

The New Zealand Council of Licensed Firearms Owners Inc (COLFO) was formed in 1996 by a meeting of the majority of New Zealand's major firearms user organizations.

The organization was formed for the following reasons:

- ◆ To represent the collective interests of members through the preservation of the rights and privileges of licensed firearms users and collectors, promote responsible gun ownership and act as a central reference point for government, police and the media;
- ◆ To be recognized as the collective organization whose views and opinions on firearms legislation and related matters are considered representative, authoritative and responsible;
- ◆ To affiliate firearms user groups and firearms related organizations which are supportive of the first objective and which collectively seek to advance that objective;
- ◆ To undertake such actions, research and inquiries that are necessary to achieve the first objective;
- ◆ To prepare and disseminate any information that would enhance the well being, rights and obligations of members.

### **CURRENT: (COLFO)**

COLFO is the largest collective representation of firearms users in New Zealand. Our membership primarily consists of the individual members of the following national associations.

- ◆ The New Zealand National Rifle Association Inc
- ◆ The New Zealand Deerstalkers' Association Inc
- ◆ Pistol New Zealand
- ◆ The New Zealand Black Powder Shooters Federation Inc
- ◆ The New Zealand Antique and Historical Arms Association Inc
- ◆ International Military Arms Society Inc
- ◆ New Zealand Service Rifle Association Inc
- ◆ Sporting Shooters Association to New Zealand Inc

Our members also include a number of local shooting clubs, a small number of trade and corporate members, and individuals.

We are recognised as an NGO in Roster Consultative Status with the Economic and Social Council of the United Nations.

We are the New Zealand representative to the World Forum on the Future of Sport Shooting and in conjunction with the Sporting Shooters Association of Australia, (SSAA).

We are founding members of the Pacific Shooting Sport Forum. (PSSF)

In partnership with the New Zealand Police and the New Zealand Mountain Safety Council we organized an international seminar on firearms safety, held in Christchurch in February 2006 - 'In the right hands.'

At the 2004 UN South Pacific Regional Seminar on Small Arms and Light Weapons for the South Pacific, we accepted the responsibility for firearms safety advice and training for the Pacific Island States, and in conjunction with SSAA we delivered this at the 2006 Christchurch firearms safety seminar – 'In the right hands.'

We held a seminar in Wellington, November 2007 – 'Cutting the Tape' on relationships, rules and firearms with NGOs, government departments, transport operators, etc.

COLFO believes the foremost reasons for the success of New Zealand's Firearms legislation are:

1. Clear and easy to understand legislation focused on safety;
2. Licensing individual firearms users - fit and proper person, fit and proper purpose;
3. Cooperation between firearms users with the licensing authority, New Zealand Police.

### **General Observations of the Bills' ability to achieve objectives**

We have read the Bill and supporting documents and understand the objectives of the Bill are:

1. In regard to military style semi automatic firearms, (MSSA):

'...to bring clarity to the definition of MSSAs so that police can correctly identify firearms that should be categorised as MSSAs...'. Also

'a need to clarify the magazine capacity that qualifies as a MSSA.'(RIS)

We understand this change is as a result of interpretation of existing laws not as a result of new risks being considered or crimes committed. The issues raised are not new and were referred to in the 1992 amendment as well as the Thorpe Report.

In relation to the changes suggested we are in support of the change that defines an MSSA in positive statements as bringing clarity, but we also believe a sporting semi-automatic definition should remain to assist in

clarity.

We support changes that provide clarity to defining 'a military pattern free-standing pistol grip'.

We understand it is possible to have pictures of what is and isn't defined as the above in regulation. We do not support any wording that moves the power to change the definitions in the Act to an agency or department lower than parliament. The process of consultation before change is important to New Zealand society. The proposal to declare a firearm, its type or a feature of it as an MSSA is substantial change from the Act. It undermines the definition of features of an MSSA and removes the need for definition; as such it is not consistent with the objective of the amendment.

In relation to magazine capacity the Bill continues the Act's current position in a new form, talking on capacity with appearance of a greater number, and in doing so introduces ambiguity where none should exist. Capacity is defining, the capacity is 10 rounds or it is not. The issue was originally raised due to the amount of capacity (7) not matching the magazines available or fixed to existing firearms, some of which are no longer manufactured. Additionally some firearms have deep magazine wells making removal of a magazine less than 10 rounds difficult or dangerous.

We believe a definite statement to the effect of 'manufactured to a capacity of more than 10 rounds or greater' in relation to MSSA and 'manufactured to a capacity of 10 rounds or less' in relation to sporting semi-automatics would provide simple clarity.

Although the Regulatory Impact Statement (RIS) discusses options to reduce the magazine capacity to 5 cartridges the statement has not considered the financial and political impact on shotgun owners, many of whom own shotguns which have a magazine capacity of more than 5 cartridges. The magazines are not removable from the firearm and would require expensive work to reduce their capacity. This permanent modification could affect the value of the firearm and the owner's ability to compete in International competition. If this proposal were to be considered the effects should be measured and discussed with the appropriate shooting association.

While the Bill allows a person, affected by a determination by the commissioner, the right to appeal this places the cost and burden of proof on that person which creates an imbalance compared to the commissioner's powers and expense in reaching a determination. The requirement to take legal action to protect an individual's rights creates a barrier to an individual's ability to equally pursue natural justice. We have seen, since the introduction of the 1992 amendment, at least two occasions where police have reinterpreted law. Many firearms users lack confidence in the ability of police and other agencies to apply this process fairly and with due consideration to all interested parties. The separation of governance and operational arms is an important step in impartial decision making.

As a general note the critical feature of a firearm that make it dangerous is the power of the projectile.

This is a combination of the speed, weight and design of a bullet to impart energy into a target.

The 1992 Arms Amendment introduced the concept of an MSSA; the amendments intended to control firearms which by their appearance would a) alarm the general public as seeming especially dangerous and b) would appeal to persons who would find them attractive as a 'Rambo' type weapon. The features included in the current definitions are those which were thought to provide this appearance, and in particular the extended magazine and the free-standing pistol grip, both constantly popular in the media.

## **2. In regard to airguns that look like real pistols:**

'...to reduce the risk to public safety associated with the import of airguns that replicate pistols, MSSAs and restricted weapons.', and

'...to align the treatment of all air guns used in milsim sports with the treatment of other airguns in the Arms Act to better reflect their reduced ability to cause harm.'(RIS)

While we understand the concern with regard to police callouts for incidents involving air guns we do not believe the amendment offered will achieve the objective in relation to reducing the risk to public safety.

We are concerned that no evidence of the operational justification is offered for the amendment other than anecdotal, which is of such a small number. It could be considered within the margin for error for the specified airguns in relation to the total number of airguns in circulation. We also note there is no evidence of an incident where a person who was ignored because it was assumed they had an airgun that imitated a real firearm, then went on to commit a crime, injuring or killing a person with a real firearm.

We are concerned the RIS states there will be some small additional costs for individuals and businesses associated with the new requirement to obtain permits to import airguns of the type specified. However, data sourced from Statistics New Zealand shows that over 98,000 soft airguns have been imported into New Zealand from 2002-2010. If these retail for between \$35 and \$600 and on average \$100 this represents around \$1 million of economic activity each year that may be threatened, we consider this significant enough to warrant further regulatory impact investigation.

If we assume the controls will reduce demand for these types of airguns then surely this would have a large impact on those businesses that supply airguns.

We expect the RIS should include a reasonably accurate assessment of financial impact – in this case both to the trade and to the regulatory authorities.

If the intent is to restrict the ability to import without effecting businesses then how will that restrict supply when there is no 'fit and proper' test or form of identification required to purchase an airgun, as long as it can be safely assumed you are over the age of 18.

We question accuracy of the statement that the majority of existing airguns will fall apart and be out of circulation within 'as short period' due to a number of examples we are aware of that still function after 10+ years.

We see two potential contributors to the intent of the amendment:

- A) Those that purchase airguns with the purpose of committing a criminal act.
- B) Those who purchase airguns with lawful intent and unwittingly engage in an act that results in an Armed Offenders Squad (AOS) call out or an injury.

In relation to (A): a person who chooses to ignore existing laws will ignore new laws, and it is already an offence to carry or possess an airgun without lawful, proper and sufficient purpose.

If the intent of an import control is to remove criminals' access to airguns, there is sufficient supply in New Zealand and no security requirements that prevent them from stealing airguns or toys that look like real firearms for the commission of a crime.

We wonder what real risk is being managed if an offender, who has already decided to commit a crime, finds that an imitation firearm is not available then goes on to commit the crime with a club, knife or real firearm. This Bill would then increase the risk of injury to or death of public.

It should be pointed out that a toy water pistol painted black will give the appearance of a real firearm.

In relation to (B): Injury - as noted earlier firearms are dangerous, soft air and paintball airguns are not. They are designed for training, sports and gaming activities.

If we consider soft airguns specifically; they are designed to inflict little more than minor bruising to bare skin, although they do have the potential to cause severe trauma to an unprotected eye and the pellets may represent a choking hazard.

If we consider the statistics available from Statistics New Zealand, 98,000 soft airguns have been recorded as being imported between 2002 and 2010. There were 605 reported injuries from 2002 to 2009 and no deaths; this indicates an injury rate of around 0.0069% when you calculate the number of injuries relative the number imported. This excludes the airguns that were already present in New Zealand, which is estimated to be between 200,000 and 500,000. Importing control will do little to reduce the rate of injury.

In relation to (B): unwitting AOS call out - as above due to the large number of airguns already in circulation it is unlikely import control will have an effect on the number of call outs in the foreseeable future.

We are concerned that the amendment was developed without robust discussion amongst firearms interest groups.

In our opinion New Zealand has the most effective firearms laws in the world because these laws have been developed by coordinating the opinion of all interested parties to create a framework that recognizes compliant and law abiding behaviour and penalized non-complaint behaviour.

When an individual proves they are 'fit and proper' in attitude and competence with firearms they are given access to a greater range and complexity of firearms. Those that are not 'fit and proper' are not given the same access.

## **MSSA Amendment and the History of MSSAs and Pistol Grips**

### COLFO suggests:

The Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Bill in its current form goes too far. It allows police too much leeway; gives governance control to an operational arm of government undermines the checks and balances of modern society.

For example, if this legislation is passed unchanged, New Zealand Police (if an official within police decides to do so) could declare by regulation any or all sporting semi-automatic shotguns to be MSSA firearms.

Regulations are intended to make minor changes like changes to fees, not to make retrospective changes to definitions in law. Such changes could result in the legitimate owner of a firearm, which is the subject of such a regulation change, unknowingly being in breach of the law, and possibly subjected to prosecution.

### Confidence in police:

COLFO enjoys a good relationship with police firearms licensing and vetting office, as do many other firearms user groups. The vast majority of licensed firearms owners have a very good relationship with their individual arms officers.

However, many firearms users believe there are some officials within the New Zealand Police hierarchy who

would have New Zealand firearms owners subjected to much tighter controls; controls similar to those in Australia and the United Kingdom where civilian ownership and use of semi-automatic rifles and shotguns is prohibited. (Controls in other countries have been introduced to manage risks not present in New Zealand due to our geographic location.)

Additionally, some firearm users in New Zealand have emigrated from the United Kingdom or Australia where changes to firearms law have been allowed to creep, impinging further on their lawful enjoyment of their hobby or interest than they expected when they accepted change in good faith. They are highly suspicious of changes in legislation especially when open ended.

If passed, this Bill would provide an avenue for that type of change to legislation to occur by regulation, with no parliamentary scrutiny or oversight. We believe that this scrutiny of public services such as the police is important to assure the public they are not subject to arbitrary regulations which may not in fact be the intention of the government.

#### Pistol-grip interpretation – historic background since 1992:

Police, when referring to the features of a MSSA in the New Zealand Arms Code, from 1993 onwards [the error was corrected 2010] used the term 'military style free-standing pistol grip' rather than the legislated term military pattern free-standing pistol grip'.

The policy was: Any free standing pistol grip fitted to a semi-automatic firearm determines that firearm to be an MSSA, irrespective if that grip is 'military' style, pattern, specification or other. (enforced until 1 March 2010).

The New Zealand Police communication of 2 July 2009 enforced a new interpretation, defining the meaning of 'military pattern free-standing pistol grip' when that term defines a MSSA rifle.

It said: 'A semi-automatic rifle that has a grip which has either the appearance or function of a military pattern free-standing pistol grip is classified as an MSSA. A semi-automatic rifle with any the following features is considered to have a 'military pattern free-standing pistol grip' and is therefore an MSSA: An obvious pistol grip below the trigger guard that allows a full hand pistol grip irrespective that the pistol grip may be connected to the stock – this includes the HK USC .45, SL8-4 and Dragunov style stock.' (Some of these do not in fact allow a full hand grip.)

This 2 July 2009 interpretation is clearly not what the Hon John Banks (the then Minister of Police) intended when he said during the introduction of Arms Amendment Bill to parliament in 1992:

"I want to make it very clear that this first purpose of applying stricter controls to semi-automatic firearms apply **only** to military-style Rambo type guns."

The suggestion: '... manufacturers of military pattern firearms, releasing civilian configurations for sporting purposes', was somehow, a new phenomenon 'aimed at circumventing firearms restrictions' as justification for introducing the new interpretation was incorrect. The practice of using military designs in latter sporting products is, and has been, the traditional practice of arms manufacturers throughout the ages, and is hardly aimed at New Zealand legislation alone.

The 2 July 2009 communication was questionable. It did substantial damage to the relationship between firearms users and police. It eventually resulted in the content of the communication being challenged in and overturned by the High Court CIV-2009-454-473, 1 March 2010.

The sections of this Bill that relate to defining MSSA by regulation, would restore to police the authority to put into effect mandatory declarations made correctly or incorrectly to identify firearms to be MSSAs.

COLFO believes any change to the legislation should be restricted to defining clearly what the 1992 parliament intended and or what this committee and this parliament now intends to be the meaning of 'free-standing military pattern pistol grip' ie, easy to understand legislation.

#### **Submission in detail**

##### **Part 1(1) MSSAs**

##### COLFO suggests the following changes:

**'4 (1):** Military style semi-automatic firearm'

**'4 (1) (a):** means a firearm that, after being loaded, fires and ejects a cartridge, and chambers another cartridge, with each pull of the trigger and has one or more of the follow features'

##### Should read:

(a) 'means a firearm that, after being loaded, fires, ejects a cartridge **case**, and chambers another cartridge, with each pull of the trigger and has one or more of the follow features:'

##### Comment:

COLFO suggests wording the definition in the positive, which would be a move in the right direction towards easy-to-understand legislation.

We support the description of a military style semi-automatic rewritten in positive form and agree this will provide greater clarity.

**4 (1) (a) (iii):** '(iii) a magazine (other than one that is designed to hold rim fire cartridges of a calibre of 0.22 inches or less) that is capable of holding more than 7 cartridges or that, by its appearance, indicates that it is capable of holding more than 10 cartridges.

Comment:

COLFO believes this is a move in the right direction:

- a. Inclusion of calibres less than 0.22 inch is appropriate;
- b. a magazine appearance of more than 10 cartridges capacity rather than 7 will be helpful.

COLFO suggests:

It would be more practical to increase the allowable magazine capacity to 'more than 10 rounds'. The RIS in sections 16 and 17 of magazine capacity makes the point that the 10/10 configuration would be more practical to control than 10/7. This would have minute or no effect on safety. Detachable magazines can be removed and replaced quickly and easily and fixed magazines can often be replenished just as quickly.

Police agree the appearance of 10 cartridge magazine capacity is not an issue of concern.

It is beneficial to remember the reason the Arms Act 1992 sought to control magazine capacity in the first instance. This was that 'Rambo style', or 'AK47 type' of firearm had banana magazines, which themselves had visual appeal to persons not fit to own firearms. 'Reduced to its simplest, the concern is the attraction to certain persons whose psychological makeup makes it undesirable for them to possess such firearms' (Police submission to Law and Order Select Committee, 28 April 1992, ref JL/92/216.) The problem was the AK47 type banana style magazines holding 20, 30 or more cartridges had an appearance that appealed to people unfit to own firearms.

Simply limiting the capacity only would have allowed internal modification limiting capacity while that visual appeal remained. The choice of capacity limits; 15 in the case of rimfire cartridges of a calibre of 0.22 inches and in any other case 7 cartridges, was related to the number held in tubular magazines permanently fitted to common sporting .22 semi-auto rifles and sporting semi-auto shotguns respectively. External modification to these firearms would have been very expensive. These types of firearm were not the subject of the Bill.

Suggested change:

'**4 (1) (a) (iii):** a magazine (other than one that is designed to hold rim fire cartridges of a calibre of 0.22 inches or less) that is capable of holding more than 10 cartridges or that, by its appearance, indicates that it is capable of holding more than 10 cartridges.

'**4 (1) (a)(vi):** a pistol grip as defined in regulations made under this Act;' and

COLFO suggests:

'**4 (1) (a)(vi):** a military style pistol-grip as defined in regulations made under this Act;' and

Comment:

It is important to acknowledge that a rifle pistol-grip is an item designed to function as an enhancement to a rifle stock, intended to improve control, enable proper trigger pull and achieve better accuracy, not something intended to have cosmetic appeal to someone.

Pistol grips are a feature of ergonomic function and to a great extent more common nowadays than in 1992. Many modern consumer items have pistol grips. All modern target rifles include this feature in its free standing form.

'**4 (1)(b):** means a firearm that is declared by regulations made under this Act to be a military style semi- automatic firearm for the purposes of this Act; and

COLFO suggests:

This clause should be removed. It is not appropriate to grant an operational arm of government the ability, from time-to-time, to make this change to legislated interpretation by regulation and without reference to parliament. Alternatively, this clause should be substantially reworded to make it clear why the firearm is considered to be a military style semi-automatic.

Comment:

The consequences of such a change in legislation, perhaps retrospective, to a person who already owns, legally and legitimately, such a firearm are substantial.

'**4 (1)(c):** means a firearm that is of a type described in regulations made under this Act as a military style semi-automatic firearm for the purposes of this Act; and

COLFO suggests:

This clause should be removed. It is not appropriate to grant an operational arm of government the ability, from time to time, to make this change to legislated interpretation by regulation and without reference to parliament.

The 'type' of firearm is already defined by parliament - not by police.

Legislation proposing police can pick and choose type, provides police with flexibility, but it offers legitimate licensed firearms owners little certainty.

**'4 (1)(d):** means a firearm that has a feature that is defined or described in regulations made under this Act as a feature of a military style semi-automatic firearm for the purposes of this Act; but

COLFO suggests:

This clause should be removed. It is not appropriate to grant an operational arm of government the ability, from time to time, to make this change to legislated interpretation by regulation and without reference to parliament.

There have been few substantial advances in firearms design in the past 20 years, except perhaps modern materials enabling manufacturers to form more complicated shapes with ease.

To enable police to make decisions about a feature that has not yet been invented, is hardly clear and easy to understand legislation. This does nothing to improve safety.

***Summary 4(1): The explanatory note defines there is a need for a clearer definition of the term MSSA.***

COLFO suggests:

Changes to legislation should be restricted to defining clearly what the 1992 parliament intended and or what this committee and this parliament now intend to be the meaning of free-standing military pattern pistol-grip'.

Provision for police to explain this definition in regulations where they can use pictures and diagrams may be a good idea. Allowing police to choose new definitions/types of firearm/features without any consultation or scrutiny is not acceptable. The level of current design changes does not suggest that this is necessary, and if it becomes so then any change in legislation should not be by unscrutinised regulation.

Comment:

We notice inconsistencies in the RIS dated 16/11/2010, namely paragraph 21 mentions a (sporting grip') and recommends a 5 cartridge capacity for magazines when the Bill proposes 7.

The disclosure statement says the new definition will clearly define a MSSA according to how the Act was being interpreted by police prior to the Crown Law decision, but clearly the Bill introduces sections 4,(1),(b),(c)and (d) which add major new provisions, not previously available to police.

**Part 1( 2) Restricted Air guns**

COLFO suggests:

COLFO 's focus is firearms related issues and how those issues relate to licenced firearms owners, however, we would make the following comment: the explanatory note attached to the Bill says:

1. 'These air guns are usually soft air guns that can be mistaken for real pistols, restricted weapons, or MSSAs. Because of their appearance, such air guns have been used by criminals for intimidation purposes.'
2. 'While no statistics have been collected the police estimate that there is at least one incident a week where a member of the public has presented an air gun that looks like a real pistol, restricted weapon, or an MSSA requiring an armed police response, sometimes involving a callout of the Armed Offenders Squad. '
3. 'The Bill proposes to introduce import controls over air guns that have the appearance of being real pistols, restricted weapons, or MSSAs so that they are subject to the same import controls as real pistols, restricted weapons, and MSSAs. '
4. 'Firearms users advise that within a relatively short time most of the cheaper replicas already in New Zealand will be lost, broken, or discarded.'

Comment:

- 1 If a) the appearance of these soft airguns and their appeal to criminals for intimidation purposes and or b) that police 'estimate at least one incident a week' an airgun that looks like a real pistol, restricted weapon, or an MSSA requiring an armed police response, sometimes involving a callout of the Armed Offenders Squad, are the reasons behind this proposed 'legislative' change it might be wise to consider imposing the same controls on other toys that look like real pistols, restricted weapons, or MSSAs.

COLFO questions the substance of the comment 'Firearms users advise that within a relatively short time most of the cheaper replicas already in New Zealand will be lost, broken, or discarded.'

COLFO believes that while the statement; the cheaper versions will be broken, may be true, broken only refers to their functionality as a shooting implement. The function of replicating real pistols, restricted weapons, and MSSAs will remain for many years.

This amendment may have the unintended consequence of making airguns more appealing to criminal elements.

2. COLFO believes implementation of this part of the Bill will have more of an effect on importers and retailers than it will on criminals. Consider the concept by way of an example of what is proposed:
  - an end user document is issued by police to an individual who Police believe has a special reason to own a soft air pistol;
  - that individual then takes that document to a retailer;
  - who in turn supplies a copy of that document to an importer;
  - who then applies on the basis of that document to police for a Permit to Import a product.
  - the importer orders the product;
  - on arrival of the product to which all this documentation relates, in New Zealand waters,

- New Zealand Customs request from a customs agent the importers original copy of the Permit to Import,
- Customs receive the permit;
- releases the product to the importer and records whatever statistical information New Zealand Customs recover;
- the importer then supplies the product to the retailer and records the details of the Permit to Import so as to comply with Section 17 of the Act;
- the retailer receives the product, makes the appropriate entries in his records and contacts the customer to advise them their product has arrived;
- the customer then visits the shop, pays the purchase price and takes the product home.

At this point the customer may have no knowledge of the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Bill or of the issues behind the introduction of the Bill. He or she takes his or her soft air gun home and gives it to their child. The child behaves responsibly and is very mature for a 15-year-old, and after all in the mind of the parent, a soft air gun is only a toy.

There is no record or effective control of where our hypothetical soft air gun goes to from here on, especially once it has stopped functioning properly.

- 3 New Zealand Police perceive a problem exists where; an air gun that looks like a real pistol, restricted weapon, or an MSSA is used, we define those as:
- A) Those that purchase airguns with the purpose of committing a criminal act.
  - B) Those who purchase airguns with lawful intent and unwittingly engage in an act that results in an Armed Offenders Squad (AOS) call out or an injury.

This results in either criminal activity or inconvenience to police.

They have potential of resulting in a police officer shooting a member of the public.

Since no statistics have been produced on those occurrences, we cannot know if the problem relates to soft air guns, air guns or just realistic looking toys. We do know this Bill will have no affect whatsoever on the estimated 200,000 to 500,000 air guns already in the country, not to mention the hundreds of thousands of toy guns. It will only limit new imports.

- 4 Irrespective of the final form this Bill takes, this perception that a problem exists; inappropriate use, criminal or otherwise, of air guns is a concern to COLFO. Not only does it waste police resources and cause concern to members of the public. It reflects badly on COLFO's membership – licensed firearm owners - who suffer the brunt of the anti-firearm publicity it causes.

We do not support sections 4, (2), (3) as explained above.

We do not support sections 5,6,7,8,9,11,13,14,15,16,17 or 18 for the reasons stated.

We support part 2 consequential amendments, section 12.

Comment:

We support this amendment as the objectives states ‘...to align the treatment of all airguns used in milsim sports with the treatment of other airguns in the Arms Act to better reflect their reduced ability to cause harm.’

This statement supports our position that these airguns represent little risk to public who are not engaged in criminal or irresponsible activity.

At present the following sections of the Act apply:

Sec 21 of the Arms Act.	possession
Sec 43 of the Arms Act	supply
Sec 45 of the Arms Act	carrying
Sec 46 of the Arms Act	carrying an imitation firearm except for lawful .....purpose
Sec 47 of the Arms Act	being in charge....influence...drink or drugs
Sec 48 of the Arms Act	discharging
Sec 52 of the Arms Act	presenting
Sec 53 of the Arms Act	careless use
Sec 54 of the Arms Act	use or attempted use of firearm airgun pistol imitation firearm restricted weapon ammunition or explosive to resist or prevent arrest or commit an offence
Sec 54 of the Arms Act	carrying firearms...air guns...imitation firearms..... with criminal intent
Sec 66 of the Arms Act	occupier of premises ...or driver..deemed...possession

**Part 1 4(3) Sporting configuration**

‘The definition of sporting configuration in section 2 is repealed.’

COLFO suggests:

We agree that the existing definition should be removed. A new definition to be inserted into section 2, which should read: ‘Sporting configuration in regard to a semi-automatic firearm means a firearm, which after being loaded, fires, ejects a cartridge case, and chambers a new cartridge with each pull of the trigger, but (a) does not include military style semi-automatic firearms.’

### Comment:

COLFO believes there should remain in the Arms Act a term for what has become known as sporting configuration MSSAs. The term sporting configuration MSSA has been in common use to describe MSSAs that have had all of the features listed in the 'Arms Act, section 2, sporting configuration' removed. They are not MSSAs under the Act, but they are semi-automatic firearms. Many started life as genuine military semi-automatic firearms. The term 'sporting configuration' is also used to describe versions of a manufacturer's product which is in that condition when importers are applying to NZ Police for Permits to Import firearms.

For example it is possible to import from the United States, a Springfield Armoury .308 calibre semi-automatic rifle M1A as either [in New Zealand terms] an MSSA with a flash suppressor and a bayonet lug or in sporting configuration without a flash suppressor or a bayonet lug.

### Right of appeal from official decisions:

While we support the inclusion in the Bill allows a person, affected by a determination by the commissioner the right to appeal we believe, this places the cost and burden of proof on that person which creates an imbalance compared to the commissioner's powers and expense in reaching a determination. This creates a barrier to individuals pursuing natural justice.

### **COLFO's Suggestions to achieve the Bill's objectives**

In regard to military style semi-automatics, (MSSA:

- '...to bring clarity to the definition of MSSAs so that police can correctly identify firearms that should be categorised as MSSAs...'
- also
- 'a need to clarify the magazine capacity that qualifies as a MSSA.'

### COLFO suggests:

1. Define military style semi-automatic firearms in the positive form
2. Define sporting semi-automatic firearms.
3. Limit centrefire sporting semi-automatic magazine capacity to 10 rounds in the same way as rim fire firearms are defined.
4. Define a military pattern free-standing pistol grip in regulation or remove the definition of that feature if it reduces clarity.

In regard to airguns that look like real pistols: '...to reduce the risk to public safety associated with the import of airguns that replicate pistols, MSSAs and restricted weapons.', '...to align the treatment of all airguns used in milsim sports with the treatment of other airguns in the Arms Act to better reflect their reduced ability to cause harm.'

We believe the majority of the issue relates to one of understanding the existing laws in relation to safety and the correct supervision of minors in their use of airguns.

### COLFO suggests:

1. Develop an education programme to inform the general public of the 'rules' of both Safety and law that pertain to possession and use of air guns, as well as the seven basic rules of firearms safety. This could include a one page point of sale acknowledgement of the laws relating to airgun use which retailers requires purchasers to acknowledge their own responsibilities at the time of purchase.
2. Require that a purchaser of an air gun provide a copy of a form of identification that includes a photo of the purchaser.
3. Develop an air gun safety course specifically for air gun users, similar to the elective course on firearms safety offered in schools now.

The above would achieve the following:

- Signal to those intent on crime that the airgun they purchase could have a paper trail leading back to them if the airgun is identified in commission of a crime as being of a type they purchased.
- Allow retailers and agencies to build database of purchasers to develop intelligence in the future.
- Ensure parents are aware of the responsibility they carry in supplying an airgun to their children reducing the number of callouts the police attended as a result of children using airguns unsupervised.
- Ensure users are taught the firearms safety code as early as possible to promote adherence to firearms laws and safe use as early as possible. This could be added as an elective study in schools to promote safety, as an alternative to firearms safety which is presently offered. Given that airguns used in paintball and soft air are readily accessible to children without a firearms license this seems a better way to control and encourage compliant behaviour.