

23 May 2018

Dear [REDACTED]

I am writing to you in response to your request dated 19 April 2018. Your request was made pursuant to the Official Information Act 1982 and specifically requested:

1. *I have been advised that people applying for import permits are now required to provide details of magazine capacity.*

While I can understand how this may be relevant to semi autos that would make them either A or E cat, I fail to see what relevance it has to any other firearm as there is no magazine restrictions placed on firearms other than semi autos.

2. *I am also advised that sometimes suppliers ship firearms with different capacity mags if stock of the ordered capacity are not available. For example two 10 round mags in place of one 20 round mag. Will these be seized at the border if they do not match the permit?*

Can you clarify please.

My response is as follows:

1. *I have been advised that people applying for import permits are now required to provide details of magazine capacity.*

While I can understand how this may be relevant to semi autos that would make them either A or E cat, I fail to see what relevance it has to any other firearm as there is no magazine restrictions placed on firearms other than semi autos.

There has been no change in Police process. If a magazine requires a permit at all, then it will be a magazine for a MSSA firearm, pistol or restricted weapon. These restricted items must be described fully and accurately. Customs relies upon this description to process them at the border. In the case of a magazine, the capacity and calibre will be important and relevant parts of the description to facilitate an official decision about whether or not it requires a permit (and in the case of MSSA firearms, pistols and restricted weapons, also a special reason). The assessment of the magazine's category will rely upon what the magazine has been manufactured to do.

Any importer is only entitled to import exactly what is in the permit. Firearms and parts which do not match the full description in the permit are, by definition, imported without a permit and subject to detention and seizure by Customs or Police under s 19 of the Arms Act 1983. It is noteworthy that inaccurate import permits

have in the past provided an avenue for unlawful importation of restricted weapons, firearms and parts.

In the case of semi-automatic rifles and shotguns, centre fire detachable magazines which hold 7 rounds or less and do not have the appearance of holding more than 10 rounds; and detachable rim fire magazines which contain 15 rounds or less and don't appear to hold more than 15 rounds; are "A-Cat" magazines and do not require an import permit. They are not firearm parts:

Arms Act 1983, s2 **Interpretation** part—

(a) In relation to a pistol, restricted weapon, or military style semi-automatic firearm, includes any thing, such as a butt, stock, magazine, silencer, or sight, which, while not essential for the discharge by a pistol, restricted weapon, or military style semi-automatic firearm of any shot, bullet, missile, or other projectile, is designed or intended to be an integral part of a pistol, restricted weapon, or military style semi-automatic firearm; and

(b) In relation to any other firearm, means the action for that firearm]

2. *I am also advised that sometimes suppliers ship firearms with different capacity mags if stock of the ordered capacity are not available. For example two 10 round mags in place of one 20 round mag. Will these be seized at the border if they do not match the permit?*

Can you clarify please.

I am advised that New Zealand Customs Service check to ensure that firearms and parts entering New Zealand are clearly identified and match the description on the permit. Should there be a discrepancy, New Zealand Customs Service may seize and impound the article at the border. Therefore, it is in best interests of the importer to have full and accurate details on the permit.

I trust this information satisfies your request. If you are not satisfied, you have a right under section 28(3) of the Official Information Act 1982 to ask the Office of the Ombudsman to seek an investigation and review of my decision.

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

Yours sincerely



Mike McIlraith
Acting Superintendent
Arms Act Service Delivery Group