

## COLFO POSITION PAPERS

### Position paper No 1 - Present laws (1996)

#### **Introduction**

Arms control legislation has existed in New Zealand since the mid 1800's when it was introduced to control imports and changes of ownership.

There has been a variety of related legislation over the ensuing period and firearms control, ownership and use today is regulated under the provisions of the Arms Act 1983. This Act removed many of the anomalies of previous legislation and introduced better procedures.

Amendments introduced in 1992 were based around restricting the number of military style semi-automatic rifles in the belief that this would reduce the number of amok killings. "Lifetime" licences were cancelled and re-vetting of all licence holders was introduced.

The original 1983 Arms Act is regarded, both locally and overseas, as one of the most enlightened and effective pieces of arms legislation in the world. It is the only firearms legislation achieved after full and proper consultation with all affected by it. The central theme of the 1983 Act is the vetting and licensing of firearms owners and dealers and the promotion of safe use and control of firearms.

#### **COLFO Policy**

COLFO recognises the need for sensible firearms legislation capable of achieving logical goals. We maintain the current legislation provides an adequate workable balance of safeguards for the community as well as maintaining historical freedoms for licensed and individually approved firearms owners.

COLFO considers the current legislation is generally working well although there appear to be grounds for improved enforcement of the legislation to further enhance public safety. COLFO would support an increased allocation of Police resources to achieve this objective.

### Position Paper No 2 Military-style Semi-automatics (MSSAs) (1996)

#### **Introduction**

In recent years there has been concern about the availability of military style semi-automatic firearms. These are often the weapons used in mass shootings and the ones most people rightly or wrongly tend to associate with violent crime.

A "military style semi-automatic" is any semi-automatic or self-loading firearm, except a pistol, which has any one or more of the following features:

- Folding or telescopic butt.

- Magazine which holds, or looks like it is capable of holding, more than fifteen .22 rimfire cartridges or more than seven cartridges of any other calibre.

- Bayonet lugs.

- Military pattern free standing pistol grip.

- Flash suppressor.

Prospective owners must go through a special Police vetting process to determine their suitability to own an MSSA before they are issued with a restrictive E endorsement on their general firearms licence. Unlawful possession of these models is a serious criminal offence, with penalties up to three years imprisonment and a fine of \$4000 plus almost certain forfeiture of the firearm. They are also subject to stringent regulations regarding storage and use.

MSSAs are used safely and responsibly in organised shooting competitions by such organisations as the Service Rifle Association and the International Military Arms Society, and by professional hunters employed to control the increasing numbers of deer, goats, and rabbits which damage the environment. They are also used by recreational hunters.

Civilian use of military rifles in target shooting competition has existed in New Zealand for more than a century and has a proud history and a remarkable safety record. Since 1900 there have been no fatal accidents on approved sport shooting ranges in New Zealand.

Membership of these clubs and organisations is strictly controlled. A probation period must first be served before full membership is awarded and measures are in place to regulate the behaviour and conduct of members.

Clubs also have a policy of informing the Police of any concerns they hold about the fitness of a member to hold firearms and whenever an individual's membership is refused or terminated.

Most service rifle competitors have a genuine historic knowledge of their firearms and many are also bona fide collectors.

## **COLFO Policy**

COLFO considers the current licensing requirements for military style semi-automatic firearms meets both the needs of society and firearms owners. The legislation has proved successful in regulating the ownership, use and safe storage of such firearms.

COLFO also believes that MSSAs should be transferable between E endorsement holders and those with a C category endorsement. This would enable bona fide collectors and museums the opportunity to retain or purchase them.

### **Comment**

The tragedies of Aramoana and Tasmania, where firearms of this type were involved, are invariably followed by emotive calls for tighter gun control. This ignores the fact that criminals and the mentally disturbed do not respect gun laws and legislation of this nature would merely penalise responsible, licensed firearms owners. COLFO considers legislating to further restrict firearms possession among law abiding and licensed owners will have no effect on the incidents of violence involving firearms. This has been proven by overseas experience.

## [Position Paper No 3 Registration of firearms \(1996\)](#)

### **Introduction**

A system for registration of firearms which existed in New Zealand for many years was eventually abolished for being too costly and ineffective. The Police admitted it had been of little value in limiting or solving crime. A similar exercise undertaken in the Australian State of Victoria was described by the Police Registrar of Firearms as a "disaster" with the majority of firearms not being produced for registration.

Advocates of firearm registration foster the misconception that the system is highly effective when in fact local and overseas experience had shown the reverse is the case.

### **COLFO Position**

COLFO does not support a system of firearms registration because registration does little to prevent incidents of violent crime from taking place and would absorb significant valuable resources to compile, update, and review.

COLFO believes that control of firearms should rest with the Police, not with Governments. The Police have a record of integrity and expertise in the administration of firearms controls and COLFO believes that this situation should continue.

## [Position Paper No 4 Firearms and mental health \(1996\)](#)

### **Introduction**

Multiple killings by people using firearms or other weapons are invariably preceded by a series of aggressive, impulsive actions by the individual concerned. Research in a number of countries has shown that these people usually have a predilection for violence and a history of disagreements with others, punctuated by threats.

This was shown in the Aramoana, Dunblane and Tasmanian tragedies. Each of the perpetrators had demonstrated they were a threat to society through a number of indicative factors and a reported history of anti-social behaviour.

The most important question is how these disturbed, homicidal people managed to remain in the community without coming into effective contact with the authorities.

The Arms Amendment Act 1992, which was introduced after the Aramoana killings, imposed special conditions for owning military style semi-automatic firearms but failed to address the perpetrator's mental health problem which was the cause of the tragedy.

No gun law has ever sanctioned legal ownership of firearms by a disturbed person. Aramoana was not a failure of the law, but of diligent enforcement of it.

Under the current legislation Police have authority to seize firearms in domestic violence situations but there is no requirement to prohibit a person who is being treated for mental illness from keeping or getting a firearm.

### **COLFO Policy**

While the assessment of the fitness of such a mentally disturbed person is a matter for medical experts, COLFO maintains that there is a case for medical authorities to be required to inform the Police of any such orders for detention and also of voluntary admissions for psychiatric care.

COLFO considers the Police should have the authority to invoke such detention as a ground for suspension or revocation of a firearms licence and confiscation of any firearms belonging to the person concerned.

### **Action required**

COLFO recommends appropriate action is taken to help the mental health system, the legal sector and the Police operate in an integrated manner to achieve a satisfactory level of public safety in this regard.

COLFO also recommends that a system of profiling applicants and owners be established to identify suitability to own or possess firearms.

#### [Position Paper No 5 Relicensing \(1996\)](#)

##### **Introduction**

Firearms licences used to be issued for life. However, the 1992 Arms Amendment Act reduced this to 10 years and introduced a licensing system which provided for the call-in of all existing firearms licences.

To own a firearm without having a licence is a serious offence, punishable by three months in jail or a \$1000 fine or both. Anyone who supplies a firearm to an unlicensed person also commits an offence which carries the same penalties.

The Police are currently relicensing all existing firearms licence holders and checking to ensure the individual is still "fit and proper" to have and use firearms. Relicensing began in 1992 and with the process involved, is not expected to end until 1997.

The new licence consists of a plastic card containing a photograph of the holder and must be shown when buying firearms or ammunition.

##### **COLFO Policy**

COLFO supports the firearms licensing system but it is concerned at the length of time required to complete the relicensing programme and the heavy demands on Police resources which could be more productively utilised in other areas.

COLFO is also concerned that there is no system in place to check on licence holders who do not respond to Police notices to report for relicensing. Those who do not re-apply within six months of the call-in notice have their licences revoked, but no follow-up check is made to establish whether the persons concerned still possess firearms.

COLFO strongly supports that the whereabouts of such non-responding licence holders be ascertained and the person visited. Those who no longer have firearms should be required to explain where and how they disposed of them. If necessary, additional resources should be allocated to enable the Police to carry out this task.

COLFO does not support the licensing of airguns and considers this would impose an unwarranted legal and monetary burden with which few airgun owners would make the effort to comply.

#### [Position Paper No 6 Prohibited Persons Register \(1996\)](#)

A register of persons prohibited from owning or using firearms was maintained by the Police until the establishment of the centralised computer data system.

The register provided a convenient means for Police to check on an applicant's fitness to hold a firearms licence. Despite computerisation making such a register easier to operate, the system has now been abandoned.

##### **COLFO Policy**

COLFO considers there is a case for the reintroduction of a prohibited persons register which would provide a psychological profile of an individual who is considered to pose a threat to society. Such a register would require an input of information from the mental health and justice systems as well as the public.

COLFO appreciates that measures would need to be introduced to ensure that full information was provided; that privacy was maintained; that legal safeguards are established to prevent malicious misuse of the system; and that the system incorporates a right of appeal.

#### [Position Paper No 7 Firearms Collections \(1996\)](#)

A large number of New Zealanders collect edged weapons, militaria, ammunition, firearms, and associated reference material. Firearms collections range from the earliest muzzle-loaders to the latest models, showing the innovations developed from the 13th century through to the present day. Many of these firearms are historically important with some being categorised as works of art.

A Category C endorsement to a firearms licence allows enthusiasts to collect such items. The endorsement covers museum curators, theatrical groups and in particular, bona fide collectors who own some of the finest and most historically significant firearms collections in the country. These collections have an important place in preserving part of this country's heritage for the appreciation and education of future generations. Private collections are sometimes loaned to museums and other organisations for public display.

Category C endorsement holders are not allowed to fire their firearms and stress they are not interested in doing so. They make the point that they are historians, not shooters. They must also comply with stringent requirements to ensure their collections are safely and securely stored.

## **COLFO Policy**

COLFO supports existing legislation which allows limited importation and possession of collectable firearms, accessories, and spare parts in original condition. Collectors should also be able to continue collecting ammunition, since this is an integral part of their hobby.

COLFO believes accredited collectors should be optionally allowed to collect military style semi-automatic firearms under their Category C classification. At present, these are only available to holders of a special Category E endorsement. Modern firearms, particularly military models, are an essential part of all firearms collections and should be available for posterity.

### [Position Paper No 8 The politics of guns \(1996\)](#)

#### **Introduction**

Firearms in recent years have become an emotive issue. Historically they have been lawfully used in New Zealand for defence, hunting of game and waterfowl, and competitive sport. However, such is their potential for misuse that Governments have formulated laws by which gun ownership and use is governed.

Inevitably there are occasions where firearms are misused - suicides, murders or even more dramatically, mass shooting, such as Aramoana. Following such events it is natural that those opposed to firearms find it easy to evoke an emotional response from people who are shocked by the personal, family or community horror. Sometimes those opposed to firearms use such incidents as an opportunity to seek to build a wider public campaign to achieve their own goals which are often extremist.

## **COLFO Policy**

COLFO understands that guns, like motorcars, knives, and fire, can be misused by individuals for criminal profit or aberrant purposes, dependent upon their motives or state of mind. For that reason we strongly support legislation which controls the ownership of firearms and believe that the policing of these laws should be more vigorous and better resourced.

COLFO will debate the issue of gun ownership with people who are prepared to consider the factors that contribute to the misuse of firearms and the means of dealing with such misuse. These include the need for tighter Police control of the criminal element and their use of firearms, and a recognition of the role played in Police shootings or community disasters by people of impaired mental health.

COLFO takes a strong stand against the emotional, misleading or untrue presentation of any arguments propounded by anti-gun activists, and calls for truth, accuracy and balance in the content, presentation and reporting of the issue.

### [Position Paper No 9 Support for political parties \(2002\)](#)

#### **Introduction**

COLFO supports policies rather than political parties. We endorse policies that support the historic rights and privileges of responsible firearm owners, and we support policies that penalise the criminal and irresponsible misuse of firearms.

Most political parties with Members in the House have some members who support the existing rights and privileges of responsible firearm owners. Some parties have such policies in their manifestos. Other parties and individual MPs seek to nullify the rights and privileges we hold as our birthright.

COLFO recommends that firearm owners support individual politicians and parties that endorse the rights and privileges of responsible firearm owners.

The "Outdoor Recreation" political party claims to be preparing policies that COLFO may endorse.

However, at this time there are circumstances that militate against this new party, and those circumstances include the following:

- Single-issue parties have been notoriously unsuccessful under the NZ MMP electoral system.

- There have been no acceptable policies or policy planks announced.

- The party has not announced candidates who are current MPs or have political experience.

- We believe that there is insufficient time to organise an effective campaign for the upcoming elections.

- Votes for a new party would be votes against those politicians and political parties that already champion our cause from within Parliament - with very significant successes.

- There is virtually no possibility of a party focused solely on "outdoor recreation" winning any electorates or achieving the 5% threshold to get list seats.

- Such a party could not be part of a Government that would include politicians and political parties who campaign against our principles.

## **COLFO Position**

The Council recommends that firearm users do not support an "Outdoor Recreation" party at the forthcoming general election. We believe that a vote for such a party is a vote that is contrary to the best interests of firearm owners.

### **Position Paper No 10 Air Rifles and Air Pistols** (2008)

Being single shot or repeating rifles or pistols that use air or Co2 as a propellant, shoot metal slugs, darts, pellets or BBs at energy greater than 1.36 joules. (1 ft/lb)

#### **(Refer to Position Paper No 11 for Soft Air guns which fire plastic pellets)**

Airguns have been a part of New Zealand's culture for over 100 years. They are available in a wide variety of styles and types ranging from the toys of small boys, to the precise equipment of Olympic competitors.

They are inexpensive to buy and operate and they provide practical enjoyment through family fun and educational situations. Some refer to airguns as the elementary tools of safe firearms use and virtually every New Zealand hunter and target shooter started his career with an air gun. Many retired hunters and target shooters use an air rifle or pistol to pass their knowledge on to their grandchildren.

Under current law any person who is 18 years of age or above may purchase an airgun without knowledge of the laws that govern its use. Airguns can be imported in any quantity without a requirement for a police issued "permit to import".

In recent years the price of powerful and good quality air rifles has significantly decreased and they have become more available to a wider range of buyers. At the same time there has been an influx of immigrants who have no experience with New Zealand's outdoor traditions and have no one to learn from. Their knowledge of firearms has been gleaned from TV and interactive games. A breakdown of traditional NZ two parent families has extended these problems into the general population.

Airguns that fire metal slugs, pellets or BBs are capable of causing serious injuries and most will be able to pierce soft body tissue. Airguns with power equal to that of high powered hunting and military rifles have also become available in recent years. These large caliber air weapons are powered by high pressure air tanks and present a very serious danger in untrained hands.

## **NZ COLFO Policy**

COLFO policies are generally supportive of existing laws but we feel that new circumstances require changes to the laws applying to airguns. We believe that a combination of education accompanied by some legislation changes will be the most effective way of dealing with the misuse of airguns.

We recommend that:-

Unaccompanied imports of airguns should require a 'permit to import' issued by the police.

The power of airguns be regulated by requiring the holder to possess a firearms license for airguns that are above a predetermined power. We recommend that power be set at 35joules. (25ft/lbs)

Commercial sales of airguns be made only through licensed arms dealers

Airguns should be fitted with a trigger lock or other restraint when not in the possession of a person entitled to use them

Internet sales of airguns are only conducted by licensed firearms dealers

Every arms dealer selling an airgun be required to supply the purchaser a copy of the basic rules and requirements for the possession and use of airguns. The purchaser to acknowledge receipt of that information in writing. The dealer to obtain and record the ID of the purchaser.

NZ Mountain Safety Council includes information on the possession and use of airguns in all firearms safety training.

### **Position Paper No 11 Soft Air Pistols and Rifles (Soft Air Guns)** (2008)

Being single shot or repeating pistols or rifles that use air, HFC 134A Gas, or Co2 as a propellant and shoot plastic balls (BBs) at energy less than 1.36 joules. (1 ft/lb) They are sometimes called 'BB Guns' but that is a confusing name as it also relates to other firearms. The term 'Ball Bearing' guns is also a misnomer.

#### **(Refer to COLFO Position Paper No 10 for Air guns which fire metal pellets)**

Soft Air guns made their initial appearance in the mid 1980s. The first models used a 'striker' or hammer to propel plastic projectiles and they were designed to comply with the laws governing 'toys' in Japan – where air guns are not available for general sale.

Continuing to comply with the laws defining 'toys' they became air powered and were designed as exact replicas of modern handguns and military rifles including semi and fully automatic models that were electrically operated and air powered.

The Japanese 'Air Soft Gun Kumiai' (ASGK) association lists voluntary industry standards relating to the energy of air and gas powered soft air guns and Japanese manufacturers adhere to those rules, which have

been drafted to preclude the risk of serious injury, and ASGK stickers appear on complying Japanese products.

Unfortunately manufacturers in other countries are not obliged to adhere to such rules and a number of more powerful soft air guns are now available.

Soft air guns are inexpensive to buy and operate and they provide practical enjoyment through family fun and educational situations. These days it is probable that all younger shooters kindled their interest in firearms through exposure to soft air guns – the ‘kindergarten of shooting sport’.

Under NZ law soft air guns are captured by the laws that cover airguns and replica guns.

Unfortunately they are sometimes used by irresponsible people to intimidate and frighten others and this has given rise for a call to ban their possession and use. When considered objectively this idea has little merit because a ban on objects does not change people’s behavior and it is clearly better to be threatened with a plastic toy than with a real knife, club, fist or foot.

### **NZ COLFO Policy**

COLFO policies are generally supportive of existing laws but we feel that new circumstances require changes to the laws applying to soft air guns as well as airguns. We believe that a combination of education accompanied by some legislation changes will be the most effective way of dealing with the misuse of these items.

We recommend that:-

Unaccompanied imports of soft air guns should require a ‘permit to import’ issued by the police.

The power of soft air guns is regulated by requiring the importer to produce evidence that the guns are below a predetermined power. We recommend that power be set at .4 joule.

Commercial and internet sales of soft air guns be made only through licensed arms dealers

Every dealer selling a soft airgun be required to supply the purchaser a copy of the basic rules and requirements for the possession and use of airguns. The purchaser to acknowledge receipt of that information in writing. The dealer to obtain and record the ID of the purchaser.

NZ Mountain Safety Council to include information on the possession and use of soft air guns and airguns in all firearms safety training.

### **Position Paper No 12 The International Arms Trade Treaty (ATT) (2008)**

The large scale abuse of individual rights is an international problem which, in recent years, has been exacerbated by the seemingly uncontrollable proliferation of cheap military firearms. Much of this proliferation has been brought about by the illegal or uncontrolled sale, shipment and transshipment of surplus small arms and light weapons<sup>1</sup>.

NGOs and Governments propose an international treaty to halt or restrict this unwelcome trade in firearms.

#### **NZ COLFO Position**

The Council supports a treaty that consolidates and harmonizes the legal trade in small arms; however we have serious concerns that such a treaty will unnecessarily restrict the legitimate trade in sporting, antique and historical, firearms<sup>2</sup>.

The Council recommends that any new international arms trade treaty (ATT) should recognize the differing purposes for which firearms are traded and be framed in such a way so as to not unnecessarily restrict the legitimate trade in either sporting firearms and ammunition, or antique and historical firearms.

This could be achieved in a number of ways – including:-

Defining sporting firearms and ammunitions and implementing a simple regime for the movement of such firearms

Determining a quantity of firearms and/or ammunitions below which a simple regime would apply. (Such a quantity could possibly be measured in numbers or value)

A combination of the above

COLFO believes that:

The import and export of firearms should only be authorised by a specific state authority that is readily contactable.

There should be simple provisions to cover small numbers of personal firearms being temporarily imported or exported when accompanied by a recognized owner (or user)

There should be simple provisions for the import and export of antique and historical firearms.

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1

COLFO believes that “Small arms and light weapons” should only relate to firearms designed or adapted for military use.

2 Those firearms (and parts of such firearms) approved by States for possession and/or use by civilians within their borders

