

3 April 2019

Committee Secretariat  
Finance & Expenditure  
Parliament Buildings  
Wellington

## **Submission for the Finance & Expenditure Select Committee on the Arms (Prohibited Firearms, Magazines and Parts) Amendment Bill**

The Council of Licenced Firearms Owners Inc (COLFO) represents the interests of firearms owners and is the largest voluntary shooting-related organisation in New Zealand.

COLFO was established in 1996 by individuals and groups to provide a voice for licensed firearms owners in New Zealand. Our views are based on facts, solid research and consultation.

We believe presented legislation amending firearms use and ownership in New Zealand should be based on an objective assessment of risk. An understanding of the impact on civilian firearms users is particularly encouraged.

COLFO does not support emotive responses or the dissemination of firearms-related misinformation. However, to date emotion has played a significant part in the rush to legislate and we are concerned at the unintended consequences that will occur.

We have grave concerns that legal firearms user groups and indeed the public are being excluded from the democratic process due to the unreasonable progression rate of the Bill.

With the moratorium placed on semi-automatic firearms the need for speedy legislation is negated. To continue at this rate is denying a just and fair process for all New Zealanders. There is simply no need to allow the potential of unintended consequences from hastily written legislation.

### **Agreed points found in the Bill**

- We are pleased to see in the introduction of restrictions on high capacity magazines. However, we do not agree on the limits set as being practical and cost effective.
- We are pleased to see an increase in penalties – the community have been asking for this for some time now. We encourage increase penalties for criminal misuse, more-so and extensively for those without firearms licences and with gang connections.

- We are also pleased to see an extended amnesty time to the end of September 2019 and that dealers have been included in this, utilising the community for the greater good.
  - We request that the amnesty be extended for those that apply for such an extension as a result of the second Bill possibly allowing continuation of a particular firearm's use eg. the international sporting disciplines. Along with an extension for those that have applied for a C endorsement but have not had confirmation of the outcome of their application. This will allow firearms to continue to be safely stored with the owner while administrative processes are underway.

#### **Some concerns of the Bill's content:**

- Part 1 Clause 4(3)(b) pg 6 – parts relating to a prohibited firearm are defined as now including a butt, stock, silencer or sight. At Part 1 Clause 2C pg 7 a “prohibited part means – (a) a part of a prohibited firearm” – we believe there are three possible interpretations to the effect of clause 2C on clause 4(3)(b)
  - The first is what we believe is the intent of the draft to prohibit parts “born as” an MSSA part. An example would be a gas block or operating rod. However, it would also include an extractor spring and possession of it would carry a more serious penalty than assault.
  - Then there are the parts that would fit both restricted firearms and standard firearms. Such as a scope or other sight, a silencer or a stock. We query what would happen if a person had possession of a prohibited part fitted to a standard firearm?
  - The most concerning interpretation being that any one of the now prohibited firearm parts can be a prohibited part in its own right. The unintended consequence is that every firearm has a stock and a sight so this could mean that a firearm that is not a prohibited firearm may be classed prohibited because it uses a prohibited part effectively making every firearm in the country a prohibited firearm held without permit. We do not believe this is the intent of the bill and request clarity on this aspect.
- 2B – Meaning of a prohibited magazine
  - (a) Suggest a change to 7 cartridges.
  - (b) (i)(A) Suggest a change to retain the 15 cartridges.
  - (b)(ii) Has the effect of making many magazines currently associated with or part of a restricted weapon (collectors) into “prohibited magazines”. We query what the process would be for a bona fide collector to hold and account for these magazines.

The Bill will also unintentionally affect some historical and antique firearms that do not have detachable magazines. We suggest a change to 15 cartridges, thereby allowing the historical and antique firearms with non-detachable magazines to be retained under an A category firearms licence.

We suggest it would be sensible to limit magazine capacity to unprohibited firearms that are currently allowed by the Arms Act. This would reduce the total cost of compensation for prohibited firearms and their parts, accessories and consumables.

- Presently the maximum magazine capacity for .22 firearms is 15 cartridges rather than 10.
  - Presently the maximum magazine capacity for shotguns is 7 cartridges rather than 5.
  - We suggest the maximum of 15 cartridge magazine capacity for all other centrefire firearms.
- Clause 42 – replaced with Clause 43AA pg 17 – Ammunition. Imprisonment is the consequence for being in possession of or selling prohibited ammunition:
    - The ammunition is not stated.
    - There is no provision made for bona fide ammunition collectors, who currently do not require a firearms licence.

While we understand the concern around ammunition we believe this subject is better covered with wider consultation and consideration. We suggest that the clauses relating to restricting or banning ammunition be removed from this Bill.

- There are sections that allow the Commissioner of Police to make law of policy decisions without public consultation or need to consult with Parliament.

Cl 19(b) (pg 12) “...the Commissioner -  
(b) may impose conditions on the permit that enable the Police to verify the use of that part.”

- We seek a clearer definition on what conditions can be imposed.

CL 33A (pg15) - imposes conditions under (a) but then under (c) in relation to a person that holds an exemption to use the firearm as a professional hunter, it appears they are not able to use live ammunition in the firearm. Additionally we are unclear how this would work in relation to a museum.

Cl 33A(d) (pg15) – relates to conditions of endorsement ...

“(d) any other conditions regarding the use and custody of the prohibited item in their possession that the Commissioner thinks necessary.”

- We believe this is too broad and requires further definition.

Cl 28D (pg 32)

**“28D Commissioner may prescribe conditions on licences, etc**

The Commissioner may prescribe conditions on—

- (a) a dealer’s licence:
- (b) a firearms licence:
- (c) a permit issued under section 18:
- (d) an endorsement made under section 30 or 30B:
- (e) a permit issued under section 35 or 35A.”

These additions are empowering Police to make changes outside of normal Parliamentary process and should be defined further to give clarity as to the Commissioner's powers.

**Consideration:**

There are a large number of semi automatic firearms that are in legal ownership with New Zealand's firearms community.

We request the Select Committee to consider allowing semi-automatic centre fire firearms that do not have a detachable magazine with a maximum of 7 cartridges or less, be allowed to be retained and used by licenced holders who apply for a new endorsement or restricted firearm licence. The purpose is for a farmer to control wild animals and pests where it is not practical or economic to employ a professional.

We request that the select committee consider allowing a limited number of endorsed firearm owners to have access to centrefire semi-auto firearms, with a maximum of 10 cartridge magazine to be used on suitable ranges and for the purposes of engaging in competitions that are recognised internationally.

COLFO's recent survey indicates that 91% percent of the 5,500 submitters would support a higher level of vetting and 84% support a higher security requirement in order to retain a portion of their firearms. This would also reduce the compensation costs to the tax payer.

We seek to speak to our submission. We are certain there are further clauses and unintended consequences to discuss however the speed at which we are having to react to this legislation means we have little time to complete an in-depth analysis. We have highlighted our main concerns at this time in this our written submission.

Yours sincerely

Paul Clark

A handwritten signature in black ink that reads "Paul Clark". The signature is written in a cursive, flowing style.

Chairman

Council of Licenced Firearms Owners Inc

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