

Briefing Note on the Sport of Airsoft

Legal Status, Risks and Socio-Economic Benefits



Western Australia Airsoft Club Inc.

June 2018



Western Australia Airsoft Club Inc.

ABN 43950909848

86 Regency Drive, Thornlie, WA, 6108



AirsoftWA.com.au



[@AirsoftWA](https://twitter.com/AirsoftWA)



airsoft4wa@gmail.com

Executive Summary

The Sport of Airsoft is a shooting sport similar to paintball, however safer, cheaper and more environmentally friendly. The origins of the sport can be traced back to Japan to the 1970s. The sport is enjoyed worldwide, with limited regulatory controls.

However, there are a handful of countries, such as Australia, North Korea, Papua New Guinea, Yemen and a few other where the sport of Airsoft is illegal. Australia banned Airsoft in 1996 through the amendment of the *Customs (Prohibited Imports) Regulations 1956*, based on an emotional knee-jerk response, supported by no body of evidence: "*Many of the pistols look so real they could be used as de facto weapons in robberies. In the wrong hands, [they] have the potential to cause a lot of fear on the streets*" (Minister for Justice, Senator Vanstone).

The Australian Airsoft industry at the time was never consulted on the government's decision and lobbying activities since then have been sporadic and unsuccessful. However, this situation is now different, with organised lobbying groups functioning in every State and Territory, working together to bring the sport of Airsoft back to Australia.

In Western Australia, ownership of imitation firearms is permitted to persons over the age of 18 without any other regulatory requirements. However, the sport of Airsoft which poses similar risks is not permitted and the State and community are missing out of the benefits it brings. Such benefits include and are not limited to the following:

- Creation of a new industry with an estimated government GST tax revenue of \$1.8 million AUD / year and 30-40 full time jobs;
- Increase in regional tourism;
- Physical and mental health improvements.

This briefing note provides an overview of the sport of Airsoft, its legal status in Australia and around the world, an economic analysis on the potential size of the industry in Western Australia as well as an in-depth look at the potential risks.

The briefing note also looks at different regulatory models used around the world and makes recommendations on effective legislation that manages the risks and also would not restrict the sport to the point that the benefits cannot be enjoyed by the State and the community.



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1. What is Airsoft?

The origins of Airsoft can be traced back to the 1970s in Japan, when owning a conventional firearm was illegal. Paintball was also illegal at this time in Japan as it was considered too dangerous. As a result, Japanese citizens wishing to participate in shooting sports and activities had to look for substitute devices in lieu of conventional firearms. This formed the catalyst for what is known today as the sport of Airsoft. Given the severity of the firearms laws in Japan, manufacturers were quick to discern gaps in the market, and capitalize on the demand for replica firearms. Initially, the demand for Airsoft devices was driven primarily by consumers within Japan. As Airsoft grew in popularity and sizable manufacturers entered the industry demand also began to come from the surrounding Southeast Asian nations, namely, Hong Kong, Taiwan, and the Philippines, countries which had also enacted strict gun laws themselves. By the late 1980s and early 1990s, Airsoft had spread to America and Europe, despite its popularity being rather minute at the time. However, as the Japanese manufacturers began to develop the Airsoft devices through the use of technology, the sports allure and realism grew, making for rapid growth in the late 2000s throughout the western world.

Today Airsoft is a global sport and is prominent within diverse industries such as: publishing, manufacturing, retail, e-commerce and media. There are 177 Airsoft manufactures globally, with Tokyo Marui Ltd. positioned as the market leader in terms of global revenue and global brand preference. Privately held and hailing from Japan, Tokyo Marui was founded in 1965, and specializes in making high-end Airsoft devices. Tokyo Marui produced \$53.25m USD in global sales revenue in the last financial year alone (D&B Hoovers, 2018), and our analysis approximated the Airsoft global manufacturing industry to a sum of \$2.52 billion USD in terms of global sales revenue. The average sales revenue per annum, per manufacturer equated to \$14.27m USD in 2017, explicating the value and health of the industry. The growth and value of Airsoft has also attracted prominent global armament brands such as: Heckler & Koch, Walther and Colt Industries, to either produce their own Airsoft devices, or sell licensing rights to already established Airsoft manufacturers. Airsoft also features international competitions hosted by various nations and governed by global organisations and confederate entities. Three primary international competitions exist to date:

- 1) 3 Gun Nation;
- 2) Action Air, governed by the International Practical Shooting Confederation (IPSC); and
- 3) CQB World Cup Shooting competition.

However, most of the sport participants take part in so called skirmishes or re-enactments carried out of open areas of land such as forests, abandoned facilities or purposely built fields.

Advantages of the Sport of Airsoft over Paintball

The three main advantages Airsoft brings over Paintball are:

- 1) **Safer:** Airsoft is about 10 times safer given the lower energy of the projectiles (called BBs). In comparison to the bruises caused by paintballs, a hit from an Airsoft BB feels like a rubber band slap and rarely leaves marks on the skin;
- 2) **Cheaper:** Airsoft is about 3.5 to 4 times cheaper than Paintball due to the lower cost of the projectiles;
- 3) **Environmentally friendly:** In comparison to paintballs which do not degrade well in the dry environment of Western Australia (they were designed for wetter climates to be washed down by the rain), Airsoft BBs are made of biodegradable materials designed for all types of climates and used in many industries.



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2. Legal Status of the Sport of Airsoft

Currently, Airsoft is legal in all western nations with the exception of Australia. From publicly available data, our analysis indicates that globally only 3.6% of all nations have declared Airsoft illegal. Other countries who have also declared Airsoft's status as illegal are: North Korea, Papua New Guinea, Yemen, Singapore, Malaysia and Brunei.

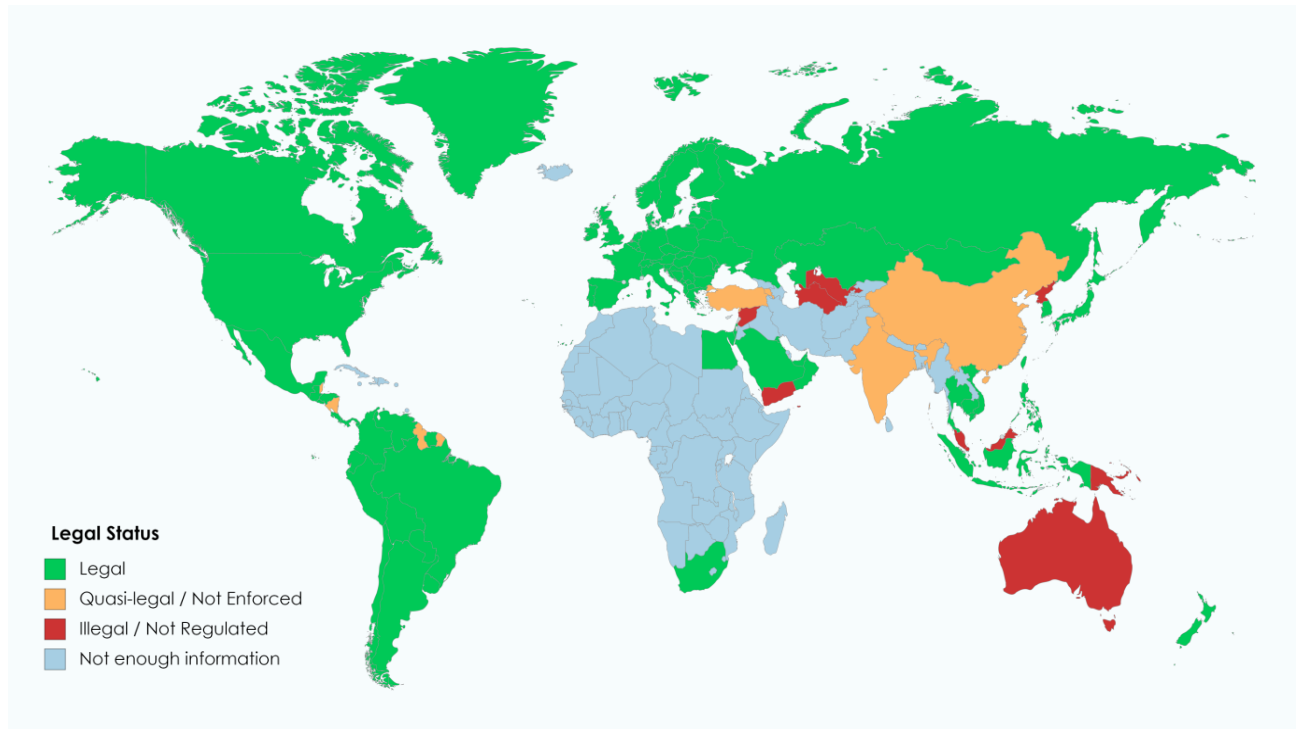


Figure 1. Legal status of Airsoft around the world

The *Firearms Act* in Syria pertaining to Airsoft weapons has been repealed, and a person may now obtain an Airsoft device. Furthermore, Airsoft has been legalized within Uzbekistan now, and a number of Enterprises are operating as a result of this.

Little information can be gathered as to why Airsoft has been declared illegal in the aforementioned states. Brunei for example allows the buying and selling of Airguns – a far more dangerous firearm – yet bans the importation or distribution of Airsoft devices. It is generally thought amongst Airsoft enthusiasts that the banning of Airsoft in Singapore was due to an accident occurring when a child mishandled an Airsoft device and suffered an ocular injury as a result. However, despite limited information, it is generally accepted that an aversion to firearms, imitation or otherwise is the general premise for declaring Airsoft illegal.

The sport of Airsoft in Australia and Western Australia

Airsoft devices were initially banned in Australia in 1996 by restricting their importation through the *Customs (Prohibited Imports) Regulations 1956* by then Minister for Justice Senator Vanstone on: "*Many of the pistols look so real they could be used as de facto weapons in robberies. In the wrong hands, [they] have the potential to cause a lot of fear on the streets*". This seems to have been an emotional, knee-jerk reaction with no evidence base. Furthermore, the industry at the time was never consulted and some indicate that the decision was an afterthought to the National Firearms Agreement



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(NFA) as some might indicate. Nevertheless, the NFA was designed to prevent mass shootings, not prohibit non-lethal sports such as paintball, Airsoft and others similar activities.

In order to be allowed by the Australian Border Force to import an Airsoft device, written permission from the State / Territory Police, in the form of a signed B709 form is required.

There currently is no State-based legislation that prohibits the sport of Airsoft, the purchase or use of Airsoft devices. However, all Australian State and Territory Police Departments refuse to grant an importation permit for Airsoft devices based on a number of justifications which are hardly based on evidence or on the legal instruments they administer:

- there are no approved fields or clubs;
- there is no category in the legislation to classify them under;
- they are lethal devices;
- Australia is a gun abhorrent society, etc.

The State and Territory Police Departments have mostly taken the above stance on Airsoft based on a 2010 briefing note developed by the Firearms Policy Working Group. The briefing note talks of the sport of Airsoft in very foul and emotional terms with no supporting evidence, such as the sport of *"Airsoft promotes violence, and may also serve as a screen for para-military training associated with illegal or terrorist activities"*. In order to understand the gross inaccuracies of this briefing note, please refer to Appendix A for a letter from the New Zealand Police, which has had many years of first-hand experience with the sport of Airsoft, indicating the contrary to all of the above statements.

In November 2016 the Law Reform Commission of Western Australia released the final report into the review of the WA Firearms Act (project 105), recommending that the sport of Airsoft be permitted under firearms legislation. Since then, the Western Australia Airsoft Club Inc. has been lobbying the WA Government to implement the recommendations of the report.



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3. Economic Benefits of the Sport of Airsoft

3.1 United Kingdom

Approximate income from Airsoft in the UK

The United Kingdom Airsoft Players Union (UKAPU) estimates that the total annual income from Airsoft for the UK approximates to a total value of £40m pounds. This figure corresponds to \$56.63m USD and \$73.43m AUD respectively. The estimate includes revenue from tourism, game-site fees, corporate bookings, gear hire, retailers, publishers, e-commerce, online media/blogs, and advertising.

Average expenditure per player, per annum in the UK

The UKAPU and the Global Airsoft survey (2012) indicate that the typical Airsoft player will play on average 1.5 times per month, with the average expenditure on BBs totalling £214 GBP (\$390 AUD) per player, per annum. The average cost per player for game-site admission fees totalled £444 GBP (\$813 AUD) per annum. Therefore, the average cost per player, per annum is estimated at £659 GBP (\$1,205 AUD), exploding maintenance, repairs or purchase of Airsoft devices or other gear.

There are also additional costs, which may take place over 3 to 5 years, the Global Airsoft survey (2012) revealed that, typically an Airsoft player will purchase 5 or more Airsoft devices for different game scenarios and purposes. Therefore, the average player will spend £1,067 GBP (\$1950 AUD) on Airsoft devices and approximately £142 GBP (\$260 AUD) on safety goggles, over a 3 to 5-year period. The assumption is made that players will also buy and sell various Airsoft devices and purchase parts for upgrades and repairs.

Number of operational Enterprises in the UK

The United Kingdom Airsoft Retailers Association (UKARA, 2018), lists a total of 213 registered Enterprises, 40 of which fall into the retail industry, and 173 of which are registered Airsoft fields or ranges. There are also a number of Airsoft magazines within the publishing industry, and online blogs which all produce revenue from advertising and distribution. However, the number of Airsoft enterprises operating within the publishing and online media industries cannot be accurately ascertained.

Enterprise Income from Airsoft in the UK

Using data from D&B Hoovers, a business and competitive intelligence firm, and Owler, a crowd sourced and data mining company which collects private company intelligence, we were able to ascertain the following figures. The approximate total enterprise sales revenue for the UK came to \$37.3million USD in 2017, roughly \$48.3million AUD at the current market price.

The retail industry produced a total of £1.20mGBP (\$2.19mAUD) in revenue, whilst the Airsoft field and ranges (of which there were a substantial amount) approximately produced £25.40m GBP (\$46.38m AUD) in revenue. However, the latter figure does not take into account any games the 60,000 registered Airsoft players within the UK might have missed, furthermore the figures do not account from revenue produced from the publishing and online media industries or corporate bookings at game-sites.

Approximate tax revenue from Airsoft per annum in the UK

The United Kingdom currently places a goods and services tax at a rate of 20% (VAT rates - GOV.UK, 2018), therefore, the approximate GST tax revenue produced by Airsoft was £5.32 (\$9.71m AUD) per annum.



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Approximate number of UK citizens employed from Airsoft in the UK

Our analysis indicates that the approximate number of UK residents employed by Airsoft, to be the sum total of 3,429 employees. However, this does not include range staff, volunteers or citizens employed in the online media and publishing industries.

3.2 New Zealand

Average expenditure per player, per annum in New Zealand

The average NZ player will spend approximately \$1,590 NZD (\$1,500 AUD) annually on gear, field use, ammunition, clothing. It must be noted that this does not include the initial outlay costs which if we assume each player only buys one device and basic PPE would equate to \$583NZD (\$550 AUD).

Number of operational Enterprises in New Zealand

Figures provided by the Oscar Zulu 1 Airsoft Team indicate that there are approximately 40 - 50 Airsoft specific enterprises operating within New Zealand. These enterprises include dedicated fields, gear and Airsoft device stores and shared skirmish properties.

Approximate income from Airsoft in New Zealand

Using information provided by a partnered Airsoft business in New Zealand, compared with UK data and extrapolated over the 40-50 enterprises across New Zealand (businesses ranging from player fields, repair shops and Airsoft device retailers) it is estimated the New Zealand Airsoft industry is worth approximately \$12.70m NZD (\$12m AUD) per year. This figure does not consider online media and publishing industries.

Approximate tax revenue from Airsoft per annum in New Zealand

New Zealand currently places a goods and services tax at a rate of 15%, therefore, the approximate GST tax revenue produced by Airsoft would equate to \$1.91m NZD (\$1.8m AUD) per annum.

Approximate number of persons employed from Airsoft in New Zealand

Our analysis indicates that the approximate number of NZ residents employed within the Airsoft industry, to be approximately 430 employees. However, this does not include range staff, volunteers or citizens employed in the online media and publishing industries.

3.3 Western Australia

Approximate player numbers

Provided that a similar percentage of the population – relative to the UK and NZ – takes up the sport of Airsoft, our analysis indicates that approximately 12,000 players will regularly participate in the sport of Airsoft once it has established itself within the community. This segment is slightly inflated in comparison to the segment of players in the UK, however we've assumed that due to the general hype around the legalization of the Sport, that this is a reasonable and accurate forecast. Based on average data on player expenditure in other countries and the higher average disposable income of WA residents, it is estimated that the yearly player expenditure in WA will be between \$1,200- \$5,000 per year.

Approximate tax revenue

Working off the New Zealand averages our analysis indicates that the approximate total enterprise income from Airsoft in Western Australia would equate to \$18m AUD annually. With Australia's goods and services tax rate at 10%, this would produce \$1.8 million AUD in annual GST tax revenue.



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Approximate Employment in Western Australia

Employment directly from the sport of Airsoft in Western Australia is hard to truly estimate. There are already established Paintball operations in the Perth area and in a number of regional locations such as Kalgoorlie and Albany. It would not be a stretch to assume that a number of these businesses would look at using Airsoft as well. However, within the first 2-5 years it would be realistic to see 30-40 full time jobs created within the State from a combination of shops, playing fields and from online businesses. It is difficult to relate a full development model for the state in comparison to other countries due to the combination of land mass versus population which makes Western Australia unique compared to the rest of the world.

Other business opportunities in Western Australia from Airsoft

There are many other business opportunities to be found either directly or through secondary incomes. Some are presented below.

Manufacture

Western Australia has both the technology and the skills within the state to manufacture Airsoft devices. This can be achieved very easily through a similar model as practised by the Belgian Airsoft company ASG which designed an Airsoft device and then had many of the parts manufactured by 3rd parties and assembled in their factory. This enabled the construction to be controlled and done relatively cheaply compared to trying to setup a complete factory to produce all the parts itself. This can easily be attained in Western Australia.

Tourism

People already travel from Australia to New Zealand and other destinations to play Airsoft. Similar to destination tourism, event tourism will bring players of Airsoft and competitors into the state which has a flow on effect for other industries such as accommodation and hospitality.

Furthermore, players will travel intra-state to engage in games with other clubs and at different locations to the ones they normally frequent. This is further applicable with organised events.

TV and Movie industry

Internationally the examples of usage of Airsoft in both movies and TV shows has increased. Popular shows such as *NCIS*, *Arrow* and *Defiance* have all used Airsoft devices. Movies such as Indonesia's *The Raid* were filmed without a single real firearm on set and purely used Airsoft devices. Industry wise, this has proven to be cheaper and safer than using real firearms.



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4. Health Benefits of the Sport of Airsoft

There are numerous health benefits participants can gain from playing the sport of Airsoft, given that matches are usually played on large outdoor ranges and for extended periods of time. Airsoft is extremely challenging physically and mentally and requires participants to sprint, walk and run short and long distances, whilst employing their fine motor skills in order to engage the opposing players. Airsoft also requires participants to carry a small load, consisting of ammunition, a side arm and a water supply. It is a game of both agility and endurance, with the same potential cardiovascular and aerobic fitness benefits as a football match.

Moreover, a growing number of veterans with post-traumatic stress disorder (PTSD) are attesting to the mental health benefits and relief Airsoft has provided them in managing their PTSD (Stewart, 2013). This is important to note, because Australia now has a growing number of veterans returning home from protracted engagements in the middle-east. A significant amount show symptoms of PTSD and are at a greater risk of death by suicide than civilians. The legalization of Airsoft within Australia, can certainly provide an outlet, and social connection for veterans in a healthy outdoor environment.

In addition to these benefits the video game industry growing year on year sees younger people, in particular (the demographic most likely to participate in Airsoft) electing to stay indoors more than the previous generation. Airsoft would provide a substitute activity with societal health benefits for this particular target demographic. The Australian Institute of Health and Welfare (2018) has revealed that 2 out of 3 adults are now obese. With this mind Airsoft can provide Australia with another option to influence young people to venture outdoors, assisting with the mitigation of our obesity epidemic.



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5. Demographics

Using data collected from Popular Airsoft's global survey (2012), which collected information from 6,181 respondents world-wide, we were able to ascertain a number of demographic characteristics which were typical of the makeup of the Airsoft enthusiast. These included the following:

- The average Airsoft participant was well educated with 49% of players holding a bachelor's degree or higher, and 27% of respondents stating they had completed some or were currently completing their undergraduate degree;
- 95% of respondents identified as male, whilst 5% identified as female;
- 41% of respondents indicated their age as being between 18 – 24, and 35% indicated their age as 25 – 34.

Although the sport of Airsoft is markedly gendered, there is a growing number of female participants who enjoy Airsoft. They have large fan bases and social media followings, contributing to the advertising and publishing industries surrounding Airsoft.

Closer to home, there is an Australian team that travels to New Zealand annually to compete in various Airsoft events, called Oscar Zulu 1 Airsoft Team.

Out of the approximately 120 players Australian Airsoft players that travel to enjoy the sport overseas, demographically they can be broken down as follows:

- An average age of 27 years (oldest being 55 and the youngest being 16);
- Currently this team is 90% male and 10% female;
- Out of the 120 players 73% have reported that they have completed higher education, trade or similar.



Figure 2. Australian Airsoft enthusiasts taking part in an Airsoft re-enactment game in New Zealand, 2017



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6. Temporary Fields

In countries such as America and the United Kingdom temporary fields are mostly used for large scale events which commercial fields are unable to cater for. The current WA paintball commercial fields are unable to support large numbers of players for events in excess of 100 participants. In New Zealand temporary fields have been used to allow dedicated Airsoft clubs to enjoy the sport in areas where economics make it unviable to have commercial fields.

Given the unique demographic spread versus land area situation of WA, temporary fields represent one of the few viable alternatives for Airsoft enthusiasts throughout the state to be able to participate in the sport. As we can see from the current distribution of paintball fields in WA (very few outside of the Perth metro area), a certain population density is required in order to make a field commercially viable.

Temporary fields would allow Airsoft clubs to form throughout the state and not be restricted by commercial sustainability considerations. Such clubs could then host events locally for the members or event regional events. For example, a club of 20 people from Broome and a similar sized club from Derby plus players from other surrounding towns may meet up at a temporary field about half way distance and have a game every few months with larger numbers than they would normally have in their own town. This is at the heart of the idea of temporary fields. It will allow for the sport to be played throughout the entire state.

This need for temporary fields in WA has further been recommended by the WA Firearms Law Reform Commission. Such a regulatory provision, or lack of such restriction, would contribute to the sport being accessible to all and its benefits manifesting in all areas of the State.



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7. The Risks of the Sport of Airsoft

The three potential risks to the public and sport participants that the sport of Airsoft might pose are:

- The appearance of Airsoft devices replicates firearms which can lead to the possibility of malicious use in crime, being portrayed as real firearms, or being mistaken for a real firearm by the general public or the Police;
- Risk of injury (damage caused by the projectile);
- Persons engaging in so called “war games”.

7.1 Projectile damage

No official data exists on the rates of injuries occurred during Airsoft matches, however, most of the anecdotal evidence we uncovered indicated that minimal injuries occurred from the devices themselves. These were simply welts or red marks, however, the more serious injuries were sprained ankles, or hand injuries sustained from falls. From the evidence gathered the participants are far less likely to be injured in a game of Airsoft, than you are in a traditional contact sport such as football.

Ballistics Data and Personal Injuries

Many ballistics reports have been conducted over time to understand the possible harm an Airsoft BB could cause to a person. Below are extracts from a number of them:

- *“The empirical evidence accumulated allows us to conclude that all the tested BB ammunition is safe for use in the sport / game of Airsoft. We suggest the use of certified full face and hand protection (in the form of gloves with plastic inserts) and minimum engagement distances to be adopted.”* (Test b908, Levante Labs, Switzerland);
- *“We believe it is possible to give values for full and semi-auto fire which would be extremely unlikely to result in a fatal injury. These values are 1J for full-auto fire and 2J for semi-auto fire.”* (Forensic Science Service, Southern Firearms Unit London, Report on work carried to establish Airsoft threshold lethality Lab Ref 300974287);
- *“Maximum velocities varied from 52.1 m/s (170.93 ft/s) to 173 m/s (567.58 ft/s). Maximum penetration energies varied from 2.07 J/cm² to 14.92 J/cm². Since the minimal penetration energy level commonly accepted in Israel, as being necessary to perforate the skin, is approximately 33 J/cm², it was quite easy to determine there is no hazard to human life if someone is accidentally shot.”* (AFTE Journal Volume 44, Advanced Forensic Science Services, Jerusalem).

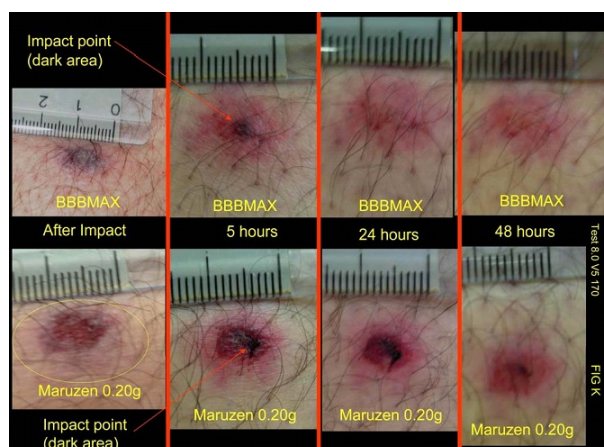


Figure 3. Skin damage caused by Airsoft devices and different types of BBs



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[@AirsoftWA](https://twitter.com/AirsoftWA)



airsoft4wa@gmail.com

- Also tested were the impact characteristics of different BBs with the following results (Part 6.9 Test 908 VO 130/170): *"In general, due to their elastic properties, plastic and bio BBs tend to expand on impact and will cause a wider area of damage to the fibres than harder BBs. Harder BBs will not deform and expand and will cause a more focused and much smaller area of damage. The results of the test were photographically recorded and documented."*

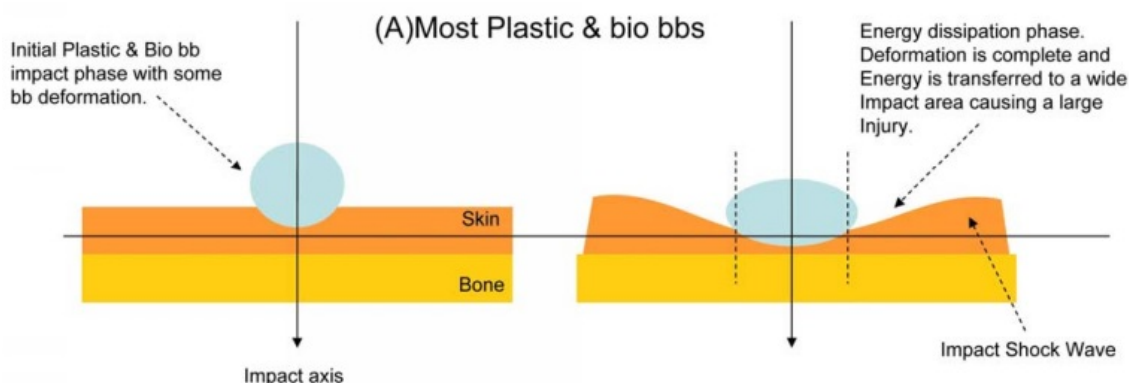


Figure 4. BB deformation and skin response upon contact

Airsoft devices in comparison to Paintball markers

	Airsoft	Paintball
Projectile	6mm plastic BB (often biodegradable)	17-18mm paint capsule
Power source	Electric, low pressure gas, spring	High pressure gas
Typical energy output	1-3 Joules	12-30 Joules
Projectile velocity	200-500 fps	240-300 fps
Effective range	20-50 m	25-30 m
Accuracy	High	Medium

Table 1. Technical Differences between Airsoft Devices & Paintball markers

Player Insurance

An analysis on insurance premiums to cover an Airsoft player for a single day event in the UK shows that the Insurance Premiums are 40% cheaper than Rugby Union, 35% cheaper than soccer and are only 23% more expensive than 10 pin bowling. This further substantiates the very low risk of the sport.

Conclusion

All the different ballistic studies point towards the fact that the sport of Airsoft is safe as long as appropriate protection is worn, that there is not hazard to human life if being accidentally shot and that such an event is unlikely to result in a fatal injury.

The very low energy impact makes it more a matter of the *Health and Safety Act* (i.e. personal protective equipment) than the *Firearms Act*. Furthermore, there have been no recorded deaths in the entire history of the sport (30-40 years). The same cannot be said about paintball or air rifles.



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7.2 “War game” like play

One of the disciplines of Airsoft is re-enactment which can be viewed by some as being “war game” like. There is no real research why this would be a public risk, however it has been previously raised by the Australian government as a concern (i.e. the 2010 briefing note by the Firearms Policy Working Group), so it is worth being addressed in this briefing note.

In the whole of Australia, similar activities such as paintball and laser tag are permitted and accepted by the Government and the general public, so Airsoft should also be accepted given its very similar nature.

7.3 Firearm appearance

Without a doubt the realistic appearance of Airsoft devices have made the sport so attractive to the participants, which has in turn led to the world wide spread of the sport.

However, their appearance also poses the risks of Airsoft devices being used in malicious ways (i.e. crime and intimidation) or being mistaken as real firearms by the Police or general public. Based on this risk Australia has taken the very authoritarian, knee-jerk reaction approach of banning the sport and punishing the entire society because the devices might be abused, instead of actually prosecuting the ones that would do such a thing.

In Western Australia, as per the *Weapons Act 1999*, the only requirement for possessing an imitation firearm is for the person to be over the age of 18.

The above regulatory stance taken by WA in regard to imitation firearms shows there is little public or government concern over these items. Airsoft devices are no more “real” in appearance than imitation firearms, so a logical conclusion would be to regulate the sport of Airsoft under similar controls, or perhaps a bit more stringent given the higher appeal towards Airsoft devices than non-firing imitations.

To this end, there is a wide range of regulatory controls available worldwide that have proven very effective in controlling this appearance risk of Airsoft devices:

- Free access and no regulations (the majority of countries worldwide);
- Access to Airsoft devices having the appearance of imitation firearms only to registered club members (UK, NZ, Netherlands); otherwise access is only permitted to devices which are coloured 51% in a fluorescent colour (UK);
- The use of an orange tip that can be removed during gameplay (the US);
- The use of brightly coloured band around certain parts of the device that can be removed during gameplay (the State of California).



Figure 5. Coloration requirements in the State of California



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Figure 6. Coloration requirements in the UK for “non-club members” (2 tone device, 51% coloured in non-black or Military colours)

Addressing imitation firearms concerns in the UK

The UK have addressed the issue of imitation firearms by requiring Airsoft players to prove they are eligible to purchase Airsoft devices that are realistic in appearance. The predominant scheme currently in use belongs to the United Kingdom Airsoft Retailers Association (UKARA), which require its registrants to have played a minimum number of Airsoft games within a set time period before being allowed to purchase Airsoft devices that are realistic in appearance. If the buyer does not participate in the required number of games or is merely interested in the actual Airsoft devices and not the sport, then he or she is only able to purchase Airsoft devices which have been painted predominately (>51%) in a bright colour (two-tone).

Current United Kingdom Laws

The United Kingdom Airsoft Retailers Association (UKARA) was originally formed in response to the 2006 Violent Crime Reduction Bill which aimed to enable the safe and secure method of supplying realistic imitation firearms (RIFs) to Airsoft players.

Essentially it is one big data base of every Airsoft player in the UK that enables an imitation gun retailer to identify if a person is eligible to purchase an imitation weapon.

There are several reasons (also known as defences) that an individual may want to purchase an imitation Airsoft gun such as:

- Used for competition target shooting;
- Regular skirmishes at the local Airsoft centre;
- Member of a TV or film crew;
- Part of a re-enactment society;
- A museum curator;
- Registered member of UKARA.

Outside of these defences anyone can still purchase an Airsoft gun provided they are 18 years old or over and the gun is two toned (meaning one of its primary colours is non-realistic for that firearm, minimum 51% brightly coloured). The simplest way to obtain a UKARA defence is to visit a recognised skirmish site 3 times or more over a period greater than 8 weeks. The site is then able to issue participants with the appropriate paperwork which is to be passed to a registered retailer who can then submit this to the UKARA database.



Western Australia Airsoft Club Inc.

ABN 43950909848

86 Regency Drive, Thornlie, WA, 6108



AirsoftWA.com.au



[@AirsoftWA](https://twitter.com/AirsoftWA)



airsoft4wa@gmail.com

Enthusiasts do not need to skirmish in order to purchase a RIF, if they simply want to target shoot, in which case they can obtain an Airsoft gun providing it is sprayed in two tone colours and the person is over the age of 18.

As of October 2007, under the Violent Crime Reduction Bill 2006 (VCR Bill) it is illegal to buy or sell an Airsoft gun to anyone under the age of 18 years. Under Section 36 of the VCR Act it is a criminal offence to alter the appearance or paint it in a colour of an imitation firearm to make it a realistic firearm.

Crime statistics pertaining to Airsoft

Very little data exists on crime statistics pertaining to Airsoft devices. In some instances, governments did not have the knowledge or foresight to differentiate between Airsoft devices and Airguns, and in other instances they did not differentiate between replica firearms and Airsoft devices.

Our primary research only found one instance in New Zealand where an Airsoft device had been used to rob a Japanese tourist in 2009, from an online news outlet. Data, in the UK did include imitation firearms, however, it was unclear as to when an Airsoft device had been used in a crime, as in some cases the UK government classified Airsoft devices as firearms. In other cases, the UK classified them as imitation firearms. Furthermore, in the reporting of firearm crime statistics in the UK, no distinction was made between imitation firearms (which included toy guns and replicas) and Airsoft devices. There were however, sporadic news articles which indicated Airsoft devices have been used in threats or robberies over the last decade.

As can be seen from the letter contained in Appendix A written by the New Zealand Police, in their experience there has been no increase in the rate of firearms crime since the sport of Airsoft was introduced nor that it contributes towards the threat of terrorism.



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airsoft4wa@gmail.com

8. Conclusion

As can be seen from the above analysis, the appearance risk should be the most significant driver for legislation, as is in most countries. There are numerous approaches that have been taken worldwide to deal with this risk that have proven very effective. These tried and tested methods can also be implemented successfully in Western Australia.

Given that imitation firearms are allowed in WA for purchase to persons over the age of 18 without any additional regulatory requirements, the legislation for Airsoft should not impose controls that are far from the ones applied to imitation firearms.

Below are a number of key regulatory objectives that would ensure the risks associated with Airsoft are managed appropriately and that the sport is not restricted by overly zealous legislation to the point that the benefits the sport brings are needlessly hampered:

- Airsoft devices of any appearance and functionality should be permitted;
- Airsoft devices should only be permitted to be purchased by members of an approved Airsoft club or association;
- Games should be permitted to take place on temporary, non-commercial fields;
- There should be an upper limit on the energy of the projectiles;
- Certain coloration requirements while the Airsoft devices are off-field or transported would contribute to reducing the risk of misidentification. These coloration restrictions should not apply during gameplay;
- Airsoft sport enthusiasts should be allowed to store and modify Airsoft devices by themselves.



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airsoft4wa@gmail.com

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Appendix A: New Zealand Police' experience with Airsoft



New Zealand
POLICE
Nga Pirihimana O Aotearoa

POLICE NATIONAL HEADQUARTERS

Facsimile: (04) 498 7407 www.police.govt.nz

26 January 2016

Mark Mildenhall
24C Mitchell Street
Bluff Point
Geraldton
Western Australia 6530

Dear Mark

Thank you for your email dated 14 December 2015 to the New Zealand Police in regards to information held regarding New Zealand's experience of the legalised sport of Airsoft.

I have outlined your questions below and answered each in order:

1. How long has Airsoft been legal in New Zealand?

Airsoft has been legal in New Zealand for over 10 years.

2. Has it been known to contribute to the rise in crime?

In short – No, there is no evidence that Airsoft has contributed to an increase in firearms crime. New Zealand's crime rate has been decreasing consistently in various categories for a number of years. The figures can be viewed at the following websites:

http://www.stats.govt.nz/tools_and_services/nzdotstat/tables-by-subject/new-zealand-recorded-crime-tables.aspx

<http://www.justice.govt.nz/publications/crime/crime-and-safety-survey>

3. In the opinion of your office, what type of people play the sport of Airsoft and does it contribute to militant groups?

The New Zealand experience has been that many of those interested in Airsoft sport have a firearms licence already and an interest in other firearms 'sport'. Anyone who holds a firearms licence in New Zealand is required to have undergone safety testing, storage and interview processes and a vetting process to establish they meet all the criteria, including being 'fit and proper'. The sport of Airsoft has a huge variation of people involved and no one "type" can be categorised. It is not the New Zealand experience that Airsoft contributes in any way to 'militant groups'.

4. In the opinion of your office does the sport of Airsoft contribute towards the threat of terrorism?

Safer Communities Together

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180 Molesworth Street, P O Box 3017, Wellington, New Zealand



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[@AirsoftWA](https://twitter.com/AirsoftWA)



airsoft4wa@gmail.com

There has been no evidence that Airsoft has contributed to terrorism in New Zealand.

For more information on the sport of Airsoft in New Zealand you can either visit the below website or Google Search Airsoft in New Zealand:

<http://www.nzairsoft.co.nz/NZ-Airsoft/about-new-zealand-airsoft>

I trust this has been helpful in establishing the New Zealand Police view on Airsoft.

Yours sincerely

Catherine Petrey
National Manager Policy

Safer Communities Together

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180 Molesworth Street, P O Box 3017, Wellington, New Zealand