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Submission to the Law And Order Committee on the The Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2011

Appearance before the Law And Order Committee

We seek the opportunity to appear before the Law And Order Committee to speak to this submission, and our Executive Officer can be contacted at 06 878 7575 during business hours, or at info@pistolnz.org.nz to arrange our appearance.

Pistol New Zealand and its consultation in the creation of this submission

Pistol New Zealand is the "New Zealand Pistol Association Incorporated" (herein after referred to as Pistol NZ), and is an incorporated society which formed to affiliate and provide administrative and support services to pistol clubs in New Zealand when the sport was introduced formally in 1969. Prior to this, the limited activity in pistol shooting sports had been administered by a pistol committee on what was then the New Zealand Smallbore Rifle Association.

It has grown since small beginnings to a membership of 80 pistol clubs with over 3100 affiliated pistol shooters. During our 41 years of operation pistol shooters have competed in every Commonwealth Games since 1974, have represented New Zealand at the Olympic Games, and at World Championship events in several pistol shooting disciplines, including ISSF, Action Pistol, Muzzle Loading, Handgun Metallic Silhouette, Practical Pistol (IPSC) and Cowboy Action. New Zealand pistol shooters have won medals at World Championship events in the last 10 years, and up to 100 pistol shooters compete in international competition in any given year. New Zealand has hosted 2 pistol shooting events at Commonwealth Games (Christchurch 1974, Auckland 1990) and hosted the World Action Pistol Shooting Championships on behalf of the National Rifle Association of the USA in Hamilton, 1999, and again in 2008. Our sport has experienced growth in participation numbers for each of the last ten years.

Pistol New Zealand has demonstrated that over a 41 year period we can deal with the challenges the sport has faced in a professional manner, and have developed strong practices for management of shooting ranges in New Zealand, which have formed the basis for the NZ Police Range Manual.

Pistol NZ is a member of, or affiliates to, a number of other organisations, such as the New Zealand Shooting Federation Inc and NZ Council Of Licensed Firearms Owners. Pistol NZ does not endorse any contrary viewpoints expressed in any other submissions to this Bill made by any organisation, club, group or individual that claims to have, or implies having, a relationship to or with Pistol NZ in their submission.

Introduction of The Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2011

Pistol NZ agrees that there is a need to simplify and provide clarity to the definition of a Military Style Semi-Automatic (MSSA) as it was defined in the Arms Amendment Bill 1992, but opposes the method to achieve this aim in this Bill. We will offer a constructive alternative in this submission.

Pistol NZ opposes the reclassification of air soft guns and paint ball guns that have the appearance of “real pistols, MSSAs and restricted weapons” as we believe the Bill provides even greater ambiguity than the current Act does regarding MSSAs, and in particular air pistols, due to the definition of a pistol in the Arms Act.

Pistol NZ supports the reclassification of automatic soft air guns and paint ball guns to not be restricted weapons under the Arms Act.

Legislation must be easy to understand

We believe that for any law to work, it must be clear, with the intent being properly carried through to the wording of the Act, that it be easy to understand, and fair. We have concerns that many parts of this Bill could create confusion, and possibly even conflict with thousands of law abiding citizens. We believe that rather than solving a perceived problem, it creates a significant number of new problems.

MSSAs

Under Section 4 of this Bill, we believe that subsections(a) to (e) should be replaced as follows:

(a) means a firearm that, after being loaded, fires and ejects a cartridge, and chambers another cartridge, with each pull of the trigger and has 1 or more of the following features:

(i) a magazine that is designed to hold rimfire cartridges of a calibre of 0.22 inches or less and that is capable of holding, or that, by its appearance, indicates that it is capable of holding, more than 15 cartridges

(ii) a magazine (other than one that is designed to hold rimfire cartridges of a calibre of 0.22 inches or less) that is capable of holding, or that, by its appearance, indicates that it is capable of holding more than 10 cartridges; but

(b) does not include a pistol

We further recommend that all new subsections to Section 11 in the Bill are removed.

When the Arms Amendment Bill 1992 was introduced a significant amount of emphasis was on the ergonomic and aesthetic properties of a firearm to determine that it was a MSSA. This Amendment was introduced as a reaction to the Aramoana killings, which involved the use of a semi-automatic Norinco 84S firearm, which resembled an AK-47, and had a magazine capacity of 30 rounds before needing reloading. The only element of this descriptive method of defining a MSSA that had any material effect on public safety was the magazine capacity. Pistol grips, folding stocks, bayonet lugs and flash suppressors are all permitted on bolt action, lever action and pump action rifles and shotguns without affecting their ownership on a standard firearms licence. Many of these features, such as the pistol grip, are just an evolution of firearms development over many years, and indeed Olympic target air rifles such as the Anschutz model pictured below features and almost vertical pistol grip.



Many sporting rifles over the last hundred years have featured a pistol grip in one form or another. The development and fitting to modern firearms is no different of the evolution of the gear system of a modern car being significantly easier to use than that of an automobile of 100 years ago.

The only part of the 1992 Amendment, and this Bill, that could have any tangible impact on public safety is the magazine capacity of a semi-automatic rifle.

Similarly, we believe the emphasis of "Military" in the 1992 Amendment is misguided, as semi-automatic firearms are used commonly in all sporting areas in New Zealand. Many shotguns used for duck season now are semi-automatic, and one of the most popular small game shooting rifles in NZ over the last 30 years is the Ruger 10/22 pictured below.



This firearm comes with a 10 round magazine, and is a semi-automatic rifle in .22 rim fire calibre. It is especially popular for rabbit and possum shooting as it is light, very reliable, and has many components made out of alloy which inhibit corrosion and make for a long lasting firearm. This rifle has not a "military bone" in its make up, but becomes a MSSA under the current Arms Act if a high capacity magazine is fitted, such as the 25 round magazine fitted in the image below.



By fitting this larger magazine, the rifle can be fired 25 times before it needs reloading. By adapting the rifle with any or all of the other features that have defined MSSAs for the last 19 years the rifle poses no greater danger to the public than in its original factory condition. The features such as pistol grips, flash suppressors, folding stocks and bayonet lugs do not in any way increase the "fire power" or capacity of the firearm.

We recommend that any semi-automatic firearm, including shotguns, are classified as MSSAs if they have a magazine capacity over 7 rounds (or 15 rounds for rim-fire rifles up to .22 calibre). We also recommend that the Bill refer to "High Capacity" Semi-Automatic firearms rather than "Military Style" firearms. We list 7 rounds here as an example under the current Act, but we are recommending above that the capacity limit be 10 rounds for centre-fire rifles. This is because the factory condition of many of these firearms is a built in 10 shot capacity, and there are very few semi-automatic rifles we are aware of that have a factory capacity of 7 rounds.

By adopting our recommendations, the need politicians felt to protect the public from high capacity firearms in 1992 is still entrenched in the Act, but there is no ambiguity to the threshold to possess a high capacity semi-automatic rifle.

It should be noted that there are many bolt action and lever action rifles that use the same magazines as semi-automatic rifles, such as the Ruger 77-22 bolt action rifle which uses the

same magazine as the Ruger 10/22 in the example above. A person could own both rifles, and possess a large magazine for use only in the bolt action rifle, but it would still be able to fit and work in the semi-automatic rifle. This is an issue not clearly addressed in either the current Act, or in this Bill.

We believe our recommendations make common sense, but require a complete rewrite of the Amendment regarding semi-automatic firearms, rather than modifications to the Bill currently being considered.

We would like to conclude our submission of this Section of the Bill by reviewing the incidences of “mass killings” of 5 or more persons since the reclassification of many firearms as MSSAs after the Aramoana killings.

Raymond Wahia Ratima

On June 26, 1992, Ratima stabbed and bludgeoned seven family members to death, including his three sons.

Alan Wayne Lory

On February 4, 1995, Lory committed an arson attack on the New Empire Hotel in Frankton, Hamilton, which resulted in six deaths.

Stephen Anderson

On February 8, 1997, Anderson shot and killed six people, including his father, with a single barrel shotgun, which was owned by his father.

Additionally, in 1992, Brian Schlaepfer killed six members of his family, then took his own life, using a knife and a sporting shotgun.

In 1994, five members of the Bain family were killed with a .22 calibre small game rifle owned by a family member. It is well known that no one has been found responsible for these killings.

It is important to note that since the Anderson killings in 1997, there have been no “mass murders” in New Zealand involving any form of killing method.

Since the 1992 Arms Amendment Bill, there have been no incidences of mass killing involving any firearm that could be described as a MSSA, and indeed in the very, very few cases where a MSSA has been used resulting in death, the firearm has often been possessed by a person without a firearms licence, and/or the capacity and capability of the firearm has not contributed to the level of violence of the outcomes of such incidents. Any rim-fire or centre-fire firearm used deliberately to harm a person is very capable of a lethal outcome, regardless of its licensing classification.

Airguns

We have serious concerns about the objectivity in this Section of the Bill. Under the Arms Act, a pistol is defined as: *any firearm that is designed or adapted to be held and fired with 1 hand; and includes any firearm that is less than 762 millimetres in length*

The Bill wishes to define a restricted airgun as:

(a) an airgun that has the appearance, with or without attachments, of being—

(i) a pistol; or

As the Arms Act says a pistol includes *any firearm that is less than 762mm in length*, we read this new definition clause to imply that all airguns under 762mm in length will become a “restricted airgun”. We do not believe this is the intent of the Act, and it does not adequately state or provide for a threshold that protects air pistols that are designed and used for sporting purposes.

We support fully-automatic air soft and paintball guns being no longer considered “restricted weapons”.

Omission - Possession of MSSA firearms

We are disappointed some of the concerns which impact on safety that have been raised and discussed with police during past Arms Amendment Bill consultation have not been considered in developing this Bill. Our main concern is the wording of the current Act regarding the possession of MSSAs, which are used in sporting competition in many of our pistol clubs.

Firearms law must promote safety. Under current law no person may “take possession” of a MSSA without a permit to procure, even if they possess an endorsement to their firearms licence that they are fit and proper to own such a firearm. This makes the checking of firearms on a firing range, and the “on range” maintenance of such firearms logistically more difficult than all other firearms types. The law must provide for safe practices to be observed in the lawful use of firearms. There is also no sensible pathway for a person to obtain an endorsement to possess a MSSA (as there is with other firearms types, such as the ability to shoot under immediate supervision of a person licensed to possess the firearm being used).

New Zealand has very strong vetting procedures, which lead to pistol, MSSA and restricted weapons owners being amongst the most highly investigated persons in New Zealand. This thorough investigation of their background and the trust placed in these persons to possess firearms which require the highest level of security and restrictions of ownership should allow those people considered fit and proper to own such firearms to have some judgment on when a person can handle such firearms while under their immediate supervision, in a controlled situation, such as a gun show, a club firearms display, or to fire on a suitably accredited shooting range.

Summary

Pistol NZ would like to see a credible improvement of the poorly constructed attempt to control the ownership of high capacity semi-automatic firearms, by taking the emphasis away from their form, and place it on their function.

We are concerned that none of the steps taken in this Bill will have any impact on criminals, or poorly educated citizens. Soft air pistols resembling modern pistols and military firearms have been around for at least 30 years, and it has only recently become a problem in the eyes of police and media. This is because the opportunities to properly educate people about the safe use of firearms has diminished considerably in recent years, in part due to lack of funding and in part due to a stigmatisation of firearms ownership in the media, and indeed by some politicians.

There are also many “replica” firearms that are not air guns, mainly sold in “bargain shops” and flea markets, that would not be affected by this Bill.

Finally, the vast majority of people in NZ who present a danger to the public with respect to possession of any firearms types are those who possess firearms for criminal purposes. They will likely not have a firearms licence, or have obtained their firearms in a manner which NZ firearms law would allow. Such persons are not likely to be affected by this Bill in any way, even with import restrictions of replica guns, and the only way to properly address their misuse of real and replica firearms is with more serious penalties for committing offences. Presently, any young person misusing an air soft pistol in public, such as driving through a busy street and firing it out of a car window, will have a very minor penalty imposed on them if they are brought to justice, which will be way out of proportion to the resources to have even got them in front of a magistrate. If legislators want to have a real impact on criminal misuse of firearms, it should be in the application of penalties. Barriers to importation, or thresholds for ownership of certain types of firearms, will not stop people without a firearms licence misusing any firearms type, including replicas and air guns.

We thank the Law And Order Committee for their time in reading our submission, and for the opportunity to appear before the Committee in the near future.

On behalf of Pistol New Zealand

David Tomlinson
President