the person seeking to rely on the exemption, nor available for possession, carriage or use by anyone who does not have an appropriate approval or exemption.
- Biathlon and Modern Pentathlon devices must be concealed from plain sight when being transported between the usual place of storage and place of use.
- Police must be allowed to inspect storage arrangements for Biathlon and Modern Pentathlon devices at a reasonable pre-arranged time
- Records must be maintained of the number/type of Biathlon and Modern Pentathlon devices for the duration of the exemption and must be provided to police for inspection at a reasonable pre-arranged time.

Full details of the Exemptions are contained in Attachment 2.

WHO WILL NEED A CHIEF COMMISSIONER'S PROHIBITED WEAPONS APPROVAL?

The following persons are required to obtain a Chief Commissioner's Prohibited Weapons Approval for the following activities as they are not covered under an Exemption:

- Laser tag and target shoot business operators that wish to acquire, sell and use imitation laser/infrared firearms for the purpose of providing facilities and equipment for gaming and general activities. Employees of businesses/ organisations that hold approvals will be covered under the business approval.
- Manufacturers that wish to acquire, sell (including repair) imitation laser/infrared firearms for the purpose of providing equipment for gaming and general activities.
- Participants who wish to own their own imitation laser/infrared firearms for the purposes of partaking in gaming (skirmish) activities.



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HOW DO I APPLY FOR A CHIEF COMMISSIONER'S APPROVAL?

Individuals who fit into the above categories will need to complete an individual application for a Chief Commissioner's Weapons Approval. To demonstrate a reason for the approval, applicants are required to supply a letter from the Gaming Operator (Association) of which they are a member outlining the status and details of their membership. Additional documentation as outlined in the instruction pages in the application form is also required.

Business operators or organisations that wish to acquire, sell and use imitation laser/infrared firearms for the purpose of providing facilities and equipment for gaming and general activities and manufacturers that wish to acquire, sell (including repair) imitation laser/infrared firearms for the purpose of providing equipment for gaming and general activities are required to complete a business application for a Chief Commissioner's Weapons Approval and supply the relevant documentation as outlined in the instruction pages of the application form.

Forms and further information about the application process can be found at <http://www.police.vic.gov.au/weapons> under 'Chief Commissioner's Approval'.

CONDITIONS OF THE CHIEF COMMISSIONER'S APPROVAL?

Approval holders are subject to the following conditions:

Imitation firearms (including laser/infrared devices) are to be stored safely and securely in a manner to ensure that:

- The devices are not readily accessible to others;
- The devices are not available for possession, carriage or use by others unless they are also holders of a Chief Commissioner of Police Approval (Prohibited Weapons) issued for the same reason or are otherwise exempt (if applicable); and
- When being transported between the usual place of storage and place(s) at which the devices are legitimately used (the reason of which is stated in this authority), they are stored in a manner that is not readily accessible to others and concealed from plain sight.



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ELIGIBILITY AND PROHIBITED PERSONS

Under the Act, **prohibited persons** are not allowed to possess, use or carry prohibited weapons irrespective of whether or not they are covered by a Governor in Council Exemption. Likewise, a prohibited person is ineligible to be granted a Chief Commissioner's Weapons Approval.

The definition of a prohibited person can be found in section 3 of the *Firearms Act 1996* (on which the definition in the Act relies). In general terms, prohibited persons are those prohibited from possessing firearms or weapons for certain periods as a result of imprisonment for certain offences, being subject to a final intervention order or being found guilty of a firearms-related offence.

Employees of a business or organisation which holds a Chief Commissioner's Weapons Approval will be covered by that Approval, but only if they are non-prohibited persons. The Approval holder will be expected to take all reasonable actions to ensure that an employee involved in the management and use of imitation laser/infrared firearms is not a prohibited person for the purposes of the Act.

WHEN MUST I APPLY FOR A CHIEF COMMISSIONER'S APPROVAL?

Whilst the above regulatory scheme was being developed by the Department of Justice and to ensure there was no impact on gaming and sporting organisations and the community in the meantime, the Chief Commissioner of Police introduced an amnesty from 1 July 2011.

The amnesty concludes on 30 June 2014. This means that laser tag and target shoot business operators, manufacturers and participants who wish to own their own imitation laser/infrared firearms **must** have a Chief Commissioner's Prohibited Weapons Approval (or be subject to a Governor in Council Exemption if applicable) in order to possess, carry, use, offer for sale or import imitation laser/infrared imitation firearms beyond this date.

FURTHER INFORMATION

- Further information can be found at <http://www.police.vic.gov.au/weapons>.
- Enquiries are to be emailed to licensingregulation@police.vic.gov.au.
- For information on how to apply for a Governor in Council Exemption please email your enquiries to the Department of Justice at weapons@justice.vic.gov.au.



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ATTACHMENT 1: TYPES OF LASER GAME AND SPORT DEVICES TO BE REGULATED

1. Laser tag and laser skirmish devices (could reasonably be mistaken for operable firearms)



Source: Victoria Police

2. Laser Clay Pigeon Shooting Devices (imitation 'rifle')



Source: Google Image

3. Biathlon (imitation 'rifle')



Source: Google Image

4. Modern Pentathlon (imitation 'pistol')



Eko-Aims Modern Pentathlon device

Source: www.Eko-Aims.com



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ATTACHMENT 2: GOVERNOR IN COUNCIL EXEMPTIONS

Regarding laser devices, the below table outlines the agreed exemptions to be granted by the Department of Justice:

Class of person	Weapon	Exempted activity	Purpose
Adult participant in laser tag or laser skirmish	Laser tag or laser skirmish device that is an imitation firearm and is not owned by the participant	Possess, use or carry device	Participate in a laser tag or laser skirmish game or event operated by a Chief Commissioner Approval holder
Child participant (aged under 18 years) in laser tag or laser skirmish	Laser tag or laser skirmish device that is an imitation firearm and is not owned by the participant	Possess, use or carry device when supervised by an adult aged 18 or over who is authorised to use such a device	Participate in a laser skirmish game or event operated by a Chief Commissioner Approval holder
Adult participant in a laser clay pigeon shoot	Laser clay pigeon shooting device that is an imitation firearm and is not owned by the participant	Possess, use or carry device	Participate in a laser clay pigeon shoot operated by a Chief Commissioner Approval holder
Child participant (aged under 18 years) in a laser clay pigeon shoot who does not own a laser clay pigeon shooting device	Laser clay pigeon shooting device that is an imitation firearm and is not owned by the participant	Possess, use or carry device when supervised by an adult aged 18 or over who is authorised to use such a device	Participate in a laser clay pigeon shoot operated by a Chief Commissioner Approval holder
Adult participant, athlete, coach or official involved in Biathlon	Biathlon laser target shooting device that is an imitation firearm	Bring in, purchase, sell, possess, use or carry device	Participate in a Biathlon event, training session or competition
Child participant, athlete or coach (aged under 18 years) involved in Biathlon	Biathlon laser target shooting device that is an imitation firearm	Possess, use or carry device when supervised by an adult aged 18 or over who is authorised to use such a device	Participate in a Biathlon or Modern Pentathlon event, training session or competition device
Adult participant, athlete, coach or official involved in Modern Pentathlon	Modern Pentathlon laser target shooting device that is an imitation firearm	Bring in, purchase, sell, possess, use or carry device	Participate in a Modern Pentathlon event, training session or competition
Child participant, athlete or coach (aged under 18 years) involved in Modern Pentathlon	Modern Pentathlon laser target shooting device that is an imitation firearm	Possess, use or carry device when supervised by an adult aged 18 or over who is authorised to use such a device	Participate in a Biathlon or Modern Pentathlon event, training session or competition
A parent, guardian or coach of a child involved in Biathlon or Modern Pentathlon	Biathlon or Modern Pentathlon laser target shooting device that is an imitation firearm	Purchase device on behalf of that child	Enable child to participate in Biathlon or Modern Pentathlon events, training sessions or competitions

It should be noted that under section 5(1AD) of the Act, children under the age of 18 years cannot purchase a prohibited weapon, but may possess, use or carry such a weapon with an appropriate exemption or approval. Under section 5(1AC) of the Act it is an offence for a person to sell a prohibited weapon to a child.