



New Zealand Police Association, Te Aka Hāpai

Submission on the Arms (Prohibited Firearms,
Magazine and Parts) Amendment Bill

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Submitted to the Finance and Expenditure Select Committee

3 April 2019



About the New Zealand Police Association

The New Zealand Police Association, Te Aka Hāpai (the Association) is a voluntary service organisation representing 9500 constabulary across all ranks, and 2500 Police employees. Association members are generally very active in engaging in debate and discussion within the Association on matters relevant to policing. The high engagement level of the membership is critical to the Association's ability to speak and act credibly on behalf of members.

Introduction and general comment

1. The New Zealand Police Association, Te Aka Hāpai supports the Government's decisive move to amend the Arms Act 1983 and tighten gun controls across the country. This legislation will increase the safety and security of New Zealanders by reducing the risk of death or injury from guns.
2. The Association has long been calling for such changes, many of which were recommended by Sir Thomas Thorp back in 1997.
3. If the Thorp Report had been accepted and its recommendations put in place then, it is clear that the alleged offender in the March 15, 2019 Christchurch atrocity would not have had access to the sorts of weapons used, and the outcome would have likely been vastly less severe than it was.
4. It should not be lost in analysis of the Christchurch attacks that the alleged offender came from a country where the weapons used were unavailable. It is plausible to believe that New Zealand's firearms laws were a factor in the choice of our country as a target for a mass killing.



Legislative process

5. The Association considers it appropriate that this bill is passed into law as quickly as possible. New Zealand's own and international experience has taught us that failure to act immediately in situations such as that of March 15, creates a void in process.
6. Politicians themselves have acknowledged the extraordinary lobbying from certain members of the gun community in the past – most recently after the report of the Law and Order Committee Inquiry into issues relating to the illegal possession of firearms in New Zealand.
7. The purpose of such lobbying is to push politicians to consider political rather than moral issues and this too often results in a watered down response, or worse, complete lack of action.
8. In the aftermath of Christchurch, Deputy Prime Minister Winston Peters noted that New Zealand had been “pretty lax” about gun laws in the past and it was time to act “as we should have done a long time ago. You cannot be a serious New Zealander without [having a] shared regret that we had not moved in prior times much faster on these issues.”
9. The Association shares that sentiment that New Zealand should never look back again with regret that as a country we failed to act on gun reform at the expense of the safety of New Zealanders.

Balancing needs and wants

10. The Association considers that the provisions in the bill strike a fair balance between the needs of firearms users in New Zealand, including farmers and hunters, and the right of New Zealanders to be safe in their own communities.
11. For the record, it is worth noting that gun ownership in New Zealand is a privilege, not a right. Claims that people have a right to own a gun have steadily crept into the New Zealand vernacular. Such claims have no validity and that needs to be clearly stated.

Costs

12. The costs involved in implementing this legislation remain uncertain. This fact highlights a problem that the Association has been arguing for years – we have no idea of how many firearms there are in New Zealand, so we have no real idea of the potential cost in buying back those now deemed to be prohibited firearms.



13. The Association has been calling for a registry of firearms because that is the only way to know the size of the country's arsenal. While that is not in this bill, we urge Parliament to follow through on this in the next phase of firearms reform.
14. The cost associated with a buy-back of a so far unknown number of weapons, should not be a factor in progressing this legislation. What we are now going to pay is the price of failure to acknowledge Justice Thorp's 1997 recommendations. It would have been considerably less expensive in 1997.
15. If the estimates of a buy-back are even close to the \$100m - \$300m currently being discussed, it is a tangible demonstration of the number of guns in our country and the associated risks so many of them pose to New Zealanders.

Increased penalties

16. The Association asks the committee to ensure the legislation makes clear the firearms owner bears the responsibility to prove his or her gun does not fall within the new category of prohibited firearms.
17. The Association submits that this onus of proof should not fall to Police. The experience of Police has too often been dealing with firearms owners who adapt and modify their weapons to deliberately circumvent the law.
18. On Tuesday April 2, Police demonstrated the ease at which some firearms owners can convert their guns into military style semi-automatic weapons (MSSAs). The Association has warned for some time that legally bought components such as grips and large capacity magazines are easily attached to turn Category A firearms into Category E semi-automatic weapons. We are now in no doubt that is the case.
19. The Association urges the committee to view the following link.
<https://m.youtube.com/watch?v=jhxbL-bPPPA&feature=youtu.be#dialog>
This demonstrates how a Kali-Key has the ability to quickly convert a semi-automatic into a bolt-action weapon, and then reverse the process. This attachment is designed to circumvent the very law parliament is trying to pass. The Association asks the committee to ensure the proposed law covers such attachments, as some New Zealand gun owners are already referring to this as their 'get-out-of-jail' card.
20. The Association believes the new penalty provisions give teeth to the legislation and these should also satisfy firearms owners who have been lobbying for stronger penalties for those who breach firearms laws.



21. These penalties will also be extremely helpful for Police tackling unlawful gang activity and are a welcome addition for the extra 700 police officers deployed into organised crime investigations.

Exemptions

22. The Association submits that the legislation needs to pay close attention to the exemption to import, sell, supply and possess semi-automatic firearms given to “bona fide collectors of firearms.”
23. If the intention of this legislation is to remove these weapons from New Zealand without targeting bona fide collectors, the reality is there will still be thousands of newly prohibited weapons in circulation. This subverts the intention of the legislation and we will be back here again if another tragedy involving mass shootings follows.
24. We submit that bona fide collectors be compelled by law to render their firearms permanently inoperable. Currently such collectors are only required to remove specific parts from their firearms, making those firearms temporarily inoperable given the removed parts can be reattached at any time.
25. We need to learn from other countries that require all collectible weapons rendered permanently inoperable. If their fellow international collectors do not have operable weapons, the four thousand or so New Zealand collectors who would be legally required to do likewise, will be at no discernible disadvantage in their market. This category of licence, outside a special endorsement for theatrical purposes, does not permit the firearms to be operated so rendering them inoperable does not affect the designated reason for ownership.
26. If the legislation does not go this far, the Association submits that Section 74 (2) (ha) of the bill should go further and stipulate that the vital parts removed from a prohibited firearms or restricted firearm to render it inoperable, be stored in separate cabinets of similar security to those which house the firearms themselves.
27. This said, the Association is very concerned that bona fide collectors would still be holding firearms that would, when operable, be in the new prohibited firearms category and that would make the collectors highly vulnerable to theft or burglaries.
28. The Association asks the committee to consider the situation of current collectors who hold any number of Category A firearms (which do not have to be registered). This bill does not prohibit these collectors then holding these weapons, designated by Order in Council to be Category E, under their collector’s licence.



29. The Association is also concerned about the definition of a bona fide collector. This must be a robust and strictly enforced category of firearms owner in order to stop someone, with the intention of holding on to their prohibited firearms temporarily, rendering them inoperable and keeping them under the guise of collector items.

Summary

30. The NZ Police Association applauds the 119 members of Parliament who have joined forces to make a real change to our firearms laws.
31. We support the intent of the legislation and ask that consideration is given to the few points that we have identified as requiring the committee's attention.
32. While we are all deeply saddened and appalled at the event that has precipitated this law reform, it is reassuring that New Zealanders and their elected representatives have embarked on a legislative programme designed solely to enhance our collective safety.