

30 March 2024

IR-01-24-7680

[REDACTED]

Tēnā koe [REDACTED]

I am writing to you in response to your Official Information Act 1982 (OIA) request dated 5 March 2024, where you asked for information regarding *the entire pool of old E-category firearms (MSSA's) and where they went post-2019 amendments to the Arms Act*.

By way of background, a military style semi-automatic firearm (MSSA) is defined by the Arms (Military Style Semi-Automatic Firearms and Import Controls) Amendment Act 2012.<sup>1</sup> Firearms that are collectively understood as the *E-Category Firearms* were held under the specific provision of section 30A of the Arms Act 1983 (the Act) prior to 2019.

Police has maintained a register of MSSAs held by licence holders with E-endorsements. Retention of a firearm previously held on an E-endorsed licence could only be through application to possess the firearm to one of the new prohibited firearm endorsement types (e.g., possessed under a P-category endorsement for the purposes of pest control, or under a C-category endorsement such as firearms held by a museum or as a collector).

It is important to understand that the term *E-endorsement* is linked to a person's firearms licence and a particular firearm. In 2019, the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act repealed the category of MSSA and created a new category of prohibited firearm. The category of prohibited firearm included firearms which were previously defined as MSSAs and two additional types of firearms:

- a semi-automatic firearm capable of being used with a detachable magazine which holds more than five cartridges.
- a semi-automatic shotgun capable of being used with a detachable magazine which holds more than five cartridges.

The 2019 Amnesty and Buy-back provided a way for people possessing newly prohibited firearms to hand those in without prosecution and, if eligible, for compensation.

I also note that the identification of all MSSAs recorded by Police and the now *likely to be prohibited firearms* required consideration of endorsement, make, model and requirements under the new legislation. Note that under the buyback provisions, not all E-endorsed firearms were required to be returned, some could be lawfully modified by permanent modification of the capacity of the non-detachable tubular magazine and so held by the firearms licence holder.

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<sup>1</sup> <https://www.legislation.govt.nz/act/public/2012/0117/latest/whole.html>

- 1) *How many formerly registered E-category firearms were moved from E-category to either P or C category registers?*

At the close of the 2019 buyback programme, 15,037 MSSA firearms had been identified. Of those, 2,592 were moved to a C or P endorsement, with 1,848 of the 2,592<sup>2</sup> identified as previously held on an E-category endorsement. This information is up to date as of the final reconciliation of the 2019 buyback programme, 4 March 2021.

- 2) *How many formerly registered E-category firearms were purchased by the Government during the buybacks?*

As at 4 March 2021, 10,117 MSSA firearms had been recorded as purchased by the Government, processed and destroyed, or modified and retained by the licence holder as a non-prohibited firearm. Of those, 232 firearms were modified by altering the magazine capacity. The modification had to be completed by an approved Gunsmith according to one of the processes for permanent modification set by Police. The Government contributed to the cost of the modification.

- 3) *How many formerly registered E-category firearms were moved to A-category? Please break down into amount of shotguns, and rimfire rifles if possible.*

In addition to the 232 modified firearms referenced in question two above, there may be other licence holders who modified their firearms but did not seek government contribution to cover the cost of modification. As there was no requirement to register A-category firearms, this part of your request is refused under section 18(g) of the OIA as the information requested is not held.

For your information, 1,549 prohibited firearms have been registered between 24 June 2023 to 31 March 2024.


- 4) *How many formerly registered E-category firearms were unaccounted for after the buyback period concluded? Could you please provide a breakdown of the number of shotguns, rimfire rifles, and centerfire rifles that are unaccounted for.*
- 5) *To the day this OIA is lodged, of the firearms that were unaccounted for in question 4, how many are still unaccounted for. If possible, breakdown into shotgun, rimfire, and centerfire firearms.*

At the close of the 2019 buyback programme, and as at 4 March 2021, in the final MSSA reconciliation there were 390 firearms outstanding in total. Of those, 360 firearms have detailed District-led investigations which have encountered the issues described below.

For 45 percent of this group (i.e., 161 MSSAs held by 110 individuals), Police has contacted and spoken to the last known holder who has advised that they converted the firearm(s) from MSSA to standard firearm formation (formerly referred to as A category),

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<sup>2</sup> The remainder of the 2592 MSSA firearms were held on other endorsements, and some were considered non-prohibited so would be on a licence rather than endorsement.



then sold the firearm and not kept details of the buyer. Generally, in the case of dealers, most modifications occurred more than five years since the reported sale (a loophole that was addressed in the 2019 Act amendment).

19 percent of this group (68 MSSAs) are due to a range of errors in recording in NIA (National Intelligence Application). For instance, an accurate and valid serial number was not recorded, so it was not possible to match the Police record with an item taken in the buyback.

18 percent of this group (65 MSSAs) were last registered to licensed dealers who have advised Police that they legally disposed of the firearms more than five years prior, and no longer have records of those transactions as the Act required records to be kept for five years.

13 percent of this group (46 MSSAs) are either part of ongoing investigations, or have had cases opened as more investigation is needed to ascertain the whereabouts of the firearms.

For four percent of this group (15 MSSAs), Police has ascertained that the last known holder is deceased, and family members have advised Police that they do not know how or when the firearm was disposed of, and there are no further lines of enquiry. For example, the family advises that the firearm was not present when the estate was dealt with, or the estate was dealt with so long ago that they do not recall how the firearms (if any) were dealt with.

One percent of this group (five MSSAs), when contacted by Police, the last known holder has advised that they had destroyed their firearms. Note that licence holders must notify a member of the Police of the loss, theft or destruction of a firearm.<sup>3</sup>

Additionally, 30 of these firearms were recorded against the Waiohuru Army Museum. Police is unable to accurately match the records held by the museum against the paper-based records that have then been entered into NIA attributing firearms to the museum.

It is not possible to ascertain how many firearms may have been seized over the years without a serial number recorded, and the way in which they are recorded as seized may not match the original firearm type. For example, a rimfire may have been recorded as a rifle with no reference to centre fire or rimfire. Therefore, Police is refusing this part of your request under section 18(g) of the OIA, as the information requested is not held.

You have the right to ask the Ombudsman to review this decision if you are not satisfied with the response to your request. Information about how to make a complaint is available at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

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<sup>3</sup> Prior to the buyback there was an obligation of firearms owners to report lost or stolen or destruction of firearms – see section 39 (1) (2) of the Arms Act 1983 Loss, theft, or destruction; in June 2020 this was updated -see section 66A: inserted, on 25 June 2020, by section 95 of the Arms Legislation Act 2020 (2020 No 23)  
<https://www.legislation.govt.nz/act/public/1983/0044/latest/LMS368602.html>

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

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'MB', with a horizontal line extending from the end.

Matt Boddy  
**Acting Director Operations**  
**Firearms Safety Authority**