

3 April 2019

To the Finance and Expenditure Committee
New Zealand Parliament

Arms (Prohibited Firearms, Magazines, and Parts) Amendment Bill

1. This submission is from Hera Cook and Marie Russell.

We wish to be heard in person by the Committee.

Summary of recommendations:

- *We recommend* that all semi-automatic firearms should be prohibited.
- *We recommend* the amnesty should cover all prohibited firearms, including those that are illegally held.
- *We recommend* that the term ‘part’ include a reference to functions as follows: Any item the function of which is to enable a firearm to reload automatically after each shot, so the user does not have to insert a fresh round of ammunition by hand after each bullet is fired, will be prohibited.
- *We recommend* the exemptions, other than those for licensed dealers, be permitted on an annual basis.
- *We recommend* that the endorsement on a person’s licence permitting them to possess a prohibited item, or a permit to possess that prohibited item be required to be renewed annually.
- *We recommend* that there should be no exemption for use of semi-automatics in the routine pest control of small animals such as rabbits, hares and wallabies.
- *We recommend* no exemption for stage, film, or television purposes.

2. **The submitters:** We are researchers in the Department of Public Health at the University of Otago, Wellington. From 2016 to 2018, we carried out a qualitative study on firearms policy in New Zealand from a Public Health point of view. This included in-depth interviews with the fullest possible range of those involved in firearms use and regulation in New Zealand.

3. **We welcome the Bill:** We warmly welcome the Bill, and congratulate Parliament on taking prompt and decisive action to improve health and safety in New Zealand.

4. **Semi-automatic firearms:** *We recommend* that all semi-automatic firearms should be prohibited. That is, the prohibition should include all guns of whatever calibre which reload automatically after each shot, so the user does not have to insert a fresh round of ammunition by hand after each bullet is fired. Each time the trigger is squeezed, a shot fires. We note that this removes the problem that different magazine sizes can be easily fitted to many semi-automatic guns, increasing the capacity.

Specifically, the prohibition should include the firearms described in 2A (a) (1)

- (A) a semi-automatic firearm that is capable of firing only 0.22 calibre or less rimfire cartridges and that has a magazine,

whether or not detachable or otherwise externally fed, that is capable of holding no more than 10 cartridges commensurate with that firearm's chamber size:

(B) a semi-automatic shotgun with a non-detachable tubular magazine or magazines that are capable of holding no more than 5 cartridges commensurate with that firearm's chamber size.

5. Amnesty: *We recommend* the amnesty should cover all prohibited firearms, including those that are illegally held. The greatest benefit to the community will be produced if the maximum number of firearms are handed in. There should be a clear but reasonably short prosecution-free window for guns to be surrendered or bought back.

Clause 59B states that "the police have the discretion not to prosecute where the offence is considered to be one of possession only and there is no public interest in proceeding with the prosecution." New Schedule 1 states this is an "amnesty for all those who lawfully possess a prohibited item."

Requiring those holding illegal firearms to expose themselves to prosecution will surely ensure that illegally held firearms are not handed in. We suggest that this should be a full amnesty in which prosecution is not an option. There should also be a route for anonymous handing in of firearms.

We note that the Australian buy-back did not exclude weapons that were not legally held.

We acknowledge that the issue of potential compensation for illegal activity arises but we would like to point out that without a gun register it will often be difficult to establish whether a weapon that is illegally held was stolen or otherwise obtained. In this context, our priority must be the benefit to the New Zealand community from removing these firearms from the community.

6. Function of Parts: Because technologies are developing so quickly, we agree that 'parts' must be defined primarily by their function, that is, their capability to turn a non-semi-automatic firearm into a semi-automatic. Thus as new modification methods develop, they will be covered by the law. *We recommend* that the term 'part' include a reference to functions as follows:

Any item the function of which is to enable a firearm to reload automatically after each shot, so the user does not have to insert a fresh round of ammunition by hand after each bullet is fired, will be prohibited.

7. Role of the gun lobby: We question the capacity of the gun lobby to accurately represent the attitudes and needs of licensed gun owners. We define the gun lobby as the organisations and associated individuals who claim to speak for licensed gun owners and have done so in some instances for decades.

Hitherto, shooters' organisations have put themselves forward as the only group with sufficient technical knowledge about firearms to be heard by governments. Our view is that technical knowledge is not enough and that governments need to listen equally to non-gun owners.

In our research we identified disturbing norms among some in the firearms communities, including a tolerance of misogynist attitudes, and NRA-style framings and expressions.

We note that in Australia all semi-automatics were banned and the legislation continues to have very broad-based support in both rural and urban Australia. This is despite very similar claims being made by the Australian gun lobby about the attitudes of those involved in hunting and farming to the claims that are currently being made here.

8. Exemptions: The evidential basis for the exemptions listed in the Bill is not clear from our research. In particular:

- a. There are too many exemptions. If the current list of exemptions is allowed on an ongoing basis it will not be possible to maintain effective control over semi-automatics, related magazines and parts. It may mean that in ten years' time, New Zealand has the same problems with semiautomatics as now.
- b. We note that the police has stated that the main source of illegal weapons is burglary or other loss of weapons belonging to licensed firearms owners. Semi-automatics obtained on the basis of the proposed wide exemptions will provide a source through which these weapons can flow into the community.
- c. In order to prevent this outcome, *we recommend* the exemptions, other than those for licensed dealers, be permitted on an annual basis.
- d. *We recommend* that the endorsement on a person's licence permitting them to possess a prohibited item, or a permit to possess that prohibited item be required to be renewed annually.
- e. Provision must be made for revoking exemptions when a person ceases to require the prohibited weapons.

9. Specific Exemption Categories: we believe that there must be a high standard of proof of genuine reason required to obtain an exemption.

We do not believe that persons interested in firearms should be able to obtain an exemption and own weapons prohibited because they pose a risk to public safety on the basis that they are a "bona fide collector of firearms." There is no basis on which such an exemption could be approved or denied other than the personal approbation or otherwise of the firearms licensing officer.

- a. The exemptions for director or curator of bona fide museums should be limited to major public institutions which have the funding to provide a high level of security.
- b. *We recommend* that there should be no exemption for use of semi-automatics in the routine pest control of small animals such as rabbits, hares and wallabies. Semi-automatics were described in the Australian context as 'too inaccurate to be humane'. In addition, use of firearms is not effective as a means of controlling these small pests.
- c. It is not clear that the list of exemptions for pest control completely excludes hunters as it should do. Despite the claim that use of semi-automatics for hunting is vital to pest control, the presence of semi-automatics has not enabled effective lowering of pest animal numbers. We refer to the information released about numbers of deer in relation to the Tahr cull. The lack of will on the part of some sectors of the hunting community means no weapon will be sufficient for control of pest numbers.
- d. Exemptions should only be made on on the basis that the job is necessary to a larger purpose and only a semi-automatic must be able to perform the required job. We accept that there is a need for use of semi-automatics when using helicopters for pest control.
- e. *We recommend* no exemption for stage, film, or television purposes. Imitation firearms can be used for the stage and re-enactments, and used along with CGI for film and television. For stage, where shots cannot be discharged anyway, a working firearm is not

needed. For film and television, it is now possible to produce readily usable computer-generated images and imitations.

10. **Gun smiths:** Practising gun smiths need to be more tightly regulated than they currently are. We heard during our research that manufacture of parts, and modification of firearms are straightforward for any person with basic engineering and metal-working skills. A rigorously-monitored certification scheme for gun smiths should be maintained to try and limit such activities.

Hera Cook and Marie Russell