

In Confidence

Office of the Minister of Police

Chair, Cabinet Legislation Committee

## **Supplementary Order Paper to the Arms Legislation Bill**

### **Proposal**

1. This paper seeks the Cabinet Legislation Committee's agreement to introduce a Supplementary Order Paper to the Arms Legislation Bill.

### **Supplementary Order Paper**

2. The Prime Minister, the Deputy Prime Minister, the Ministers of Finance, Police, Justice and Defence have Power to Act to make decisions on matters that arise during the drafting of the Arms Legislation Bill (the Bill).<sup>1</sup> Ministers with Power to Act have approved the policy proposals drafted into the attached Supplementary Order Paper (BR/19/112 and BR/19/126).
3. The Bill was introduced to the Finance and Expenditure Select Committee on 24 September. The Committee is expected to report back on the Bill on 10 February 2020.
4. The Bill seeks to increase public safety by adjusting the firearms regulatory framework to improve controls on the use and possession of firearms.
5. I propose that a Supplementary Order Paper is introduced amending the Bill to:
  - i. **Prohibit “short-barrelled semi-automatic rifles”** - The Arms Act 1983 contains an exception from the definition of prohibited firearm for pistols. Due to the definition of “pistol”, firearms that are essentially short-barrelled semi-automatic rifles are considered pistols and therefore not prohibited. These firearms are capable of harm similar to that seen in the Christchurch terror attack and should therefore be prohibited.
  - ii. **Prohibit the possession, sale and importation of pistol carbine conversion kits, other than by pistol-endorsed licence holders** – A pistol carbine conversion kit is used to convert a pistol into a firearm that is capable of being fired from the shoulder. When a pistol is attached to a conversion kit the resultant firearm has greater accuracy and firing distance. There are currently no restrictions on who may obtain a pistol carbine conversion kit. There is a concern that anyone who illegally obtained a pistol could also

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1 [CAB-19-MIN-0104], [CAB-19-MIN-0105], [CAB-19-MIN-0124], [CAB-19-MIN-0288].

easily obtain a conversion kit and thus have a firearm capable of greater harm than a semi-automatic pistol used on its own.

- iii. **Prohibit the importation of airsoft pistol carbine conversion kits, other than by specified people with a permit to import** – Some air pistol (airsoft) conversion kits may be used with regular pistols. Import restrictions for these kits are necessary so as to not undermine the proposed restrictions on the use of the pistol carbine conversion kits described in (ii) above.
- iv. **Prohibit a firearm containing a centrefire lower receiver** – A centrefire lower receiver is a modular part of an AR-style firearm and a key part in dangerous semi-automatics. Due to a legislative technicality, it is not clear that such modular lower receivers result in a prohibited firearm when combined with 0.22 calibre or lower rimfire upper receiver. The proposed amendment clarifies that any firearm containing a semi-automatic capable centrefire lower receiver is prohibited.
- v. **Expand the regulation making power to prohibit firearms** – The regulation making power was drafted more narrowly than was intended, so that only semi-automatic firearms (other than pistols) and pump-action shotguns may be prohibited by Order in Council. However the intent of section 2A(b) is that any other firearm may be prohibited by Order in Council. This narrow drafting was discovered because currently pump-action centrefire rifles are not prohibited. However, pump-action centrefire rifles are capable of achieving near semi-automatic capability and can take detachable, high capacity magazines. They present a similar risk to public safety as the semi-automatic and high capacity firearms that have been prohibited, if in the wrong hands. The Supplementary Order Paper proposes that the regulation making power be drafted in a manner consistent with the intent of section 2A.

In addition, the regulation making power has been expanded to include pistols so that pistols which circumvent the proposed definition of prohibited firearm in a manner that was not intended may be prohibited. This is intended to prohibit pistols which pose a risk to public safety (for example, those similar to “short-barrelled semi-automatic rifles”), not the types of pistols used on shooting ranges.

## Consultation

- 6. The Ministry of Foreign Affairs and Trade and New Zealand Customs were consulted on this paper.
- 7. Targeted consultation was undertaken with a limited number of members of the firearms community who have special interest and knowledge relating to pistols and air pistols.

## **Financial Implications**

8. The proposals in this paper have no financial implications. However a further buy-back scheme may need to be considered for the proposed new prohibited items, such as the short-barrelled semi-automatic rifles. This will have a fiscal cost.

## **Impact Analysis**

9. The Impact Analysis requirements apply to the proposals in this paper relating to short-barrelled semi-automatic firearms and pistol/airsoft carbine conversion kits. A Regulatory Impact Assessment has been prepared and is attached to the Cabinet paper. A cross-agency Quality Assurance Panel, with representatives from the New Zealand Police and Customs New Zealand, has reviewed the Regulatory Impact Assessment (RIA) and considers that it meets the Quality Assurance criteria.
10. The other proposals in this paper have been granted an exemption from the regulatory impact analysis requirements by the Treasury Regulatory Quality Team on the basis that the substantive issues have been addressed by previous impact analysis.

## **Compliance**

11. The Supplementary Order Paper complies with:
  - the principles of the Treaty of Waitangi;
  - the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
  - disclosure statement requirements (a disclosure statement has been prepared and is attached to this paper);
  - the principles and guidelines set out in the Privacy Act 1993;
  - relevant international standards and obligations; and
  - the Legislation Guidelines (2018 edition), which are maintained by the Legislation Design and Advisory Committee.

## **Publicity**

12. I will publically announce the policy decisions confirmed by this Supplementary Order Paper. It is at the discretion of the Finance and Expenditure Committee as to whether the further amendments covered by this Supplementary Order Paper are released for public consultation, during the Select Committee stage.

## **Proactive Release**

13. I propose to proactively release this Cabinet paper, associated minutes and key advice papers within 30 working days of Cabinet making final decisions.

## Recommendations

I recommend that the Cabinet Legislation Committee:

1. **Note** that the Arms Legislation Bill, which seeks to increase public safety by adjusting the firearms regulatory framework to improve controls on the use and possession of firearms, is currently before the Finance and Expenditure Committee;
2. **Agree** to introduce a Supplementary Order Paper to the Arms Legislation Bill;
3. **Note** that the Supplementary Order Paper:
  - 3.1. Prohibits short-barrelled semi-automatic rifles;
  - 3.2. Prohibits the possession, sale and importation of pistol carbine conversion kits, other than by pistol-endorsed licence holders;
  - 3.3. Prohibits the importation of airsoft pistol carbine kits, other than by specified people with a permit to import;
  - 3.4. Prohibits a firearm containing a centrefire lower receiver;
  - 3.5. Expands the regulation making power in the Arms Act 1983;
4. **Agree** that the Parliamentary Counsel Office may continue drafting the Supplementary Order Paper up until this paper is submitted to Cabinet.

Authorised for lodgement

Hon Stuart Nash

Minister of Revenue