

The Sporting Shooters Association of  
New Zealand Inc. Organisational  
Submission to the Ministry of Justice  
Regarding the Arms Act Rewrite  
Discussion Document



**A Submission Document compiled by order of the Committee on behalf of the SSANZ.**

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## Introduction

We would like to thank the Ministry of Justice for the opportunity to take part in the policy formulation process at such a foundational stage. SSANZ has spent a long time thinking about what is wrong with the current Arms Act and we have compiled this document, as well as supplementary documents and OIA requests, to constitute our organizational submission.

The Sporting Shooters Association of New Zealand Inc. (SSANZ), is one of a longstanding group of firearms stakeholder groups in New Zealand, being formally established in the early 1990's as a successor organisation to the NZ Shooters Rights Incorporated. SSANZ was a cofounder of the Council of Licensed Firearm Owners (COLFO) in 1996. SSANZ is not a gun club, nor does it own or operate shooting ranges. SSANZ is primarily an advocacy, firearms policy research, and investigative entity at present given the current consultation-dense environment. Whilst we have the capacity to join endeavors like FCAF, we choose not to pursue such options as we believe that this will constrain our ability to openly and freely advocate for firearms owners. We do however welcome engagement with the Firearms Safety Authority and have a pragmatic relationship with the Authority. Unlike COLFO and many of the member organisations, SSANZ prefers to operate 'outside the wire' to raise public and firearm-owner awareness of key issues, without the constraints or potential adverse leverage associated with taking part in Police/FSA-controlled committees.

SSANZ recognises the importance of such Committees and bodies, but believe we best achieve our objectives outside the practical confines of such arrangements. Compared to other COLFO organisations, given that our organisation is not associated with a specific shooting discipline, or interest group, our policy viewpoint, whilst informed by those who have knowledge from these disciplines and groups, does not automatically align with the viewpoints of the other member organisations. We pride ourselves on having healthy differences, and pragmatic discussions on policy positions with our partner organisations. SSANZ enjoys the maximum amount of flexibility in its policy positions, and it is not constrained in any way in the positions that it takes, whilst bringing an academic lens to the policy discussion to challenge preconceived notions, and build effective and workable policy positions. SSANZ also comments on firearms regulatory matters in general, rather than being constrained to some areas or others that impact a discipline, activity, or other niche, and we will engage and research any policy or legal issues as and when needed. A major guiding principle in our policy writing is to think of the 'average Joe' who is not affiliated with any established shooting organisation. We are always eager to get perspectives of unaffiliated firearms owners, and believe that their needs should be understood and accounted for. We are unique in this philosophy as we may look beyond our membership to try and better understand issues.

The organisation, whilst having provision to pay for a Treasurer or Secretary, does not currently pay anyone on the Committee. Everyone on the Committee is duly elected, and a volunteer which we believe is important. Our committee has a diverse range of members, one with a law degree and Honours degree in political science, others who are former servicemen from New Zealand and abroad, those involved in the collecting, theatrical, and living history communities, avid hunters and some that exclusively target shoot. Some participate in domestic and overseas competitions, those with dealer licenses, those involved in firearm small businesses, and those with small collections of firearms and those with relatively large collections. Until recently we also had Dr. Chaz Forsyth, a founding SSANZ member and the only person in New Zealand to gain a PhD in the study of firearms, as part of our Committee. His loss at such a crucial time in

the firearms policy discussion in NZ has had a large impact on many in and out of SSANZ, and this submission, guided by his input, hopes to honour his service to the community by providing a comprehensive and bespoke response to the Ministry of Justice. This response has taken many months and countless hours to prepare and produce, with much time spent deliberating policy positions and practicality with members and the Committee, and researching the necessary information. What was thought to be 10,000 to 15,000 word submission has expanded to just shy of 30,000 words, excluding supplementary documents, as more and more issues with the present Arms Act come to light, and policy proposals become refined and finalised. SSANZ represents a diverse variety of members who believe in our work and what we strive to achieve. This term of Government has seen us divert all our attention to engaging with the consultation processes in an effective and detailed way, diverting resources where required. We hope to be able to diversify our activities after consultation processes wind-down and grow our knowledge and expertise in the process. Our engagement as stakeholders, with the Ministry of Justice has thus far been positive and constructive and we hope that the MOJ continues on this path of genuine stakeholder engagement for all involved in the firearm policy space.

SSANZ would unreservedly accept any opportunity to speak to our submission if that was to be an option in the future. We would also wish to have an opportunity to make a in-person submission as an organisation at the Select Committee hearing for the new Bill when that happens.

## How is the Submission Structured

The SSANZ submission is written in more of a free-flowing policy document style than a simple Q and A format. We have used the theming to guide the organisation of the submission and what points we cover. This document highlights the SSANZ position on certain themed discussion points, and at times, also proposes policy that we hope will aid the MOJ Policy Team in understanding our views and workshopping policy their own proposals that will ultimately go on to form the new Arms Bill. We believe that in-depth policy proposals, particularly as it relates to the categorization of firearms, will be of use to the MOJ in their work. Other times, we identify technical issues that should be considered in the formulation of new policy. Where sources have been discussed, URL's are supplied, and where supplementary documents referred to, we have included these separately to the main document for ease of access but for the avoidance of any doubt, these documents are to be treated as part of our submission. The author intends to make an additional personal submission and therefore this submission should not be understood to be a personal submission.

## Theme 1

1. The purpose of the Arms Act as it currently stands is largely sufficient. We do however believe that subsection 2(a)'s regulatory regime principals statement that the use of Arms is a privilege, is superfluous and negated by subsection 1(b), and the regulatory regime principles are perfectly captured by subsection 2(b). The Act's purpose of imposing controls implies that the use of arms is subject to said controls, and is thus conditional. Therefore any regulations made to give effect to that purpose would have the conditional nature of arms use in New Zealand underpinning it. Beyond political posturing, we don't believe the statement of the regulatory regimes principles in this way serves any practical legal or regulatory purpose, as the regulatory regime cannot be at odds with the Act's purpose in any case. If the clause has no practical impact in the way the FSA conducts itself as the regulator, then it should be removed.
2. In relation to subsection 2, the regulatory regime principles, we would like to see the statutory recognition of legitimate and lawful possession, and use of firearms be recognised and when read in conjunction with paragraph 'b', would blend nicely in that the regulator must balance public safety with the recognition of legitimate and lawful use. Whilst we may have a legitimate reason to use and possess firearms, there needs to be a balance struck with personal and public safety in mind. This would more accurately encapsulate the risk based approaches that produce the new Act, as this approach aims to strike a balance between firearms being a legitimate part of society, and personal and public safety so far as it relates to firearms.

## Theme 2

### Calculating Overall Length

3. Overall length is one of those topics that has been steeped with complexity and ambiguity, especially as it relates to non-pistol firearms. SSANZ believes that overall length should be a variable that is considered in the designation of some firearms, however the articulation of this variable in the current Act is outdated. SSANZ would like to see a more modern articulation of what does, and does not, contribute to overall length as outlined below.

### Side Folding Stocks and Intention of Configuration

4. SSANZ would like to see law that accepts that the intended use of a folding stock is when it is folded to the maximum extent the firearm allows (sometimes accessories such as scopes and mounts block a stock from fully folding if it's a two-way locking stock) for transport, and then for use in its extended configuration. For the purposes of Overall length, any telescopic stocks will be configured at the shortest length of pull when measurement to take place. The reason this is important is to answer ambiguity on firearms where the folding of the stock, inhibits the discharge of the firearm, but results in the firearm being under 762mm. The ambiguity isn't in the 'blocking' of the action from firing. For example, a bolt action firearm with a stock that folds in a way that prevents the bolt from closing and the firearm discharging, would logically mean that overall length cannot be measured in that configuration as the firearm cannot function, so the question is, in what configuration can length be measured from. Currently this is the de-facto attitude towards firearms that 'fold' such as single shot shotguns and rifles.
5. However, where the ambiguity finds itself, in the example of a bolt action rifle, is that whilst the folding stock may inhibit function at the 'closed' position and the firearm would achieve minimum overall length requirements at the 'open' position, should overall length be considered at 'fireable' configurations between the fully open and fully closed position. SSANZ believes that to take overall length measurements between open and closed positions would potentially spur questionable policy positions for other firearm types that can be disassembled and still be fired.
6. For example, a Ruger 10/22 in order access the action to be cleaned, or to change the stock, the stock interfaces with the receiver. When the receiver is removed from the stock, the receiver is still functional and can be fired, and is under 762mm. It is impossible to remove the action from the stock in a way that inhibits firing, without subsequently removing the trigger mechanism, so having a 'functioning' firearm When a bolt action firearm is removed from the stock, they are still functional but also fall under 762mm as many common models retain their trigger mechanism with the action rather than the stock. Neither of these examples represent the intended fireable configuration of that firearm. Another grey area would be if somebody who did not have access to a folding stock on their chassis rifle, simply unscrewed their stock to enable transport, once again not in **intended** configuration for use but for transport. Many rifle chassis systems are modular by their nature, and a far cry from the one-piece hunting rifle stocks of the 1900's. To say that unscrewing a buffer tube stock from a chassis is lawful, but a firearm that inhibits function with a fully folded stock, but is unlawful for the brief



time the stock is being deployed from closed to open position and vice versa, is a inconsistent approach.

7. **It is the position of SSANZ that the consistent position to be taken on all overall length-related ambiguities is to accept that intended fireable configuration, in absence of evidence that a firearm is being used in a configuration under or over a certain length requirement (as the case may be), should be determinant of what that firearm's legal overall length is.** This would mean that those with folding stocks that inhibit the operation of the firearm when the stock is closed (to the fullest extent for that firearm), will be protected from prosecution. This protection would come into effect if the firearm is functional, and still under or over given length, at any position between the closed and open position, due not being in its intended configuration to be fired until the stock is open. As stated earlier, if a defendant is caught firing the firearm when it is under/over overall length, in this case with a partially unfolded stock, then the protections afforded by this approach do not apply.
8. This consistent approach would also protect those that partially disassemble firearms for transport, which is often the case in situations where space is at a premium in planes and cars. It would also protect those who have to remove functioning actions from stocks to clean or reconfigure a firearm. SSANZ believes that having 'intended configuration of fire' be a consideration in calculation of overall length of a firearm is an important, and pragmatic step as it erases ambiguity. The current Act has open-ended law that requires policy to 'fill in the gaps' and this has created complications, contradiction, and lack of policy longevity in some cases, for how FSA and Police interpret length laws. If overall length is to be a core consideration in classifying a firearm, then it needs to be as well defined as possible in law, so that policy isn't to be used as a crutch for vague or open laws.

## 'Pin and Welded' Barrel Accessories

9. Another point of ambiguity is how muzzle accessories contribute to overall length. Currently there is no legal clarification on this. SSANZ would like to copy the United State's approach to barrel accessories and how they can contribute to overall length. This is, if a muzzle device, such as a compensator, suppressor, or muzzle brake is permanently affixed to the barrel, such as via welding, then it should count towards overall length as if it were a barrel of the same length. Note that for 'baffle stack' modular suppressors, that allow one to extend or shorten a suppressor by removing sections of baffles, the suppressor would contribute to overall length as if it had all the baffles removed. If the baffles were to be welded in place, then it would be included in the overall length calculation.

## Standard Firearms

10. As a precondition, all **Standard Firearms must exceed 762mm** of overall length. Any Standard Firearm in all but overall length, or non-detachable magazine capacity, would

fall into the appropriate Controlled Firearm Classes. In addition to this requirement, the following class-specific criteria apply:

#### *Standard – Rimfire*

##### Manual Action

- Includes any rimfire firearm that does not meet the definition of a semi-automatic action such as pump, lever, bolt action, revolver etc.
- Detachable and non-detachable magazines are permitted, with a maximum capacity of at least 25 rounds.<sup>1</sup>

##### Examples of Firearms that fit this Class

- Browning BL22 (Lever Action)
- Alfa-Proj Carbine (Revolver)
- CZ 457 (Bolt Action)
- Rossi Gallery (Pump Action)
- Chiappa Little Badger (Break Action)

##### Semi-Automatic

- Includes any rimfire firearm that has a semi-automatic action.
- Detachable and non-detachable magazines are permitted, with a capacity of no more than 25 rounds.<sup>2</sup>

##### Examples of Firearms that fit this Class

- Ruger 10/22 (Detachable Magazine)
- Henry US Survival Rifle (Detachable Magazine)
- Tippman Arms M4-22 (Detachable Magazine)
- Rossi Rimfire 7022 (Detachable Magazine)
- Excel Arms Accelerator MR-22 (Detachable Magazine)
- Remington 550 (Tubular Magazine)

#### *Standard – Shotgun*

##### Manual Action

- Includes any shotgun that has a manual action, such as pump, lever, straight pull etc.
- Detachable and non-detachable magazines not exceeding 10 rounds<sup>3</sup> are permitted.

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<sup>1</sup> See discussion on Controlled Magazines and Rimfire Magazines below.

<sup>2</sup> See above.

<sup>3</sup> For tubular magazines, the magazine capacity is calculated based on the longest shell able to be chambered in question for shotguns and rifles (where applicable).

#### Examples of Firearms that fit this Class

- Mossberg 590M (Pump Action – Detachable Magazine)
- SKB 590 Field Over & Under (Break Action)
- Mossberg 395KB (Bolt Action)
- Remington 870 (Pump Action)
- Adler A110 (Lever Action)
- Adler B320 (Straight Pull)

#### Semi-Automatic

- Includes any shotgun that has a semi-automatic action.
- Unable to accept a detachable magazine.
- Limited to a magazine capacity not exceeding 10 rounds.
- Unable to accept a lower receiver that uses detachable magazines.

#### Examples of Firearms that fit this Class

- Benelli M4
- Stoeger M3000
- Mossberg 940 PRO
- Browning A5

#### *Standard – Centerfire*

##### Manual Action

- Includes any centerfire firearm that does not meet the definition of a semi/full-automatic action such as lever, bolt, rolling block, revolver, straight pull, pump action, single shot etc.
- Detachable and non-detachable magazines not exceeding 10 rounds are permitted.

#### Examples of Firearms that fit this Class

- Tikka T3X (Bolt Action)
- Rossi Puma (Lever Action)
- Alfa-Proj Carbine (Revolver)
- Ruger Number 1 (Rolling Block)
- Troy PAR (Pump Action)
- UTAS 516 (Straight Pull)
- Baikal MP-221 (Break Action)
- Remington Model 760 (Pump Action)

## Semi-Automatic

- For reference in this submission, a **semi**-automatic firearm must do the following as a result of a **single** actuation of the trigger:
  - The loaded round is fired; and
  - The expended round is removed from that chamber by the bolt under its own force; and
  - Where a new round is present, the bolt contacts the round, so as to feed it into the chamber.<sup>4</sup>
- Unable to accept a detachable magazine.
- Limited to a magazine capacity not exceeding 10 rounds.
- Unable to accept a lower receiver that uses detachable magazines.

## Example of Firearms that fit this Class

- SKS (Internal Box Magazine)
- Ruger Model 44 (Tubular Magazine)

## A Risk-Based Analysis to Explore Why Fixed Magazine Semi-Automatic Centerfire Rifles Could Be Treated as Standard Firearms

11. Before discussing this point, it is important to define to the reader what SSANZ perceives as key variables when determining the 'risk' a firearm may pose in a risk-based approach to regulation. The 'end result' that this approach is trying to mitigate from occurring is firearm crime, particularly death by firearm. There are two subsets of risk that need to be outlined, the first being the mechanical aspects of the firearm, in essence an appraisal of mechanical capability. The second is that of the user, which is being put to the side in this part of the discussion.<sup>5</sup> Together these two risk considerations form the backbone of a firearms regulatory system, it considers *who* can access firearms, and *what* types of firearms they may access.

### *Mechanical Capability*

12. Mechanical Capability is a system SSANZ believes can be used to quantify and contextualise 'risk profiles' for certain types of firearms, in relation to other types. The overriding question in relation to Mechanical Capability is to gauge a firearm's ability to function, with its function being the output of projectiles, or the firing of rounds. This has been attempted with the use of the tiered endorsement system historically, but even

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<sup>4</sup> For the sake of brevity and not having to create two definitions of semi-automatic action, open-bolt semi-automatic firearms complete this step after the trigger is actuated again rather than before, so in effect this step occurs first when the trigger is actuated rather than at the end of the cycle. Closed-bolt firearms, which are more common, will follow the cycle as set out above. Both are materially semi-automatic actions. Full-automatic open-bolt firearms result in an identical change in the order of actions.

<sup>5</sup> This is best addressed via effective licensing and vetting practices, as well as endorsements to allow for proportionately higher vetting for 'higher risk' firearms.

then, there have been some acute failures. The historic Military Style Semi-Automatic (MSSA) definition represented the biggest failure in risk profiling firearms.

13. This piece of regulation placed form, rather than function, on the regulatory pedestal. The law was fixated on the ability of a semi-automatic firearm to have a telescopic or folding stock, a flash hider, a bayonet lug, or a free-standing pistol grip which were all cosmetic in nature. None of these features materially contributed to the mechanical operating mechanisms of a semi-automatic firearm. The closest the Arms Act got to mechanical capability regulation in this case was a limitation on magazine capacity to 7 rounds, but this was largely negated by high accessibility to magazines over 7 rounds and their ability to be used in non-MSSA firearms. SSANZ stands by the fact that E-category was not a problem, to my knowledge there are no known cases of E-category endorsement holders committing crime with their firearms.
14. SSANZ believes that the ability for a firearm to readily accept detachable magazines is a key factor in gauging Mechanical Capability. The ability to accept detachable magazines has two core flow-on effects relevant to mechanical capability:
  - 1) It allows the user to quickly reload a firearm on depletion of a magazine, thus decreasing the time delay between periods of gunfire allowing for higher projectile output in a given time.
  - 2) It makes available the option of pre-loading multiple magazines in anticipation of later use.
15. The size of a magazine, and the ability to quickly change magazines is directly linked to the ability of the firearm to keep firing over a prolonged period of time. The above two factors will have different degrees of impact to mechanical capability due to action type being the other constraint on mechanical capability. The ability for a bolt action firearm to take a detachable magazine would not by definition give it the mechanical capability of a semi-automatic firearm that is able to take detachable magazines, the only comparable feature is the speed of which the firearm can be reloaded, not how fast it can then be fired.

#### *Mechanical Capability Applied*

16. To demonstrate this point we are making here, we can compare a range of firearms. A double-barrel rifle, such as a Baikal MP-221. This firearm will have 1 round loaded in each chamber, and a single actuation of the trigger fires one round, and a second actuation fires the second round. When the action is opened, the expended cases can be easily tipped out, and replaced by two new rounds.
17. The firearm we are comparing this to would be a semi-automatic firearm such as a Ruger Model 44, that has a one round magazine capacity, and one round in the chamber for comparisons sake.
18. Functionally, with one actuation of the trigger both firearms fire one round, and a subsequent actuation fires the second. Both can be fired as quickly as each other. The double barrel having the advantage of being able to quickly reload both chambers at once like a double barrel shotgun, and also due to a lack of an operating mechanism to

feed a new round into a chamber, virtually eliminating the ability of the firearm to jam. Whereas the tubular magazine semi-automatic requires one round to be placed in the chamber (either directly or via the tubular magazine), and another in the magazine, two separate actions.

19. Materially speaking one could argue that the round output potential is comparable, and that the speed of which they reload is also comparable. This begs the question, should they be regulated comparably as well? The type of action between a break action and a semi-automatic doesn't make either firearm inherently more 'dangerous' than the other when Mechanical Capability is appraised.
20. To further demonstrate this point, if a second semi-automatic firearm with a non-detachable magazine of 10 rounds was introduced to this comparison, this introduces some new considerations. This firearm, to load the magazine to full capacity, would take a greater time to do so than the other two firearms. This would allow for a longer string of fire compared to the other two firearms, before a pause in firing to reload the magazine which would take longer than the other two firearms. This provides the utility of additional follow-up shots, with the drawback of slower reloads. This would functionally result in the first two firearms pausing shortly more regularly to reload, whereas this firearm would pause less often, but when it does, it takes longer to fully replenish the magazine due to feeding more rounds into the magazine.
21. Comparing these three firearms to a semi-automatic firearm with a 10-round capacity but the magazines are detachable highlights a significant jump in mechanical capability. It would have the utility of fast cadence of fire like the first two firearms, but none of the drawbacks of the third firearm due to having a detachable magazine available to them. This ultimately means that there are fewer pauses between strings of fire if all four of firearms were fired at an equal cadence and compared. This example suggests that discussions about risk appraisals can get quite technical and nuanced and we hope the MOJ recognises this perspective.

#### *A Brief Note on Pump Action Detachable Magazine Firearms on A-Category*

22. The current regime holds Pump Action Centerfire Rifles and Shotguns in the same level of risk as a detachable magazine semi-automatic centerfire rifle or shotgun, requiring a P endorsement. SSANZ believes that this is an overstatement of the Mechanical Capability of the firearm, particularly when the centerfire rifles are a mainstream firearm in Australia.<sup>6</sup> It is objectively a manual action firearm, it is not by definition a semi-automatic firearm, it will never match a semi-automatic firearm with a detachable magazine in regards to Mechanical Capability, and would have a mechanical capability akin to a lever action or straight pull action firearm which accept detachable magazines. SSANZ advocates for all manual action (non-full/semi-automatic firearms) to be treated equally.

#### *The Arms (Military Style Semi-Automatic Firearms) Order 2019*

23. The above 'logic' was largely adhered to in multiple cases in a post-2019 context. The best example is the [\*Arms \(Military Style Semi-Automatic Firearms\) Order 2019\*](#) which

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<sup>6</sup> This would increase Australia-New Zealand competition participation. And create another revenue-raising opportunity from overseas license applicants.

reclassified any semi-automatic shotgun or centerfire firearm capable of accepting detachable magazines over 5 rounds to E-category. This was a step in the right direction but was only ever seen as a transitional measure before the Arms Act amendments were forced through with very poor consultation. SSANZ views this policy as sensible but it needed one core improvement, being that instead of allowing some detachable magazine semi-automatic firearms on A-category, the order should have outright barred detachable magazine ownership for A-category license holders beyond rimfire, and moved the remainder to E Category.

24. By deduction, this logic was later applied to the post-2019 Arms Act amendments as they relate to shotguns, prohibiting semi-automatic shotguns with detachable magazines, whilst allowing those with a tubular magazine on A-category. The post-2019 Arms Act signaled the acceptance that cosmetic features are not a valid consideration (beyond overall length) in firearm classification and SSANZ advocates for these cosmetic feature prohibitions to never return.
  
25. SSANZ believes that the only risk-conscious way that a semi-automatic centerfire rifle can be possessed on a standard firearms license is by ensuring that those firearms cannot accept a detachable magazine. SSANZ does not support detachable magazine semi-automatic shotguns and centerfire rifles being available on a base firearms license for the reasons outlined above. SSANZ supports fixed magazine semi-automatic rifles being available for use for hunting, preferably under a Standard License, but would be supportive of an alternative endorsement arrangement, such as these firearms being factored into the Hunting GFP, as a compromise.

## Controlled Firearm

26. Controlled firearms represent a consolidation of all the non-standard firearm classes, such as Prohibited, Restricted, and Pistols. **SSANZ has consulted with industry, and particularly with Prohibited firearms, the terminology confuses exporters overseas who do not wish to import a firearm that is prohibited, despite the current regime allows ownership of these same firearms.** Prohibited firearms are by no means 'prohibited' in the Oxford Dictionary's sense of the word. These firearms can still be owned, and given current terminology employed by certain actors referring to these types of firearms as a 'banned' firearm that is being reintroduced, this could not be further from the truth. The consolidation of the below types of firearms into a 'Controlled' firearm class both conveys the higher criteria needed to own these firearms, whilst also sending a clear message to exporters that these firearms are indeed legal to be imported. The General Controlled Firearm class is the reincarnation of P-category, with a key difference being the setting of a minimum overall length requirement. Handgun's see the consolidation of any and all firearms under 762mm that fit the definition of a pistol.

### *Controlled – General*

- Minimum Overall Length of 500mm.<sup>7</sup>

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<sup>7</sup> Prohibited Firearms are allowed to be under 762mm however no minimum has been set in the current Arms Act. This has resulted in the muddying of waters between a handgun, and a prohibited firearm as touched in the pistol magazine section. Having a minimum overall length would provide a clear

- Any firearm that is not Standard Firearm or a Handgun or Full-Automatic Controlled Firearm.

#### Examples of Firearms that fit this Class

- AR-15
- Zenith MP5
- Desert Tech SRS Covert (Configurations between 500mm and 762mm)
- Saiga 12
- Tavor SAR
- SKS (Only when configured to take detachable magazines)

#### *Controlled – Handgun*

- Overall length not exceeding 762mm, excluding non-permanent muzzle attachments.
- A firearm that is not a Standard Firearm, General, or Full-Automatic Controlled firearm, as it is designed or adapted to be held and fired with 1 hand.<sup>8</sup>

#### Examples of Firearms that fit this Class

- Browning Hi-Power
- Taurus Raging Hunter
- Pardini 22 L.R. SP RF
- Czech Small Arms Sa vz. 61 Pistol (with no stock)
- Thompson Contender Single Shot Pistol
- Ruger Mark IV

#### *Controlled – Full-Automatic*

- Any firearm that has a full automatic fire capability.
- For reference in this submission, a **full**-automatic firearm must do the following as a result of a **sustained**<sup>9</sup> single actuation of the trigger:
  - The loaded round is fired; and
  - The expended round is removed from that chamber by the bolt under its own force; and
  - Where a new round is present, the bolt contacts the round, so as to feed it into the chamber; and
  - The new round is fired.
  - The cycle repeats until ammunition is depleted, or actuation of the trigger ceases.

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delineation that any Controlled Firearm over 500mm, which isn't a Handgun or Full Automatic, is captured in the General class.

<sup>8</sup> The use of Pistol Caliber Carbine Kits/Pistol Chassis will not impact a Handgun's classification on account of adding a stock as the firearm is at its core, a Handgun, and retains Handgun ballistics. Provided that the Handgun's new length does not exceed 762mm on account of the PCCK's installation (Excludes temporary muzzle attachments etc), then recategorization to Controlled Firearm General is not necessary.

<sup>9</sup> Such as depressing the trigger rather than pressing it repeatedly.



## Examples of Firearms that fit this Class

- M16/M4 Rifles
- MP 40
- Glock 18
- MG-42
- AK-47

## Controlled – Other

27. Firearms that fit into this category would need to pass a legal test. The legal test would be a two stage test.

- *Is the item in question a ‘firearm’ for the purposes of the Arms Act, if yes, proceed.*
- *Is this firearm not captured by any other class of Standard or Controlled Firearm, if yes, then this firearm is a Controlled – Other firearm. If no, then it cannot be a Controlled Firearm – Other, and **must** be treated as the Class it falls into naturally.*

28. This class is not intended to allow for de facto recategorization on policy or political grounds, but as a ‘holding pen’ for oddities and other firearm types that may appear in the future that don’t fit the categories. **This class is intended to try and prevent the policy equivalent of forcing a square into a triangle shaped hole for the sake of expediency which very easily causes unforeseen complications from a regulatory perspective.** This would take away the reliance on orders in council to reclassify firearms and ensure that there are strong statutory underpinnings for any decisions relating to placing a firearm in this class.

## Controlled Magazines: Why and How the Regime Needs to Improve

29. The Controlled Magazine regime works on the premise that a Controlled Firearm Endorsement entitles access to Controlled Magazines. **Without a Controlled Firearm Endorsement, possession of a Controlled Magazine would be unlawful.**

Notwithstanding the below proposals relating to rimfire magazines, any centerfire, including pistol, and shotgun magazine exceeding 10 rounds would be classed as a Controlled Magazine. SSANZ abides by the notion that if one cannot satisfy the requirements of a Controlled Firearm Endorsement, then they are not fit and proper to have access to Controlled Magazines. Therefore we believe that a Controlled Firearm Endorsement is a necessary and adequate standard to possess Controlled Magazines, as these magazines may only be used in the same way the firearms held under that endorsement can be used. This means that a magazine can be used in a Standard or Controlled Firearm so long as the magazine is being used in compliance with the Controlled Firearm Endorsement. This will be discussed in the section detailing Grounds for Possession (GFP).

## Why Change Current Pistol Mag Laws for a Uniform Approach?

30. The current regime is flawed in that an individual who unlawfully possess a semi-automatic pistol with a magazine greater than 10 rounds, cannot be charged with the unlawful possession of a prohibited magazine. There is effectively no meaningful deterrent to criminal possession of pistol magazines which increases their likelihood of

being used in crime. At a minimum, there needs to be an offence regime that captures those who possess pistol magazines over 10 rounds without a suitable endorsement, and we believe our approval to regulate magazines purely on capacity is adequate.

**SSANZ is against magazine registration<sup>10</sup> on the basis that magazines can be cheaply sourced outside of lawful supplies, particularly via 3D printing, and law enforcement resources could be better allocated elsewhere.**

31. We do not believe the inclusion of pistol shooters, or any other endorsement holder for that matter, in the prohibited magazine regime, is conducive to public safety outcomes on the basis that 3D printing provides a far safer alternative source for criminals which cuts out the risks associated with straw purchasing and theft. We do believe that the current approach of allowing A-category license holders to possess pistol magazines that exceed 10 rounds does not amount to effective regulation and would like to see an offence regime, and endorsement requirements to possess magazines exceeding 'standard' capacity. We believe our proposal for 'global' capacity regulation for non-endorsement holders is sufficient.

*Unclear Delineation of Pistols to Prohibited Firearms leads to Unclear Delineation of Pistol Magazines to Prohibited Magazines*

32. **The delineation between pistol magazines and prohibited magazines is nothing short of a convoluted, and easily avoidable, mess as it is tied to the identification of pistol firearms.** To begin with, a pistol<sup>11</sup> covers a variety of sub-762mm firearms that don't fall into the other categories such as a semi-automatic pistol<sup>12</sup>, and a small semi-automatic pistol (for sporting pistol shooters)<sup>13</sup> which are both also required to be under 762mm. Under section 2A of the Arms Act, the two semi-automatic pistol definitions fall

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<sup>10</sup> We are aware that the existence of the 'firearms registry' is out of scope but what that includes may not be.

<sup>11</sup> **pistol** means a firearm (other than a prohibited firearm or restricted weapon) that is designed or adapted to be held and fired with 1 hand, and includes any firearm (other than a prohibited firearm or restricted weapon) that is less than 762 millimetres in length

<sup>12</sup> **semi-automatic pistol** means a firearm that is designed or adapted to be held and fired with 1 hand, including any firearm that is less than 762 millimetres in length and that when loaded, with each pull of the trigger,—

(a)

fires a cartridge and ejects the cartridge case; and

(b)

automatically loads another cartridge in the firearm's chamber (unless all loaded cartridges have been fired)

<sup>13</sup> **small semi-automatic pistol** means a semi-automatic pistol that—

(a)

has an overall length of 400 millimetres or less, excluding any silencer, pistol carbine conversion kit, or other muzzle-fitting attachment; and

(b)

has a barrel length of 101 millimetres or more; and

(c)

is capable of firing specified ammunition only at a muzzle velocity of 1,600 feet per second or less; and

(d)

is suitable for shooting on a certified pistol range

outside the Prohibited Firearm regime, but any firearm that is sub-762mm but doesn't meet the pistol definitions would indeed be a prohibited firearm, as there is no minimum prohibited length in law.<sup>14</sup> Under section 2B of the Arms Act, any semi-automatic pistols and small semi-automatic pistol magazines, fall outside the prohibited magazine regime. A prohibited firearm can be used with non-prohibited magazines, and interfacing a non-prohibited magazine like a pistol magazine, with a prohibited firearm, does not administratively create a prohibited magazine, as that would automatically result in the user being in possession of an unregistered prohibited magazine.

33. Where this creates tension is in instances of magazine cross-compatibility with prohibited firearm magazine types. Obvious examples include AR-15 pattern firearms that interface with pistol magazines. And there is currently a case before the courts concerning the classification of a M1A1 Paratrooper Carbine as a pistol, which will have significant impacts on the classification of M1 Carbine-variants that share magazines, which are currently treated as prohibited magazines.<sup>15</sup>
34. Beyond policy preferences, there is nothing in the law that currently precludes a prohibited magazine, that interfaces with a 'pistol', from escaping the prohibited magazine regime. This could result in some 30-round .223 Remington AR-15 magazines for example, being treated different from others on account of what firearm they supposedly interface with, rather than what the magazine is, in form and function. There is nothing in the law that requires a 'semi-automatic pistol' to fire a pistol caliber (beyond only pistol shooters being limited to 1600fps muzzle velocities), it could fire a normal rifle caliber. A pistol just needs to be a firearm that can be fired or held with one hand, and is under 762mm, which arguably captures most firearms with a foldable stock or no stock.
35. On the face of it, the current magazine regulatory system is riddled with contradiction and technicality that needs to be reviewed, and significantly simplified. A well functioning system shouldn't be having problems identifying what it does and does not regulate, **nor should it serve as a loophole for criminals by effectively incentivising them to illegally possess pistol magazines, and pistols, on account of them not being captured by the prohibited magazine regime. A criminal who is caught with a handgun and a magazine over 10 rounds, should be able to simply be prosecuted for the magazine on account of its capacity, but under the present regime, section 22A only guarantees a maximum of a \$10,000 fine as opposed to a maximum of 2 years for a prohibited magazine in section 50B.** The present regime sees no difference between a magazine for a hunting rifle that holds 4 rounds, and that of a 30 round magazine for a Glock pistol from an enforcement perspective. SSANZ questions how this approach is effective at deterring crime, and would like to see a regulatory approach

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<sup>14</sup> When the defining feature of a pistol in the Act is being 'designed or adapted to be held and fired with 1 hand' which is a very subjective definition, this has led to a clear delineation between what is and isn't a pistol not eventuating.

<sup>15</sup> See *Carvell v Police* [2024] – CIV-2024-004-000601 (Judgement pending at time of writing, information on citation beyond CIV number is limited.)

that eases compliance whilst ensuring the regime is effectively protected, via a robust offences regime, from criminal threats.

## Rimfire Magazine Regulatory Settings

### Proposal A: Rimfire Carve Out (Higher Risk) from Controlled Magazine Regime – Treat as Standard Magazine

36. **Rimfire firearms are a mainstay in the firearms world of New Zealand, and are relied upon by farmers, pest controllers, and target shooters in everyday activities. SSANZ proposes that the only requirement to possess a rimfire magazine of any capacity should be to hold a Firearms License.** In effect this would entitle license holders to own rimfire magazines of any capacity.
37. SSANZ takes inspiration from the United Kingdom’s approach to magazine regulation but recognises its shortcomings. The first key flaw is that there are no laws against the possession of any magazine without a license, and the second is that there are no additional regulations based on capacity for centerfire, or shotgun magazines. SSANZ believes that any magazine should require a firearms license at a minimum, to possess. SSANZ believes that when risk-based approaches are to be considered, the object is to find the point of convergence that strikes allowing fit and proper people to conduct their activities without undue interference, whilst accounting for those who wish to use firearms illegally to the detriment of the public. This approach recognises the legitimate place firearms, firearm activities, and the ancillary items such as magazines, have in our community.
38. In this proposal, SSANZ does recongise, of the two proposals, this does require a higher risk appetite to enact, however we believe these risks can be balanced. The core of this proposal is to remove magazine capacity restrictions for solely rimfire firearms. This would allow collectors, pest controllers, hunters, and sport shooters to possess and use (where applicable) these magazines without a Controlled Firearm Endorsement (which grants use and possession of Controlled Magazines).

### Rimfire Ballistic Capability Analysis – A lesser ‘risk’ than centerfire firearms.

39. SSANZ believes that Rimfire firearms are of comparatively lower ‘risk’ ballistically speaking and therefore warrant a lesser degree of regulation over magazines compared to centerfire cartridges and shotguns. This is by no means an attempt to diminish the caution and respect afforded to Rimfire firearms, it is quantifying them next to centerfire cartridges to enable comparison.

#### *Rimfire Ballistics Comparison to Pistol and Rifle Centerfire Cartridges*

40. This proposal recognises the comparatively lesser ballistic capability of rimfire firearms, with all commercially available rimfire ammunition not exceeding 500 foot-pounds of energy, or roughly 680 Joules. The closest rimfire cartridge being .17 WSM that struggles to exceed 400 foot-pounds, and .22 Magnum ranging from 280 to 340 generally, and .22 Long Rifle ranging between 100 to 225 foot-pound of energy. These numbers are quoted from open-source data by ammunition manufacturers, and require longer barrels to

achieve advertised muzzle velocities. In reality, rimfire firearms often struggle to meet the velocity (and therefore kinetic energy) levels stated on the box due to using shorter barrels to what manufacturers use to measure velocity. These cartridges are well suited to small game pest control and hunting.

41. To put the above figures into context, 9mm NATO/Parabellum out of average pistol barrel (approx. 4.5 inches) will easily exceed the kinetic energy readings at the muzzle for a rimfire rifle with a barrel of 16 inches if not longer. **Rimfire rifles are by no means comparable to centerfire rifle cartridges, and are eclipsed by most modern handgun cartridges with barrels less than a quarter of the rimfire rifle barrels' length.** 223 Remington has muzzle energies approaching and exceeding 1,000 foot-pounds of energy with a barrel of similar length to a typical rimfire rifle.

#### *Inherent Limitation in Rimfire Cartridge Design*

42. In addition to this, rimfire cartridges are not as reliable as centerfire cartridges. The cheaper rimfire cartridge's method of ignition is through striking the rim of the cartridge base, rather than the center. This does result in higher rates of failure to ignite, especially in cheaper bulk ammunition, than in centerfire ammunition. Higher-quality rimfire ammunition generally has lower failure rates than poorer-quality budget bulk ammunition.

## Contextual Factors in New Zealand that Influence a Risk-Based Approach to Rimfire Magazines

43. In discussing this proposal, SSANZ believes it's important to ground this policy in the New Zealand context. The first of which is that due to the poorly executed law changes in 2019, there are still a lot of lever action rimfire firearms with magazines exceeding 10 rounds appearing, and being told to their surprise that the firearm is regulated as if it is a AR-15.<sup>16</sup> This means that it can be safely assumed that there are a lot of individuals who believe that the only firearms that were banned were semi-automatic centerfire rifles, rather than the older style tubular magazine lever action or semi-automatic rimfire rifle. **Regardless of whether the 'A-category register' is retained, the need to bring these 'grey' firearms back into lawful circulation is conducive with enhancing public safety.** This also supports the need for a more effective surrender and amnesty regime which will be discussed later. **Classing some rimfire firearms as Prohibited Firearms is an over-exaggeration of the risk these firearms posed to the community.**
44. Whilst SSANZ has evidence via OIA that unlicensed sources within New Zealand are caught mostly with full-length rifles (which includes rimfire and centerfire rifles)<sup>17</sup> with full-length shotguns coming second, we believe that an appropriate offense regime can account for a limitless rimfire magazine capacity. There needs to be an effective deterrent factor to ensure magazines are not sourced from the legitimate firearms system and used by those without a firearms license in criminal activity.

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<sup>16</sup> Discussed further in a later section.

<sup>17</sup> See Supplementary OIA "A"

### *Potential Offense Regime to Account for Risk*

45. Given that this policy would result in rimfire magazines falling outside the Controlled Magazine framework, this would mean that a separate offense would be needed. The offense would lead to an equivalent maximum sentence to that of unlawful possession of a Controlled Magazine. SSANZ recommends that this offense would be worded to the effect that possession of a rimfire magazine exceeding 10 rounds (including non-detachable magazines), without a firearms license (accounting for supervised use) would be an offense equivalent to that of unlawful possession of a Controlled Magazine. This offense should apply to the rimfire magazines regardless of if they are fixed to a firearm or not. In the case of a tubular magazine-fed firearm being unlawfully possessed and having a magazine exceeding 10 rounds, the magazine should be treated as a separate chargeable issue.

### Proposal B: Rimfire Magazines over 25 rounds to be Treated as Controlled Magazines (Lower Risk)

46. The secondary proposal for how to handle rimfire magazines follows the same rationale as above for the purposes of risk analysis relating to rimfire cartridges, and New Zealand's contextual factors that are relevant to this regulatory setting for rimfire magazines. **The risk of tubular-fed magazines circulating on the 'grey' market, as stated earlier is a large motivator for calling for an increased capacity of rimfire firearms at a minimum.** For example, a lot of lever/pump action 22lr firearms often have magazines between 10 and 16 rounds, however, .22 Short lever/pump action firearms often have capacities into the lower 20's.
47. SSANZ recognises that a 'limitless' capacity may not be something that the Government is willing to accept based on their risk appetite, despite our insistence. If this is the case, SSANZ proposes that the maximum capacity of a Standard Rimfire firearm should be no less than 25 rounds to accommodate older 22 short lever actions, and provide adequate capability for Standard License holders for pest control, hunting, and target shooting. This would mean that any rimfire magazine above that would be captured by the Controlled Magazine framework. Alternatively, the above offence regime could still be incorporated so as to make unlawful possession of rimfire magazines exceeding 10 rounds an offense equivalent to a controlled magazine.

### Surrender Processes, Risk, Arbitrary Outcomes, and Opportunity

48. **To call the Surrender mechanisms in the Arms Act an 'amnesty' regime exaggerates the protections given to those trying to comply with the law.** Under sections 59A and 59B, there are mechanisms to surrender a firearm to a Dealer or the Police directly. The only protections awarded to any party involved in the process are to that of recipient Dealers who are not required to document details that they would normally document when taking possession of a firearm. **There is no immunity or protection granted to the person surrendering the firearm, just an assurance that the dealer will not pass on their personal details.** In the case of 59B, the provision reiterates the inherent discretion Police have to initiate prosecutions, this not specific to the Act, but a universal ability Police have as law enforcement. These provisions do not prevent charges from being placed, or from Police/FSA from entering an investigation. Whilst Police have insisted they have never requested CCTV footage of a dealer receiving

surrendered firearms, there is nothing to prevent them from seizing or otherwise accessing said footage. There is no bar to them gathering intelligence in relation to who is surrendering firearms.<sup>18</sup> This means that those who are trying to do the right thing, are putting themselves at legal risk to boost public safety. The usage of facial recognition technologies by Police is [well documented](#), as well as vehicle number plate tracking platforms.<sup>19</sup> A notable example is Auror, which was introduced by Food Stuffs North Island, [to their stores after initial trials in October of 2023](#).

## High Perceived Risk of CCTV, Coupled with No Immunity May Serve as Deterrent to Firearms Surrender Regime

49. The reason Auror and Food Stuffs is relevant to this discussion, relates to the alleged offending of former MP Golriz Ghahraman. Whilst she was appealing the Court rulings relating to initial offending, Police believed that there was a subsequent incident of offending that had taken place at Royal Oak Pak'nSave. This was raised unsuccessfully by Police during Ghahraman's unsuccessful High Court appeal against four counts of shoplifting. Food Stuffs confirmed that they had not made a complaint with Police about this alleged instance offending, yet Police insisted that offending had occurred.
50. Whilst Police won't disclose their source of information, Auror has clarified that Police can access their databases independently, with this case proving as much.<sup>20</sup> CCTV cameras carry immense risk, and Police's willingness to use facial recognition technologies for their own endeavors cannot simply be ignored. Returning to a Arms Act context, the only two legitimate options of surrender, unless a dealer wishes to travel to the person who wishes to surrender a firearm,<sup>21</sup> are covered in CCTV cameras. Be it in the stores, or where there are adjoining businesses, or the dealer is located in a wider shopping complex. **This results in quite a large amount of perceived risk exposure, which only adds to the fact that the person supposedly doing the right thing, is still liable for prosecution.** We do not see this as aiding in better public safety outcomes.

## FSA Arbitrarily Destroying Surrendered Prohibited Items is Counter Productive

51. Whilst SSANZ could spend considerable time and effort documenting the many examples of where the FSA has gone out of their way to be as arbitrary as possible, there is no better example than how they treat prohibited firearms after they have been surrendered (often seized) from license holders who were trying to comply.
52. The Firearms Safety Authority has an inflexible attitude towards prohibited firearms in isolation. There has historically been little issue with registering pistols, machineguns, or normal A-category firearms. This has resulted in the preservation of firearms with personal, historical, and financial significance, which SSANZ commends. **However, the FSA has time and time again chosen to discriminate against those who wish to**

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<sup>18</sup> See Supplementary OIA "B"

<sup>19</sup> <https://www.rnz.co.nz/news/national/522447/police-cameras-multiple-court-challenges-to-use-of-number-plate-identification>

<sup>20</sup> <https://www.nzherald.co.nz/nz/golriz-ghahramans-paknsave-shopping-incident-highlights-police-use-of-auror-retail-crime-database/KUAZU65F7FD5TDXAC5IAW4MLKY/>

<sup>21</sup> This can pose personal safety risks to the Dealer.

**register Prohibited Firearms. There appears to be no semblance of a risk-based approach in this situation. Any Prohibited Firearm surrendered to Police/FSA is destroyed. The person surrendering a semi-automatic firearm would have a easier time keeping it if they modified it to be full automatic, taking it from Prohibited to Restricted.** There doesn't appear to be any provision in the Arms Act the specifically mandates the destruction of all Prohibited Items they receive. There is however a potential answer found in the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Bill, contained within the [General Policy Statement](#). It is believed that this is the only basis for which FSA could derive their hardline policy stance for destroying solely Prohibited Firearms. SSANZ believes that this approach is flawed for many reasons as will be elaborated below.

53. During the buyback period, there was an option to modify firearms, as opposed to selling them in the buyback. This was mostly aimed at tubular magazine-fed firearms, that but for their capacity, would be an A-category firearm. A simple crimping of a magazine tube would result in the firearm having a compliant magazine capacity, during the buyback period this work could only be done by Police-approved gunsmiths, at the expense of the Government. There was no question of the compliance of the firearms that had work done to them. Current Police/FSA policy is to treat the conclusion of the program as a deadline for all prohibited firearms to be modified, anything after this deadline cannot be modified as a matter of FSA/Police policy. In reality though, if one were to remove the tubular magazine and register the remaining firearm as parts, or crimp the magazine tube prior to registration, there would be no problem practically speaking.
54. However, now that the buyback period has concluded, FSA is taking a ruthlessly inflexible approach to firearms that would have easily been modified to comply with A-category, barring them from modification at the expense of the owner. SSANZ is aware of a handful of cases but two stand out. Last year, we were made aware of an instance where a person attempted to register a 7 round semi-automatic shotgun, unaware that the capacity had been lowered to 5 from the historic 7 for A-category. A lot of people have historically had trouble keeping up with the flurry of law changes post-2019, and these cases prove that. A lot of people incorrectly presume that the ban exclusively impacted semi-automatic centerfire rifles or even purely MSSA's. This firearm was taken to a gunsmith to crimp the magazine, but was seized by Police before the work could be done. FSA then required the person to lodge an application for a Prohibited Firearm endorsement and procurement applications, and that application was then rejected. Ultimately the FSA refused to back down from their position and the shotgun was ultimately destroyed. How this outcome aided public safety outcomes is hard for SSANZ to reconcile, the firearm was in a position to have the work done to make it compliant. All this did was force the individual to ultimately buy another shotgun which could have been the same make and model, but with a compliant magazine from the factory rather than from a gunsmith.
55. Another instance I have been made aware of was the registration of a Mini-14 semi-automatic firearm that had been given to a dealer. The FSA was very quick to take the position that the firearm and its accompanying magazines, cannot be registered and must be destroyed. However, the Police and FSA have long taken a stance of 'once a



machinegun, always a machinegun'<sup>22</sup> in that they do not recognise gunsmith work to make a firearm semi-automatic only.<sup>23</sup> The firearm in question was actually a former standard issue firearm for a Police force in Europe. It had the full automatic capability removed, and any markings indicating that it used to be a AC-556 were removed and Mini-14 markings put in their place at some point in the firearm's lifetime. This revelation meant that what initially appeared to be a Prohibited Firearm to the untrained eye, was in fact a Restricted Weapon, and this was the sole the firearm and magazine were able to be registered.

56. Another example that is quite recent is that of a person attempting to register a 15-shot rimfire pump action rifle. He was made aware that they would need an endorsement to possess the firearm. Once again, this is a tubular magazine-fed firearm so a simple crimp on the magazine would render this firearm compliant. Instead, FSA said that the only option available was to apply to keep the firearm as a memento/heirloom. The firearm was significant as his father had purchased the rifle on the day he was born. The firearm was given to the local Arms Officer for safekeeping for 12 months, a P-cat certified safe was purchased and security arrangements put in place. Eventually the endorsement application for an heirloom came back as successful, and the applicant went to the Arms Officer to retrieve their gun. The Arms Officer contacted the FSA to confirm the arrangements, and the FSA told the Arms Officer that the prohibited firearm must be destroyed and cannot be returned to its owner. The Arms Officer is alleged to have been visibly upset by this outcome, as was the owner.
57. The endorsement webpage on the FSA website says that prohibited firearms can be held as heirlooms or mementos, so why the FSA took this position is truly a mystery given that it is FSA gave the applicant an heirloom/momento endorsement. **The FSA has subsequently advised that simply unscrewing a over-capacity tubular magazine from a firearm and registering that firearm's receiver as a incomplete firearm, ie a assortment of parts, is also unlawful. As is modifying any prohibited magazine to be in compliance.** Why the FSA is choosing to 'die on this hill' when they will struggle to prove at what time a firearm was modified unless a person admits to doing it past the deadline is questionable. This is a far cry from the 'hearts and minds' approach the FSA should be pushing with firearm license holders. The arbitrariness of this policy would force a person with a 15 round lever action to have it destroyed, and go to a Dealer and purchase an identical make and model firearm with a compliant magazine tube, instead of just being allowed to surrender the magazine tube, or modify its capacity. How this is a productive use of the FSA's time is beyond the scope of this submission, but we believe it captures the overall dynamic between license holders and the FSA quiet well.<sup>24</sup>

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<sup>22</sup> In keeping with the United States Bureau of Alcohol, Tobacco, and Firearms' historic stance on not permitting converted full automatic firearms to be treated as anything other than full automatic firearms.

<sup>23</sup> This position more or less prevented further conversions being made, but did not reclassify those that were already converted in a pre-2019 context. It is unclear if the remaining converted firearms were moved to C-category post-2019.

<sup>24</sup> Recently, the FSA has indicated that there is to be a 'stay of execution' for the firearm in question. We believe that this situation has caused the FSA to pause and think about their policies and the related reputational damage, however we have received no indication that this may produce a universal change in policy, and believe a case-by-case exception to the rule is the most likely decision, if any decision is to be made at all. As at time of writing, this matter is still a 'live issue.'

58. The two above examples relating to tubular-fed magazines could have been solved by swapping tubular magazines, or crimping the one that came from the factory. Talking to members of the community who have been through similar experiences, it made them never want to uplift grey/black market firearms and deal with the FSA ever again, or to avoid the FSA as much as possible full stop. This is a disappointing, but common outlook. The arbitrariness of the FSA has made cooperation with them an unpalatable concept for many. We don't see how driving people away from working with the FSA helps the FSA in its mission of increasing public safety. Unfortunately, their outlook on prohibited firearms specifically, and their policy-imposed need to destroy any and all that fall into their possession, has left a sour taste in the small section of the community who are in a position to locate, retrieve, and register these firearms.
59. The legally enshrined ability for any firearm surrendered to the FSA for registration to be retained by a license holder with suitable endorsements would be a very positive step in ensuring that all firearms surrendered are treated the same. It would also significantly constrain the FSA's ability to make arbitrary decisions, with the above examples not being rare occurrences. **SSANZ stands by the fact that if a new system allowed those with the correct license/endorsement who surrendered firearms to retain them provided they were endorsed, there would be an increased rate of surrender and registration of firearms of any type. The ability to retain a firearm would be the main incentive to surrender and register the firearm.** SSANZ is fully supportive of mending the license holder communities relationship with the FSA and Police, after what can only be described as over 5 years of adversarial confrontation, but we see the only way that this can happen is by constraining policy by ensuring the legislation is well written. Seemingly limitless policy mandates enjoyed by the Police/FSA have been the cause of much tension and needless conflict, such as the needless destruction of surrendered Prohibited Firearms.

## License Holders as an Untapped Opportunity for the Surrender Regime, 230,000 Opportunities to Make New Zealand Safer

60. **License Holders should be formally recognised and protected in the surrender regime, and should be encouraged to work with dealers, FSA, and local communities they have links to, to secure firearms held on the grey and black markets. It makes no difference to public safety whether or not these firearms are destroyed, or possessed by suitably qualified fit and proper license holders.** If the new Act cannot guarantee an unconditional amnesty to those surrendering firearms (a preferred outcome of SSANZ), then there should be provision in the Act to not require a license holder to retain particulars much like that of a Dealer at a bare minimum.
61. **The fundamental advantage to introducing license holders into the surrender process is that those who illegally hold firearms, will be most likely to approach those who they know, rather than a Dealer or Police Officer. These license holders are also the most accessible particularly in rural communities or communities where historic tensions with Police have entrenched distrust, and where gun stores are not anywhere nearby.** A familiar face can make those who wish to comply feel safe which is half the battle when getting somebody to want to comply, as they simply wont

go out of their way to put themselves at risk. The license holder personally knowing the person who wishes to surrender a firearm may also enable license holders to come to the persons location, as there is a mutual feeling of safety. This may open additional opportunities for surrenders to take place.

62. SSANZ stands by the notion that a firearm uplifted from the grey or black market is a firearm that now poses significantly less risk to the Community. Our primary objective in this space is to increase the amount of firearms that can be removed from illicit circulation, and dispose or rehome those firearms in the possession of fit and proper people with suitable endorsements. These firearms should be turned into FSA for initial inspection but should be returned to the person who surrendered them, a designated third party, or destruction if nobody wants the firearm. Permits to procure should have an option for 'surrendered' firearms where the details of the supplier are not required for the purposes of the initial transfer into the lawful system. The key indicator of success is the capture of firearms by the lawful regime, the Act should do everything in its power to enable this to happen.

## Buybacks and Amnesty

63. SSANZ believes that having buyback and amnesty provisions explicitly written into the Act is important. Whilst Parliament may go on to amend these laws in the future, it is important that as a starting point, there are buyback provisions written into the Act. **SSANZ is fully supportive of a unconditional amnesty on any and all surrenders of firearms. We believe the lack of legal protections for those surrendering illegally held firearms is a major inhibitor.** As stated above we want license holders to be recognised and protected for the purposes of receiving surrendered firearms, where they can then present them to FSA for inspection, and eventual registration or other legitimizing process to bring the firearm into the legal firearm ownership space. However we do have one key point to discuss, and that is with fair and equitable compensation.
64. When the post-2019 buyback happened a recurring complaint was the generally poor compensation that was given to people. The base prices were noticeably under retail value, and meant that anyone who purchased firearms at retail prices experienced a financial loss. Even those who purchased firearms second-hand at a discount, experienced losses. On top of this then there was condition grading, with the best condition firearms not receiving 100% of the base price. **SSANZ would like to see all firearms paid for at retail prices, calculated from the day prior to the law change or the event that triggered a law change, so as to gauge a accurate market value.**
65. We do not believe that wear and tear are factors in pricing, and that the key delineation should be if it's a functional firearm, or a 'parts gun.' The Government in a buyback is not looking for quality firearms in good condition, they are looking for firearms to destroy, so condition should not be a primary concern. Enticing people to a buyback by ensuring they are adequately compensated is in the publics interest, not trying to strike a bargain. We believe that a simple retail price of a brand new firearm, for any firearm of that make and model would have tangibly boosted compliance as people would not have felt they were being 'ripped off.' With a very large number of people who used their firearms receiving the 'Used' or 70% of base price, there was no winning of 'hearts and minds.'

People who purchased a firearm on March 13<sup>th</sup>, 2019 and had never been able to use the firearm once, only received 95% of a base price that was under retail value. SSANZ also believes that Dealers should be compensated at the wholesale price they paid for the firearms in their stock.

66. **SSANZ cannot understate the importance of not mistreating people who want to do the right thing. Equitable outcomes need to be guaranteed for those participating in any buybacks.** The Government's main objective in a buyback is capturing as many firearms as possible that fit a set criteria, so if that is more likely to be accomplished by guaranteeing retail prices regardless of condition for a functioning firearm, SSANZ struggles to see how that is not a step in the right direction.

## Firearm Modification and Recategorisation

67. During the buyback, the Police approved a number of gunsmiths to do modifications to 'convert' newly Prohibited Firearms to A-category configuration. Prior to 2019, converting a E-category firearm to A-category configuration was also not difficult to do either.<sup>25</sup> A few collectors of old World War 2 firearms were able to permanently convert their full automatic firearms to semi-automatic to allow for use in Service Rifle competitions. **SSANZ believes that recategorisation of firearms is possible, and each conversion needs to be looked at objectively, and verified by a Arms Officer to be compliant.**
68. One example from one of our Committee members about the problems they encountered with conversions in a post-2019 context was during the second round of buybacks that prohibited detachable magazine pump action firearms. He began exploring options to make the firearm compliant, and to keep it on A-category as he liked hunting with it. The firearm he wanted to convert was a Troy Pump Action Rifle, a non-milspec AR-15 style pump action rifle. The upper and lower receiver design meant that locking a magazine permanently in the lower receiver so as to make it non-detachable was achievable in practical sense. He consulted with his Arms Officer, who said that it would be, by strict letter of the law, compliant in that the magazine could not be removed without the use of tools. However the Arms Officer could not give a written assurance that this position would endure, thus ruling out future enforcement action. Given the arbitrary decisions relating to converting tubular magazine fed firearms, it can be confidently concluded that had he decided to keep the firearm, he may have encountered problems.
69. Making a firearm compliant with a category it did not begin with is in most cases, not difficult from a practical or technical perspective. The only inhibiting factor is the bureaucratic and arbitrary stance taken by the FSA towards recategorizing firearms, especially former prohibited firearms. SSANZ is a big proponent of there being a legal avenue for any firearm to be recategorized and certified by an approved gunsmith on behalf of the FSA. It is clear that the FSA is denying this ability to do so not on practical grounds, or for lack of quality or capacity to do conversions, but for purely policy

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<sup>25</sup> The author had a M1 Carbine-style firearm moved off E-category and recategorised to A-category, which took a Dealer approximately 3 weeks to achieve, with a gunsmith being required to remove a bayonet lug, and over capacity magazines being traded for 7 round magazines. It was a painless experience.

reasons. We do not believe this is the right or effective approach to take in order to enhance public safety.

## Pistol Caliber Carbine Kits Treated as Normal Stocks or Chassis

70. **SSANZ questions why pistol caliber carbine kits (PCCK) require their own permit to procure when the firearm it would interface with is a handgun that requires its own endorsement and permit to procure.** We do not see how the added layer of a permit to procure increases public safety. SSANZ believes that if the regime were to permit a return of sport/recreational shooting with semi-automatic centerfire firearms then that would make the regulation of PCCK's a moot point as the capabilities of a rifle would greatly exceed that of a pistol that is trying to emulate a rifle.
71. As stated earlier, SSANZ does not subscribe to the notion that for what is essentially a pistol chassis, warrants any extra controls compared to a rifle chassis. We see PCCK's as a back-door cosmetic law akin to that of the definition of a MSSA in that, a pistol can be just as accurate, shoot just as far, and shoot just as fast as a pistol without a PCCK. Ultimately the utility of a PCCK, compared to a pistol without one, comes down to training, rather than what accessories one places on a firearm. Competitive pistol shooters can be just as proficient with the pistol with and without a PCCK if they train either way, and one will find that at some point their capabilities end at the same limit, as ballistically speaking, the two firearms are the identical. The accessories can help, but we do not see how it is anything other than a handgun or pistol at its core.
72. PCCK's as a concept represent a over regulation of what is a very highly regulated part of the shooting community, for what is a chassis for a small firearm. Any advantage a stock can give from a PCCK can be had by a pistol shooter who trains regularly as instead of mitigating recoil with one's hands and shoulder, they are mitigating recoil with just their hands. The public safety risk of allowing PCCK's to proliferate is unfounded on the basis that PCCK are not a risk on their own, and what makes them a public safety 'risk' is a highly regulated handgun. We advise that PCCK's do not require their own permit to procure, and we would not be opposed to them being treated as a regular chassis and thus not a regulated part. The secondary preferred option is to have PCCK's treated in a similar way to a Controlled Magazine in that simply having a Controlled Firearm Endorsement entitles the license holder to purchase the PCCK, and there is no need for a permit to procure.

## Regulated Items

73. SSANZ believes that the only parts of a firearm that should require a firearms license to purchase are those that ensure the firearm can function. Accessories, stocks, suppressors, and other currently listed Arms Item's that are not essential to the firearm's ability to discharge a projectile, should not require a firearms license to own. **We believe that only frames, receivers and upper and lower receivers should be serialized.** We also believe that in the context of upper and lower receivers, these can be mixed and matched, and the uppers and lowers should not have matching a serial number. Below is a list of what SSANZ believes should require a license to possess:

- Any firearm

- Barrel
- Bolt, Bolt Carrier, and Bolt Heads
- Frame or Receiver, including Upper and Lower Receivers
- Trigger
- Detachable and non-detachable magazines.
- Ammunition

## Controlled Parts and the Flawed Prohibited Part Regime

74. **Controlled Parts should be defined as any of the above specified items that are exclusively compatible with one or more types of Controlled Firearm, handgun frames would be an example.** If a part is cross compatible with Standard Firearms, it cannot be a Controlled Part in any case. Controlled parts require a controlled firearm endorsement to possess. SSANZ does not believe that the banning of bump stocks, or components that make a firearm ‘near’ semi or full automatic has merit, as the firearm’s capabilities are still fundamentally that of the action type in question. If a firearm were to be converted from a manual action to a semi-automatic action that is different, but making a action work ‘faster’ without materially changing its mechanism of function should not be illegal. ‘Near’ semi-automatic or full-automatic is a very subjective definition that can lead to de-facto banning of firearms for political reasons, rather than objective technical reasons. SSANZ is concerned that forcing the Government of the day to answer ‘how near is too near’ to semi or full automatic is a very slippery slope, and giving license to a regulator to figure it out is a dangerous move.
75. The part that does not change the action type but makes it work ‘faster’ does not increase the effectiveness of the action type from what it already was prior to modification, as the action is still limited, but now just easier to use for those who do not train regularly. Bump stocks for example are just a novelty item, they are not used in combat, and can even cause reliability issues on some platforms. They do not increase the maximum rate of fire of the system in a mechanical sense. SSANZ subscribes to the notion that a firearm is or isn’t semi-automatic, and is or isn’t full-automatic and therefore ‘near’ semi-automatic and full-automatic are not by definition semi-automatic or full-automatic. Therefore, they should not be able to be regulated as such. This would mean that a firearm’s mere ability to eject a shell after actuation of the trigger, but not feed a shell without an additional action, should fall short of being regulated in the same light as semi-automatic firearm. This is the approach taken in some Australian states.
76. All section 2C(b) does is enable the moving of regulatory goal posts and arbitrary decision making that in theory, could be misused to such an extent that a straight-pull action or lever action could end up being too ‘near’ semi-automatic due to subjectivity. For example, in Australia, there was great fear generated over a lever action shotgun known as the Adler A110, with many anti-gun groups and politicians referring to it as a weapon of war, rapid fire capable, or an ‘assault weapon’ when it was fundamentally a manual action firearm that has never seen military service.<sup>26</sup> Objectively speaking it is none of these things, but perception of a firearm’s ability in a political context often

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<sup>26</sup> The first tubular magazine-fed lever action shotguns appeared in the mainstream with the Winchester Model 1887, and a later updated Model 1901. The model number denotes the year of first production. The Adler was by no means anything new or revolutionary from a technical standpoint.

overrules the objective technical understanding of firearms and how they work. **SSANZ believes that section 2C(b) facilitates a ‘emotive’ and very subjective approach to firearms regulation, and can amount to de-facto banning of manual action types over time as public perceptions towards firearms and ‘how fast is too fast’ change over time.** Allowing a regulator to litigate on this issue is a step too far, and allowing a regulator to threaten to litigate on this point of law to arbitrarily stifle firearms commerce should not be possible. We will discuss more about FSA/Police weaponizing legal processes in other parts of the submission.

## Theme 3

### Licensing

77. **Currently the minimum age of person with a firearms license is 16, and that entitles the recipient to a probationary 5 year license. SSANZ believes that there should be provision in the Act for the lodging of a firearms license application up to 6 months prior to ones 16<sup>th</sup> birthday and the ability to sit the theory course should not be age restricted. However we do believe that the ‘fit and proper’ and background check parts of the vetting process should not be conducted until the applicant is of age.**
78. SSANZ believes that a shorter ‘first time’ license is beneficial, as it serves as a ‘trial’ period for both the license holder who may never have owned a firearm before, and for those with historic revocations who have just started re-entering the system again. A shorter time between renewals will ensure that compliance can be monitored more actively in the context of newer license holders. In the context of younger applicants, this means that a license will expire when they are 21 or 22 years of age, which is a

significant time in the life of a young person. They may choose to not renew if their lifestyle is not conducive to firearms ownership, or they may realise that firearms ownership is a big burden they get very little benefit out of. It allows young, and first-time license holders to have that opportunity to either continue on into the license system proper and apply for a 10 year license, or choose to dispose of their firearms and leave the regulatory system with ease. It also gives FSA a good opportunity to review a formerly revoked license holder's conduct in that 5 year period, and use that to gauge if they are fit and proper to continue to hold, and renew their firearms license for 10 years.

79. SSANZ believes that a 10-year license, after successfully holding a probationary license, should remain. We also believe that if an endorsement is being renewed, then the base firearms license should be renewed as well given the comparable levels of scrutiny between the two processes. This two-birds-one-stone approach would ease the workload on the FSA and would be a good quality of life improvement for license holders.
80. In relation to the fit and proper person test, we have reservations about Section 24A subsection 2, paragraph C, which effectively invalidates the rest of the section as a whole. The wording of "any other relevant matters the member of Police considers appropriate" gives the Police the de-facto ability to really redefine what fit and proper actually is. This single paragraph can serve to nullify the section as a whole on subjective whim of a member of Police or FSA as it currently stands. Having this 'any other' clause built into the Act doesn't do anything other than breed inconsistency in the approach to vetting. The fit and proper test needs to be objectively codified with vetting considerations set out explicitly. It is not right that a member of the Police can make up requirements to be fit and proper outside of what is explicitly stated in section 24A, as that undermines the who section and its meanings, in reality it amounts to a de facto lawmaking ability that should be reserved for Parliament. In theory what this particular paragraph means is that one could satisfy all the other requirements and still be denied a license or have a license revoked. We speak at length about the costly process of appeals further down in this submission.

## Supervised Use of Firearms by Unlicensed People

81. SSANZ believes that the decision to supervise a unlicensed person can only be made by the judgement of a license holder, who is a fit and proper person and thus able to make that determination. Thus we believe that putting upper or lower age limits on supervised use doesn't actually aid in public safety anymore than a license holder choosing to not allow supervised use. We believe that the current standards of supervised use are adequate, being that a license holder should be in a position so as to take control of a firearm in use should that be required. Practically this means that a supervised shooter and a supervisor cannot shoot at the same time. And at any time, the regulated item, be it firearm, ammunition, magazine etc, can always be accounted for by the supervisor. **We do not believe a minimum age of supervised use is warranted or justifiable given that people at all ages may not be entrusted to use a firearm under supervision so therefore age is not a determinant factor.**



## Storage Regulations

82. SSANZ believes that the current storage requirements for A-category are sufficient and should not be changed. However we do not believe the diverse range of separate storage requirements for endorsed firearms is incongruent with a risk based approach and serves as a good example of perceived risk taking the lead over actual risk. In the current regime the storage requirements for a semi-automatic AR-15 on P-category, are more onerous than a full-automatic M16/M4 held on C-category. The AR-15, which is capable of solely semi-automatic fire, must have a vital part stored off-site, whereas the counterparts of the M16/M4 which are held on C-category and capable of full automatic and semi-automatic fire modes, must be stored in an inoperable state, but does not require a vital part to be moved off-site. This is a clear example of perceived risk taking precedence in policymaking. To add to the absurdity, a collector who held C-category firearms, may also hold P-category firearms, so they are forced to comply with at least two, if not three sets (if they have A-category firearms) of storage requirements.
83. In the above instance, the P-category storage regulations materially increase the risk to public safety in three ways. The first is that in instances where a vital part is stored with a third party, it materially increases the risk of that third party, or an associate/family member of theirs leaking the information about the parts in their possession, and the location of the firearms that go with them. The second material risk increase that comes with leaving firearm parts in a vacant building with alarm systems is that the only defense is the response time of security, Police, or anyone else monitoring security. For urban addresses, this may not always be prompt, and for rural addresses, a fast response is not a certainty at all. The third instance is that the prohibition on 'single-property' storage for P-category storage detracts from the ability of a license holder to account for their vital parts in the event of a natural disaster if roading infrastructure is damaged or destroyed, as has occurred in recent history in NZ from flooding and earthquakes. This would impede access to the secondary storage site and delay accountability for the vital parts, making them more susceptible to theft/looting. It may also pressure firearms license holders to attempt to account for their vital parts, venturing out into hazardous conditions, as accounting for, and reporting the theft of, these parts is their legal responsibility.
84. This responsibility may be frustrated by the cutting of power/internet may render theft detection systems inoperable all together. If secure storage at the secondary location has been undermined, the storage laws would force a licenseholder to find a suitable storage location that is not impacted by the disaster event, as opposed to returning home with the parts (which would violate storage requirements). This once again exposes them to hazards, and risks the lives of themselves and first responders, and relies on roads not being closed between the old and new storage locations. Following a risk-based approach to P-category storage via the adoption of C-category regulations is the best option. In particular the allowance for a vital part to be removed but stored at the same address would eliminate these very real physical safety hazards. For a natural disaster-prone country, this is a very real policy consideration that was clearly ignored.
85. **In relation to the above matters, SSANZ advocates for a two-tier storage requirement system, where A-category firearms are stored at one standard, and**

**any other endorsed firearm is stored at another, as opposed to having category-specific requirements.** SSANZ has a preference for C-category storage regulations which require a vital part to be stored elsewhere at the storage address. This would eliminate the need to precisely tailored storage requirements between types of firearms, such as differentiating between a handgun, a full automatic rifle, and a semi-automatic rifle. It would also boost compliance, and ensure a universal standard for anyone who holds a endorsement or equivalent in the future. The current regime is not fit for purpose, and is incoherent, as a firearm that is solely semi-automatic, cannot be stored under the same conditions as a firearm that is semi and full-automatic.

86. SSANZ believes present C-category regime's storage requirements should be applied to all endorsed/controlled firearms and constitute the Controlled Firearm Storage Requirements. Functionally this means the regime will have a two-tier storage system, being A-category for standard firearms, and C-category requirements for endorsed/Controlled Firearms.

## Transport Regulations

87. **SSANZ believes that transport regulations, in the context of A-category/Standard firearms, should only apply if an individual is making a stop during their journey that results in regulated items being left unattended in a vehicle and the vehicle being out of sight for more than a few moments. If this does not occur, then firearms and ammunition do not need to be immobilised or secured in a locked case.** This means that a person taking a detour via an ammunition seller on their way home from work, would not need to lock up ammunition unless that ammunition is being left in unattended vehicle which is out of sight, at a additional location on the way home. This would mean that a farmer who is required to cross a public road to get to another paddock, does not need to go through the process of securing a firearm for a short period only to undo all those actions mere moments later (beyond clearing firearms and magazines of ammunition). We do believe that a universal obligation to separate ammunition from firearms and magazines, when these items are being transported on public roads, should remain. As this allows for the easier prosecution of criminals who are travelling with loaded firearms and pulled over by Police.

88. In the context of endorsed firearms, we believe that transport obligations should be consistent across all controlled/endorsed firearms, and should apply during any instance of transport. We do not believe in transport regulations distinguishing between one type of endorsed firearm or another, they should all be treated the same to allow for consistency and ease of compliance and enforcement. We suggest that a endorsed firearm and endorsed magazine should be housed in a locked case, and should be either immobilised or have a vital part removed, and that part stored elsewhere but not required to be in a lockable container.

### *A Right of Carriage for Lawful Purposes*

89. SSANZ has become aware that the FSA is for some reason, requiring those with certain endorsed firearms to apply for additional authorisation to permit the movement of these firearms to do a lawful activity. This is currently impacting collectors who wish to exhibit their firearms at a private or public event, and is a significant departure from preexisting policy. SSANZ does not see a need for additional authorisation to permit the transport of

a firearm from a storage location, to a lawful activity, as that is a lawful, proper, and sufficient reason to transport the firearm in question. We would encourage the establishment of a right to transport firearms for lawful purposes as it makes no sense to approve activities associated with these firearms, but not have that approval take into account the relocating of those firearms from storage to that activity, be it a gun show, gunsmith work, auction etc.

## Manufacturing

90. SSANZ believes that in a non-commercial context, a license holder should be able to manufacture a regulated item if they have the required license/endorsement for that item. If the item requires a serial number, then the creation of a serialised item should be logged with the FSA. If the item does not require a serial number, no such notification should be required. There would need to be clear delineation of what is an isn't a commercial venture in the context of disposing of created items. SSANZ does not believe a strict preclusion of transfer is necessary, as these items may be shared or used, but the for-profit-sale of these items should not be permitted. For example, a person is selling a firearm that has 3D printed magazines included in the sale, should not be prohibited, however the sale of those magazines individually should not be permitted and we believe that this would serve as a healthy distinction between a commercial and non-commercial production of regulated parts. The items may be appropriately transferred individually for free as a gift.
91. SSANZ does not believe the distinction between one manufacturing method and another is effective nor warranted, and there should just be a blanket rule as to manufacture in any case. SSANZ does not believe that the sharing and possession of CAD files or design drawings should be regulated, as the action of manufacture is easier to regulate than the 'knowledge' to manufacture. We believe that the most effective route for enforcement would be to use schematics and other design drawings or files as evidence in relation to manufacture rather than try to regulate these materials alongside manufacturing.

### *The Control of 'Technical' Drawings and Firearm Schematics is the Wrong Approach*

92. SSANZ has heard of other entities discussing the inclusion of firearm plans within the objectionable publications regime, treating them similar to illicit books or pornography that is injurious to the public good. We believe that this is a 'Pandora's Box' situation and is not as clear cut as people think it is, and would potentially enable significant Police overreach. It would also not allow for the prosecution of those who know the core requirements of constructing a firearm and do not need to follow plans. As the below examples highlight, it does not require particular intellect or technical ability to make a working firearm, it may not be safe to fire, but it would still set off a cartridge.



Figure 1: "Staple Gun's" recovered in Papua New Guinea circa 2018. Source: <https://www.thefirearmblog.com/blog/2018/02/22/improvised-stapler-firearms/>

93. Knowing how, and actually manufacturing a firearm, are two different things, and trying to regulate knowledge would force the courts to decide what amounts to a schematic or technical drawing and what does not, and who is allowed to have those drawings. This would be exceptionally hard to do when prototype or one of a kind firearm schematics are seized, as they would not correspond to any known firearm type and thus it will bring into question if the drawing in question is actually a schematic of a firearm or not. The simple loophole would be to say it is something other than a firearm, or to deliberately omit parts of the design that make it obvious it is intended to be a firearm (such as a chamber or trigger). It would also mean that if things such as 'spud guns' that are discharged via the ignition of an aerosol, continue to be treated as firearms, a person could be prosecuted for simply having a picture or video of a spud gun as it details the arrangement of PVC pipes required. It would also cause legal complications where 'pipe guns' are concerned, as these are constructed using a pipe to hold the round and act as the barrel, another pipe to slide over the first pipe to push the 'firing pin' into the round, sealing the 'chamber' and the screw in the second pipe serving as a firing pin to actuate a primer. The slamming of the two pipes causes the discharge of the round as shown below. These firearms can be made for a cheaper cost than sourcing a 3D printer and filament and other materials, with only three materials, being two pipes and a screw, required for assembly, with any other additions such as the two handles in the below picture being non-essential to the firearm discharging.



Figure 2: A Pipe Gun or Slam Gun, recovered by Nottinghamshire Police in the UK, circa 2022. Source: <https://www.bbc.com/news/uk-england-nottinghamshire-63198715>

94. 'Technical' drawings are not required to construct such a basic firearm, so to regulate said drawings on the basis of those drawing enabling manufacture is nothing short of dangerously ineffective. It would cause issues where having the picture of a basic firearm may constitute a schematic or technical drawing in and of itself as one could make a firearm based off that picture. This would obviously cause complications for media, as well as how media report gun crime, as they would need to sanitise decades worth of articles showing photos of evidence. It would also impact what overseas media we could access, as they too would need to sanitise what images are available to a New Zealand audience.<sup>27</sup>
95. The firearm in the above picture would amount to a 'pistol' under the current Act, so those without a suitable endorsement would potentially be able to be prosecuted on the basis they have in their possession a schematic for a firearm they cant own, being the above picture from a BBC article in the UK. This does nothing to aid public safety. This policy can also be easily circumvented via using a VPN much like any other internet access filters, or the use of encrypted messaging software and accomplices overseas sending material through that. It would also potentially result in the censorship of educational videos on the likes of YouTube, which show firearm operating mechanisms and maintenance procedures which is crucial to firearms safety. It would also unduly impinge on academic freedom particularly in the field of gun crime research and serve as a 'OIA Shield' to be used against researchers. It would significantly impact volunteer organisations like ours being able to conduct research which is independent of the Government of the day. It would also impact those who curate museums and public exhibitions as they could be liable for letting unlicensed people access schematics due to displaying them. A framed picture of the cross-section of a firearm could justify

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<sup>27</sup> Note that the two above pictures were sourced from blog posts and media articles with a simple Google search.

search warrants on spurious grounds of suspicion of manufacture, and the possession of detailed books about firearms of a type a license holder is not endorsed to own could be prosecutable.

96. SSANZ discourages the approach of controlling sources of knowledge relating to firearms that could be used to build them much like we believe the control of ammunition handloading resources is unwarranted. It is without a doubt an impractical endeavour, and a slippery slope open to circumvention and poor enforcement, undue duress to the license holding community, and all for a public safety gain that is yet to be quantified or not already addressed by regulating of the action of manufacture. SSANZ believes that regulating the action of manufacturing is all that is needed, and would be extremely simple to prosecute for. We do not see any reason to significantly divert from the current status quo.

#### *Ammunition and Hand Loading Do Not Need Substantial Regulatory Change*

97. SSANZ recognises handloaders as a major part of the community, and an important source of knowledge for those wishing to begin the process. Handloading involves the recycling of a case with a new primer, propellant, and projectile. Occasionally those with the means may produce their own projectiles for a further saving. This process allows for the tightening of loading tolerances in a way commercial ammunition may not be able to do, and the recycling of components to reduce the cost-per-round. The savings come from using a casing multiple times, and buying components individually, essentially removing the manufacturing labour costs from the equation. **SSANZ knows that non-commercial ammunition handloading is perfectly safe, and has been a longstanding past time of many shooters. We believe that beyond requiring a license to possess functional ammunition (ie not inert or blank ammunition) as is the current law, there is no need for change.**
98. SSANZ also recognises that due to high start-up costs, many shooters will utilise a friend's loading infrastructure and knowledge especially in the beginning stages. The cost of tools required to handload makes the process a major investment, and cost savings do not come about immediately so the savings are very much realised only in the long term. We believe that as long as ammunition is not being loaded for the explicit purpose of commercial sale, a person can load on behalf of a licensed third party, or take part in the loading process alongside that third party. Allowing a third party to load on behalf of a beginner is crucial to public safety as it allows for the safe and in-person demonstration of best practices relating to the handling of components, the safe use of loading equipment, and both are crucial to ensuring the end result, a loaded cartridge, is safe to use in a firearm.
99. It would also allow for the demonstration of load development processes which involves trips to the shooting range, the recording of velocity readings, the analysis of wear and tear on brass, and analysis of accuracy of the loaded rounds. If the use of reloaded ammunition is strictly limited to the person who loads it, this would prohibit practical input on any of the above processes which is detrimental to public safety. To prohibit this would force these beginners to use open-source learning resources which are of dubious reliability, or may be outdated, and figure it out on their own whilst a third party can only give verbal or written assistance. SSANZ believes that the not-for-profit loading

of ammunition either for ones self, or on behalf of a third party, should be legally protected much like the production of other regulated items. To force beginners to handload and test their ammunition exclusively on their own would cause greater public safety risks relative to the current system. The system proposed by SSANZ allows for others to use handloaded ammunition, and to load ammunition on behalf of a friend or relative as long as it is not for profit.

100. A few gun clubs utilise not-for-profit loading to keep costs well below that of retail ammunition with knowledgeable volunteers reloading used cartridges. **We do not see how prohibition of non-commercial handloading either for personal consumption, or on behalf of a friend or club on a volunteer on a ‘not-for-profit’ basis can be justified on a public safety basis.** To treat such endeavours as a commercial ammunition selling operation would then force the FSA and Police to distinguish between what ammunition is handloaded, what ammunition is commercially manufactured, who handloaded the ammunition, and is that person who loaded the ammunition different to the person who is possessing that ammunition. It would be practically unworkable, and we believe the current regime as it relates to non-commercial and commercial ammunition manufacture is sufficient and doesn’t need to change.

## Ways to Possess Controlled Firearms (and Controlled Magazines): Controlled Firearm Endorsement Ground for Possession (GFP)

101. **Grounds for Possession (GFP) are a substitute for the current endorsement system. GFP’s set out the criteria to access certain controlled firearms, as well as the rules of how/where they may be used. It is intended that the GFP’s be outlined in the new Act. Each GFP would be valid for 5 years for a first-time applicant, then 10 years for every subsequent ‘renewal.’ A ‘custom’ GFP that can be applied for to the regulator if none of the preset GFP’s meet the needs of an applicant should also be available.**
102. An example of how the GFP system relates to the current regime would be the B endorsement which is now the ‘Sporting’ GFP. So the system’s structure would be that one holds a Controlled Firearm Endorsement, and their application would be under a particular GFP, or multiple GFP’s in some circumstances. The GFP’s are functionally endorsement conditions.
103. In the context of Controlled Magazines, these magazines may only be used in the context that Controlled Firearms can be used as outlined by the GFP. The magazines may be used with **any** firearm. For example, if a service rifle shooter has a 30 round Controlled Magazine for their AR-15, which is held under a Sporting GFP. That magazine can be used with a Standard Firearm as long as the Standard Firearm is being used in compliance with the GFP.<sup>28</sup> If the GFP states that the Controlled Firearm/Magazines may only be used on appropriately certified ranges, the magazine can only be used on these ranges regardless of what firearm the magazine is paired with.

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<sup>28</sup> Practically, this means the Standard Firearm would be treated as if it is a Controlled Firearm for the purposes of how it can and cannot be used in conjunction with the Controlled Magazine.

104. Using the magazine with a Standard Firearm whilst abiding by a GFP should not be seen as unlawful. It makes no sense from a risk-based perspective that a person is fit and proper to use a detachable magazine semi-automatic rifle on a certified range, but if that magazine was inserted into a Standard Firearm, under the current regime, that would be unlawful. The risk-based approach to granting the Controlled Firearm endorsement needs to account for the fact that placing a magazine in a Standard Firearm is not a threat to public safety provided that the Firearm (Standard or Controlled) is in compliance with the license holders GFP. The heightened degree of vetting that comes with the endorsement means that the license holder is entrusted to act lawfully with 'higher-risk'<sup>29</sup> firearms, meaning any GFP-compliant action that does not exceed that risk, should be lawful.

105. In the case of a license holder possessing multiple GFP's such as a Sporting GFP and a Collectors GFP, for the purpose of holding Controlled Handguns, this would allow the collector handguns to be used in a sporting context without any additional bureaucracy. To put this into the present day context, a handgun isn't registered on either a B or C endorsement, it is registered under a B **and** C endorsement, ie they possess the firearm in two overlapping contexts being B category and C category. Where there is commonality on the Controlled Firearm types able to be owned, that firearm can be used in the context of any GFP, as long as the license holder has that GFP under their endorsement and is abiding by it.

106. We have included a host of GFP's that we believe should be considered. This list is not exhaustive and absence of other GFP equivalents (proposed by other submitters) is by no means an acceptance or rejection by SSANZ.

## Sporting

### *Function*

107. The purpose of this GFP is to allow sporting shooting to occur under an official legal framework. This would absorb the pistol shooting regime, but also pave the way for the reintroduction of Service Rifle disciplines, and the reintroduction of 3-Gun with centerfire semi-automatic firearms. This should occur under a controlled and monitored regime that fosters participation but not at the cost of public safety, due to the series of checks and balances ensuring that those who choose to engage in the sport GFP are treated fairly and proportionately. This GFP would only permit range use.

### *Applicant Criteria*

- Club membership is mandatory and the applicant must not be a probationary member. Most Pistol Clubs currently abide by a 6-month probationary period, before permitting full membership. SSANZ would be supportive of a minimum 6-month probationary period mandated by the new Act, with Club Committee discretion to extend that period if need be. SSANZ would be supportive of a minimum probationary attendance requirement of no greater than half the total minimum attendance per year for the relevant class or classes of Controlled Firearm sought.

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<sup>29</sup> Or Mechanical Capability.



- The Club needs to be formally recognised as one that uses Controlled Firearms. If the Club is only recognised for using one of the two applicable Controlled Firearm classes, then the applicant can only apply to access that particular class. Alternatively, they can have a second membership at another Club that is certified in the other class of Controlled Firearm but will need to complete a second probationary period. Clubs may be certified for both General and Handgun to allow for applicants to access both classes with one membership and thus one probationary period.
- Applicant's Club(s) Committee will affirm the Applicants fit and proper status as observed by them as per Form [FRM28NP](#) as part of the endorsement application. This allows for peer vetting and verification of genuine participation and safe use of Controlled Firearms. This is an important part of effective vetting and should remain for all sporting applicants.
- The applicant would have a Controlled Firearm storage arrangement.<sup>30</sup>

#### *Types of Firearms*

- Controlled Firearm – General
- Controlled Firearm – Handgun

#### *Conditions of Possession and Use*

- Under the Sporting GFP, Controlled Firearms (and Controlled Magazines) may only be used on a range certified for the class of Controlled Firearm(s) held by the endorsement holder.<sup>31</sup>
- The endorsement holder may supervise a third-party in using the applicable Controlled Firearm/Magazine.
- Where the endorsement holder only has one Controlled Firearm class, the attendance requirement for that one class will be **6** attendances per year.
- Where the endorsement holder is endorsed for both Controlled Firearm Classes under the Sporting GFP, the attendance requirement for **each** class will be 5 attendances per year, totaling **10 overall**.<sup>32</sup>

#### *Attendances*

108. **The core of the 'Sporting' regime is the attendance system. The attendance system needs to encompass license holders visiting the range but not shooting their firearms. This is important because the backbone of shooting clubs is their volunteer workforce.** Working bees are important because they ensure that range

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<sup>30</sup> Equivalent to present-day C-category requirements, ie vital component removed and stored securely. SSANZ advocates for commonality across all endorsements for storage requirements relating to Controlled Firearms or equivalent.

<sup>31</sup> This does not preclude their use off-range under other GFP's.

<sup>32</sup> When the endorsement holder is attending a Controlled Firearm-certified Club, where both classes of firearm can be used, the only instance where that single attendance can count for both classes is when the endorsement holder fires both classes of firearm in that one day. This would need to be verified by another Club member.

facilities are functioning as they should, and the usual wear and tear on the range is adequately maintained. Volunteers also ensure range activities are conducted in a safe manner via Range Safety Officers. Volunteers sacrifice hours of their time to oversee, educate, and guide shooters on the range, either during training, or in formal competition. When a club welcomes visitors for competitions it is the volunteers who collate scores, note attendances, marshal competitors, cook food, alongside a whole host of other discipline-specific tasks. To state that one has to shoot their controlled firearm, as opposed to simply attend an organized event in any capacity, would disincentivize endorsement holders from taking 'non-shooting' roles or attending Annual General Meetings which are crucial to a club functioning. Volunteers are crucial to public safety because they ensure the range's where these firearms are used are safe, and the competitions run smoothly to allow others to gain their attendances. Endorsement holders should not be penalized by volunteering rather than shooting. SSANZ is fully supportive of single attendances not being tied to use of the Controlled Firearm, but to genuine participation in their club's events.

109. SSANZ supports endorsement holder attendance at clubs other than those of which they are a member. The current regime does not recognise attendances at clubs other than the ones where a B-endorsed shooter is a member. This means that one can attend a national pistol shooting competition, and not have that attendance contribute to their 12 yearly attendances. SSANZ would like to see this law changed.

110. SSANZ would also like to see the accommodation of temporary extenuating circumstances such as maternity/paternity, obstruction in attending due to natural disaster,<sup>33</sup> temporary sickness or injury to the applicant or a dependent/partner that inhibits participation, and other obstructive but not permanent circumstances. Currently the Act does not have any provisions that allow for the modification of a license holder's minimum attendance. We believe there should be provision for endorsement holders to make an application, and for the regulator to have the power to diminish their minimum attendance requirements based on the applicants' individual situation.

#### *Why not just merge 'Hunting' GFP into 'Sporting' to bring back E-Category?*

111. SSANZ recognises that there is a case for the reincarnation of E-Category through the merging of 'off range use' into the Sporting GFP. This is definitely a option, as from a public safety point of view, if one is trusted to possess a functioning controlled firearm for sport, then they cannot be said to not meet the trustworthiness threshold for off range use. To say they are fit and proper for range use, but not for off range use is a questionable position to take. SSANZ takes a holistic view of trusted to own, trusted to use. Therefore trusted to discharge a firearm safely should not be location specific. They should be trusted to conduct themselves in a lawful manner with any firearm anywhere doing anything and that should be the 'fit and proper' threshold the system should aspire to be. Just as we found the 'picking and choosing' of not allowing Prohibited Firearm owners who are collectors to use their firearms, we take a similar stance to 'on-range use only' compared to allowing for off range use.

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<sup>33</sup> This was implemented after the North Island floods as a one-off case, similar considerations were made for pending license renewals during COVID.

112. Whilst we have created an ‘off range’ GFP with Hunting, in an attempt to create a bespoke GFP system, there are no practical impediments to the merging of the two GFP’s and having a separate on-range use clause for handguns specifically. For example, one could have to meet their yearly attendance requirements for a General Firearm in order to use it off range which would demonstrate competency with the platform they wish to use. Another policy solution could be an equivalent of an ADE-like application system for off range use where the shooter notifies FSA of the time and place of off range use, which could serve as an opportunity for cost recovery as shooters could apply for temporary variation to their GFP to facilitate off range use for a period of time. It would also give local Police a point of contact, and a awareness of the activity happening in their area which could save unnecessary callouts and waste of resources. This would mean that off range use for a Sporting GFP is not a precondition, but a ‘extra’ that can be applied for, just like collectors cant use their firearms at any time they wish.

113. Whilst jurisdictions such as Australia allow for off-range pistol use by landholders with significantly sized farms and occupational shooters,<sup>34</sup> we are neither for nor against the recreational use of handguns outside of pistol ranges. There is a legitimate handgun hunting community overseas and this could bring in new clients to the guiding industry here. Theoretically, if there is an off-range use regime for General firearms, there is nothing to say there could not be a system developed for handgun usage as well from a policy standpoint. However, we appreciate that the long-term status quo for pistols has been range use only.

## Bona Fide Collector (includes Museum Curators)

### *Function*

114. The purpose of this GFP is to accommodate a portion of the current C-category regime. Applicants for a Controlled Firearm Endorsement under this GFP would permit them to possess any class of Controlled Firearm for the purpose of display, and in authorised circumstances, demonstration of these firearms to others. In the context of Museum Curators, they will hold as Endorsement under this GFP, and would not be captured by the dealer regime as discussed below. This GFP recognises the educational, cultural, technical, and historical importance of firearms.

### *Applicant Criteria*

115. SSANZ appreciates the diverse range of applicants who would apply for an endorsement under this GFP. This may include an academic who’s area of study is in firearms, a museum curator who is responsible for firearms held by a museum, or a private collector. The current regime needs little change beyond treating Curators and Collectors the same.

### *Types of Firearms*

- Controlled Firearm – General
- Controlled Firearm – Handgun
- Controlled Firearm – Full-Automatic

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<sup>34</sup> This is known to occur in Queensland however formalized recreational hunting is not permitted to our knowledge, in any States or Territories at present.

- Controlled Firearm – Other

#### *Conditions of Possession and Use*

- Must store and possess firearms held under this GFP with a vital part removed so as to make the firearm unable to fire ammunition, ie controlled Storage Firearm storage requirements.
- May only remove firearms held under this GFP from their storage location, for the purpose of display, sale or trade, maintenance, and Authorised Demonstration Events.
- May only render a Controlled Firearm held under this GFP into an operable state at the location of an Authorised Demonstration Event for the purpose of participation in the demonstration event.
- May only fire firearms held under this GFP at a Authorised Demonstration Event.
- Supervised use only permitted for other endorsement holders attending an Authorised Demonstration Event.

#### *Authorised Demonstration Events (ADE)*

116. **There is a case to be made to allow for the discharge of live ammunition through collector firearms for demonstration purposes. This is currently permitted for Dealers and their staff for the purpose of ‘function testing,’ and must be conducted on a range certified for the class of firearm used, including full automatic firearms.**<sup>35</sup> To our knowledge there have been no known cases of any incidents occurring from function testing processes. This proves that in practical terms, the discharge of any firearm type outlined in Regulation 9D, including full automatic firearms, can be done safely, provided the certified range is templated for it. Handguns currently held under a C-category license, cannot be fired despite the same handgun being able to be held on a B-category license, so there is no capacity or public safety issue in respect to handgun usage. What SSANZ is proposing is a more stringent framework not intended to capture Dealer activities, but to provide a special and bespoke legal avenue to carry out this activity for some of the most highly vetted firearms owners in the community who are entrusted with these types of firearms.
117. Collectors and other history-oriented endorsement types represent the pinnacle of endorsement holders. The reason they are the pinnacle is because of the variety of firearm types they can hold under this endorsement. Therefore, if they are trusted to own these ‘higher risk’ types of firearms, they should be able to use them under controlled conditions on special occasions. The absence of restricted full automatic firearms being used in crime is notable, and indicates the integrity of the C-category regime at present.
118. Whilst regimes that permit collectors to occasionally fire firearms exist across the world, the two particular regimes we would like to direct the attention of the reader to in the United Kingdom,<sup>36</sup> and that of the state of Victoria, in Australia.<sup>37</sup> The United Kingdom has a permit system for what is commonly referred to as a ‘Section 5 Authority’ granted by the Secretary of State or Scottish Ministers. This allows for the use of Section

<sup>35</sup> Regulation 9D, Arms Regulations 1992

<sup>36</sup> Section 5(2), Firearms Act 1968 (United Kingdom)

<sup>37</sup> Sections 55 and 55AAA, Firearms Act 1996 (Victoria, Australia)

5 firearms, either with blank or live ammunition, this regime facilitates the use of any section 5 firearm, including handguns, semi and full automatic firearms.

119. An example of these events in action is the Vickers Machinegun Shoot,<sup>38</sup> which is managed by the Vickers Machine Gun Collection and Research Association. This event was held in 2022 commemorated the 100<sup>th</sup> anniversary of the disbandment of the Machine Gun Corps, drawing in hundreds of spectators. This represents the biggest civilian event of its kind in the UK, and represents a good case study on how an equivalent event in NZ should be run and prepared for. SSANZ reached out to the Association, and they have authorised the distribution of documents such as the Range Action Safety Plan, and firearms safety materials to induct those shooting the firearms.<sup>39</sup> They have also directed us to a blog post<sup>40</sup> detailing the training/induction processes they hold for those using the firearms on the day.
120. The application-based regime for Collectors to discharge live ammunition exists in Victoria under Sections 55 and 55AAA of their Firearms Act, and we believe this process serves as a good template for how an ADE could be applied for, and managed between the applicant and regulator. The State of Victoria recognises the legitimate aspects of the equivalent of collector firearms being fired at approved events only, and each event has to be approved by Victoria Police, who serve as the regulator. This once again highlights a safety framework that could be used to form the basis of a Collector Authorised Demonstration Event for Controlled Firearm Use.
121. What SSANZ wishes to highlight is the application and approval processes that produces a very safe and controlled shooting environment, which is approved by the regulator, and ensures that the event can be run in a way that is conducive to public safety. SSANZ is not advocating for a presumptive ability for this GFP to discharge their firearms with live ammunition, what SSANZ is advocating for is the ability for a Collector Incorporated Society/Museum (for Curator firearm demonstrations for visitors) to lodge an application on behalf of its members endorsed under this GFP. The application would be for the ability to discharge live or blank ammunition through their Controlled Firearm's at a set date, time, on an appropriately certified range. This would represent the exception to the rule, rather than the status quo, so as to not serve as a de-facto 'Sporting 2.0'.
122. The Authorised Demonstration Event would be a bona-fide demonstration event, and only Controlled Firearm endorsement holders who are part of the applicant organisation would be permitted to discharge firearms at these events. Members of the public, and non-members, or those who do not hold a Controlled Firearm Endorsement should not be permitted to discharge firearms at an Authorised Demonstration Event. An Authorised Demonstration Event would not contribute towards Attendances under the Sporting GFP despite General and Handgun commonality between the two GFP's. As stated earlier however, a Controlled Handgun or General Firearm (as well as Standard

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<sup>38</sup> See also a video made by the Vickers Machine Gun Collection and Research Association providing more details on this event [here](#). They have released a full-length Q and A video [here](#).

<sup>39</sup> See Supplementary Documents "A" "B" and "C".

<sup>40</sup> See Blog Post, "[Training our Emma Gees](#)" by the Vickers Machine Gun Collection & Research Association.

Firearms) usually used for Sporting reasons, could be used provided the Authorised Demonstration Event approves that type of firearm to be used.<sup>41</sup> Events like this would also present another opportunity for cost recovery from a regulatory perspective.

## Hunting

### *Function*

123. The purpose of this GFP is to permit those who a suitably qualified to operate Controlled – General firearms, and Controlled Magazines, beyond the confines of a shooting range. This endorsement would function in a similar way to E-category but with some key updates. The first is that to apply for this GFP the applicant must have at least 5 years already ‘in the system.’ This provides the regulator with a good gauge on the applicant’s ability to abide by the Arms Act, and other areas of law. Where compliance related issues have been identified, this provides an opportunity for further inquiries. SSANZ would also like to see a competency metric that takes into account the experience the applicant has historically with the firearms sought. Bearing in mind that Controlled - General firearms do not need to be semi-automatic, and can be shorter bolt action rifles, or just a Standard Firearm exceeding a tubular magazine capacity requirement for example. Ensuring the applicant is competent enough to use these firearms outside of the range environment is important for good public safety outcomes. **SSANZ believes it is essential for there to be a legal avenue for endorsement holders to use General Controlled Firearms for hunting. This GFP serves as our attempt at trying to achieve this, however this could also be achieved via the merging of Hunting into the Sporting GFP to allow for off-range use under certain contexts.**

### *Application Criteria*

- May only apply after holding a firearms license for 5 years minimum.
- The applicant must make a case to demonstrate their competency with the Controlled Firearm – General they wish to own. This may include historical possession of a firearm of identical or similar operating mechanisms via other GFP’s. It could also include historical exposure to these types of firearms through non-GFP contexts such as through military service, law enforcement experience, or by taking part in relevant educational courses and studies. This metric should establish a baseline competency standard.

### *Types of Firearms*

- Controlled Firearm – General

### *Conditions of Possession and Use*

- GFP permits use on and beyond certified ranges.
- Supervised use on a certified range is permitted.
- Supervised use outside of a certified range only permitted where 3<sup>rd</sup> party has a Controlled Firearms Endorsement.

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<sup>41</sup> An example would be a World War 2 Era Authorised Demonstration Event, where a Sporting GFP license holder could use their period-accurate M1 Carbine (General) and 1911 (Handgun) on the basis that it is in keeping with the theme of the ADE, and they are a member of the applicant organisation.

### Public Fears Addressed

124. SSANZ recognises that one major way this notion of off-range use could be countered is through public fear at the mere sight of somebody holding this firearm. However, SSANZ believes that this is largely a redundant point. The post-2019 law changes pushed a large number of what were then-MSSA's into A-category, on account of the cosmetic features, for semi-automatic rimfire and shotguns. SSANZ is unaware of any major public concerns being raised by these firearms. **The same can be said for some types of straight-pull firearms that look identical to currently prohibited firearms in external appearance, or when a magazine with an extended body so as to appear to be over 10 rounds in capacity, is used despite the capacity being 10 or less rounds.** SSANZ is not aware of any major panic, or incidents caused by the presence of firearms of the above characteristics and encourages the MOJ to discount this theory. The Police have also confirmed that they do not collect data as to false-positive callouts to do with incorrectly identified firearms by members of the public.<sup>42</sup>
125. It should also be highlighted that P (Pest Control) firearms license holders are not legally required to train on a certified range, and have quite a high degree of autonomy in how they use their prohibited firearms. SSANZ wants to see an endorsement vetting process that can result in similar levels of autonomy being afforded to those who do non-commercial hunting or pest control as those who engage in commercial hunting and pest control with semi-automatic centerfire rifles under an endorsement.

### Commercial

126. SSANZ supports the importance of firearms-related businesses in New Zealand. This GFP would cover all available types of Controlled Firearm. **Whether it be commercial pest controllers, farm manager, shooting instructors, and other businesses that require a Controlled Firearm's. Shooting instructors are a must, as the current Act does not recognise them as legitimate users of Prohibited Firearm's so in effect there are no teacher's for the students who are then required to teach themselves.** SSANZ is unsure how this is supposed to be conducive to better public safety outcomes, and urges that where any firearm can be legally possessed in New Zealand, there needs to be an instructor who is willing to teach those who are able to, how to use them. This is particularly important in the context of our proposed ADE framework for collectors, but would also be important for training pest controllers, as well as new dealers or dealer staff who need to work with Controlled firearms.
127. This GFP is intended to be configured to the needs of the business, for example a pistol shooting teacher may have no need for General class firearms, whereas a Pest Controller or Farm Manager may only require a General Class firearm. Other matters that need to be addressed are the obscenely high income requirements that currently hold back the pest control endorsement applicants. The income requirements currently require an individual to have a sole, or substantial part of their business to be dedicated to pest control. We believe that a bona-fide pest control business and an ongoing

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<sup>42</sup> See Supplementary OIA "C"

contract should be enough to access a commercial controlled firearm endorsement for pest control purposes.

128. On account of the farming community, the current approach taken can not be described as anything other than an ambulance at the bottom of the hill approach to granting P endorsements under section 4A(1).<sup>43</sup> A ‘real’ possibility implies that applicants who are applying in an attempt to preempt the problem, would need to wait for what the FSA deems significant damage, before accepting the application for the endorsement. Damage that impacts the ‘business viability’ of an agricultural operation would be nothing short of severe, and forcing an applicant to endure damages that near that subjective level is nothing short of arbitrary.

129. SSANZ believes that forcing a farmer to incur significant economic loss from pest animals is unreasonable, and verges on a de facto tax on a farmer who wishes to access a P endorsement as they must wait to suffer loss as proof of a problem existing. It’s not a fair approach, and the regime should not be constraining commercial operators for such subjective yet arbitrary standard.

## Theatrical Amourers and Living Historians/Reenactors

130. SSANZ is a big supporter of the theatrical armourer, theatrical, and living history/reenactor community and we support them being recognized in their own tailored GFP representative of their unique activities. Their contributions range from the creation of media to the education of communities through living history performances, such as the Armistice Day commemoration in Cambridge, and it represents a diverse part of our the licensed firearm owner community. We do not support the FSA’s current stance that theatrical armourers require a dealers license, and we will go on to explain this in the dealer section of this submission.

## Ammunition Regulatory Settings

131. SSANZ does not see any reason to change ammunition regulatory settings for what requires a firearms license to possess or import.

## Prohibited Ammunition

132. **SSANZ calls for the exclusion of non-explosive or non-biological payload ammunition types from the Regime, as well as any other ammunition type prohibited by Treaties that New Zealand subscribes to, as the duplication of banned items is superfluous.** The Act at present doesn’t prohibit ownership of projectiles, only the loading of them in a cartridge, no open source evidence that these ammunition types are particularly sought out by criminal elements.

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<sup>43</sup> (j)

a person who is the owner or manager, or is an employee, of an agricultural, a horticultural, or a silvicultural business, if there is a real possibility that the commercial viability of the business would be detrimentally affected to a significant extent by the presence of prescribed wild animals or animal pests on any land used for that business (subject to prescribed limits, if any).



133. A risk-based appraisal of the allowance for use of non-explosive or non-biological ammunition types is included below, highlighting how the approach was largely abandoned. Non-explosive ammunition types, such as ‘armor piercing’ ammunition are not designed to expand when they hit a target, and this is by design as per the 1899 Hague Convention. This was due to the enhanced ballistic damage an expanded bullet would do on a target, as opposed to a non-expanding bullet. The typical expanding hunting bullet was deemed too damaging for warfare when a non-expanding bullet would still effectively stop a threat, whilst increasing the odds of survival for the wounded due to a relatively easier-to-treat wound, thus lowering the ‘cost’ of war after the fact. Yet in the ‘risk based’ approach that the previous Government took. This ammunition type was prohibited (without compensation to owners) to the same degree as ammunition where projectiles carrying incendiary, or explosive projectiles, and even chemical and biological agents. This shows that the perceived risk of this ammunition type did not align with the actual risk this type of ammunition posed. A similar argument can be made for tracer ammunition, where the only major public safety risk is that the burning projectile poses an enhanced fire risk relative to standard ammunition types, yet does not meet the same risk factor that ammunition with explosive payloads carry.

134. The discharge of any ammunition type in a variety of circumstances carries a fire risk,<sup>44</sup> on account of the projectile properties, as well as the material the projectile hits and weather conditions in the environment at the time. As per the [Arms \(Prohibited Ammunition\) Order 2019](#), the order recognises that a tracer round aids in the tracking of the trajectory of the projectile via an element. SSANZ wonders how the ability to track a bullet’s trajectory is any more dangerous to public safety than not being able to track a bullet’s trajectory. The tracer is not solely observable to the shooter, and would give a good indication of the location of a shooter. The only material risk is that there is a slightly higher than standard risk of a fire being started in dry conditions on account of the heat generated from the tracer element.

135. In certain environmental conditions, non-tracer bullets can mimic tracer effects to a degree. In high-humidity environments with faster cartridges, the passage of a supersonic bullet through the damp air can leave a discernable water vapour trail as the bullet creates a low pressure area of air behind it, which results in the high humidity air producing a water vapor trail in that low pressure. Commonly referred to as ‘bullet trace’ a second form of trajectory tracking can come about due to a bullet creating a temperature and air pressure difference relative to the surrounding air, which then refracts light in a way that the bullet’s trajectory can be observed. Other instances to do with light reflection and the position of the shooter and bullet relative to light sources may result in the projectile being trackable as well.<sup>45</sup> The point SSANZ is making here, is that observable trajectories are not unique to tracer rounds and any normal bullet could do it in the right conditions, which begs the question why was this type of ammunition seen as such a risk to public safety.

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<sup>44</sup> Much like driving a car on a hot day over a dry paddock with tall grass may result in a fire on account of the hot components from the vehicle contacting dry vegetation.

<sup>45</sup> A ‘shorts’ Youtube video demonstrates the three different phenomena and gives a brief explanation [here](#).

136. Sabot ammunition is another example, this involves a 'sub-caliber' projectile, ie allowing a lighter projectile not available in the host firearm's caliber normally, to be used in a cartridge that would normally take a wider diameter projectile. This has a number of advantages from cheaper costs and a wider caliber variety of projectiles during times of shortages, and offers speed advantages to a projectile without needing to procure a new firearm in an equivalent caliber. It also allows for the use of particular projectiles that may not be available in certain calibers, but in smaller calibers, to be used. The sabot, often a piece of plastic, serves as a buffer, increasing the diameter of the sub-caliber projectile, to make up the difference in diameter to enable use in larger caliber firearms. For example, a 22cal projectile could be placed in a sabot, and used in a cartridge designed for 30cal bullets (but not the other way around).
137. Currently, sabot ammunition is legal to use in shotguns, and allows for the use of superior jacketed rifle projectiles, in shotgun cartridges. The prohibition of this ammunition type in rifles doesn't take into account that what is actually being banned is convenience and flexibility to use smaller diameter bullets, rather than a certain category of ballistic performance. Equivalent ballistic performance to a sabot round can be had with a different cartridge that can use that smaller caliber of projectile, negating the sabot. This would require the purchase of a separate firearm. Essentially instead of having a sabot make a small diameter bullet able to be used in a wider diameter cartridge (as above), the cartridge case itself can just be modified to accept the smaller diameter bullet without the need for a sabot at all. Whilst Sabots aren't particularly popular outside of shotguns, there is nothing especially dangerous to public safety about sabot use in rifle cartridges and the technology has been largely antiquated.
138. To further highlight how risk-based approaches were abandoned in this case, the prohibited ammunition regime regulated ammunition, not components of ammunition, so one could simply remove the armour piercing projectile from the cartridge and possess it without having to get the appropriate authorization. Strictly speaking the loading of the projectile into a cartridge and its possession (without authority) constituted the crime, as opposed to possessing the projectile itself in isolation. So all this policy achieved in the end was eliminating the ability for most license holders to legally discharge designated ammunition types, or possess them loaded in a complete cartridge. The ability to become an prohibited ammunition collector was not particularly difficult and didn't amount to a 'endorsement' but a letter of approval. These ammunition types are desirable in a sporting context as the ammunition is cheaper, often surplus from Government stores. Availability in bulk amounts for cost-effective high-round-count competitions and practice sessions cannot be overlooked. The prohibited ammunition projectiles are still in circulation and have at this time, not been known to have been used in gun crime, or specifically sought out by criminals for use relative to other ammunition types.

## Theme 4

### Dealers

#### Standard Dealers and Controlled Dealers

139. SSANZ believes that there should be two categories of Dealer, and these Dealers are authorised to engage in commercial activity that is intended to result in the transfer of possession as it relates to firearms and arms items. SSANZ believes that the yearly renewals for dealer endorsement holders is too onerous, and would be supportive of seeing an dealer endorsement duration of 2+ years. SSANZ believes that dealers should be able to stock any item they can legally sell.
140. A Controlled Dealer would be able to deal with any item that requires a Controlled firearm endorsement as well as anything a Standard Dealer can engage with, whereas a Standard Dealer would not work with Controlled items. This would encompass gunsmiths and manufacturers, but not theatrical armorers, hunting guides, or businesses that rent a firearm such as 'have-a-go' clay pigeon or rifle shooting experiences aimed at tourists or unlicensed people.

#### Who Needs to Get a Dealer Endorsement

141. **The reason SSANZ is a proponent of this position of the above not being required to hold a dealer's license is that to do so, cannot be reconciled with the concept of supervised use not amounting to possession of a firearm by the supervised user.** Lending firearms for supervised use is not the flow of firearms or arms items, and should not be made to sound as such. SSANZ believes that the delineation between which businesses need a dealers endorsement, and which do not relies on the following test.
- Does the applicant's business activities **substantially** involve the parting of, and/or taking of possession of firearms, and/or Arms Items? If yes, then the applicant must apply for a dealers endorsement corresponding with their activities. If no, then applicant is not required to apply, but may still do so.
142. The gauge for if a business activity *substantially* involves the parting of and taking of possession is whether or not the business could function without it from a customer-facing context. For example, a manufacturer of firearms or Arms Item's is manufacturing them for the purpose of commercial sale, ie the parting of possession of the manufactured item in the course of business is essential. A gunsmith will receive and part with possession of firearms and arms items in the course of their business as a gunsmith, it needs to be able to send and receive items to work on. Gun shop's obviously engage in this, and so do distributors, both hinge on parting with and accepting firearms into inventory for their business activities. A person who manufactures suppressors would only be captured if they offer to thread firearms to accept them as part of the service, akin to a gunsmith. Auction businesses, and other commercial 'middlemen' in Arms Item and firearms transactions would also still be classed as dealers. Ammunition sellers would still be classed as dealers.

143. By the logic of how supervised use works in the Arms Act, the supervised use of firearms does not count as the supervised user taking possession. Therefore the supervisor is legally precluded from transferring possession to the supervised individual. Therefore, they cannot be a dealer. Occasionally these businesses will sell off and grow their inventory of firearms but that does not mean the business is substantially involved with the parting and taking of possession of firearms. Firearms may need to be given to gunsmiths for work and maintenance. They may also be replaced due to wear and tear or changes in the business climate, change in firearms technology or appeal to customers, or returning firearms/arms items after being loaned. The ability for their business to function is not inherently linked with the ability to part with and take possession of Arms Items and Firearms. Controlled Firearms coaches, or commercial pest controllers for example, would have a Commercial Controlled Firearm Endorsement GFP but would not be required to be recognised as dealers as well.

144. In the context of theatrical armourers, they are providing firearms for supervised use, much like a hunting guide and other contexts above. Their role is to supply a host of firearms to a client under supervision. The environment is heavily regimented and is similar to a 'range' environment as far as safety precautions and gun safety practices are concerned. Their business does not substantially involve the parting of and/or taking of possession of firearms, and/or Arms Items. SSANZ does not subscribe to this needless 'creeping expansion' of who does and does not need a dealers license, and believes that a clear legal test to the effect of what we have suggested would easily delineate between business who must become dealers, and those who do not need to. In the case of theatrical armorers, they already have a appropriate endorsement, and have gone through the heavily bureaucratic processes to conduct their activity. It is hard to identify how forcing them to become a dealer is making the public any more safer than what they were without a dealers endorsement.

145. Museum curators are another example of an individual who should not require a dealers endorsement as their 'business'<sup>46</sup> is the maintenance and display of a firearm collection. Boiled down, the Curator is merely designating the Museum site as the designated place of storage. Their core business does not deal with the flow of firearms or Arms Items in a customer-facing sense. They may loan parts of collections to other Museums, or trade them, but in a regulatory sense, this is no different to the above examples where the parting and taking of possession is not substantially linked to the business activity in question but is an occasional byproduct of. The regulator should see the Museum Curator as a collector who opts to store their Controlled Firearms off-site, and that location is the Museum. The collector is still bound by storage requirements, and the regulator would need to certify that they meet these requirements. The firearms in the collection will be held on the Curators license, and therefore they are accountable for them. SSANZ does not see how the added burden of requiring a dealers endorsement materially increases public safety, as opposed to the burden on an already highly vetted member of the firearms community. Likewise if the Curator only worked with Standard Firearms, then they would not need an endorsement at all, and should not be required to get one.

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<sup>46</sup> In reality a lot of museum 'businesses' are passion projects that are charitable endeavours, and some are maintained by volunteers rather than paid staff.

146. SSANZ believes that the FSA's outlook at forcing a large group of entities who work with firearms to get a dealers license, and renew it yearly, is a waste of resources for the regulator and is overly onerous to applicants as well. We would be supportive of a legal test that draws a clear 'line in the sand' for who must have a dealers license to be developed, as opposed to ad hoc policy decrees that amount to regulation for the sake of regulation. We believe that our test is ideal as it sidesteps the issue of trying to delineate between a manufacturer and a gunsmith, of which there are no formal qualifications denoting the two, and therefore it is difficult to draw a boundary between the two. We believe there may be a significant cross-over in activities done by both and therefore believe that the ability to be a 'gunsmith' or a 'manufacturer' should be consolidated into a Dealer's endorsement automatically.

## Dealers as a Transfer Point

147. **SSANZ is supportive of the notion that controlled dealers be granted the ability to sign off on the transfer of controlled firearms on behalf of the regulator.** This would take some of the regulatory burden off of the FSA, decrease costs to them, and provide a quick ability for permits to procure to be signed off or in complex cases, be referred to the FSA, as well as changes in possession being logged and passed on to the regulator. This would result in a fast turnaround time for license holders and would represent a good quality of life improvement for the system.

## Importation and Mail Order Permits

148. SSANZ believes that the approach of only requiring import and mail order permits for items that require a firearms license to own is an effective approach. **SSANZ believes that regulating firearms on a 'key component' basis is the effective way to control firearms.** It looks at the nature of a firearm which can be broken down into three parts, the ability to contain and direct the detonation of a round, the ability to enable that detonation, and the ability to feed rounds into the system. We believe that a Regulated Item should include the following:

- Any firearm
- Barrel
- Bolt, Bolt Carrier, and Bolt Heads
- Frame or Receiver, including Upper and Lower Receivers
- Triggers
- Detachable and non-detachable magazines.
- Ammunition

149. We do not believe that stocks, suppressors, or other 'attachments' that are not essential to the ability of the firearm to discharge a round should be included as an regulated items and thus require a import/mail order permit.

150. SSANZ would also like to see that multiple consignment imports have the permit remain valid for 12 months from the day the first package lands in New Zealand. As has been highlighted with the pandemic, as well as global instability, is that global shipping is a highly exposed sector to significant disruption from a variety of sources.

151. We also believe that dealer-to-dealer shipments should not require a mail order form, even if they are on behalf of a customer, as the Dealer would need to account for the sale of regulated items on their end, and the sending dealer, disposal of regulated items. In big chain stores the movement of firearms between stores without permits is already done relatively regularly, we would like to see this expanded to incorporate all Dealers. **Mail order permits should only be required when the firearm is being shipped from a dealer to a non-dealer, or from a non-dealer to a non-dealer.** The shipment from one dealer to another for the purposes of the third party customer picking up the item should not require a mail order permit.

### De-Facto Import Bans by Police/FSA

152. **SSANZ does not believe that the ability for Police/FSA to simply not grant a import permit amounts to effective regulation. If there is a refusal to grant a import permit, it needs to be on a sound legal basis as to the nature of the firearm itself, not other operational considerations of Police.** A notable example of this is the de-facto importation ban on Alfa Carbine revolver carbines. These firearms should not be treated differently to any other firearm, and if Police have concerns relating to diversion, they can consult the dealer records, or the register itself, to trace these firearms as they circulate the community. If Police wanted to detail the most popular types of firearms diverted, the Alfa Carbine would not be the most popular. The legislation should not enable policy choices that amount to the effective banning of certain firearms by name through the import permit system. Only Parliament should be able to ban and recategorize firearms, the import permit system should not be used as a backdoor prohibition tool by a regulator. If Parliament did not want a firearm to enter the country, they would make it so. The refusal to issue import permits for Alfa Carbines represents a gross misuse of power, considering the firearm has not be recategorized domestically in this case, and can still be held on A-category. A future import system should not have provision for this sort of obstruction.

## Theme 5

### Offense Regime

153. SSANZ believes that a potent offense regime is essential to ensuring that firearms are used and possessed in a manner conducive to public safety. SSANZ does make note of the subordination of Arms Act offences to the Crimes Act, and whilst we understand the prosecutorial practicalities of why this is, we would like to see firearms offending governed by the Act controls firearms, rather than using Crimes Act charges. Simply given the Arms Act offense regime ‘teeth’ is pointless if the offence regime is seldom used, or not used consistently. This would also serve to skew data if research was to be undertaken as to the occurrence of certain charges which could be indicative of certain trends in offending on a broad scale. Whilst we know amendments to the Crimes Act are out of scope, and Parliament should not constrain prosecutors and judges to charge, prosecute, or sentence certain crimes in one way or another from a separation-of-powers or constitutional standpoint, we would like to see the Arm’s Act used more often by prosecutors. SSANZ does have a few ideas for where the expansion of the regime is needed.

### Knowingly Facilitating, through Sale or Supply, Diversion (4 Years Maximum Imprisonment)

154. SSANZ has recently undertaken research on diversion facilitation, exploring whether or not licensed sellers selling to licensed buyers who intend to divert should be a offense. As confirmed by New Zealand Police via an Official Information Act request, if a diverter were to purchase firearms off a seller, where the seller suspected that they were to be diverted, the seller is protected from prosecution. That is because, as far as the current Arms Act is concerned, it is a lawful transaction between two firearms license holders. Furthermore, the funds used to purchase the firearms are immune to seizure as proceeds of crime, so this allows sellers to derive benefit from enabling diversion. We believe that the most blatant cases of enablement should be able to be prosecuted. However, whilst we do have concerns about using recklessness, or negligence as mens rea requirements as this may over inflate the applicable circumstances beyond enablement, we do believe knowledge is perfectly appropriate.

155. This would serve to allow the prosecution of sellers who have knowledge that these firearms are destined for diversion. The Arms Act should not be used as a shield for facilitation of ultimately unlawful acts, and simply transacting with other licensed parties should not protect a seller who knows where the firearms are going. Knowledge is a high bar from an evidential standpoint that may be difficult to prove, but we believe that an offense of this nature would encourage sellers to engage in due diligence, and perhaps make them more likely to report suspicious transactions. There would be valid defences such as duress or compulsion, to protect those who are being ‘stood over.’ Knowledge would also protect those who sold firearms to a diverter historically as there is no way they could have known in most cases. This is particularly important if a diverter chooses not to purchase firearms but sell off their own collection to avoid risk of engaging with third party sellers.

156. SSANZ believes that all funds used in the transaction, including commissions, should be liable for confiscation as proceeds of crime. We also believe that a maximum sentence, given the very high bar to prosecution, should be 4 years imprisonment as well as a fine equal to the amount of money received as part of the transaction. This is on the basis that having a maximum sentence of 2 years or less makes non-custodial sentencing a very real possibility and we would like to see more upward mobility in sentencing. SSANZ would like to see there be upward mobility for prosecutors and judges for high severity cases, such as lots of firearms being sold, Controlled Firearms being sold, or if a gun from a crime is traced back to the seller. Whilst we talk about firearms being sold, we would also like to see ammunition, and regulated parts (Arms Items) be included, ie any product that requires a firearms license. The higher maximum sentence would also represent the monumental breach of trust that has occurred, as they are abusing their status as a firearms license holder. We believe an offense of this type fills a significant hole in the Arms Act offence sweet that is very exploitable.

### **Diversion (Sale/Supply) of any Firearm or Regulated Item to a person who they know has no Firearms License (5 Years Maximum Imprisonment)**

157. Under the current Arms Act, Section 43 makes it an offense to supply a non-prohibited firearm to somebody who does not have a firearms license. This offense has a built-in due diligence clause that protects those who proactively went out of their way to verify the license status of the buyer yet still carried out the sale. SSANZ believes that this offense and protection should remain, however we believe that a second offense should be included in the new Act. This offense would, as above, target those who knowingly diverted firearms or regulated items to people without a license. As above the highest bar of knowledge is knowing that the purchaser does not have a license, yet continues with the transaction anyway. Section 43 has a 2 year maximum sentence (or a fine) which falls within the non-custodial range no matter the severity of the offending. We believe that a dedicated offense is necessary and that a maximum sentence of 5 years is justified.

158. The reason we opted for 5 years instead of 4 as above, is because not only is there the breach of trust aspect of a license holder acting unlawfully, that breach of trust is greater because instead of 'turning a blind eye' and hiding behind the legality of a license holder to license holder transaction, they know full well that the present buyer does not have a firearms license at all. Furthermore, compared to the above instance where license holders are both parties, the firearm technically has not left the 'legitimate' system of firearms circulation in New Zealand, so could very easily be sold to a legitimate buyer. That possibility is eliminated in this case, as the firearm is going into unlicensed hands, and thus the firearm is not only harder to track, but most likely to do harm to the community. Facilitation is a preliminary step towards Diversion which is a greater harm to public safety. We believe that both these offences can incorporate regulated parts, including Controlled Firearms. This would also mean that all offences related to the selling of Controlled Firearms to those without a firearm license could be consolidated into this offence. We do believe that the sale/supply of a Controlled Firearm to a licensed person who lacks a suitable endorsement should have its own separate offence and be treated as a separate issue.



## Enforcement Options and Disputes Resolution

### Suspended License Holders

159. **SSANZ stands by the approach of innocent until proven guilty and would like to see suspension notices endure until the conclusion of any judicial proceedings. We would also like to see suspended license holders be able to use firearms under supervision, including being able to satisfy GFP requirements such as attendances (the firearms would be possessed by a endorsed third party).** A suspended license holder should have a right to appeal at any point during the suspension period. A notice of suspension may only endure for 90 days and the intention of this 90-day expiry is for FSA to decide on a course of action, such as file a application for revocation, or to reinstate, or to issue an improvement notice. If there is a proceeding that endures for longer than the notice, then a automatic renewal specifically citing that proceeding should be issued and the expiry of that order confirmed once the hearing concludes. There should also be a requirement for FSA to end license or endorsement suspensions without unreasonable delay once a non-adverse decision has been made given that people may rely on their license status for employment or sustenance. Suspensions that result in reinstatement should have the duration of that suspension credited towards their firearms license expiry date.

### FSA and Police to Only Have Power to Suspend Firearms License or Endorsement Status, Not to Revoke (Unless Authorised by Judge)

160. **SSANZ believes that both the Police and FSA as enforcement and regulator respectively, should not have an innate ability to revoke without the oversight of a Judge.** We believe that a member of the Police and FSA retain the ability to suspend, but suspension is pending independent judicial appraisal. FSA and/or Police may submit an application for Firearms License revocation but may only do so if a suspension notice has been enacted first. Not contesting the the suspension or proceedings will still require a revocation application to be filed.

### Implementation of a Firearms License Holder Disputes Resolution Body

161. **The reliance on the District Court to handle what are fundamentally administrative matters of law in the Arms Act has created a cost barrier. SSANZ is very conscious of the diverse array of license holders that make up 240,000 or so members of our community. However, accessibility to the District Court is cost prohibitive for many, with the cost of a appeal against license revocation often exceeding \$10,000 and some reaching over \$20,000.**<sup>47</sup> The average license-holders collection may be worth a fraction of that cost so financially it may not be a sound decision. Accessibility to due process is important and it has become apparent that much like Police, FSA will use the cost-prohibitive nature of litigation against those of lesser financial means in a way that is unbecoming of a 'model litigant' in a attempt to 'price out' the other party.

162. A Firearms License Holder Disputes Resolution Body should be established as the first external point of contact where an administrative dispute of law with FSA yields

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<sup>47</sup> Based on conversation with Lawyers familiar with the appeals process.

no progress. This Body would have the power to rule on matters such as revocations, as well other issues of Arms Act administration, such as compliance with improvement notices, appealing a denied firearms license or endorsement application, import issues, firearm categorization issues, and other matters of an administrative nature. If the nature of a matter is linked to a criminal proceeding, it cannot make use of this body.

163. The point of this body is to be a non-cost-prohibitive matter to have an individual have their case heard. There should be a means for either FSA or the applicant to appeal the ruling of this Body to the District Court. This Body needs to have its own jurisdiction to enforce its own determinations and Police/FSA must, in absence of an appeal at the District Court, comply with the rulings of this body, as much as the 'defendant' has to. The Body needs to have the power to revoke and reinstate a firearms license, including revoked licenses, and order the return of confiscated items. They should also have the ability to rule on technical matters relating to firearms classification or reclassification after conversion work, and other administrative matters. The Body should also publish its rulings with appropriate redactions, in an accessible manner for others to read. The Body should also have the ability to award legal costs to a successful applicant pending confirmation, and where the FSA has acted in a way that is procedurally unfair, additional damages may be sought.

164. Whilst we appreciate that this may just result in the FSA being overly litigious and appealing rulings to the District Court in the hopes that the party involved runs out of money and seeks settlement, we do believe that having this option available is a positive move. The ability of the FSA to revoke a firearms license in-house and force people to the District Court to appeal it has resulted in the 'pricing out' of people who may not have done anything wrong. This has resulted in many preemptively surrendering their license to avoid the stand down period that comes with revocation, due to not being willing to endure the open ended costs of legal proceedings.<sup>48</sup> There is also the added matter of stress that comes with being a party to proceedings. It is important to note that this Body may have applicants before them who are between the ages of 16 and 18 and hold a firearms license, so these are all factors the Body would need to consider in how it does 'business.' The Body should allow for representation by counsel, or personal representation.

165. Given that the Firearms Safety Authority could very easily be removed from Police, we would encourage, as part of the Body's ruling powers, that findings of procedural unfairness or instances of procedural impropriety be publicly shared to keep the FSA publicly accountable. This would also help combat the high degree of reputational damage the Police and FSA have experienced from the perspective of the license holding community post-2019. There should not be any grounds for suppression for reputational damage on the part of the Firearms Safety Authority or the conduct of the Police where that is relevant. This will increase transparency and accountability, as the FSA is expected to act in ways befitting of a regulator with particular care and attention given to procedural fairness and objectivity in decision making.

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<sup>48</sup> A person with a revoked firearms license, no matter the reason for revocation, cannot use a firearm even under supervision for the whole 5 year period.

166. Whilst there may be cheaper ways to do this other than setting up a judicial body, for the avoidance of doubt, SSANZ is advocating for the following:

- A body that allows for judicial oversight of any and all revocations of licenses and endorsements via receiving FSA applications for revocation. They will also hear subsequent pre-District Court appeals to that revocation.
- The entity would serve as a low-cost disputes resolution body for civil/administrative legal matters as a 2<sup>nd</sup> Tier<sup>49</sup> that would have binding powers in the rulings it makes.
- The entity would have the ability to refer a matter to the District Court, and the FSA/Defendant would have the right to appeal to this body, and then the District Court.
- The entity would have the power to award legal costs to the defendant, and in cases where the FSA has not been procedurally fair, damages regardless of the outcome for the defendant.<sup>50</sup>

167. **If the establishment of a disputes resolution body is deemed too expensive or not practical, SSANZ strongly advocates for revocations to be approved by a judge should remain.** as this is a crucial and simple oversight process that would significantly benefit license holders, and the reputation of the FSA which is struggling with poor perception amongst the stakeholder communities. However, we do believe that a body that can fulfill the above functions does have merit if it can be done in a cost-effective manner.

168. We think that the Tenancy Tribunal model should be looked at, as it manages to keep costs down, and keep their services accessible, whilst having the ability to make binding rulings. For example, the cost to lodge an application is \$27, with an appeal costing \$260 and with a fee of \$900 to the District Court for every half day once the proceedings have exceeded half a day. A more cost-effective option may be to put these matters into the jurisdiction of the Disputes Tribunal, which would utilize pre-existing infrastructure, and augment preexisting lines of funding. However, the only issue we foresee with utilizing a preexisting body is that caseloads may be high, and urgent matters such as revocation appeals or getting order for revocation signed off by a Judge, may be delayed. The reality of the justice system as it stands is that Court space is at a premium, and the backlog of cases is high, but the Disputes Tribunal does try to have all cases heard within six weeks. We do not know if it meets this deadline or not. However, these examples serve to highlight bodies with a binding power that are financially accessible which is what we believe this Body needs to be.

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<sup>49</sup> Tier 1 would be internal dispute resolution processes within the Firearms Safety Authority, Tier 3 the District Court.

<sup>50</sup> If the FSA is ultimately successful, but did not follow proper processes in getting to that point, the applicant may lose the case, but may still be able to apply for damages due to bad treatment. This would ensure that the FSA doesn't take a 'ends-justify-the-means' approach to administration in cases where the outcome is all but certain.

## Court-Order Ammunition Disposal Scheme

169. Court orders are responsible for large amounts of seized ammunition being destroyed, and unfortunately our OIA request on quantities is still pending so we won't be able to provide full and complete figures. However, we believe that there should be an option for the FSA to retain this ammunition for transfer to Shooting Clubs at a significantly discounted rate. **A Judge may order destruction of the ammunition however the new Act should enable the FSA to dispose of the ammunition either through transfer to a shooting club, or physical destruction if transfer isn't possible.** The recipient Club will need to acknowledge that the safety of the ammunition in question is not verified by the FSA, and that due diligence and safety checks on any ammunition received from the program falls solely on the recipient organisation.
170. Thus, any damage that is caused by this ammunition cannot be attributed to the FSA, as it would be a 'as is where is' type of sale. We believe the FSA should offer this ammunition at well below retail price, or only charge for the processing and handling costs associated with the scheme itself. Another option may be to run a closed auction service if more than one club is interested in the ammunition. We do believe that there should be a cool-down period for a purchaser so that all clubs can get access to the scheme, or limit the service to North Island and South Island clubs depending on where the ammunition is located to control competition. We do not believe that individuals or dealers should be able to purchase this ammunition directly from the FSA, only shooting clubs.
171. The idea underpinning this process is that ammunition prices are continuing to increase due to a variety of factors, and this makes accessing the sport cost-prohibitive. We believe that the FSA could be seen in a positive light through this process, as they are helping clubs lower the cost for those wishing to be involved in the sport. This in turn enables clubs to pass on that saving to participants and may help clubs to afford new initiatives to draw in new members. If a period of 28 days transpires and no club has purchased the items, the items may be destroyed. Given that the FSA would be otherwise destroying the ammunition, this scheme would serve as another avenue of income for the FSA.

## Theme 6

### Cost Recovery

172. **SSANZ is weary of ‘cost recovery’ being used more as a pay wall than as a means to ensure the system is properly resourced to function. We accept that in a pre-2019 context resourcing and training of Police staff was tragically inadequate, and this reflected in the Police’s poor performance as a regulator of firearms, and highlighted the importance of resourcing. However, the solvency of a license holder should not be used as a gauge for fit and proper status, and will only serve to impact sectors of the community disproportionately, such as subsistence hunters, and young people.** As rightfully identified by Police, pricing people out of renewing a firearms license could very easily result in adverse public safety impacts. The proactively released document showed Police projections at 50% cost recovery for a firearm license, would amount to 57,000 license holders not renewing their firearms license over a 5 year period.<sup>51</sup>

173. We note that the FSA is currently recruiting 10 new Firearm Safety Officers for New Zealand, each with a salary of \$87,310 per year. These officers are responsible for outreach and training/education delivery and some compliance work. They are being paid as much as a Police Intelligence Analyst. In addition to this, there are two Firearm Safety Manager roles which both receiving \$102,810 each, exceeding the minimum prosecutor wage by roughly \$11,000 per year. This addition of over one million dollars in salaried positions when firearms license numbers have been trending downwards since 2019, by almost 20,000 at the start of 2025, makes SSANZ question why the FSA appears to be expanding. The expansion of its non-administrative workforce, during a recession, where that role has limited means of which to recover costs beyond firearm safety training is of particular concern. SSANZ wishes to emphasise that cost recovery calculations for administration of the Arms Act should not be used to fund non-administrative positions, and the expansion of non-administrative positions does concern us. A clear delineation of what will be funded by cost-recovery and what is funded by the tax-payer (which includes license holders) will be necessary going forward.

174. Overcoming accessibility issues should be at the forefront of the minds of the Ministry of Justice when discussing costs. SSANZ believes that at a minimum an audit of internal processes at the FSA as well as resource and manpower allocation is needed. We believe the FSA can be made more efficient. We also believe there needs to be the identification of the true baseline cost of a given administrative task, and these costs all need to be broken down and quantified. SSANZ is supportive of an indexation of fees to inflation but that relies on the core ‘cost’ calculation not being exaggerated to begin with. We are also cautious of the FSA’s apparent growth, or desire to grow, and that growth where unjustified, should not justify increases in costs.

175. **To reiterate, there will be no recovery of cost if people cannot afford that cost, and because of this, there needs to be effective consultation.** SSANZ was

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<sup>51</sup> See paragraphs 64 to 73 of Supplementary Document “D”

disheartened when, during the cost recovery consultation process under Labour, firearms licenses were going to approach \$700 for a renewal of a 10 year license, and that didn't represent complete cost recovery. We struggle to see how a base price to this extent can be justified and would appreciate a full breakdown of costs in the future when things change. We also have concerns that if the pool of firearms license holders continues to diminish on account of high costs, then that would mean that opportunities to recover cost will also decline. SSANZ would like to see better cost breakdowns and more detail of the processes involved in granting endorsements and licenses, and the itemisation of these processes. We struggle to reconcile how proposed endorsement costs can exceed \$1,000, with B category proposed to be between \$1350 and \$1490, and pest control or heirloom endorsements being between \$930 and \$1,020 each.<sup>52</sup> It was also proposed that if the endorsement was applied for in a separate application to a firearms license, an additional fee of between \$590 and \$650 be charged.<sup>53</sup> On that note we believe that an endorsement should automatically amount to a license renewal anyway.

176. **We have concerns regarding the decrease in license holders as this would result in less license renewals, less endorsement applications, less permits to import, and less transfers or registrations, and if all these were cost recovery 'products' that would result in less cashflow for the FSA.** We are weary of this being used to then increase costs again to justify maintaining staffing numbers given that each staff member is on average doing 'less work' therefore there either needs to be less staff, or the work needs to become more expensive to justify said staff. Ideally less demand for resources but equal capacity to deploy those resources should see the base price of all FSA products decrease proportionally as well as staff levels. We know it is unlikely to happen given the reality of employment law for redundancies in New Zealand and the nature of public sector employment. We also know that with license renewals, some years are far busier than others, so there is great difficulty in liquidating staff only to rehire them again in 18 months to deal with a influx of renewals. Cost recovery should not be used to facilitate the growth in size of the FSA, as the demand for the FSA's services will drive expansion through increase in product consumption to a point where the demand detrimentally impacts efficient output, and that is when expansion is needed.

## Historical Proposals are a Cause for Concern

177. **In the proactively released documents from the previous Labour Government, there is zero recognition of non-application costs, such as a upgraded safe, club memberships to justify endorsements, the cost of attendance shoots and the associated ammunition and firearm costs. The cost of the system administration may be articulated but the cost on the user is ignored and it really should be considered.** The cost of the system that ensures public safety is not solely placed on the FSA, and it is important to remember that 230,000 license holders currently endure financial cost to continue their activities in a way that is safe, lawful, and brings about positive public safety outcomes, and those costs need to be

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<sup>52</sup> Paragraph 56 of Supplementary Document "D"

<sup>53</sup> Paragraph 57 of Supplementary Document "D"

understood. The shooting community provides public safety outcomes and the value of these public safety outcomes needs to at a minimum, offset any calls for cost recovery.

178. We also see that at paragraphs 62 to 64, the cost of licensing in Australian states is considered and compared, yet the differences in arms staff wages are not acknowledged, nor their impacts on the costs of services from a customer perspective. Given that Police staff in New Zealand are being actively targeted by Australian Police Forces with significantly better pay for sworn officers, there may be a comparable increase in salaries for their firearms regulatory staff as well and we believe this is an avenue that should be explored. If other regimes are to be compared with ours for the purpose of cost calculations, there needs to be a closer analysis of staff wages, infrastructure costs, and other cost influencing factors for these other jurisdictions. Some may be relevant to our processes, some may not, and this process may uncover inefficiencies and cost savings in overseas jurisdictions that we may be able to exploit here. Simply comparing the final cost of a firearms license overseas and using that as a basis for how much a New Zealand firearms license should cost is not an effective form of cost calculation for recovery research. We should not be emulating the costs of comparable products overseas or using them as a scale for simplistic analysis that ignores detailed appraisals of internal processes.

## The Delegation of Regulatory Roles to the Firearms Community to Bring Healthy Competition to Pricing and Alleviate Strain

179. **A way to keep costs down would be to provide an alternative competitor to administrative duties at FSA. For example, a permit to procure approval could be delegated to a dealer, rather than by FSA. The slimming down of what does and doesn't need regulatory oversight would also help the FSA streamline internal processes and make savings.** For example, a shipment of regulated items between dealers should not need a mail order form, so therefore the transfer of items from a seller to a buyer should not, as the dealer at the recipient store is obligated to verify license status of the buyer, and likewise for the dispatching store. Giving the FSA a monopoly on every-day administrative services comes at the risk of the value of such services being overly inflated in pricing. We believe that healthy competition from Dealers, or allowing Dealers to take workload off of the FSA, should be an avenue that is explored.

## Payment Plans are Essential if Costs Explode

180. **SSANZ cannot understate the importance of payment plans and where there is any cost present in the system, there needs to be a means to pay for it either upfront or in increments.** This needs to be made available to everyone and should not be discriminatory in respect to income testing, ethnicity, citizenship or residency status, location, or other criteria. Having means testing factored into the eligibility criteria for payment plan access will only increase costs. Having payment plans available for all will keep the system simple and provide user flexibility should costs sky rocket. Whilst SSANZ is not advocating for costs to increase dramatically as was proposed in historic documents, we believe that should there be any cost increases beyond a simple indexation of current pricing for inflation, a payment plan system needs to be introduced with the fee changes.

## Theme 7

### MAAG is Essential

181. The Ministerial Arms Advisory Group is an essential stakeholder group that advises the Minister. It also gives the Minister a policy-discussion environment where Police, and their institutional interests are not in the room. We believe that this expert panel should be free to give free and frank advice to the Minister, and filter out the 'political' aspects of firearms ownership to allow for more objective or neutral policy and technical discussion. For this to occur, there needs to be representatives from gun owning, and non-gun owning communities with the requisite credentials to provide such advice, and the adoption of Chatham House Rules, we believe that MAAG should have minimal if not zero minutes recording. We also believe the FSA-run committees such as FCAF, and others, are important consultative bodies but we would like to see greater detail in the notes taken to enable transparency.

### The Firearms Safety Authority Needs an Image Overhaul

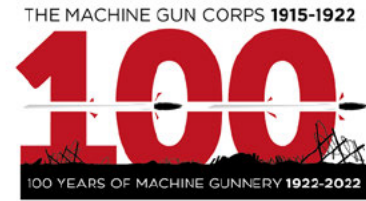
182. **The FSA stands to become an excellent regulator, educator, and facilitator of lawful firearm activities in New Zealand, but only if it genuinely wants to be that, and can openly demonstrate that to stakeholders. As outlined earlier, the FSA hasn't started off on the right foot.** Initially when the FSA was announced as a new 'independent' regulatory body, many in the shooting community were happy to hear that Labour was working on this. The Police had proven time and time again that they were not fit and proper regulators of the Arms Act and this ultimately culminated in the Terror Attack in 2019. We thought the FSA was going to be independent, and for the first few months, Labour was presenting it as that. Ultimately it was watered down to a business unit, within Police, which was and still is a disappointing reality we hope is rectified.

183. What many in the community believe occurred was that there was a simple 'shirt change' that resulted in those in blue, simply moving to wearing green, many remaining in the same building. Police staff were obviously the most qualified to fill these new positions during the formational stages, so the movement of firearms staff from Police to the FSA was an inevitability. However, what many now believe, after a few years of the FSA interacting with the firearms license holding community, is that the perceptions and biases that were present in the Police, had seeped into the FSA at a management level. The unfair and arbitrary treatment of license holders was something that predates 2019, but what we have seen since the formation of the FSA is that at the decision-making level, not much has materially changed. These negative and biased perceptions against fit and proper people, and even COLFO member organisations, have been confirmed by documents sourced via OIA, as well as tip-offs from sympathetic staff or those that know them. We believe that the FSA, founded by Labour's anti-gun agenda, propped up by former Police staff with Police institutional interests ingrained into them, and founded in a post-2019 firearms regulatory context, would have struggled to be anything other than biased against firearms license holders. The context of the FSA's creation and composition has weakened its foundations and has led to an alienation of the 'business' from its customer, being the license holder.



184. **SSANZ cannot stress the dire need for the FSA to rearticulate its relationship with the firearms community in New Zealand from one of arbitrariness to one that is firm, fair, pragmatic, and objective in their determinations. We are not asking for the FSA to be our ‘friend’ but what we want the FSA to be is accountable, constructive, and an enabler of the firearms community as a whole.** We believe this rearticulation cannot occur without the stripping of revocation powers from the FSA, and by extension the Police. The dynamic right now between the license holding community towards the FSA is that of fear and bitterness. The FSA/Police’s ability to revoke a firearms license under Section 27 creates a situation where external oversight is only brought in post-decision, rather than pre-decision. In effect this means, oversight of a decision comes at a cost to applicant. The ‘defendant’ is forced to either accept the revocation or appeal it. The revocation results in a 5 year stand down period before reapplying for a license, during this period, one cannot even use firearms under supervision.
185. Appealing this ruling in the District Court is guaranteed to cost between \$10,000 and \$20,000 and for most normal recreational shooters, particularly in this economic climate, that is a very big expense for what is a hobby. Even for a lot of occupational users such as farmers and small business owners, \$10,000 - \$20,000 is expensive and the open-ended nature of litigation means there is no fixed cost. Like the Police, the FSA weaponise litigation costs against license holders. We do not believe that this is a healthy context for a regulator to be operating under, as they effectively only have a check on their power if they choose to engage with somebody with the financial means to afford to go to the District Court.
186. Thus, the FSA is operating on a ‘until told otherwise’ basis which allows for the entrenchment of questionable policies with little judicial oversight. Historically the Police held the ability to enforce the law, the ability to write regulation, and the ability to (terribly) administer the firearms system. The creation of the FSA saw the regulatory and administrative functions moved away from the Police. **The ability to create regulation, enforce regulation, and administer regulation should be kept separate and have checks and balances.** This encourages external oversight *during* decision making processes rather than after the fact via a costly District Court process.
187. What SSANZ means in an administrative function is that the FSA is still free to make it’s decisions, and can make temporary decisions such as suspensions, but any determinations as to revocation or elimination of somebodies fit and proper status need to be overseen by judicial-level approval. This process is intended to be much like search warrant approval, if a situation is urgent, a suspension can be used. There needs to be a healthy check and balance system to counter the administrators right to administrate. The ability to suspend would not be impacted, but the ability to suspend would be for the purpose of more information to be gathered, and pending judicial oversight, carry out revocation processes. This would not obstruct the FSA or Police in keeping the community safe as a suspension practically amounts to a temporary revocation in the context of the license holder. The use of judicial oversight would significantly assist the FSA and Police in reforming their poor reputation amongst license holders. SSANZ cannot understate the importance of the FSA reforming their image, as this will ultimately aid in the rebuilding of trust which is essential to producing positive compliance and public safety outcomes.

188. As to the relationship FSA should have with Police, we believe Police are best equipped for criminal enforcement matters, but we believe where it is possible and safe, the FSA should be leading the charge on enforcement in cases where handoff to the Police is necessary. Police serve as muscle in the fight against gun crime, and illicit firearms ownership, and that is it. SSANZ is not sure how, in the context of establishing a new Act, there are concerns about the removal of FSA from Police, and how that will result in a complete cut off of the flow of information. The FSA should have a controlled and actively audited information sharing agreement with Police that doesn't compromise the privacy or security of those who's information FSA holds, but allows Police to have access to information in a real-time context. The rewriting of the Act means that there shouldn't be any practical, or legal impediments to this coming about.



28 Jun 22

**RANGE ACTION SAFETY PLAN, (RASP) – Vickers Machine Gun Shoot in Commemoration of the Centenary of the Disbandment of the Machine Gun Corps, Century Range, 3 Jul 22.**

1. This RASP has been produced to support live firing of 16 Vickers Machine Guns as part of a commemorative shoot conducted by the Vickers Machine Gun Collection and Research Association (VMGCRA). It will be conducted on 3 Jul 22 on Century Range Bisley. This activity is a private activity under Section 5 Authority not an MOD activity. Only those detailed on this RASP are covered by the Section 5 Authority and the VMGCRA's liability; providing that they are operating a weapon inspected and authorised by the VMGCRA, on Century Range and conduct themselves inline with practises recognised by the VMGCRA as determined by the RCO.

**Aim**

- 2. The aim of this RASP is to:
  - a. Detail the duties and responsibilities of the range staff.
  - b. Detail those operating under the VMGCRA's authority and liability.
  - c. Detail points and subjects to be covered in the safety brief.

**Safe Persons**

3. The following personnel are nominated to fill the appointments listed, other authorised individuals are detailed in Annex A.

Ser	Appointment	Name	Qualification	Remarks
1	Exercise Director	[Redacted]		
2	Senior Planning Officer	[Redacted]	Sect 5 Auth	
3	Planning Officer	[Redacted]	SA (A) (90)	
4	RCO	[Redacted]	SA (A) (90)	
5	Safety Supervisor	[Redacted]	NRA RCO	
6	Safety Supervisor	[Redacted]	NRA RCO	
7	Safety Supervisor	[Redacted]	VMGCRA Cert	

8	Safety Supervisor		VMGCRA Cert	Also, first aid in the workplace.
9	Medical		Team Medic	
10	Medical		Team Medic	
11	Medical			
12	Medical			
13	Armourer		Civ Armourer	
14	Armourer		Civ Armourer	
15	Armourer		Civ Armourer	
16	Open Access Media			
17	Open Access Media			
18	Ammunition Storeman		VMGCRA Cert	
19	Ammunition Storeman		VMGCRA Cert	
20	Ammunition Storeman		VMGCRA Cert	
21	Assistant RCO		NRA Head of Shooting and Training	Covered by NRA's Section 5 Authority
22				
23				
24				
25				
26				
27				

4. **RCO and Assistant.** The RCO is responsible for overseeing the organisation, compliance with policy, and delivery of all aspects of the LF. The Assistant RCO is responsible for signing the 907 and monitoring the radio, he is to notify the RCO once authority to fire has been given and if it is rescinded.

5. **Safety Supervisors.** Are responsible for the safe conduct of firing as directed by the RCO and in accordance with this RASP.

- a. Ensure safety of the weapons throughout.

6. **Ammunition Storemen.** The Ammunition Storemen are to ensure that the following is carried out:

- a. Issue the correct amount of ammunition to the correct firers.
- b. All live, defective, and spent ammunition is recovered from the range.

7. **Open Access Media.** Are the only media allowed outside of the media pen.

8. **Armourers.** Are trained individuals who will confirm guns and ancillaries are safe to fire.
9. **Medical.** Are trained individuals who are providing medical cover.

### **Safe Place**

10. Name of the Range: Century Range Bisley, Target No 49-64.
11. Name of the persons conducting the range recce: [REDACTED]
12. **Medical.** A first aid kit will be held at by gun 1 on the firing point. This medical plan is in accordance with Pamphlet 21 and Range Standing Orders. The following plan will be implemented in the event of a casualty on this range:
  - a. **Immediate Action (IA).**
    - (1) All firing is to cease immediately, and firers are to dress rearward away from the guns and await further instruction from the RCO.
  - b. **Minor Casualty.** After the IA, the following plan will be carried out:
    - (1) The Medic will administer minor first aid; if more is required the casualty will be moved to the nearest suitable facility.
  - c. **Major Casualty.** After the IA, the following plan will be carried out.
    - (1) Depending on the severity of the casualty, the casualty will be moved direct to one of the following locations:
      - (a) Civilian ambulance RV.
      - (b) If required an air ambulance will be called on the rear of Century Range.
  - d. After the casualty has been evacuated the RCO will continue the accident procedure.
13. **Reporting of Training Incidents or Accidents.** Should any training incident or accident occur the RCO is responsible for notification to the National Rifle Association.
14. **Changes/Amendments to the Activity Plan.** If in the event of any changes to the activity, the RCO is authorised to amend the plan. The changes, together with the reasons, are to be recorded and signed by the RCO. If a new RCO is to take over the range, they must have been part of the planning process, e.g. the recce and/or given a detailed handover of the range, by the original RCO.
15. **Action at the Range.** Please see Annexes B and C.

## Safe Weapons and Equipment

14. All live weapons and ancillaries will be inspected by Mr [REDACTED] to confirm that they are safe to fire. All deactivated weapons will be inspected immediately prior to moving onto the range to confirm their deactivated status by the RCO.

## Safe Practice

15. **Activity Risk Assessment.** The MOD's safe system of training has been adopted by the VMGCRA and will be followed for this shoot. The following safety rules are of note:

- a. The range will be conducted in accordance with this RASP, with the shoots being detailed in Annex B:
  - (1) All personnel near the firing will wear hearing protection.
  - (2) All handling of the weapons will be performed by individuals trained, authorised, and certified current and competent by the VMGCRA.
  - (3) No members of the public will be allowed forward of the safety barrier rope.
  - (4) Only drills taught by the VMGCRA will be performed.

## Conduct

16. The following will be performed on the range

- a. **NSPs.** Will be performed under the direction of Mr [REDACTED] prior to moving weapons onto the range.
- a. **Personal Protection Equipment (PPE).** Check for serviceable Ear Defence.

17. **Safety Brief.**

- a. This is the safety brief.
  - (1) Weapons are to be carried with their muzzles pointed skywards or towards the range backstop.
  - (2) Weapons are to be placed 50cm left of the lane markers on the firing point. Once placed on the firing point, weapons are to be kept pointed down range, in lane and horizontal at all times.
  - (3) Only individuals named on this RASP are authorised to handle weapons on this range to the level specified in Annex A. You are likely to be breaking the law if you allow unnamed individuals to handle the weapons.

- (4) Only drills taught by the VMGCRA are to be performed.
- (5) Only ammunition issued by the VMGCRA is to be fired, no live ammunition issued by the VMGCRA is to be removed from the range by unauthorised persons.
- (6) Firers are to obey the RCO and safety staff at all times.
- (7) Tripod leg locks, bedding and general security are to be double checked before firing and monitored throughout by both the No1 and No2. If required, they should be kicked or hammered into place.
- (8) Signal to stop firing is "STOP, STOP, STOP." Action on receipt of this signal is to stop firing immediately, stand up and dress to the rear of the guns.
- (9) If you are injured or see an injury occur, shout "STOP, STOP, STOP". Dress well away from the causality to allow the medical staff to access them.
- (10) If you see any incursions on to the range to your front by humans or wildlife, shout "STOP, STOP, STOP".
- (11) If you get a stoppage attempt to clear it yourself. If you cannot clear it, raise your hand and a member of the safety staff will assist you.
- (12) If you believe you have a misfire perform the misfire drill. Do not be over cautious.
- (13) All personnel near the firing will wear hearing protection.
- (14) No2s are to be aware of runaway guns and prepared to conduct the runaway gun drill.
- (15) Assure that you only engage the Fig 12 target in your lane.
- (16) The RCO will order the guns loaded and ready at the start of the practise, firers are to reload and ready the guns as appropriate throughout the practise. The RCO will give fire control orders to the loaded and made ready guns, no firing outside of these orders is to occur. The RCO will order the unload of the guns at the end of the practise.
- (17) Gun crews are to rotate firers as appropriate throughout the practise under their own judgment.
- (18) Once the guns have been unloaded at the end of the practise, the RCO will order for "inspection port arms, safety staff show clear". Firers are to crank the gun and hold the crank to the rear, open the top cover and facilitate inspection by safety staff. Safety staff will show clear to the RCO. Once this has occurred guns are not to be loaded.

(19) You will walk directly from the entrance to century range by the corral to the firing point of target No 49. Deviation left of this path will bring you into the shot fall area of the clay range.

**18. Range Area Layout.**

- (1) Firing Point
- (2) Admin Area
- (3) Medical Point
- (4) Ammo Point

*Original Signed*



RCO

*Original Signed*



Senior Planning Officer

Annex(es):

- Annex A. Authorised Persons.
- Annex B. Details of the Shoot.
- Annex C. Timetable



**Annex A – Authorised Personnel**

**1. Competent**

[Redacted text block]

**2. Safe to Use**

[Redacted text block]


[Redacted text block]

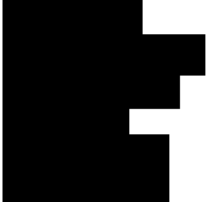
**3. Safe to Handle**

[Redacted text block]

**Annex B Shoot details**


0	<p>Test Firing only          [[Only RCO, Armourers and Safety Staff to be on firing]]</p>	<p>ALL GUNS          LOAD          NO X GUN          MAKE READY          200 YARDS          FIGURE 12 TARGET IN FRONT          MAXIMUM OF 25 ROUNDS FOR TEST          FIRE          STOP          UNLOAD          SHOW CLEAR  <b>REPEAT FOR EACH GUN</b></p>
1	<p>Ladies and Gentlemen, I'm [REDACTED] and this is the Vickers MG Collection &amp; Research Association...</p>	
2		<p>ALL GUNS          LOAD          MAKE READY  <b>SERIAL ONE</b>          ALL GUNS          200 YARDS          FIGURE 12 TARGET IN FRONT          100 ROUNDS AT THE RAPID RATE          FIRE          STOP</p>
3	<p>Now that we have your attention, I'll explain a little more.          We're here today to commemorate the centenary of the disbandment of the Machine Gun Corps. In two weeks' time, on the 15<sup>th</sup> July, it will be one hundred years since this war-raised Corps ceased to exist and it 'handed over' the art and science of machine gunnery to the infantry battalions and cavalry regiments of the day. The principles and doctrine that it established during its short existence continue to be used to this day and its that legacy that we are here to remember as well as those men who served with the MGC in its various infantry, cavalry, motors and to some extent Heavy branches. I say to some</p>	

	<p>extent as most people will know the legacy of the MGC and its link to the Tanks. Lesser known, or considered, is the point that the tanks were brought in to break the deadlock that was caused by machine guns in trench warfare in the first place.</p> <p>That's enough about tanks!</p> <p>What I want to do is talk you through the line up we have in front of us and let them each give a little 'hello' as we do. We have 16 guns on show today, which is the amount of a Great War company – the standard fighting unit of the Machine Gun Corps, supporting an infantry brigade.</p> <p>The first gun, on our left – No 1 gun – represents those infantry and cavalry regiments that went to War in 1914 with their own machine guns as part of their headquarters. Initially just two guns but quickly growing to four guns, they were used mainly in direct fire actions, where the target could be seen from the gun position, much like we can see the butts today. The Victoria Cross action of Godley and Deese of the 4<sup>th</sup> Bn Royal Fusiliers at Nimy Bridge is one example where the machine guns had a direct impact on the battle in front of them. Another, perhaps lesser known is the support of the machine guns from the 1<sup>st</sup> Cavalry Brigade and 1<sup>st</sup> Bn Middlesex Regiment that allowed the guns of L Battery to escape at Nery. These are perhaps examples of the machine gunnery that people often perceive continued throughout the Great War.</p> <p>On the gun we have    and</p>	
4		<b>SERIAL TWO ALPHA</b> NO 1 GUN 200 YARDS FIGURE 12 TARGET IN FRONT 50 ROUNDS AT THE NORMAL RATE FIRE  STOP
5	<p>The Machine Gun Corps was formed on 14 October 1915 and had the three branches I mentioned: Infantry, Cavalry and Motors.</p> <p>The infantry branch replaced the machine gun sections of the infantry battalions. The automatic firepower of those battalions would eventually be</p>	

	<p>replaced by the Lewis gun – originally used as a machine gun in a similar role to the Vickers before realising it was not suited and used in the light or automatic rifle role only.</p> <p>Each infantry brigade had a company of 16 guns attached to it, sometimes formed from the machine gun sections of the battalions in the brigade. Infantry branch soldiers and replacements would be trained at the Machine Gun Training Centre at Grantham in Lincolnshire. In 1917 a fourth company of 16 guns was added to the Infantry Division as a reserve and then in Spring 1918 all four companies merged to form a machine gun battalion of 64 guns.</p> <p>Given the small snapshot of that which we're able to show you today, it was certainly some firepower! Perhaps 64 guns in the future though!</p> <p>The Motor Batteries used motorcycle combinations as Army or Corps troops attached to support particular actions almost like a mobile reserve. They were trained a little closer to home – here at Bisley – the first Machine Gun Training Centre to be formed when the Motor Machine Gun Service was still part of the Royal Field Artillery in 1914.</p> <p>The guns we have here today represent both the Infantry and Motors branches of the Corps. We'll talk more about the cavalry in a moment.</p> <p>On the guns we have</p> 	
6		<p><b>SERIAL TWO BRAVO</b>  NO 2 AND NO 3 GUNS  200 YARDS  FIGURE 12 TARGET IN  FRONT  50 ROUNDS AT THE  NORMAL RATE  FIRE  STOP</p>
7	<p>When the Machine Gun Corps was formed, it excluded the machine guns sections of the Regiments of Foot Guards and Horse Guards. Instead, they formed their own Guards Machine Gun Companies. Eventually these would become the Guards Machine Gun Battalion. This then, in 1918,</p>	

	<p>became the 4<sup>th</sup> Battalion of the Guards Machine Gun Regiment. The other three battalions of this Regiment were the 1<sup>st</sup> (1<sup>st</sup> Life Guards), 2<sup>nd</sup> (2<sup>nd</sup> Life Guards) and 3<sup>rd</sup> (Royal Horse Guards). This was the 6<sup>th</sup> Regiment of Foot Guards and the only Regiment of Foot Guards to ever have been disbanded, which happened in 1920 – two years before the MGC.</p> <p>On the gun we have</p> <p>[REDACTED]</p>	
8		<p><b>SERIAL TWO CHARLIE</b>  NO 4 GUN  200 YARDS  FIGURE 12 TARGET IN  FRONT  50 ROUNDS AT THE  NORMAL RATE  FIRE</p> <p><b>STOP</b></p>
9	<p>As I mentioned, the MGC was formed on three branches: we spoke of the Infantry and Motors but not of the Cavalry.</p> <p>The Cavalry branch consisted of Machine Gun Squadrons with 6 sections of 2 guns each supported the cavalry brigades with mobile firepower in addition to the Hotchkiss guns of the cavalry regiments. They were trained at Crowborough in Sussex.</p> <p>Using packsaddlery to carry their guns forward at speed to plug gaps or merely reinforce attacks, their role was dynamic and perhaps not traditionally thought of when considering the Vickers machine gun but it resulted in two of the seven Victoria Cross actions of the Machine Gun Corps – Mugford and Columbine.</p> <p>On the gun we have</p> <p>[REDACTED]</p>	
10		<p><b>SERIAL TWO DELTA</b>  NO 5 GUN  200 YARDS  FIGURE 12 TARGET IN  FRONT  50 ROUNDS AT THE  NORMAL RATE  FIRE</p> <p><b>STOP</b></p>

11	<p>The Machine Gun Corps fought all around the world as its companies, squadrons and batteries were attached to all elements of the British Army as well as parallel organisations in the Canadian Expeditionary Force, the Indian Army, the Australian and New Zealand Army Corps.</p> <p>The battle honours of the MGC cannot all be represented here today but alongside France and Belgium were India, East Africa, Salonika, Palestine, North West Russia, Egypt, Italy and Mesopotamia.</p> <p>The last of those is where the only non-Western Front Victoria Cross was received, with Lt John Reginald Noble Graham of 136 Company. We're honoured to have his grandson support these events and allow us to shortly print his grandfather's diary and pictures of this time.</p> <p>On our Mesopotamia gun we have:</p> <p>[REDACTED]</p>	[REDACTED]
12		<p><b>SERIAL TWO ECHO</b></p> <p>NO 6 GUN  200 YARDS  FIGURE 12 TARGET IN  FRONT  50 ROUNDS AT THE  NORMAL RATE  FIRE</p> <p><b>STOP</b></p>
13	<p>So in 1922, the Machine Gun Corps was disbanded. The 1<sup>st</sup> Battalion returned from Ireland to Shorncliffe and the men were transferred to other units or demobilised from the Army.</p> <p>Having seen the power of machine gunnery during the Great War, the infantry battalions and cavalry regiments were not content with merely having a section of Vickers machine guns. Even though they were retaining the light Lewis and Hotchkiss in their 'fighting' elements, they would have a whole platoon or troop of machine guns, eventually increasing to a whole company (16 guns) or squadron (12 guns) alongside their two or three fighting squadrons. Carrying the same machine gun firepower as a whole brigade in the Great War.</p> <p>At this time the British Army had the most machine guns per fighting unit than any other period before or since.</p>	

	<p>Portraying this inter-war period we have:</p> 	
14		<p><b>SERIAL THREE</b></p> <p>NO 7 AND NO 8 GUNS  200 YARDS  FIGURE 12 TARGET IN  FRONT  50 ROUNDS AT THE  NORMAL RATE  FIRE</p> <p>STOP</p>
15	<p>Then came along the Second World War. With mechanisation in the 1930s, the Bren gun had been introduced to replace the Lewis. The Vickers was due to go the same way but enhancements in the 303 inch ammunition extended its range from 2,900 yards to 4,500 yards – not within today’s range template!</p> <p>The capability of sustained long-range fire could not be matched by any other gun available and wore stopped development of the options so it stayed.</p> <p>It was withdrawn from the infantry battalions again though (and the cavalry had largely reorganised). Special Machine Gun Battalions were formed with four machine gun companies of twelve guns each – 48 in total. They were borne on machine gun carriers or 15-cwt trucks.</p> <p>Their main role now was indirect fire – targets you cannot see from the firing position. Using the dial sight and aiming posts, they were firing out to those maximum 4500 yard ranges covering the entire divisional area.</p> <p>Five regiments parented the machine gun battalions: the Royal Northumberland Fusiliers the Cheshires (my grandfather’s regiment – and he is why my collection started!); the Manchesters; the Middlesex Regiment; and the Kensingtons.</p> <p>We set up the machine gun organisation even if we didn’t call it the Machine Gun Corps.</p> <p>The first action in which the Vickers saw service</p>	

	<p>██████████</p> <p>during the Second World War was France and Flanders. Providing the defensive fire for the withdrawal to the coast, machine guns are often overlooked as part of the action.</p> <p>Portraying the BEF of 1940 we have ██████████</p>	<p>██████████</p>
16		<p><b>SERIAL FOUR ALPHA</b></p> <p>NO 9 GUN 200 YARDS FIGURE 12 TARGET IN FRONT 50 ROUNDS AT THE NORMAL RATE FIRE</p> <p><b>STOP</b></p>
17	<p>Although the gun was considered obsolete and out of date, we still needed to build more. We ordered another 20,000 in the Second World War as many of those 80,000 made in the Great War were no longer in service for one reason or another. Australia also built 20,000 guns, of which many survive today and most of those here are from there.</p> <p>All this wouldn't have been possible if it hadn't been for women's roles during the Wars. There is an excellent video of women ammunition workers test-firing ammunition. That inspired this gun team.</p> <p>██████████ ██████████ ██████████ ris</p>	
18		<p><b>SERIAL FOUR BRAVO</b></p> <p>NO 10 GUN 200 YARDS FIGURE 12 TARGET IN FRONT 50 ROUNDS AT THE NORMAL RATE FIRE</p> <p><b>STOP</b></p>
19	<p>The Vickers once again came into its own with large barrages as part of the late-war operations and the pepperpots of the Rhine crossings in 1945. With millions of rounds being fired alongside many other types of weapon, the small arms ammunition was the smallest of the grains of pepper falling on the enemy. The machine gun battalions certainly echoed the</p>	



	<p>sounds of the Machine Gun Corps then.</p> <p>On these teams we have</p> <p>[REDACTED]</p>	
20		<p><b>SERIAL FOUR CHARLIE</b></p> <p>NO 11 AND No 12 GUNS 200 YARDS FIGURE 12 TARGET IN FRONT 50 ROUNDS AT THE NORMAL RATE FIRE</p> <p><b>STOP</b></p>
21	<p>And when you have something as heavy and consuming as the Vickers, who do you give it to? The airborne forces of course. In Tunisia in 1943, the Parachute Battalions realised that they needed the weight of automatic fire that the Vickers could provide so they formed machine gun platoons outside of their war establishment. These were with them dropped in Normandy, in legbags for MARKET GARDEN and the Rhine crossing for VARSITY. And the airlanding battalions arriving in glider had two Medium Machine Gun platoons in their establishments, moved by handcart or jeep.</p> <p>On this gun we have</p> <p>[REDACTED]</p>	
22		<p><b>SERIAL FOUR DELTA</b></p> <p>NO 13 GUN 200 YARDS FIGURE 12 TARGET IN FRONT 50 ROUNDS AT THE NORMAL RATE FIRE</p> <p><b>STOP</b></p>
23	<p>The Vickers once again saw service around the world with the armies of the Dominions and Empire countries. Many allied as well.</p> <p>My grandfather served in Italy with the 7<sup>th</sup> Battalion</p>	

	<p>Cheshire Regiment, there were 'ghost guns' at Monte Cassino and the Australians combined 96 guns in one battalion in North Africa.</p> <p>Representing the Italy and Middle East theatres we have</p> <p>[REDACTED]</p>	
24		<p><b>SERIAL FOUR ECHO</b></p> <p>NO 14 GUN 200 YARDS FIGURE 12 TARGET IN FRONT 50 ROUNDS AT THE NORMAL RATE FIRE</p> <p><b>STOP</b></p>
25	<p>Then there were the machine guns of the Far East armies. The Indian Army had many more machine gun battalions than the British Army. Several battalions had been lost in the initial fighting on 1941/42 but the Vickers came back into its own with ranging fire from hillside to hillside later in the war. The Chindit columns took their Vickers machine guns with them as well and the 2<sup>nd</sup> Manchesters provided the machine gun battalion in Burma.</p> <p>On this gun are</p> <p>[REDACTED]</p>	
26		<p><b>SERIAL FOUR FOXTROT</b></p> <p>NO 15 GUN 200 YARDS FIGURE 12 TARGET IN FRONT 50 ROUNDS AT THE NORMAL RATE FIRE</p> <p><b>STOP</b></p>
27	<p>Despite once again being considered obsolete at the end of the war, the Vickers was returned to the infantry battalions and the machine gun battalions disbanded – a recurring theme!</p> <p>The Machine Gun School at Netheravon was even closed as the capability was considered irrelevant. The Korean War corrected that though and the service of the MG Platoons at the likes of Imjin</p>	

	<p>reminded decision makers of the effect of concentrated and sustained machine gun fire. With any replacement some years off, the Vickers remained in Army service until 1968 and in some quarters until 1974.</p> <p>Our Association considers all aspects of the Vickers' use right up to its likely final combat use with the South African's in the 1980s but our timeline for today ends here with the decidedly 'modern' equipment of the 1960s soldier, their olive green uniforms and 1958 pattern webbing. At this point, the Vickers was in service alongside the FV432 and tactical nuclear weapons.</p> <p>Our gun team is</p>	
28		<p><b>SERIAL FIVE</b></p> <p>NO 16 GUN 200 YARDS FIGURE 12 TARGET IN FRONT 50 ROUNDS AT THE NORMAL RATE FIRE</p> <p><b>STOP</b></p>
29	<p>We've introduced all of our gun teams and given a timeline of the Vickers' service. Let's show a little bit more of their capability when firing.</p> <p>The Vickers fires a 25-round burst, no matter what it's doing. The variable is the amount of time between those bursts. It can do this because of the water-cooling. It won't boil until after 600 rounds at the normal rate of fire, which is eight seconds between bursts).</p> <p>With this rate, we fire one belt every two minutes.</p>	
30		<p><b>SERIAL SIX</b></p> <p>ALL GUNS 200 YARDS FIGURE 12 TARGET IN FRONT 100 ROUNDS AT THE NORMAL RATE (EIGHT SECONDS BETWEEN BURSTS) FIRE</p>

		<b>STOP</b>
31	If we increase the rate of fire for an emergency, we still won't fire non-stop but give the firer the chance to re-lay the aim and the gun a moment to cool a little. With the RAPID rate, we have two-seconds between bursts. We'll fire one belt per minute.	
32		<b>SERIAL SEVEN</b>  ALL GUNS 200 YARDS FIGURE 12 TARGET IN FRONT 100 ROUNDS AT THE RAPID RATE (TWO SECONDS BETWEEN BURSTS) FIRE  <b>STOP</b>
33	If we're going to do a long sustained task, then there is a SLOW rate of fire. Only used during the Great War when those longer tasks were more common. With this, it will take much longer for the guns to boil.  One belt is used every four minutes.	
34		<b>SERIAL EIGHT</b>  ALL GUNS 200 YARDS FIGURE 12 TARGET IN FRONT 50 ROUNDS AT THE SLOW RATE (FIFTEEN SECONDS BETWEEN BURSTS) FIRE  <b>STOP</b>
35	Quite slow but steady. Keep bringing the ammunition forward and it can keep going for several hours.  Then for the mass barrages there was a special BARRAGE rate for one belt every ten minutes. The water wouldn't boil at this rate so doesn't become a logistical consideration.  On the Somme in August 1916, it was said that the 100 <sup>th</sup> Machine Gun Company fired one million rounds from ten guns in 12 hours. We've since proven through our research that this didn't happen but if it did, it would have been at the slow rate as part of the barrage. This was how the Canadian Machine Gun Corps used their 354 guns at Vimy Ridge with nearly 5 million rounds stockpiled only a few months later in 1917.	

	To show how it's still possible to maintain a weight of fire with this slow rate, we're staggering the fire.	
36		<p><b>SERIAL NINE</b></p> <p>ALL GUNS 200 YARDS FIGURE 12 TARGET IN FRONT 50 ROUNDS AT THE BARRAGE RATE (FOLLOW GUN ON YOUR LEFT) FIRE</p> <p><b>[[Supervisors to indicate when No 16 gun has fired]]</b></p> <p><b>REPEAT AFTER LINE COMPLETE</b> NO 1 GUN FIRE</p> <p>STOP</p>
37	<p>And it could continue like that for days if we wanted it to.</p> <p>Machine guns are pretty ineffective if their fire is just going in one place all the time. The Vickers fires onto a beaten zone. When we overlap these beaten zones, the fire becomes incredibly heavy. To distribute the fire, there is a practice called 'tapping'. The 2-inch tap creates a 15-minute horizontal adjustment, which at only 200 yards is 30 inches. At 1000 yards that would be 150 yards so quite a difference.</p> <p>Two of these taps is 60 inches so not even the width of a lane at this range but effective all the same.</p>	
38		<p><b>SERIAL TEN</b></p> <p>NO 5 AND NO 11 GUNS 200 YARDS FIGURE 12 TARGET IN FRONT LEFT AND RIGHT TWO TAPS 100 ROUNDS AT THE RAPID RATE FIRE</p> <p><b>STOP</b></p>
39	The weight of machine gun fire also becomes important. If a single gun is not firing more than 25	

	<p>rounds a burst and we don't want it to overheat, we need more than one gun firing on a target.</p> <p>When first introduced, only two guns were available in the machine gun section. Two guns also were the minimum fire unit for direct fire (targets we can see) tasks in case one gun broke down. We'll get them to spread their fire a little bit as well.</p>	
40		<p><b>SERIAL ELEVEN</b></p> <p>NO 4 AND NO 13 GUNS 200 YARDS FIGURE 12 TARGET IN FRONT LEFT AND RIGHT ONE TAP 100 ROUNDS AT THE NORMAL RATE FIRE</p> <p><b>STOP</b></p>
41	<p>For indirect fire (those targets we can't see) the minimum number of guns was four.</p> <p>This was also the number of guns in a section from 1915 onwards but a platoon during the inter-war and Second World War period.</p>	
42		<p><b>SERIAL TWELVE</b></p> <p>GUNS NO 2, NO 6, NO 10 AND NO 14 200 YARDS FIGURE 12 TARGET IN FRONT LEFT AND RIGHT ONE TAP 100 ROUNDS AT THE NORMAL RATE FIRE</p> <p><b>STOP</b></p>
43	<p>Then we often would see two platoons working together, and, as I mentioned, the airlanding battalions had two platoons together, as did Motor Battalions of the Armoured Divisions. Batteries of the Canadian Machine Gun Corps (which were different to batteries of the Motor Machine Gun Corps) also had these eight guns firing together.</p>	
44		<p><b>SERIAL THIRTEEN</b></p> <p>ODD NUMBERED GUNS 200 YARDS FIGURE 12 TARGET IN FRONT LEFT AND RIGHT ONE TAP 100 ROUNDS AT THE</p>

		<p>NORMAL RATE FIRE</p> <p><b>STOP</b></p>
45	<p>Then if we want to employ our heaviest weight of fire, we'd use the whole company. 16 guns. In the Second World War, the companies only had 12 guns so what we have in front of us today exceeds even that.</p> <p>Hopefully you'll agree this is quite the spectacle.</p>	
46		<p><b>SERIAL FOURTEEN</b></p> <p>ALL GUNS 200 YARDS FIGURE 12 TARGET IN FRONT LEFT AND RIGHT ONE TAP 100 ROUNDS AT THE NORMAL RATE FIRE</p> <p><b>STOP</b></p>
47	<p>As we come to a close and before our finale shoot, I'd like to thank those who've supported this shoot. The Association has received no external funding for this so please consider how you can support us. Many of you are shooters and will know the costs of what we've demonstrated today. Each gun is running around £5 to £6 per second.</p> <p>Everyone here is a volunteer and we are a not-for-profit organisation, hopefully soon to be a charity once this is all cleared up and we get the time to think again!</p> <p>Alongside our own guns, we have been loaned guns from:</p> <p>[REDACTED]</p> <p>Some key individuals who aren't on the gun teams are [REDACTED] acting as our safety supervisors and have foregone their opportunity to shoot to ensure the organisation can go smoothly. Additional thanks to [REDACTED] who are in the gun line for helping with admin, training and preparation. We also have [REDACTED] over at the tent. There will be</p>	

	<p>others that I've missed but thank you for this and the efforts in the run up to the event.</p> <p>The National Rifle Association have been wholly supportive of our efforts and truly without them this would not be happening so thank you to [REDACTED] [REDACTED] for his support and organisation as well as [REDACTED] for the consent to do so.</p> <p>[REDACTED] Police have had some considerable admin in the run-up to this as well with processing our explosives licence to store all of the ammunition in one place alongside the checks on all of those who you see in front of you as servants to the Association's dealer certificate – something that those who deal with firearms licensing will understand.</p> <p>In two weeks we will be hosted by the National Army Museum. We can't do this kind of event in Chelsea so you will see another side of the Association's activities then. Please do join us.</p> <p>Without further ado, I'll hand over to [REDACTED], our RCO for the afternoon for our finale shoot.</p>	
48		<p><b>SERIAL FIFTEEN</b></p> <p>ALL GUNS 200 YARDS FIGURE 12 TARGET IN FRONT LEFT AND RIGHT ONE TAP ALL REMAINING AMMUNITION AT THE RAPID RATE FIRE</p> <p><b>STOP</b></p> <p><b>UNLOAD</b></p> <p><b>FOR INSPECTION PORT ARMS AND SHOW CLEAR</b></p> <p><b>SAFETY STAFF TO INSPECT AND SHOW CLEAR</b></p>
49	<p>And there we go, 16000 rounds down range, depending on who can count their seconds the closest!</p> <p>Thank you very much for coming along and sharing this event with us.</p>	



	<p>Please do hand around to speak to us after we've cleared the range. Please do support the Vickers MG Collection and Research Association by becoming one of our patrons, making a one off donation, buying posters or books or just coming up and seeing the collection in two weeks' time at the National Army Museum or check out our website for visit information.</p> <p>Thank you. Safe journey home.</p> <p>Now to count the brass!</p>	

**END**

## Annex C – Time Table

Time	Task	Led by
By 1200	Arrive on site	ALL
1210	Layout equipment for teams	[REDACTED]
	Set-up tents and sales stall	
1300	Gun final inspections	[REDACTED]
1400	Full Rehearsal – uniform EXCEPT jackets and webbing if warm	[REDACTED]
1445	In full equipment	ALL
1500	Safety Brief	[REDACTED]
1520	Move to firing point	[REDACTED]
	Set up guns	
	Cameras in place	
1545	Test Firing Guns	[REDACTED]
1600	Commence firing	[REDACTED]
Circa 1640	Cease firing	[REDACTED]
1700 latest	FINISH	[REDACTED]

Parking specifically for the shoot is here: <https://www.google.co.uk/maps/dir//51.3117562,-0.6525337/@51.3120597,-0.6527643,137m/data=!3m1!1e3!4m2!4m1!3e0>

<https://w3w.co/factories.league.wires>

Rear of Artists Rifles Club House, Bisley Shooting Ground, GU24 0NY.

N.B. the Methuen Match will end at c. 1440. A judgement call by the RCO will be made on the ground if this allows the timetable to be advanced by 30mins.

# SAFE USE OF SMALL ARMS

## VICKERS MACHINE GUN (MARK I)

### NORMAL SAFETY PRECAUTIONS ISSUE 1

1: SAFE DIRECTION



2: CHECK SAFETY



3: OPEN SHUTTER



4: CRANK TWICE



5: REMOVE BELT



6: CHECK FEEDBLOCK



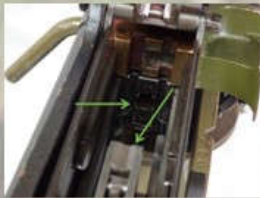
7: CRANK TO REAR



8: OPEN COVER



9: 3-POINT CHECK



10: CLOSE COVER



11: CRANK FORWARD



12: RELEASE ACTION



13: CLOSE SHUTTER



14: CHECK SIGHTS



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Handbook



NSP Video



NSPs form part of a wider training system and must not be used in isolation.

Pictures are illustrative and variations may occur, yet the process applies.

# SAFE USE OF SMALL ARMS

## VICKERS MACHINE GUN (MARK I)

### AIDE MEMOIRE ISSUE 1

**Preparation for firing:** Strip and examine / Dry barrel, muzzle cup and attachment / Check cup and front cone screwed on tight / Fill barrel casing / Oil parts / Weigh (fusee: 2-4 lbs blank, 7-9 lbs ball; recoiling: 4lbs; lock spring: 12-14 lbs) / Fill oil in handles and can / Check spares / Half-fill condenser can / Attach condenser tube / Tripod is secure and level / Belt boxes are ready.

**Load:** Insert belt. **Make ready:** Open sliding shutter / Crank back and HOLD / Insert belt and PULL left / Release crank / REPEAT steps 2 to 4 / Raise sights. **Fire:** Set sights as per FIRE CONTROL ORDER / Aim / Raise safety catch / Press thumbpiece / 25 round BURST (NORMAL = 8 sec gap; RAPID = 2 sec gap) / Stop when finished.

**During firing:** Check water levels / Keep belt box in line / Oil moving parts inside breech / Check front cone, cup and tripod handles are tight / Repairs.

**Make safe:** Crank TWICE / Remove belt / Aimed shot to fire off action / Lower sights / Close sliding shutter / Insert belt.

**Unload:** Crank TWICE / Remove belt / Aimed shot to fire off action / Lower sights / Close sliding shutter.

**Show Clear:** Open sliding shutter / Crank TWICE / Remove belt (IF PRESENT) / Check feed-block / Crank and HOLD on roller / Open rear cover / SHOW CLEAR / WAIT UNTIL CHECKED / Close rear cover / Release crank / Fire off action (safe direction) / Close sliding shutter.

**After firing (on site):** Unload / Take off lock, muzzle cup and attachment / Clean barrel / Oil lock, muzzle cup and attachment / Oil barrel / Re-assemble / Release action.

**Back 'in camp':** Strip and clean all parts / Examine fully / Take weight off fusee / Release water from casing and allow air to circulate / Check belts, mountings and all stores.



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Handbook



These drills form part of a wider training system and must not be used in isolation.

Office of the Minister of Police  
Cabinet Social Wellbeing Committee

## **Arms Regulations 1992: Proposed changes to fees - Approval to release discussion document**

### **Proposal**

- 1 I seek Cabinet's agreement to release a public discussion document on proposals to deliver greater recovery of costs from firearms licence holders for firearm related services. The proposals suggest increased fees for previously highly subsidised services, new fees for fully subsidised services, and new regulatory services resulting from the 2019 and 2020 amendments to the Arms Act 1983 (the Act).
- 2 This paper is being progressed in parallel with the Cabinet Legislation Committee (LEG) paper '*Arms (Licence Holder's Applications for New Licences) Amendment Bill – approval for introduction*'. That paper was considered by LEG on 27 October 2022.
- 3 The release of the attached discussion document will be influenced by progress on the amendment bill.

### **Relation to government priorities**

- 4 New regulations increasing fees for firearms licences and related activities will contribute to the Government's priority to 'support healthier, safer and more connected communities'. A greater contribution from firearms licence holders will partially offset the funding that the Crown has committed for the Arms Safety and Control initiative. This initiative seeks to deliver the legislated responsibilities under the Act including the public safety objectives of the arms regulatory system.

### **Executive Summary**

- 5 Fees for the delivery of services and activities under the Act were last set in 1999. Since then, there has been an increasing call on Crown funding with the increasing cost of implementing the regulatory system. Some services of direct private benefit to users are delivered free of charge. Additionally, recent changes to the Act have created new regulatory requirements for licence holders and the Police.
- 6 Insufficient funding has negatively impacted the timely delivery of licensing services and investment in regulatory compliance activities. This has contributed to an undermining of licence holders' confidence in Police's ability to administer the arms regulatory system. Delays to the issue of licences has

led to many licence holders considering they are not receiving value for money and first-time applicants seeking to use firearms without a licence.

- 7 Cabinet has noted that a much-increased investment in the Arms Regulatory system is needed and approved an overall investment in Arms, Safety and Control of \$208 million in the 2022 Budget package. Of this, a further drawdown of \$7.1 million from the current tagged contingency has been approved for 2022/23. Further drawdown for 2022/23 and 2023/24 is contingent on a number of conditions including the progression of a new fee schedule.
- 8 The discussion document presents the full cost of delivering all the licensing, permitting and approval services, and consults on options for 20 fee types. With the exception of proposals for applications for a firearms licence, most other fees are proposed, for consultation purposes, to be set on a full cost recovery basis. Most proposed fees are based on an average cost of delivery except where it has been identified that a fixed fee and variable charge delivers a more efficient and equitable outcome. A zero fee is proposed in two cases.
- 9 For applications for a second or subsequent firearms licence, which is a 10-year licence, three partial cost recovery options are presented for feedback. If set at full cost recovery<sup>1</sup> the fee would be \$920 - \$1,020.<sup>2</sup> The three partial cost recovery options are set at either 25% (\$242.50),<sup>3</sup> or 50% (\$485), or 75% (\$727.50) of the mid-point of the estimated full cost to Police to issue a licence.
- 10 For a first-time licence application, which is for a five-year licence, the compliance costs are lower because of the shorter licence period. The three partial cost recovery options are either 25% (\$208.50) or 50% (\$417.10), or 75% (\$625.60) of the estimated full cost to Police.
- 11 A full cost recovery option for a firearms licence has not been included in the discussion document. I consider it important to balance the benefits of greater user contribution against the risks of non-compliance and the public interest in maintaining a well-functioning arms regulatory system including the successful implementation of the arms Registry<sup>4</sup> in 2028.
- 12 A significant increase in the licence fee before June 2028, when the Registry is fully implemented, risks some licence holders choosing not to register some or all of their firearms. It also risks some non-licence holders relying on access to a pool of unregistered firearms. In his 1997 report to the Minister of Police on 'Review of Firearms Control in New Zealand', Justice Thorp noted that 40% of licence holders did not reapply for a licence when, in 1992, the

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<sup>1</sup> The costs of activities are those estimated in 2021 for the Arms Safety and Control Detailed Business Case.

<sup>2</sup> Midpoint \$970. The costs exclude the cost of the firearms safety course.

<sup>3</sup> If the fee set in 1999 had been adjusted by the CPI the current fee would be equivalent to \$217.00 as at 30 June. A proposed fee of \$242.50 should have little if any impact on demand.

<sup>4</sup> The Arms Act as amended in 2020 re-instated (previously removed in 1983) the requirement for licence holders to register all firearms possessed by them. The new registry provisions come into law in 2023.

ten-year licence was introduced to replace lifetime licences. Thorp also estimated that 100,000 firearms were retained by unlicensed people.

- 13 Police powers of search and seizure are subject to legislative requirements including limitations on inspection powers. Consequently, without firm evidence that an unlicensed person possesses a firearm, Police's ability to identify and seize unlawfully retained firearms in response to increased fees is limited.
- 14 I am seeking to mitigate the impact on licence holders of delays in the processing of applications for firearms licence through an urgent amendment to the Act discussed in my LEG paper '*Arms (Licence Holders' Applications for New Licences) Amendment Bill*' and considered by Cabinet Legislation Committee on 27 October 2022.
- 15 I propose that Police releases the attached public discussion document shortly after I have been able progress the urgent amendment to the Act.
- 16 Before recommending regulations relating to a change to the fees, the Act requires that I must be satisfied that the Commissioner of Police has done everything reasonable to consult the persons or organisations that appear to be affected or who are likely to be affected by the fee or charge.

## Background

*Fees for firearms related services have remained static since 1999*

- 17 Fees for selected services were last set in 1999 and at that time the fee for a firearms licence was set at 50% of the cost of issuing a licence.<sup>5</sup> Other than adjustments made for changes in GST, the fees have not been reviewed since. Additionally, fees were not set for all of the established regulatory activities.
- 18 Since then, the costs of administering the Arms Regulatory system have increased, resulting in a much-increased level of subsidisation with the Crown contributing considerably more than 50% of the costs.

*The Arms Act 1983 provides for the setting of fees and recovery of costs*

- 19 The Arms Legislation Act 2020 amended the Act to explicitly provide for cost recovery of regulatory services. These amendments specify which regulatory activities are subject to cost recovery and list the criteria and methods of cost recovery. The Act also introduced new regulatory responsibilities for both licence holders and Police.
- 20 On 2 March 2022, the Cabinet Social Wellbeing Committee:

- a. noted that increased investment in the Arms Regulatory system is required to deliver on recommendations from the Royal Commission of

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<sup>5</sup> Cabinet made this decision based on concerns about the risk of non-compliance such as firearms not being registered or being retained without a licence.

Inquiry into the terrorist attack on Christchurch masjidain and to enable achievement of the public safety objectives of the Arms Regulatory system;

- b. endorsed a Detailed Business Case seeking an investment of \$711.452 million in the Arms Regulatory system over 11 years;
- c. noted the amount required is based on the existing cost recovery settings, and could decrease if more is recovered through third-party revenue;
- d. noted that Cabinet approval will be sought in April 2022 to release a consultation document, which will propose options for revised cost recovery settings for the delivery of all remaining services including licensing, endorsements, and permits [SWC-22-MIN-0021, CAB-22-MIN-0052].

- 21 At its meeting of 11 April 2022, Cabinet approved the inclusion of the Budget initiative Arms, Safety and Control for Vote Police in the 2022 Budget package. This included an overall investment in Arms, Safety and Control of \$208 million across the four-year forecast period for the delivery of legislative responsibilities under the updated Act. Of this, \$161.392 million has been set aside in the 'Implementation of the Arms Legislation Act' tagged operating and capital contingency.
- 22 Approval of Budget 2022 packages also included Cabinet approval for the drawdown of \$7.1 million from the current tagged contingency in 2022/23 [CAB-22-MIN-0129].
- 23 Further drawdowns for 2022/23 and 2023/24 will be subject to a report back to the Minister of Finance and the Minister of Police on progress to date, including development of the Registry and a timeline for the development of a new fee schedule.
- 24 That report back is required to have a detailed implementation plan that includes a timeline for the roll-out of a new schedule and revised costings by 30 November 2022. Drawdowns from 2024/25 are contingent on the implementation of a revised fee schedule [CAB-22-MIN-0129].
- 25 Fees for new services relating to the approval of shooting clubs and certification of ranges are not included in the attached public discussion document. These fees were consulted on separately in the discussion document *Proposals for new regulations under the Arms Act 1983 (Phase Two) Shooting clubs and ranges* [SWC-MIN-22-0038], and policy approved for fees to be set to reflect a 50% recovery of costs [SWC-22-MIN-0154]. The fee schedule is planned to be updated to provide for these new fees in the first-half of 2023.



*Consultation is required by the Arms Act 1983*

- 26 I am required under section 82 of the Act to be satisfied that the Commissioner of Police has done everything reasonable to consult with individuals and organisations (or representatives of those organisations) that appear to be affected or who are likely to be affected by the fee or charge. Therefore, I am seeking approval for release of the discussion document.

**Context for setting new fees**

- 27 The Arms Regulatory system currently supports around 240,000 firearms licence holders to lawfully import, manufacture, supply, sell, possess or use firearms and ammunition.
- 28 The number of licence holders (both first-time and repeat applications) has been static or slowly declining over several years.
- 29 Currently around 9% of licence holders hold a licence primarily for employment or business purposes (most of these will also hunt recreationally), 1% hold a licence for memento reasons and the balance of 90% for food gathering, recreational or sporting purposes.
- 30 Ninety-seven percent of licence holders hold a standard firearms licence only. The remaining 3% hold endorsed licences enabling them to possess potentially higher-harm arms items including pistols, prohibited firearms, and restricted weapons. Those holding a dealer's licence represent 0.2%<sup>6</sup> of the licence-holding population.
- 31 There is currently no accurate information on firearms possession and use as there is no established comprehensive register of firearms. This means there is little information about the possession or movement of firearms in the community.
- 32 The fee proposals in the discussion document are guided by section 81 of the Act which requires that:
- a. fees cannot recover more than direct and indirect costs
  - b. the fee or charge is generally obtained from the users or beneficiaries of the service, as far as is practicable
  - c. costs are efficiently incurred
  - d. the relationship between the fee and the nature and duration of the activity is clear.

**Overview of the proposals**

- 33 The public discussion document seeks the views of licence holders and the general public on proposed fees. It sets out the estimated full cost of

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<sup>6</sup> As at 1 July 2022 there were 427 holders of a dealer's licence.

delivering each of the regulated services together with the estimated cost of delivering compliance oversight.

- 34 For consultation purposes, full cost recovery is estimated using a fixed average cost of delivery. Exceptions to this approach are proposed where it has been identified that a fixed fee and variable charge delivers a more efficient and equitable outcome. In two cases a zero fee is proposed. All fees presented in the discussion document are inclusive of GST.

*Licence fee (Discussion document 2.1)*

- 35 The current fee for a 10-year firearms licence is \$126.50 (inclusive of GST) for the combined safety course and the licence. The full fee \$241.50 is applied if application is made after the previous licence expires.
- 36 The term for a first-time applicant for a licence or someone re-applying for a licence following revocation, suspension and expiry of a previous licence has been reduced to a 5-year licence. At present these applicants pay the same as a 10-year fee.
- 37 Setting a reduced fee for a first-time licence because of the shorter 5-year term more accurately reflects the cost to Police of compliance activities during the shorter licence period.
- 38 The issue and compliance oversight of firearms licences are the greatest contributors to the cost of regulatory oversight of the Act. The estimates of the cost of issuing a licence and ongoing oversight of its use contained in the Detailed Business Case<sup>7</sup> for investment in the Arms Regulatory system account for 60% of the total costs.
- 39 There is insufficient information to estimate the likely decline in the number of licence applications in response to a fee increase. However, I note that in his 1997 report '*Review of Firearms Control in New Zealand*', Justice Thorp noted that 40% of licence holders did not renew their licence when the ten-year licence was introduced to replace lifetime licences.
- 40 While licence applications are likely to fall with an increase in fees, the total amount of revenue collected may not fall. It will depend on how licence holders react to the fee increase.

*Safety course fee*

- 41 Successful completion of the safety training course<sup>8</sup> is a pre-requisite for a first time applicant for a firearms licence. The discussion document proposes setting a separate fee on a full cost recovery basis of \$88.

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<sup>7</sup> The Detailed Business Case assumes the number of licence applications remains unchanged.

<sup>8</sup> The safety course is a requirement for first time firearms licence applicants. On passing the course attendees have demonstrated their understanding of the obligations and their ability to safely handle firearms.

*Firearms licence fee*

- 42 The full cost of the delivering a 10-year firearms licence is estimated as \$970<sup>9</sup> and for a 5-year firearms licence is estimated as \$834.20. Almost all the regulatory activity and cost occurs at point of licence application. The cost of compliance oversight during the term of the 5-year licence has been estimated to be half of that of the 10-year licence.
- 43 There are three options for a five or 10-year licence<sup>10</sup> (excluding the safety training course) as follows
- a. a 25% cost recovery fee of \$242.50 (10-year licence) and \$208.50 (5-year licence) (Crown subsidy 75%);
  - b. a 50% cost recovery fee of \$485.00 (10-year licence) and \$417.00 (5-year licence) (Crown subsidy 50%); and
  - c. a 75% cost recovery fee of \$727.50 (10-year licence) and \$713.60 (5-year licence)
- 44 Submitters are also invited to provide feedback on Police examining the feasibility of developing a payment by instalment for the firearms licence fee if the fee is set at a level nearer to full cost recovery. This may lessen the impact of an increased upfront payment for a firearms licence. The discussion document notes that an instalment option would need to:
- a. be achieved through conditions applied to a licence
  - b. allow for suspension of a licence and a debt recovery system if an instalment is not paid
  - c. recognise that most of the regulatory activity is undertaken before a licence has been issued so that the first instalment would be the largest single payment
  - d. allow for a charge to recover the cost to process multiple payments.

*Dealer's licence (Discussion document part 2.2)*

- 45 The current annual dealer's licence fee is \$204.
- 46 Proposals for the annual dealer's licence application fee (excluding dealers who are museum curators) are limited to:
- a. an average full cost recovery fee of an estimated annual \$2,330 - \$2,570 for all applications whether first time or a subsequent

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<sup>9</sup> A plus or minus 5% range has been applied to most estimated fees for consultation purposes. A single fee will be set in regulations. In some cases the figure is known (such as the case of a third-party contract to supply the safety training programme) or is based on the known hourly rate to undertake the service, such as with import permits and permits to possess.

<sup>10</sup> The 5-year licence is for first-time applications, most repeat licences are 10-year licence.

application, or

b. a reduced fee for second or subsequent applications.

47 For second or subsequent dealer's licence application fees, there are two options:

a. an annual average fixed fee of \$1,760 - \$1,940, or

b. an annual average fixed fee of \$1,000 - \$1,100 and a variable fee of \$190 - \$210 per employee (up to a maximum of eight) who must hold a firearms licence for their employment.

48 A zero fee is proposed for dealer museum curators, conditional on meeting proposed criteria. (Discussion document 2.3)

*Visitor licence (Discussion document 2.4)*

49 The current visitor licence fee is set at \$25. It is proposed to set this at a full cost recovery fee of \$420 - \$470.

*Endorsements on a dealer's licence and a dealer employee's licence (Discussion document 3.1 and 3.2)*

50 Endorsements on a dealer's licence are required to enable a dealer to hold pistols, prohibited firearms, prohibited magazines, or restricted weapons.<sup>11</sup> The current annual fee is \$204 for one or more endorsement.

51 A single average full cost recovery fee of \$110 - \$130 is proposed for one or more endorsement.

52 For dealer employees, an average full cost recovery fee is proposed with a higher fee applied for a first application of \$290 - \$320. For subsequent applications, the proposed fee is \$110 - \$130.

*Firearms licence endorsements (non-dealers) (Discussion document 4.1)*

53 Endorsements enable a person holding a firearms licence to possess pistols, prohibited firearms, prohibited magazines, or restricted weapons.

54 The current fee for one or more of these endorsements is the same as for an endorsement on a dealer's licence (\$204), but the endorsement applies for the length of the licence (five or ten years, or 30 months for an endorsement for prohibited items if the licence holder has such an endorsement for wild animal or pest control purposes). The endorsement fee is additional to the firearms licence fee.

55 There are two fixed full cost recovery fees options proposed:

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<sup>11</sup> Restricted weapons include anti-tank projectors, grenade dischargers, fully automatic firearms and airguns, and machine guns.

- a. an average for all endorsement types (\$1,370 – \$1,510); or
- b. specific fees for each type of endorsement reflecting the differences in regulatory oversight required for the type of endorsed item.

56 The proposed endorsement specific fees are:

- a. pistol<sup>12</sup> (\$1,350 - \$1,490)
- b. pest control (\$930 - \$1,020)
- c. memento heirloom (\$930 - \$1,020)
- d. collecting or theatrical purposes: a combination of fixed fee of \$1,230 - \$1,360 and variable fee of \$10 per major<sup>13</sup> item inspected for reconciliation with the registry.

57 An additional fee (\$590 - \$650) is proposed if the application for an endorsement is not applied for at the same time as a licence.

*Permit to possess an endorsed item (Discussion document 4.2)*

58 A new average full cost recovery fee (\$40) is proposed for an application for a permit to possess an endorsed item.<sup>14</sup> There is currently no fee for a permit to possess.

*Miscellaneous fees permissions, consents, approvals (Discussion document part 5)*

59 Several other fees are proposed on a full cost recovery basis. Some of these are new fees for established regulatory services, some are for new regulatory activities.

60 Included in these is a new proposed fee for applications through the registry, by an exempt person,<sup>15</sup> to modify a firearm into a form which makes it a prohibited firearm or alternatively seeks permission to convert a prohibited firearm to a non-prohibited firearm.

**Assessing the proposals**

61 The proposals are assessed against the criteria listed in paragraph 32 above as well as the public safety and control purposes of the Act. High level analysis of the proposals against these criteria is appended to the discussion document.

*The proposed fees are comparable to other regulated recreational activities*

62 Appendix One (Table One) compares the Australian fees for each jurisdiction for those licences that are similar to the New Zealand firearms licence. The

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<sup>12</sup> For members of an incorporated pistol shooting club.

<sup>13</sup> Police will continue to improve these processes to ensure an effective, efficient and responsible regulator service for the firearms community, and the rest of New Zealand, to keep everyone safe.

<sup>14</sup> Endorsed items include pistols, prohibited firearms, prohibited magazines and restricted weapons.

<sup>15</sup> This is limited to people specified in section 4A(1A) of the Act.

regulatory framework for firearms licensing in each Australian state and territory vary significantly from each other as well as from that in New Zealand. When Australian fees are converted to ten year equivalent fees, five out of eight jurisdictions have fees very close to the New Zealand fee if set at full cost recovery fee.

- 63 There are several other recreational, sporting and food gathering activities in New Zealand to which fees apply. For example, dogs and fishing are subject to licensing regimes. Likewise, there are several regulatory regimes that apply to businesses that deal in regulated items. Appendix One (Table Three) lists a small number of these fees for comparative purposes. All ten year equivalent fees are similar to the full cost of delivering the firearms licence fee.

*Immediate large increases in the firearms licence fee introduces potential risk*

- 64 Significant increases to the firearms licence fee before the completion of the registry record of firearms planned for 2028 introduces a potential public safety risk. Licence holders may fail to renew their licence when it expires and retain firearms unlawfully.
- 65 There is limited information to know how licence holders will respond. In 1992, the shift from a life-time licence to a ten-year licence resulted in a 40% drop in licence holders and an estimated 100,00 firearms retained unlawfully.<sup>16</sup>
- 66 If the nominal firearms licence fee as set in 1999 had been adjusted by the Consumer Price Index and nothing else the fee would be \$217. Given this, a fee set at \$242.50 is likely to have little impact on the overall level of demand. Whereas a fee of \$485 (50% of the full cost) will impact both first time licence applicants and those seeking a renewal. Police modelling estimated that at the 50% level 57,000 will not renew their licence from FY23-FY27. It is not known what proportion of this group may retain but not register firearms.
- 67 The number of first -time licence holders who will decide to obtain and use firearms unlawfully as a result of a higher licence fee of \$208.50 (25% of cost) or \$417.10 (50% of cost), or \$625.50 (75% of cost) is also unknown. However, the introduction of the Registry and controls over the sale of ammunition will make this increasingly difficult.

*Public safety risk could increase if licence holders do not register their firearms*

- 68 The public safety benefit of the register depends on the completeness of the information on firearms ownership. Even before the expiry date of their licence, a current licence holder may choose to not enter any information on the register about firearms held, even though they may continue to buy and use firearms lawfully up until their current licence expires. People who use

<sup>16</sup> When the length of licence was reduced from a lifetime to a ten-year licence, 40% did not renew their licence and an estimated 100,000 firearms were retained. (Thorp – *Review of Firearms Control in New Zealand 1997*)

firearms infrequently, older licence holders, and those on low incomes are most likely to not renew their licences.

- 69 The potential increase in public safety risk is difficult to assess. In most cases firearms retained unlawfully will be held with no criminal intent. There is already an unknown number of firearms held in the community in this way (referred to as 'grey' firearms). There is, however, a risk that at some point, often when the current owner dies, or after a theft, these firearms end up in the possession of those who do not have a licence and who intend to use them in support of criminal activity. With the completion of up-to-date registry records, the proportion of 'grey market' firearms can be expected to decline over time.

*Risk of reduced pest control by recreational hunters*

- 70 If there were a significant reduction in firearms licence holding, those licence holders participating solely in recreational hunting and target shooting may decline in numbers, leading to closure of some clubs and ranges used by hunters. This could lead to an increase in wild animals on public land including the conservation estate, and, in turn, require increased funding and use of professional pest control operators.

*Police has limited ability to mitigate the risks arising from unlawful retention of firearms*

- 71 Police powers of search and seizure are subject to legislative requirements including limitations on inspection powers. Consequently, without firm evidence that a licensed or unlicensed person possesses an unregistered firearm, Police's ability to identify and seize unlawfully retained firearms is limited.
- 72 When I report back to Cabinet following consultation, careful consideration needs to be given to setting the licence fee at a level which achieves greater contribution from users while acknowledging the public interest in a well-functioning Arms Regulatory system.
- 73 Moving other fees to a full cost recovery basis does not introduce the same potential for public safety risk as there is established recording by Police of dealers and licence holders' possession of potentially high-harm firearms. Additional funding provided for in Budget 22 has also enabled improved regulatory oversight of those items.

## Engagement plan

- 74 The wider public has an interest in this consultation as sufficient funding of the Arms Regulatory system is fundamental to managing the personal and public safety risks arising from the privilege of lawfully possessing firearms.
- 75 I propose to release the public discussion document for a six-week period, commencing following Cabinet approval.
- 76 I anticipate considerable feedback. Licence holders will not welcome a large increase in fees and will want to be convinced that the fees will contribute to improved public safety outcomes. Those choosing or needing to retain a licence for business purposes, such as the farming community, will expect a much improved and timely regulatory service.
- 77 The timing of the release of the discussion document will be influenced by progress on the *Arms (Licence Holders' Applications for New Licences) Amendment Bill*. I am proposing it is released after taking steps to assist Police to better manage the number of firearms licences awaiting processing through this proposed amendment approved by the Cabinet Legislation Committee on 27 October 2022 and confirmed by Cabinet on 31 October 2022 [LEG-22-MIN-0175, CAB-22-MIN-0471].
- 78 Members of the Firearms Community Advisory Forum (FCAF), and the wider firearms community, are aware of the intention to review firearms fees. The approaches to calculating the fees have been shared with FCAF members at several of their meetings.
- 79 On 26 April 2022, FCAF members were given a presentation on the approach taken to the review of fees. This included a summary of the cost recovery provisions of the Act. The presentation also advised the estimated costs to Police of delivering the regulatory activities needed to administer the Act and the third-party provided safety training course.<sup>17</sup> FCAF has asked to be taken through the detailed calculations once the discussion document is released.
- 80 My Arms Advisory Group has received a copy of the draft discussion document and the Police's Arms Engagement Group<sup>18</sup> has also been made aware of the intention to review fees.
- 81 Engagement with Māori will be supported through consultation with FCAF, which includes representation from the Whakatūpato Firearms Licensing Programme. Whakatūpato blends the National Firearms Safety Course with tikanga Māori. It is specifically designed as a marae-based programme for remote and rural communities. Police also intends to engage with Māori firearms users in areas where the use of firearms for hunting is a common activity.

<sup>17</sup> I.e. make available the third-party provided safety training course, and issue a Firearms Licence, a Dealer's Licence, a Visitor Licence, import permits, permits to possess, and approvals for a gun show or auction.

<sup>18</sup> Comprised of representatives from the non-firearms owning community.



## Implementation

- 82 Subject to the outcomes of the consultation process, a new Schedule of Fees could be drafted and notified in the first-half of 2023. I will provide an update on implementation when I seek approval for the Schedule of Fees. Depending on decisions taken following consultation, I anticipate the new fees to take effect in the first half of the 2023/24 financial year.

## Financial Implications

- 83 While there are no direct financial implications arising from this paper, the balance of fee levels and associated risks will need to be considered when I report back to Cabinet. The trade-off between increased third-party revenue, and the consequential impact is not easily quantified but can be estimated. Until there is an up-to-date firearms registry, there is a greater risk of the retention of standard firearms without a licence.

### *Impact on demand*

- 84 As noted above, there is limited information to quantify the level of fee increase that would avoid the risk of large number of licence holders not renewing their licence. The majority of licence holders accept that a fee increase is justified. Acceptance is more likely if licence applicants experience less impact on their use of firearms caused by delays in licensing processes enabled by my proposed urgent amendment to the Arms Act.

### *Impact of fees on timing of applications*

- 85 Any large increase in fees will encourage first-time applicants to make early application for a firearms licence as the fee is paid with the application. It will also impact any repeat application for a firearms licence and any attached endorsements.
- 86 The Act as drafted does not allow Police to refuse an early application or to backdate the fee.
- 87 Some may wait to see the outcome of the discussion document before making early application. Others may act immediately when the discussion document is released. Either way early applications will impact on revenue collected.
- 88 Expected third party revenue will be more easily quantified once consultation is completed and a revised fee schedule finalised. Similarly it will be possible to better quantify the reduction in required Crown contribution consequent to the increase in third party revenue. Anticipated third party revenue and Crown contribution will be included in the report back to the Minister of Finance and Minister of Police required by 30 November 2022 [CAB-22-MIN-0129].

## Legislative Implications

- 89 Following public consultation and Cabinet approval, proposals will be implemented through a new Schedule of Fees in the Arms Regulations 1992

(section 86 of the Act refers). The Schedule will also include the new fees for shooting clubs and ranges, consulted on earlier this year.

## Impact Analysis

### *Regulatory Impact Statement*

- 90 The Treasury's Regulatory Impact Analysis team has determined that the proposal to release this public discussion paper is exempt from the requirement to provide a Regulatory Impact Statement (RIS). The exemption is based on advice that the discussion document includes the key features of an interim RIS.
- 91 Police's internal Quality Assurance panel had reviewed the discussion document and confirmed that it meets these requirements.

### *Cost Recovery Impact Statement*

- 92 A stage one Cost Recovery Impact Statement (CRIS) was prepared in 2019, when approval was sought to amend the fee setting provisions in the Act. A stage two CRIS will be completed to inform the final proposed suite of fees.

## Population Implications

- 93 On 1 July 2022, there were 240,465 firearms licence holders in New Zealand. Approximately 92% of firearms licence holders are men, and 74% are currently aged 40 years or older. Of the 59% of firearms licence holders that have their ethnicity recorded by Police, 90% are Pākehā and 7% are Māori.
- 94 The increased fees will have an impact on all licence applicants; both new applicants for firearms licences and those who seek to renew their licence once their current licence expires. Those people who use firearms occasionally for recreational purposes only, such as hunting, may decide to not renew their licence once it expires.
- 95 The fee increases will have greatest impact on low-income earners and beneficiaries, who may use firearms to hunt and rely on this activity to supplement their food supplies.
- 96 The number of Māori licence holders may reduce given their greater representation in low-income groups with a greater proportion of the Māori population in rural areas, where using firearms to hunt for food, pest control, or humane slaughter of animals is more common. This could result in a disproportionate impact on Māori who need to use firearms and dissuade others from obtaining a licence. This impact is mitigated to an extent by the Act's provisions which enable a person to use a firearm without a firearms licence provided the person is under the immediate supervision of a licence holder. The annual New Zealand population-based survey conducted by the Institute of Governance and Policy Studies at Victoria University<sup>19</sup> showed just

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<sup>19</sup> This survey replicated approach undertaken for Justice Thorp in his *Review of Firearms Control in New Zealand*, and the survey results published in *Policy Quarterly* – Vol 17, Issue 2 – May 2021 .

7.4% of the Māori population owned a gun but 13.2% lived in a gun-owning household.

- 97 The policy intent is consistent with the purpose of the Arms Act that recognises the regulatory regime established under the Act reflects the principles that “the possession and use of arms is a privilege; and that persons authorised to use arms have a responsibility to act in the interests of person and public safety”. These principles do not affect Māori differently from other groups. Māori have equal obligations in ensuring the safe use and control of firearms irrespective of where they are used, whether on Māori-owned and managed land, other private land or other public land. As a result, the proposals on fees in the discussion document do not treat Māori licence holders differently from other licence holders.

### Human Rights

- 98 The proposals in the public discussion document are consistent with the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990. The Act enables the Commissioner of Police to dispense with any fee payable under regulations if necessary for human rights reasons, for instance for a disabled person for whom shooting is one of a limited number of recreational activities available to them.

### Consultation

- 99 This paper and the draft discussion document have been consulted with: the Treasury; Ministry of Justice; Te Arawhiti; Te Kawa Mataaho Public Service Commission; New Zealand Customs Service; Te Puni Kōkiri; the Ministry of Foreign Affairs and Trade; the Department of Conservation; the Ministry for Primary Industries; the Ministry of Culture and Heritage; and the Department of the Prime Minister and Cabinet.
- 100 The Treasury proposed the inclusion of a licence fee option of 75% of full cost to be included in the discussion document. I have included this as it will indicate to submitters that we considered a wide range of options. Nevertheless, it is important to ensure licence holders are motivated to comply with the Registry requirements and register all the firearms they possess. This requirement takes effect in June 2023. The current set of partial cost recovery proposals in the discussion document will signal to licence holders that the Government recognises the public safety benefit of having a well-functioning arms regulatory system.

### Communications

- 101 As the proposals impact all licence holders, considerable public interest is anticipated. Given there are some 9,800<sup>20</sup> applications for firearms licences awaiting processing, the timing of the release of the discussion document will be influenced by the progress on the proposed urgent amendment to the Act.

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<sup>20</sup> As at 30 September 2022.

This is needed to enable applications for firearms licences to be treated as current where applications are made but cannot be processed before expiry.

- 102 A media statement will announce the release of the public discussion document and invite submissions.

**Proactive Release**

- 103 This paper will be proactively released by publishing it on the Police website once final policy decisions have been taken and fees finalised.

proactive release

## Recommendations

The Minister of Police recommends that the Committee:

### *Background*

- 1 **note** the Arms Act 1983 provides for regulations to be made for the cost recovery of actual and reasonable costs of services provided in accordance with the Act;
- 2 **note** the current fees have not changed since 1999, except for GST adjustments, and they remain highly subsidised by the Crown and comparatively low when compared to similar regulatory licences;
- 3 **note** on 2 March 2022, Cabinet Social Wellbeing Committee:
  - 3.1 noted that increased investment in the Arms Regulatory system is required to deliver on recommendations from the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain and to enable achievement of the public safety objectives of the Arms Regulatory system;
  - 3.2 endorsed a Detailed Business Case requiring a much-increased investment in the Arms Regulatory system;
  - 3.3 noted the amount of investment required (\$711.452 million over 11 years, of which \$209.20 million has already been approved) is based on the existing cost recovery settings, and could decrease if more is recovered through third-party revenue;
  - 3.4 noted that Cabinet approval will be sought in April 2022 to release a consultation document which will propose options for revised cost recovery settings for the delivery of all remaining services including licensing, endorsements and permits [SWC-22-MIN-0021, CAB-22-MIN-0052];

### *Financial implications*

- 4 **note** on 11 April 2022, Cabinet approved the Arms, Safety and Control initiative for Vote Police for inclusion in the 2022 Budget package, which included [CAB-20-MIN-015526]:
  - 4.1 approval to appropriate \$47.007 million in operating and capital funding to Vote Police in financial year 2022/23;
  - 4.2 an increase to the "Implementation of the Arms Legislation Act" tagged operating and capital contingency of \$161.392 million;
  - 4.3 a drawdown of \$7.1 million operating funding for 2022/23 for financial year from the existing tagged operating and capital contingency;

- 4.4 an agreement that any further drawdowns for 2022/23 and 23/24 will be subject to a report-back to the Minister of Finance and the Minister of Police on implementation progress to date, including development of the registry and a timeline for the development of a new fee schedule;
- 4.5 a direction to officials to report back to the Minister of Finance and the Minister of Police by 30 November 2022 with a detailed implementation plan that includes a timeline for the roll-out of a new fee schedule and revised costings (in order to better understand the amount likely to be recovered from third-party revenue);
- 4.6 an agreement that drawdown from 2024/25 is contingent on the implementation of a revised fee schedule [CAB-22-MIN-0129];
- 5 **note** the revenue collected will depend greatly on the size of fee increases which will impact both demand for firearms licences and the timing of applications;
- 6 **note** the attached public discussion document presents options which include a range of partial cost recovery options for a firearms licence and the full costs of delivery of most other regulatory services including dealer licensing (excluding dealers who are museum curators), permitting, approvals and endorsements;
- 7 **note** the issue and compliance oversight of firearms licences are the greatest contributors to cost and, if licence fees are set at full cost recovery, a number of licence holders failing to renew their licence may present a potential risk to public safety;

*The timing of consultation will be influenced by progress on Arms (Licence Holders' Applications for New Licences) Amendment Bill*

- 8 **note** the timing of the public release of the attached public discussion document *Arms Regulations – Review of Fees* for a six-week public consultation, will be influenced by the discussion with the House Business Committee on progressing the proposed urgent amendment to the Arms Act the *Arms (Licence Holders' Applications for New Licences) Amendment Bill*;
- 9 **authorise** the Minister of Police to delay the timing of the release the discussion document *Arms Regulations – Review of Fees* to fit with progress on the urgent amendment to the Arms Act 1983 referred to in recommendation 8;
- 10 **authorise** the Minister of Police to make any editorial or minor technical changes to the public discussion document prior to its release;
- 11 **invite** the Minister of Police to report back to Cabinet on proposals following consultation and to seek approval to issue drafting instructions to the Parliamentary Counsel Office for regulations;
- 12 **note** when the Minister of Police reports to Cabinet, Cabinet will need to consider the benefits of greater user contribution against the risks of non-

compliance, and the public interest in maintaining a well-functioning Arms Regulatory system;

- 13 **note** the proposed fees for the approval of shooting clubs and certification of shooting ranges were included in the discussion document *Proposals for new regulations under the Arms Act 1983 (Phase Two) Shooting clubs and ranges* and are not included in the *Arms Regulations – Review of Fees*.

Authorised for lodgement

Hon Chris Hipkins

Minister of Police

proactive release

9 April 2024

Thomas Hemphill  
tommy16410@hotmail.com

Tēnā koe Thomas

***Request for information***

Thank you for your Official Information Act 1982 request dated 10 March 2024. You asked:

*I want to know how many of the following types of firearms were seized by New Zealand Police from unlicensed individuals for each year for two separate periods, 2010-2018 and 2019-29th Feb 2024:*

*If 3D Printed or illicitly-made firearms are included in the below categories, create a subset in brackets for each category.*

*Rimfire Rifles: Full-Automatic, Modified to Full-Automatic (a firearm that was not initially capable of Full-Automatic fire but later modified to be), Semi-Automatic, Bolt Action, Lever Action, Pump Action, Single Shot*

*Centerfire Rifles: Full-Automatic, Modified Full-Automatic, Semi-Automatic, Bolt Action, Lever Action, Single Shot*

*Shotguns: Full-Automatic, Modified-Full Automatic, Semi-Automatic, Bolt Action, Lever Action, Pump Action, Single/Double/Multi Barrel*

*Pistols/Sawn-off: Sport Pistols, Non-Sport Pistols, Sawn-off Shotgun, Sawn-off Centerfire Rifle, Sawn-off Rimfire Rifle*

*Carbine/Short Guns: Any Other Rifle/Shotguns under 30 inches Length.*

When police officers encounter firearms in the course of their normal duties, and they have concerns about these firearms, they have the option to seize the firearms under the provisions of the Search and Surveillance Act 2012. Two provisions commonly used are sections 18 (warrantless searches associated with arms) and 6 (search warrant). Prior to October 2012, firearms were seized under the now repealed and replaced section 60 of the Arms Act 1983. When firearms are seized by police under these provisions, they are recorded in the Firearms Search and Seizure database.

The Firearms Search and Seizure database has broad categories for type of firearms, such as rifles, shotguns, and pistols. There is no option to record the type of action, priming method, or source of manufacture (such as 3D or home-made). Therefore, this portion of your request is refused under section 18(g) of the OIA as the information is not held.

**Police National Headquarters**

180 Molesworth Street. PO Box 3017, Wellington 6140, New Zealand.  
Telephone: 04 474 9499. Fax: 04 498 7400. [www.police.govt.nz](http://www.police.govt.nz)



While your request is about firearms seizures from people without a firearms licence, it may be useful to you to be able to put those seizures into context of all seizures undertaken (that is, irrespective of whether the subject of the seizure was licenced or not). This context is provided in Table 1 which shows the total seizures of firearms, by firearms type, and year since 1 October 2012 to 31 December 2023.

*Table 1, Firearms seized under s6 or s18 of the Search and Surveillance Act 2012 between 1 October 2012 and 31 December 2023*

Firearm type	2012 from 1 Oct	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	TOTAL
Rifle - full length	143	531	508	506	619	571	682	699	702	617	541	530	6649
Shotgun - full length	52	243	280	236	276	251	302	335	316	266	254	210	3021
Airgun - rifle	33	160	123	123	115	118	158	229	227	192	215	189	1882
Shotgun - cut down	14	63	69	83	116	127	143	133	171	158	134	128	1339
Rifle - cut down	6	21	41	44	100	87	80	115	128	102	121	99	944
Handgun - pistol	8	40	48	43	79	73	98	90	143	131	93	86	932
Airgun - handgun	19	82	72	75	70	74	71	96	86	73	112	89	919
Imitation - handgun	8	21	20	30	28	21	33	49	47	66	54	70	447
Handgun - revolver	5	12	12	14	15	11	24	18	32	53	22	31	249
MSSA - Military Style Semi Automatic	2	23	32	28	54	30	40	21	12	-	-	-	242
Prohibited rifle	-	-	-	-	-	-	-	23	47	31	22	22	145
Imitation - rifle	3	14	5	8	16	4	11	21	5	14	14	18	133
Prohibited shotgun	-	-	-	-	-	-	-	5	8	9	6	11	39
<b>TOTAL:</b>	<b>293</b>	<b>1210</b>	<b>1210</b>	<b>1190</b>	<b>1488</b>	<b>1367</b>	<b>1642</b>	<b>1834</b>	<b>1924</b>	<b>1712</b>	<b>1588</b>	<b>1483</b>	<b>16941</b>

Between 1 January 2010 and 30 September 2012, police seized 2,238 firearms under the now repealed section 60 of the Arms Act 1983 where no one present at or subject of the search was recorded as having a firearms licence. This is shown in Table 2 below by firearm type.

*Table 2. Firearms seized under the now repealed s60 of the Arms Act 1983 between 1 January 2010 and 30 September 2012, where no one present or subject of the search had a firearms licence.*

Firearm Type \ Calendar Year	2010	2011	2012 to 30 Sep	Total
Airgun - handgun	102	108	78	288
Airgun - rifle	184	156	162	502
Handgun - pistol	10	40	42	92
Handgun - revolver	8	4	12	24
Imitation - handgun	44	44	32	120
Imitation - rifle	2	16	14	32
MSSA	8	12	12	32
Rifle - cut down	24	34	20	78
Rifle - full length	172	220	244	636
Shotgun - cut down	24	42	38	104
Shotgun - full length	86	118	126	330
Total	664	794	780	2,238

Between 1 October 2012 and 29 February 2024, police seized 12,063 firearms under section 6 or section 18 of the Search and Surveillance Act 2012 where no one present at or subject of the search was recorded as having a firearms licence. This is shown in Tables 3 and 4 below by firearm type, split into two sets of years as you requested.

*Table 3. Firearms seized under s6 or s18 of the Search and Surveillance Act 2012 between 1 October 2012 and 31 December 2018, where no one present or subject of the search had a firearms licence.*

Firearm Type \ Calendar Year	2012 from 1 Oct	2013	2014	2015	2016	2017	2018	Total
Airgun - handgun	18	77	66	72	65	72	65	435
Airgun - rifle	29	139	101	112	99	94	130	704
Handgun - pistol	6	31	41	38	71	69	77	333
Handgun - revolver	1	7	10	13	14	9	19	73
Imitation - handgun	6	19	20	29	28	20	33	155
Imitation - rifle	2	13	3	6	16	4	10	54
MSSA	1	17	20	15	39	18	25	135
Rifle - cut down	5	21	38	44	97	85	75	365
Rifle - full length	66	270	237	283	324	299	347	1,826
Shotgun - cut down	13	60	68	82	112	125	141	601
Shotgun - full length	30	129	139	159	154	144	175	930
Total	177	783	743	853	1,019	939	1,097	5,611

Table 4. Firearms seized under s6 or s18 of the Search and Surveillance Act 2012 between 1 January 2019 and 29 February 2024, where no one present or subject of the search had a firearms licence.

Firearm Type \ Calendar Year	2019	2020	2021	2022	2023	2024 to 29 Feb	Total
Airgun - handgun	93	81	70	104	86	14	448
Airgun - rifle	191	189	173	184	165	23	925
Handgun - pistol	85	142	121	80	83	16	527
Handgun - revolver	18	30	47	18	29	1	143
Imitation - handgun	48	46	64	53	70	10	291
Imitation - rifle	19	4	14	12	18	0	67
MSSA	14	12	0	0	0	0	26
Prohibited rifle	18	43	24	21	15	8	129
Prohibited shotgun	4	7	8	6	10	0	35
Rifle - cut down	111	127	99	117	94	16	564
Rifle - full length	337	388	356	257	323	40	1,701
Shotgun - cut down	127	166	157	131	128	16	725
Shotgun - full length	171	198	172	161	148	21	871
Total	1,236	1,433	1,305	1,144	1,169	165	6,452

Data in this response is drawn from a dynamic operational database and is subject to change as new information is recorded or updated.

Police invests a significant effort into removing unlawfully held firearms. In February 2021, the Police Commissioner launched a national operation named Operation Tauwhiro. This was a National Operation targeting the disruption and prevention of firearms-related violence by gangs and organised crime groups. This progressed to Operation Cobalt, which was launched in June 2022 and is continuing to focus on disruption of organised criminal activities.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Please note that as part of its commitment to openness and transparency, Police proactively releases some information and documents that may be of interest to the public. An anonymised version of this response may be publicly released on the New Zealand Police website.

Ngā mihi



**Superintendent Richard Wilson**  
Director Operations – Te Tari Pūreke | Firearms Safety Authority

7 February 2025

IR-01-25-2804

Thomas Hemphill  
[tommy16410@hotmail.com](mailto:tommy16410@hotmail.com)

Tēnā koe Thomas

Thank you for your Official Information Act 1982 (OIA) request dated 26 January 2025.  
You asked for:

*Under the current Arms Act, there are firearm surrender provisions where a person may surrender a firearm to a licensed firearms dealer as stated in s59B of the Act. Has New Zealand Police:*

- 1) Ever required Dealer or staff of, to divulge the identity of the individual who surrendered the firearm?
- 2) Ever required the Dealer/staff to provide CCTV copies of the surrender, either through a voluntary request, or through a lawful power exercised by Police, to obtain that footage?
- 3) If the answer to question 2 is yes, can Police specify if this was for the purposes of a prosecution, or as part of an intelligence gathering work, or both.

On 27 January 2025 you emailed a correction as follows:

*Apologies for the mistake, I cited the wrong section of the Arms Act. It should be citing section 49A (surrender to dealer) rather than 49B (which is for surrender of firearms to Police directly).*

I interpret section "49A" (quoted in your correction above) to mean section 59A of the Arms Act 1983 (the Act).

Under section 59A<sup>1</sup> of the Act, any person, whether a licence holder or not, can surrender any arms items to a licensed dealer and is not required to provide any identifying

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<sup>1</sup> **59A Surrender by licensed dealer of firearms, etc**

(1) A licensed dealer does not contravene [section 10](#) if, on obtaining possession of any of the following items from any person, the licensed dealer surrenders the item within 5 working days to the nearest Police station for inspection and inquiries:

- (a) a pistol:
- (b) a pistol carbine conversion kit:
- (c) a restricted weapon:
- (d) a prohibited item.

(2) A licensed dealer does not contravene [section 12](#) if the licensed dealer does not record the particulars of any of the following items that is received by that dealer and, within 5 working days, surrenders the item to the nearest Police station for inspection and inquiries:

- (a) a firearm:

information at the time of surrender. The licensed dealer does not commit an offence if, within five working days, they surrender the item to the nearest Police station.

In the case of endorsed items (pistols, restricted weapons, prohibited items, pistol carbine conversion kits), if the dealer surrenders the item to Police within five working days, the dealer is not required to comply with either section 10 or 12 of the Act. In effect this means the dealer does not require a permit to take possession of the endorsed item temporarily. The dealer is also not required to take particulars of the person who surrendered the item.

In the case of a firearm (that being a non-prohibited firearm) or an airgun being surrendered, if the dealer surrenders the item to Police within five working days, the dealer is not required to comply with section 12 of the Act. This means the dealer is not required to record the particulars of the person surrendering the item.

In other words, if the person is handing in to a dealer anonymously, section 59B of the Act requires the dealer to surrender it to Police within five working days, otherwise the dealer is then committing an offence.

Once the item is in Police possession, Police undertake inspection and inquiries regarding the item and if no offences relating to the item are identified Police can consider whether or not it is appropriate to return the item to the licensed dealer.

In response to the part of your request regarding CCTV footage, there is no record of any CCTV footage being requested by Police and or Te Tari Pūreke – Firearms Safety Authority therefore Police is refusing this part of your request under section 18(g) of the OIA as the information is not held.

You have the right to ask the Ombudsman to review this decision if you are not satisfied with the response to your request. Information about how to make a complaint is available at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

For your information, Police has developed a process for proactive release of information, so the anonymised response to your request may be publicly released on the New Zealand Police website.

Nāku noa, nā



Matthew Boddy  
**Acting Director Operations**  
**Firearms Safety Authority**

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(b)an airgun:  
(c)a pistol:  
(d)a pistol carbine conversion kit:  
(e)a prohibited item:  
(f)a restricted weapon.

Section 59A: replaced, on 25 June 2020, by [section 87](#) of the Arms Legislation Act 2020 (2020 No 23).

25 February 2025

Thomas Hemphill  
tommy16410@hotmail.com

Tēnā koe Thomas

***Request for information***

Thank you for your Official Information Act 1982 (OIA) request dated 5 February 2025.  
You wrote:

*My question relates to the time period between the 16th of March 2019 to present day.*

*Can New Zealand Police please outline how many callouts they have had in relation to a A-category firearm being misidentified by a member of the public as either a prohibited firearm or restricted weapon.*

*Likewise, how many incorrect callouts have been made for non-prohibited magazines being misidentified as prohibited magazines.*

*In the table, could you please outline for each year, in separate columns, how many were resolved (ie confirmed to be incorrect) and how many were unresolved?*

There is no centralised record holding the specific information you have described in your request.

Therefore, your request is refused under section 18(g) of the OIA as the information requested is not held.

As part of its commitment to openness and transparency, Police proactively releases some information and documents that may be of interest to the public. An anonymised version of this response may be publicly released on the New Zealand Police website.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Ngā mihi



**Zane Kearns**  
Director Performance and Data (acting)

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