

8 May 2018

Dear [REDACTED]

I am writing to you in response to your request dated 5 April 2018. Your request was made pursuant to the Official Information Act 1982 as a follow up to the previous response 15/3028/19 and specifically requested:

1. *In this police make comment stating the AR is a military pattern when in fact it was never designed for military use, The AR pattern rifles originally made by Armalite were intended for the civilian market and never for military use, Could you please advise how police can declare something as 'military'?*
2. *Secondly as you are aware there are no restrictions on the quantity of firearms an individual may own nor is there for the amount of parts a person may own for said firearms, What is the police policy regarding duplicate imports?*
3. *What are the 'special reasons' given for items that are for resale, I,e Almost all gunshops in Auckland stock and sell parts for MSSA's, What special reason is given to import this stock?*

My responses are as follows.

1. *In this police make comment stating the AR is a military pattern when in fact it was never designed for military use, The AR pattern rifles originally made by Armalite were intended for the civilian market and never for military use, Could you please advise how police can declare something as 'military'?*

If you are quoting from Police's letter to you dated 26 March 2018, then it seems you have misread that response. That letter referred to semi-automatic rifle and shotgun parts based upon the AR and AK military platforms. Police do not declare something as military, but are required to consider whether a firearm or part is a military style semi-automatic firearm or part of one (applying the definitions in the Arms Act) when that will impact on whether a special reason is required for import or not.

2. *Secondly as you are aware there are no restrictions on the quantity of firearms an individual may own nor is there for the amount of parts a person may own for said firearms, What is the police policy regarding duplicate imports?*

Assuming that by "duplicate imports", you mean import of more than one of an item, there is no Police policy on duplicate imports. The number of items being imported may be relevant in an import context for a number of reasons, for example:

- An individual seeking to import a number of firearms for the purposes of onward sale may raise questions about whether they need to be a licensed firearms dealer
- Any person importing a MSSA, restricted weapon, or pistol, needs to show a special reason as to why the items ought to be allowed into New Zealand.

3. *What are the 'special reasons' given for items that are for resale, I,e Almost all gunshops in Auckland stock and sell parts for MSSA's, What special reason is given to import this stock?*

There is no special reason required for the resale of firearms and parts other than requirements pursuant to legislation, such as the Arms Act 1983. For example, the purchaser being the holder of a firearms licence or any endorsement that may be required. The requirement for a special reason relates to the importation of firearms, parts of firearms, or restricted airguns (Arms Act 1983 Section 18) and does not apply to items for sale that have already been imported. Every application to import is considered on a case by case basis and decided on merit in respect to importation, including any 'special reason'.

I attach for your reference the Police Special Reasons policy approved in 2012 which sets out some examples of special reasons that have been accepted by Police. I also attach a copy of the District Court decision in Clark which deals with the issue of import of MSSA firearms by dealers to hold as stock.

If you are not satisfied with my response to your request, 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 is developing a process for proactive release of information, so the response to your request may be publicly released.

Yours sincerely

  
Mike McIlraith  
Acting Superintendent  
Arms Act Service Delivery Group