

## COMMENTARY ON THE

### INQUIRY INTO THE ILLEGAL POSSESSION OF FIREARMS IN NEW ZEALAND

In New Zealand 242,000 licensed firearm owners and their families participate in shooting activities. Shooting is a sport/pastime that can be enjoyed by individuals of all genders, ages and physical abilities. Hunting and target shooting is a long standing Kiwi tradition which also has a significant benefit to the nation's economy. It therefore begs the question: when a Parliamentary Select Committee was tasked with investigating the use of firearms by criminals, why have they chosen to follow their own political agendas and recommend more restrictions on law abiding licensed firearm owners?

Of the 20 recommendations made by the committee only 3 directly impact criminals and gangs while the remaining 17 have a direct negative impact on the licensed firearm owner.

The Select Committee appears to have ignored one of its own Terms of Reference providing no new insight into - **How widespread firearm possession is among criminals, including gangs.**

In respect of - **How criminals, gangs, and those who do not have a licence come into possession of firearms**, the Select Committee appears to put the blame on the lawful firearm owners sighting theft from licensed owners as the main source. Yet they make no recommendations in regard to applying more resources to deterring or solving these crimes. Likewise they appear to accept the word of Customs that our borders are secure against illegal imports, failing to recognise that New Zealand has a serious drug problem that is fuelled by illegal imports, and drug dealers are one of the main sources of illegal firearms seized by police. As reported by TV1 on Sunday 16 April our Pacific Island neighbours have become hubs for the illegal distribution of drugs and weapons to Australia and New Zealand. If drug dealers can import illegal drugs then with the money involved in this trade importing illegal firearms is not a problem for them.

As noted above in respect of: **What changes, if any, to the current situation might further restrict the flow of firearms to criminals, gangs, and those who do not have a licence**, the select committee has chosen to take the easy option and target the compliant lawful firearm owners, rather than tackle the real issue of drugs and gangs and the crimes these criminals commit to support their activities.

Finally one question that the Select Committee should have investigated but did not is- **Why do criminals choose to arm themselves with firearms?**

Attached at Appendix A are our comments on the recommendations made by the Select Committee.

## Appendix A

### INQUIRY INTO THE ILLEGAL POSSESSION OF FIREARMS IN NEW ZEALAND Report

#### Summary of Recommendations

The Law and Order Committee makes the following recommendations to the Government, *comments in italics by SSANZ*:

## **Sale and supply of firearms and ammunition**

1 That the law be amended so that a firearms licence is required to possess ammunition, unless the person in possession of the ammunition is under the immediate supervision of a firearms licence holder (page 7).

*Not Necessary - this is already covered by Section 43B of the Arms Act*

2 That the law be amended so that a firearms dealer's licence be required to sell or supply ammunition by way of a business (page 7).

*Oppose – This is unnecessary since ammunition may only be supplied to firearm licence holders Section 43B Arms Act, and would have an adverse impact on the supply of ammunition in isolated rural communities.*

3 That the law be amended so that dealers be required to keep records of sales of ammunition (page 8).

*Oppose - on the grounds of being wasteful of public money and resources to no useful outcome.*

4 That it create a Police registration process for websites that wish to facilitate the buying, selling, or trading of firearms, parts of firearms, or ammunition online. It would be an offence to operate such a website without current registration (page 8).

*Oppose - on the grounds that websites are just another form of advertising as found in For Sale and Wanted columns of newspapers and magazine and is adequately protected by the mail order provisions of the Arms Act. It would add another layer of administration for an already over stretched police for no real gain. Many club newsletters contain For Sale Ads and are published on club websites, would these also require to be registered? We are of the view that illicit weapons sales will take place on the “dark web” rather than public websites.*

5 That the permit to procure process be extended to cover the sale or transfer of all firearms (page 9).

*Oppose - on the grounds of being wasteful of public money and resources. This would possibly quadruple Police firearm administration cost, and require two visits to the Arms office for each firearm purchase, once to obtain the permit and secondly to register the firearm, further exposing gun owners to criminal scrutiny at the police station. This is a prelude to full registration, which the committee has not recommended, and has been of absolutely no value for crime prevention nor for crime solving in overseas jurisdictions*

## **Definition of military-style semi-automatics**

6 That the Police investigate the creation of a category of restricted semi-automatic firearm (rifle and shotgun) to replace the MSSA firearm endorsement category (page 10).

*Oppose - on grounds of being wasteful of public money and resources. This appears to be a precursor to re-categorizing all semi-automatic firearms into a new category which is likely to involve registration. Registration has been of absolutely no value for crime prevention or for crime solving in overseas jurisdictions. It is likely that there would be considerable non compliance by affected A category owners, which would degrade the value of this exercise. We recommend abandoning the definition of MSSA based on appearance, which has largely been made obsolete by the modern (semi automatic) sporting rifle.*

## **Effectiveness of licensing, training, and registering firearms**

7 That firearms prohibition orders be implemented in New Zealand (page 12).

*No Objection* – Assuming this applies to persons prohibited from owning a firearm, provided that there is a right of appeal through the courts.

8 That the Police Arms Manual guidelines on determining who is fit and proper to possess firearms be codified within the Arms Act 1983, with any necessary modifications, to improve the overall certainty and consistency of the licensing process (page 13).

*Oppose* - there is a balance between public safety and civil rights of licence applicants , each person needs to be judged as “fit and proper” at the time of their licence application based upon their circumstances at that time. While guidance needs to be provided to vetting officers, strict adherence to a set of rules would prove too restrictive.

9 That it implements a stand-down period after revocation of a licence, before a new application for a firearms licence can be made (page 13).

*Oppose* – this has to be flexible to cater for various reasons for revocation. It should also allow for licences to be returned by the court if a protection order, for example, is shown to be malicious, as is known to be the case.

10 That the Arms Act 1983 be amended to clearly state that a gang member or prospect must not be considered a fit and proper person to possess firearms and therefore must not hold a firearms licence (page 15).

*No Objection* – Provided the definition of a criminal gang is clearly defined. However it is unclear how Police will prove that a person is a member or prospect of a gang. It has been believed that such mechanism already existed under Section 24 of the Arms Act 1983).

11 That the law be amended to require the Police to record the serial numbers of all firearms possessed by licence holders upon renewal of their licence or inspection of their premises (page 16).

*Oppose* - on grounds of being wasteful of public money and resources. Although full registration has not been recommended, this is in fact just that, and has been found to be of absolutely no value for crime prevention or for crime solving in overseas jurisdictions. An ad hoc system such as proposed would also have less than 95% compliance and thus be totally worthless.

## **Criminal offending with firearms**

12 That it review the penalties in the Arms Act 1983 (page 18).

*No Objection* - We support stronger penalties for criminal misuse of a firearm, by increasing the maximum penalty.

13 That the law be amended so that where a dealer has committed an offence under the Arms Act 1983, the court must treat this as an aggravating factor at sentencing (page 18).

*Oppose* – on the grounds that it is unduly harsh in that Dealers are subject to annual licensing and ipso facto, annual vetting. Also the circumstances leading to the offending must be taken into account by the judge. It would set a bad precedence which is not applied to other “dealers” such as liquor store owners or other persons in a position of trust such as police and MPs.

14 That the Police undertake further work to determine appropriate security standards for “A” category firearms (page 19).

*No Objection - provided that it is done in full consultation with the firearm community and rural sector and does not become too onerous. Recognising also that no level of security will defeat a determined thief.*

15 That the law be amended to make it clear that the secure storage requirements must be met to the satisfaction of the Police, before a licence or endorsement can be issued (page 19).

*No Objection - This is already a requirement under Sections 19 and 28 of Arms Regulations (1992). But applicants must be informed by police that their licence will be issued subject to this requirement, before they are subject to the expense which could be several thousand dollars.*

16 That it extend the power under regulation 29 to allow the Police to enter premises to inspect the security of “A” category firearms (page 19).

*Oppose - This is already a provision under Section. 29 of the Arms Regulations 1992 for Endorsed firearms (pistols, MSSAs and restricted firearms). And is also covered by the Search and Surveillance Act 2012 Section 18 where offences are suspected. However this is not yet a police state, security is checked at the time of licence application and change of address, there should be no further need for Police to harass firearm owners.*

17 That the Arms Act 1983 be amended so that failure to comply with the storage regulations must result in revocation of a firearms licence (page 19).

*Oppose - May be seen to interfere with the autonomy of the judiciary, and should remain a discretionary power for police depending on the nature of non compliance . We support an education campaign to encourage all firearm owners to be security conscious.*

### **Reducing the number of grey firearms**

18 That it clarify the amnesty in section 10 (2) of the Arms Act 1983 and extend it to include MSSAs, “A” category firearms, and the handing in of firearms to the Police (page 21).

*No Objection - An ongoing de facto amnesty has existed since 1983.*

19 That the Police develop policy guidance so that, under the amnesty, when people hand in firearms that are unlawfully in their possession, or report firearms lost, stolen, or destroyed, the Police will have the discretion not to prosecute for the possession offence, subject to police inquiries not revealing offending other than breach of lawful possession of firearms(s) under the Arms Act 1983 (page 21).

*No Objection - This has de facto existed since 1983.*

### **Importing firearms into New Zealand**

20 That it ensure that visitors who have imported firearms and have been in the country for up to twelve months for a sporting holiday or competition should have the export of the firearms checked by the Police when they leave New Zealand (page 24).

*No objection – however provision must be included for lawful disposal to licensed buyers.*