

Irish Airsoft Association

Request for Clarification on Miscellaneous Provisions Bill 2009

28th May 2009

Table of Contents

1. Table of Contents	2
2. Foreword	3
3. Areas For Clarification	3
• Personal Import	3
• Personal Repairs.....	3
• Personal Sale	3
• Retail Import	4
• Venue Permission	4
• Ministerial Powers.....	4

Foreword

The IAA would like to thank those of its members, and of the larger Airsoft community, who have made submissions and suggestions. This document is an amalgam of feedback received by the IAA.

We broadly welcome the bill as a legitimisation of our sport, but have concerns regarding several parts of it, which we will outline below.

Areas For Clarification

Personal Import

We wish to register on behalf of our members our protest at importing what are undeniably not firearms. Proliferation of the devices will not be restricted once in the country, so we do not see why import would be restricted for any reason, apart from easing the burden on customs and Garda ballistics. The IAA has put forward a number of suggestions for easing this burden in the past that would have amounted to less than an import restriction.

We also wish to have clarified the extent of restriction on personal imports. The bill would appear to only restrict the importation of complete airsoft devices, and not accessories or gear related to Airsoft. For example, we understand that optics for use on Airsoft devices only (i.e. that are not component parts of a firearm) would be unrestricted, as well as accessories or parts that are by themselves not resembling a firearm or capable of firing a projectile.

Personal Repairs

Section 9(D) would suggest that repair of Airsoft devices, be it for profit or not, would be restricted to Airsoft dealers. This is entirely impractical from our standpoint. We are aware of several individuals and business who are, or will be providing repairs and parts services for profit, without importing or selling RiF. We would urge reconsideration of the wording of this paragraph to be clear about what is allowed with regard to repair for profit, or personal repair of one's own device. Airsoft devices are easily repairable in many respects without specialised knowledge or training, and their workings are completely dissimilar to that of their real counterparts.

Personal Sale

Section 9(D) would also appear to restrict personal sale of second-hand devices. While this would make sense for real firearms, where a personal licence is in effect, it does not make sense for Airsoft devices or replicas, where no personal licensing system is in effect. It is effectively banning the personal sale of RIF as we read it, and we urgently need clarification on this. If this is the intention, we would object and call for revision in the strongest possible terms. We believe that this would only drive the personal sale of RIF underground, since there would be no legitimate means of disposing

of RIF, despite them being on sale to any adult.

Retail Import

A number of our affiliates have either asked us about, or been in a situation whereby poor quality control may mean that certain devices they import would have a power level above the one joule limit, despite the manufacturer's specifications. We would ask that a specific section be included as to grant some leeway with respect of power output of devices imported by licensed business, with this in mind retailers should have the burden placed on them to insure that devices are Sub 1 joule before sale. this would have an easing effect of the customs officers and ballistics testing devices coming to certified premises. We have already been in contact with yourselves regarding a case of this recently, and would wish to reduce further burden on your department and the Gardai in cases such as this.

Venue Permission

We are very concerned about the system whereby a Local Superintendent must give permission to allow RIF to be used at a venue, and for this license to be granted annually. This represents a grave concern for the growth and continued operation of our sport.

This is yet another way that the sport, and dozens of legitimate businesses can be halted overnight by ministerial edict, or the personal prejudice of a Local Superintendent. We have already been assured that one or more currently operating venues that we know to be safe and legitimate in all other ways will immediately be shut down on enactment of this Bill, due to the prejudice of a Local Superintendent. We have had one instance where a club has been ordered closed by the local superintendent, far exceeding his powers, this issue was resolved with the support of the local county council, however it highlights the need for strict oversight and regulation of any such power.

We believe it to be contrary to natural and constitutional justice to have a business, in which time and money has been invested, be subject to the whim of one person every year without knowing what requirements they have to meet or whether those requirements have changed, or whether someone new in post has other views, or whether different views are held in different areas of the country.

We believe that the current planning system provides the oversight required for establishment of venues. Airsoft is a tag sport, using scientifically proven safe devices, restriction of establishment above or near the level for Paintball or real steel shooting is placing our sport in the realm of dangerous devices which is unwarranted, unnecessary and a treat to our growth and prosperity.

We would urge that guidelines be put in place for Superintendent use, for what constitutes a legitimate site, and an appeals process for the decision be mandated. We are of course happy to work with you to devise these guidelines and have them in place before enactment of the Bill, in addition to the general guidelines and regulations for site operations.

Ministerial Powers

Under section9(G,H), the Bill provides for the Minister making a decision that it would be in the public interest to restrict RIF to certain appearances, or to ban their use

entirely. We are extremely concerned about the broad powers of these provisions, and would like clarification on the process that it would have to follow. We would like to see strong checks on these discretionary powers similar to that in place for other industries. We have researched similar legislation and feel that the Intoxicating liquor bills provide similar oversight for the ministerial powers in this area in relation to Airsoft, this provision has been included in section 39.9C(12) however the impact of actions in this area are not comparable to that in other such legislation.

With respect to alcohol sales when this oversight is used the effect is only to restrain sales of certain secondary products, under the Airsoft implementation it would have the power to close many businesses and ban the sport totally.

Again we call for a strong focus on natural and constitutional justice to be written into this element if it is to remain in any form. The legitimate Airsoft players in Ireland will be placed at the hands of public opinion, and we do not have the same lobbying power as the vintners federation in this case.