



Replica firearms (gel blasters) & other restricted items

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In February 2021, new laws came into effect in Queensland to address the purchase, possession, storage and use of replica firearms. Replica firearms will not be classified as a firearm but will be a restricted item; having strict conditions applied to them. Amongst other things, the new laws will clarify the legal use of gel blasters which have become increasingly popular over recent years.

The *Weapons Act 1990* (the Act) regulates or prohibits the purchase, possession, use, carrying and sale of certain weapons and items in Queensland. The object of the Act is to prevent the misuse of weapons.

The Act defines a weapon to include a firearm, or another thing prescribed under a regulation to be a weapon or within a category of weapons. Categories of weapons are listed in the *Weapons Categories Regulation 1997*.

New laws for replica weapons came into effect in February 2021

Effective 1 February 2021, the *Weapons Legislation (Replica Firearms) Amendment Regulation 2020* (the Amendment Regulation) categorises replica firearms (including replica guns and other replica weapons) as restricted items under the *Weapons Categories Regulation 1997*, thereby regulating their possession and placing storage requirements on owners.

The legislation details:

- Replica firearms, such as gel blasters, will not be classified as a firearm or category of weapon (they will be a restricted item);

- Replica firearms do not require a licence or need to be registered with Weapons Licensing;
- When not in use, gel blasters must be stored securely, for example, in a locked cupboard or a bag, but not necessarily in a gun safe;
- When being transported, a gel blaster has to be out of sight, for example, in the boot of a car or in a bag that does not silhouette a firearm (ie does not form an apparent shape of a firearm).

All replica firearms, even if they are not functioning firearms, are captured as restricted items.

Other restricted items

Other restricted items under the *Weapons Categories Regulation 1997* (regulating possession, use, storage etc) include:

1. Handcuffs, thumbcuffs or other similar restraints;
2. Nunchaku or kung-fu sticks or any similar device which consists of 2 hard non-flexible sticks, clubs, pipes or rods connected by a length of rope, cord, wire or chain constructed or designed to be used in connection with the practice of a system of self-defence and which, if used offensively against a person, is or are capable of causing bodily harm;
3. A billy club, a baton or any device constructed or designed as a telescopic baton, not being a toy or a category M weapon, that if used is capable of causing bodily harm;
4. Any studded glove which, if used offensively against a person, is capable of causing bodily harm.
5. a laser pointer.

The requirement for a 'reasonable excuse'

Anyone owning a gel blaster or other restricted items must have a reasonable excuse for having one.

A reasonable excuse may include (but is not limited to) for example, being a collector of replica weapons, or a member of a club that uses them recreationally.

Penalties

The penalty for possessing or acquiring a restricted item without reasonable excuse is 10 penalty units (\$1,334.50 as at March 2021).

Get help from a criminal lawyer

If you're being spoken to by police in relation to [firearms offences or replica firearms offences](#), or you have been charged with an offence, getting expert legal advice early, is crucial.

Gilshenan &Luton have significant experience in criminal defence for firearms-related offences.

Contacting Gilshenan &Luton

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