

29 July 2018

Alastair Scott
Member for Wairarapa
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Dear Sir,

re: **ARMS (PROHIBITION ON SHORTENED FIREARMS) AMENDMENT BILL**

Alastair Scott, National MP for Wairarapa, you have recently released your draft member's Bill for consultation entitled '*Arms (Prohibition on Shortened Firearms) Amendment Bill*'. COLFO has received substantial correspondence from its member organisations and concerned individuals regarding this Bill. Having now reviewed the draft Bill, COLFO is of the position that the Bill is inappropriate and will have a significant adverse effect on law abiding licensed firearms owners. Additionally, COLFO cannot see how NZ Police can service the administration requirements of the proposed law given they are already operating on a tightly constrained budget. Nor does COLFO see the community's reliance on NZ Police for issuing permits to be conducive to strong relations given current problems being experienced. Accordingly, COLFO sternly opposes this Bill.

In April 2018, Masterton Police Officer Thomas Andrews penned an open letter in Police News articulating his concern for the criminal use of "sawn off" firearms by the criminal fraternity. A specific focus of Mr Andrews' discussion was the seeming imbalance in punishments for those criminals using, or possessing, sawn-off firearms in the execution of their crimes. Comparison was made to UK and Australian laws where it was stated the sentencing for such offending spans 5-10 years. Optimistically, and in apparent good faith, Mr Andrews states: "*I am sure that those drafting the legislation would be able to distinguish between a legitimate gunsmith and a criminal creating a sawn-off. Such legislation may also reassure the shooting community that further laws are targeting criminals and not legitimate gun users*".

Unfortunately, Mr Andrews' aspirations were not met by you Mr Scott. In fact, quite the opposite has been put forth in his member's Bill. While COLFO agrees with Mr Andrews that criminals should be the focus, this Bill explicitly demonises the law-abiding firearms owner. At best it imposes unnecessary administrative burden on both NZ Police and licensed firearms owners; at its worst it demands the surrender of thousands upon thousands of currently-legal firearms, criminalises those who retain ownership, and wipes untold value from private firearm holdings. While possibly unintended, this Bill does not appear to have had any engagement with credible firearms organisations or individuals and, to the detriment of the Member, casts doubt across the firearms community as to the intent of the Bill and the member putting it forth. Given National's demonstrated willingness to listen to the voice of 250,000 licensed firearms owners, this is of concern. However, COLFO acknowledges National's quick response to social media, their direct communications with COLFO, and its pledged commitment to engaging with the firearms community going forward.

COLFO's Analysis

The General Policy statement of the Bill is problematic in several areas. It states that sawn-off firearms can "be more lethal as their accuracy is altered". Fundamentally this is incorrect. Firearms which have been cut down to an illegal length (less than 762mm as currently defined by law), are commonly done so in a rudimentary fashion using tools-at-hand such as hacksaws or grinders. This is a far cry from calculated machining undertaken in a tool-shop within New Zealand's firearms industry. Precise Barrel length, crown shape and uniformity are all factors which improve accuracy. Roughly shortening a barrel using hand-tools, or even machine tools with limited knowledge of firearms, is most likely to reduce accuracy, not improve it. It is therefore difficult to claim that lethality is increased simply because a barrel has been reduced in size.

The Bill claims to recognise that "*there are some lawful uses for sawn-off firearms such as hunting or target shooting*". This forms the basis for a proposed permitting system in-line with the current administration of the Arms Act by NZ Police. COLFO is of the view that this Bill does not genuinely recognise the licensed firearms owner in the proposed clauses. Quite the opposite, it penalises and imposes costs on them. It also generates additional burden on an already overloaded Police administration, where permits and licensing in some regions are unacceptably slow. The specific clauses of concern to the licensed firearms owner will be discussed in detail below. The very term sawn-off has criminal connotations and has done for years. Licensed firearms owners legally modify their firearms, certainly, but it is common knowledge that reducing a functioning firearm down below 762mm overall length is a no-go. It is grounds for loss of our much-treasured license or endorsements, and indeed time behind bars. Fit and Proper people stay above the law in this regard.

Section 38A Shortened Firearms is unacceptable to COLFO as it criminalises licensed firearms owners and adversely impacts a vast number of our community. The purpose of this section is to make it illegal to shorten a firearm, possess, supply or import the same. There are myriad legitimate and lawful reasons a firearm may be shortened or come to be shortened. Within the hunting community, it is very common practice for centrefire rifles to have barrels shortened from factory length to a length specific to its purchased-purpose. For example, this may include hunting in dense bush where a longer barrel is more difficult to safely manage muzzle direction in the undergrowth. It can also include the fitting of a suppressor in order to reduce hearing damage to dogs, the firer, and members of the hunting party. It also reduces the risk of "frightening or annoying" other land users, which can be an offense under the Arms Act. The New Zealand Firearms Community is also an innovative one. It is common for a factory firearm to be purchased and then re-barrelled for accuracy or weight benefits; or even rechambered in a calibre specifically desired by the license holder's purpose. In the case of long range shooting, perhaps a muzzle brake may be desired to improve accuracy for recreational or competitive shooting. This simple addition requires the barrel to be threaded and crowned; reducing its length, even if only marginally in some cases. All these scenarios become outlawed unless a permit is obtained. COLFO does not support this increase in administrative and financial burden for well-established legitimate firearms modifications.

Section 38A also criminalises licensed firearms owners by requiring a permit in order to break-down a firearm for cleaning, maintenance, or to replace parts. By taking the stock off a hunting rifle to say clean around the receiver, or by breaking and stripping the action on a single or double-barrelled shotgun for cleaning, or by removing a stock or foregrip and barrel from an AR15, or by disassembling a factory produced "takedown" rifle, a licensed firearms owner has broken the law. This offense will probably be committed at the kitchen table after a morning on the range, possibly after a hunt, possibly while building one's own rifle at the shed workbench for use in next month's long-range shoot organised by the local club. COLFO sees such second-order effects to have a disastrously unjustifiable impact on the licensed firearms owner.

COLFO also asks what is to be done when a licensed owner wishes to sell their shortened firearm with its locally produced suppressor or muzzlebrake fitted? Is this Bill really suggesting one would need a permit from Police to effect the sale of a firearm which was modified to protect hearing? If a permit is not issued then what is the owner to do? Surrender with compensation? Without compensation? If a permit is required, then it is conceivable that Police could say no. On what grounds would a permit not be issued?

The firearms community is presently consulting with nationwide dealers and individuals who are facing significant difficulty and inconsistency while seeking permits from Police for other reasons. It is therefore of clear concern to COLFO that yet another firearms process would require a permit.

This latter concern can be made abundantly clear in Section 38B, where Police will be empowered to consider a “special reason” before issuing a permit to purchase, sell, or modify a shortened firearm. Presently, COLFO is aware of firearms dealers having been denied permits to import firearms parts in order to restock shop holdings for on-sale to the community. There are licensed firearms owners who, at this moment, cannot purchase the required legal firearms parts from their retailers due to Police not considering retail stock to be a special reason. COLFO and the community can therefore expect to see similar absurdity creep in under Police administration should this Bill become law. While it may seem laughable, or there may indeed be a promise that it will not occur, the current pattern of administration by Police suggest the same pattern would continue in the future.

COLFO does not support Police requiring “special reasons” in order to issue a permit, nor the requirement of a permit, for established maintenance, modification, repair and construction practices.

Section 38C appears to have the purpose of establishing a one-month amnesty from the date of Royal assent of this Bill, in order to allow the surrender of shortened firearms by criminals. Unfortunately, this section is not only doomed to failure, but also again criminalises licensed owners. If such an amnesty was speculated to provide a means of having criminals volunteer their firearms free from repercussion, surely Police would already have sought such an amnesty. COLFO does not hold the same optimism that is enshrined in this Bill. COLFO believes criminals, by their nature, will seek to retain and indeed continue to procure by whatever means, illegal firearms and in fact weapons of any description to achieve success in their crimes.

The impact of Section 38C on legitimate firearms owners is problematic. No one can accurately estimate the number of legitimate firearms in New Zealand which have been shortened in some form. The numbers are vast. From the humble sporterised Lee-Enfield 303 of the deer culling era (a traditional hand-me-down or first rifle), to an AR15 with a 14.5” barrel (when it came with a factory 16” fitted), to a suppressed Tikka T3 “bush pig” for hunting goats and deer in dense bush, you can gauge the broad negative impact of this Bill. By current definition, those vast numbers increase every time some one strips their AR15, breaks apart a shotgun or removes its chokes, or packs their take-down rifle away and begins the carry-out of the family’s meat.

While it is evident that these second order effects seek remedy in Subsection 2 of Section 38C, the practicalities of this have not been thought through. Subsection 2 does not criminalise the owner of a shortened firearm where a permit has been issued. In other words, every person who presently owns a firearm which has been shortened, is required to obtain a permit for that firearm in order to legitimise possession. COLFO wonders how this can possibly be achieved. It would require significant investment of resources by Police in order to process this new backlog of firearms. Will that impact current delivery of services even further? Will Police re-prioritise resources in order to address the tidal wave of applications as licensed firearms owners desperately seek to avoid becoming criminals? What is the mechanism of this permitting system if shortened firearms are now to require permits? Will serial numbers be recorded, or even required at all? If they are required and recorded, how will Police fund their newly imposed firearms register (something which COLFO opposes for A category firearms)? If serial numbers are not recorded, why are they required at all? If they are not required at all then why should there be a permit system?

The realities and impacts of this Bill have not been considered appropriately. There are numerous unanswered questions and an utterly unacceptable impact on the licensed firearms owners of New Zealand.

Summary

COLFO has sought to bring to your awareness the significant opposition to your member’s Bill Mr Scott. While appearing to have humble and genuine beginnings in seeking to increase penalties against criminals who possess or use sawn-off firearms, while preserving the rights and privileges of 250,000 licensed

firearms owners, the Bill achieves the opposite. It imposes substantial administrative and financial burden on Police and license holders and it creates criminals from law abiding citizens who are following long established processes. COLFO is of the view that Police could not cope with the additional administrative burden generated by the initial wave of permit applications from licensees seeking to remain within the law, nor could Police maintain let alone improve service delivery without an increase in resources to meet this new permit requirement. Police are already cash-strapped and this Bill diverts finances from other important projects.

As Police grapple with this imposed burden, within an already constrained operating budget, and as licensed firearms owners desperately continue to keep doing "the right thing", COLFO is of the view that this Bill will do little to motivate criminals away from their possession or use of firearms. In any event, it must be considered "if not a gun, then what?" In other words, what will become the criminal implement of choice instead? It is evident in Australian and UK studies that alternatives are soon found or devised. Blunt instruments; knives; screwdrivers; acid.

The answer therefore does not come from further tightening New Zealand's currently fit (and internationally well regarded) firearms laws. Perhaps future solutions to violent crime lies within education; perhaps social welfare; perhaps improved policing; perhaps tighter border controls; perhaps revising the existing penalties. It does not come from negatively impacting the law abiding, licensed firearms owner. COLFO looks forward to future engagement with respective ministers and members on matters affecting firearms owners.

Yours faithfully



Paul Clark

[Chairman](#)

[COLFO - Council of Licensed Firearm Owners](#)

29 July 2018

cc. *Hon Simon Bridges*
Hon Paula Bennett
Hon Mark Mitchell
Hon Todd McClay
Chris Bishop
Hon Stuart Nash
Hon Ron Mark