

# **Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Bill**

Government Bill

As reported from the Law and Order  
Committee

## **Commentary**

### **Recommendation**

The Law and Order Committee has examined the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Bill and recommends that it be passed with the amendments shown.

### **Introduction**

The Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Bill seeks to amend the Arms Act 1983 to

- make clear the definition of military-style semi-automatic firearm
- allow regulations to be made declaring a firearm or type of firearm to be a military-style semi-automatic firearm and to define or describe features of a firearm that is a military style semi-automatic firearm

- provide for appeal to the District Court when a firearms owner disagrees with the classification of a firearm as a military style semi-automatic firearm
- place restrictions on the importation of airguns that look like real pistols, military style semi-automatic firearms, or restricted weapons.

## Background

A decision by Justice Mallon in the High Court of New Zealand in Palmerston North in 2010 (*Lincoln v New Zealand Police*) made it difficult for the New Zealand Police to determine with certainty which firearms are military style semi-automatic firearms. The bill addresses this by proposing to amend the definition of a military style semi-automatic firearm to make it clearer and more adaptable to changes in firearms manufacturing. It proposes to define a military style semi-automatic firearm as a semi-automatic firearm which has one or more specified features. It would also provide for certain features to be defined in regulations, and for particular firearms and types of firearms to be declared military style semi-automatic firearms in regulations.

Incidents involving imitation firearms that look like military style semi-automatic firearms, pistols, or restricted weapons, are common; and, because the weapon presented could be real, they result in priority police responses. Such incidents tie up police resources and could have tragic consequences. The bill addresses the problem by proposing measures restricting the importation of such airguns.

## Definitions

Clause 4 of the bill would amend section 2 (the Interpretation section) of the principal Act. We recommend amendments to ensure technical accuracy and give legal clarity to the description of a military style semi-automatic firearm; to specify that the firearms which could be declared to be military style semi-automatic firearms by regulation would be limited to semi-automatic firearms; and to make clear the scope of the definition of restricted airguns.

### **Semi-automatic firearms**

In the bill as introduced, a military style semi-automatic firearm is described as “a firearm that, after being loaded, fires and ejects a cartridge, and chambers another cartridge with each pull of the trigger” (section 2 as amended by clause 4(1)). We recommend that this definition be changed to describe more accurately the operation of a semi-automatic firearm, which ejects a cartridge *case*, not a cartridge; and that this description should become part of a new definition of a semi-automatic firearm to be added to section 2 of the principal Act. We also recommend changes to the definition of a military style semi-automatic firearm (subsections 2((b), (c), and (d)) to make it clear that the intent of the bill is to limit to semi-automatic firearms those firearms that could be declared military style semi-automatic firearms by order under section 74A of the principal Act, and to explicitly exclude pistols from those provisions.

### **Magazines**

We recommend a further change to the definition of a military style semi-automatic firearm (subsections 2(a)(ii) and (iii)) to make it clear that the defining feature of a military style semi-automatic firearm as it relates to magazines that appear to hold more than 15 cartridges or 10 cartridges respectively, pertains only to detachable magazines.

### **Pistol grip**

We recommend some minor drafting changes to subsection 2(a)(vi) (clause 4(1)) to clarify a pistol grip for the purposes of the definition of a military style semi-automatic firearm.

A number of submissions urged an amendment to the bill to remove the “pistol grip” from the list of features which define a military style semi-automatic firearm. We note, however, that the bill is not intended to fundamentally change the definition of a military style semi-automatic firearm in the principal Act, and a pistol grip is a key feature of that definition. We consider that the bill as introduced would allow the situation to be returned to that which obtained between 1992 and 2008, when the New Zealand firearms community generally accepted a free-standing pistol grip as one of the features defining a military style semi-automatic firearm.

### **Restricted airguns**

We recommend an amendment to the definition of a restricted airgun (section 2 as amended by clause 4(1)) to make it clear that the new description of a restricted airgun is intended to include those that have the appearance, whether with attachments or without attachments, of being a pistol, restricted weapon or military style semi-automatic firearm; and that it is not necessary for such airguns to have the appearance of any particular model of pistol, restricted weapon, military style semi-automatic firearm or firearm capable of full automatic fire.

Careless or criminal use of those airguns may result in armed police callouts with serious and potentially fatal consequences, and we consider it appropriate to restrict them as proposed. However, we note that the amended definition would exclude paintball markers that do not look like pistols, restricted weapons, military style semi-automatic firearms, or firearms capable of full automatic fire, and they would not be affected by the restrictions proposed in the bill.

### **Importation of airgun parts**

We recommend amendments to clauses 5 to 9 of the bill to make it clear that permits would not be required to import parts of restricted airguns, but only the airguns themselves.

### **Power to make regulations by Order in Council**

We recommend an amendment to clause 11 to insert new sections 74A and 74B in the principal Act.

### **Confirmation by statute**

A number of submitters appeared uncertain about the process of regulation-making powers, and a number expressed disquiet about the proposal in clause 11 to extend the regulation-making powers in section 74 of the principal Act.

Regulations are made by Orders in Council. Orders in Council are made by the Executive Council on the recommendation of the Cabinet. The Executive Council comprises all ministers; it is the highest legal body of the executive form of Government. The Governor-

General typically presides over the Executive Council but is not a member of it.

The Order in Council process is as follows. Officials, in this case the Police, may make a non-binding recommendation to their Minister. It should be noted that the status of this is a recommendation. The Minister is the decision maker in the first instance and can agree to the recommendation or reject it. If agreed to by the Minister, it is then considered by the Cabinet, and can be accepted or rejected. If approved, a recommendation is made to the Governor-General by the Executive Council and if agreed by the Governor-General it becomes law.

In our view this process already contains significant checks and balances. Given the amount of concern that was expressed to us, however, we consider that it would be appropriate to build a further layer of Parliamentary oversight into the bill. Accordingly we recommend requiring any regulations made by Order in Council under new section 74A(b) to (d) of the principal Act to be confirmed by statute within a specified period. Such confirmation (usually through a Subordinate Legislation (Confirmation and Validation) bill would provide Parliament with an opportunity to consider the policy behind the regulations that need to be confirmed. If Parliament did not confirm the regulations, they would become invalid.

The Standing Orders permit the Minister concerned, if he or she so wishes, to refer draft regulations to the Regulations Review Committee of Parliament; and if the committee has concerns about what is proposed, it may draw these to the attention of the House. We note also that the Regulations Review Committee may receive complaints from persons or organisations aggrieved at the operation of a regulation, and complainants may be given the opportunity to address the committee about the regulation.

### **Consequential amendments**

Clauses 13 to 18 of the bill propose amendments to the Arms Regulations 1992, which are consequential to the amendments made in clauses 5 to 9 which set out controls on importing restricted airguns. We recommend that regulation 7 of the Arms Regulations 1992 be revoked and substituted with a new regulation 7 that would require licensed dealers to keep certain records in relation to restricted airguns

in the same way as they record those particulars for firearms, pistols, military style semi-automatic firearms, and restricted weapons.

### **Community input to firearms policy**

We thoroughly explored the feasibility of establishing a statutory advisory group, which would include representatives from the New Zealand firearms community, whom the Police could consult before recommending regulations relating to the designation of military style semi-automatic firearms or military style semi-automatic firearm features.

While this would be a productive and positive way for the community to work with the Police, we concluded that such a committee would be of limited value because of its limited scope, and that it would be preferable to have an advisory group with whom the Police could work on a full range of firearm policy issues. The knowledge and experience that such a group could offer, and its ability to represent the views of a cross-section of the firearms community, should help to develop policies that are sound and effective.

We are advised that the setting up of such a body by statute to work on the full range of firearm policy issues is outside the scope of the bill.

We have been told that the Police are undertaking initial work to explore the establishment of an Arms Advisory Group. The intention is that it would provide a forum for input to the Police from the firearms community on policy and practice relating to firearms; and that it would review and make recommendations for consideration by Police on firearms-related matters. Once established, the group would be convened whenever a relevant issue arose.

We welcome this initiative to improve communication and understanding between the Police and the firearms community, and look forward to seeing the proposal come to fruition.

### **New Zealand Labour Party minority view**

We proposed a possible initiative to aid in the consultation process in the form of an independent reference group, to be established to provide contestable advice to the Minister; however we were advised that a wide-ranging reference group was considered out of scope of the bill and therefore could not be included. We understand that the

Police recognise that they need to formally engage nationally with the New Zealand firearms community. We note that at this point the Police have only committed to exploring the establishment of an Arms Advisory Group. It is the expectation of Labour members that this exploration will lead to the formal establishment of this advisory group and, if it is not established, we would expect the Police to provide a robust rationale as to their decision. Labour members will be monitoring the development of this issue closely.

### **ACT New Zealand minority view**

ACT New Zealand opposes the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Bill.

ACT seeks to uphold the principles that individuals are the rightful owners of their own lives and therefore have inherent rights and responsibilities; and that the proper purpose of Government is to protect such rights and not to assume such responsibilities. These principles inform all of ACT's policy deliberations and have informed ACT's thinking on this bill.

ACT believes that the starting point for any consideration of firearms controls should be express recognition of the fact that *prima facie* law abiding citizens have the right to own firearms. We believe that the only basis for imposing restrictions on that right is in order to protect the safety of individual citizens. Any restrictions that are imposed must be evidence based; that is, they must be supported by clear evidence that shows both why they are necessary and how they will achieve their aim.

The proposals in the bill do not meet that threshold. The Police were not able to present any credible evidence that this bill will improve public safety. Any comments the Police did make regarding public safety were highly speculative. ACT is not prepared to restrict the rights of law abiding citizens to own firearms on the basis of such inadequate evidence.

### **Approach to considering this bill**

ACT asks three key questions:

- Do we support the aim of the legislation?
- Will the legislation achieve its aim?

- What costs, if any, does the legislation impose on law abiding citizens, and can this cost be justified in the light of the benefits, if any, created by the legislation?

**Is the aim of the legislation consistent with ACT's principles?**

In their (written) submission to the select committee the Police identified two policy aims for the bill:

- To take the situation (regarding the definition of military style semi-automatic firearm) back to a classification regime very similar to that administered between 1992 and 2008 that was generally understood and accepted by the firearms community but with added clarity in the legislation.
- To restrict the importation of realistic replica weapons and air-guns in order to reduce the use of such weapons in criminal activity.

ACT agrees that it is desirable that the definition of military style semi-automatic firearm be clear and predictable. However, ACT is not convinced that there is currently a need to clarify that definition. We are not convinced that the decision of the High Court in *Lincoln v New Zealand Police* confused the definition as the Police contend. ACT supports the second aim insofar as we agree that it is desirable to restrict criminals' access to any kind of weapon.

**Will the legislation achieve its aim?**

ACT does not believe that the bill will achieve the aims set out above. The bill will not achieve the first aim. As was pointed out by the National Shooters Association in its (written) submission to the committee, the proposed changes to the definition of military style semi-automatic firearm in the Arms Act 1983 are "process-centric". They focus "... on how the law should be made rather than what law should be made". In other words, far from providing a clear, predictable definition of military style semi-automatic firearms, this bill introduces added uncertainty into the definition by providing a mechanism to change it without resort to legislation.

ACT is also not convinced that the bill will achieve its second aim. The Police were not able to present any credible evidence that the proposed import restrictions on realistic replica weapons and airguns will have any measurable effect on reducing criminal activity.



**What costs, if any, does the legislation impose on law abiding citizens and can this cost be justified in the light of the benefits, if any, created by the legislation?**

ACT believes that the bill imposes unjustifiable costs on law abiding citizens.

ACT is concerned that the bill undermines the property and general rights of law abiding citizens. In the light of the fact that we are not convinced that the bill will achieve its aims, we believe that these costs cannot be justified.

The bill undermines property rights by introducing uncertainty into the definition of military style semi-automatic firearms. That uncertainty stems from the fact that the definition would be able to be changed at short notice by Order in Council. Changes in the definition of military style semi-automatic firearms could lead to non-restricted firearms being classified as restricted firearms (military style semi-automatic firearms). This would have significant implications for the owners of affected firearms as military style semi-automatic firearms are subject to much stricter conditions of ownership than non-restricted firearms. These restrictions mean that some owners may no longer be eligible to own their firearms and that the market for their firearms will be artificially reduced as the pool of potential buyers would be restricted to those persons who comply with the stricter licensing requirements.

The bill would also undermine the rights of law abiding citizens by making it more difficult for them to import realistic replica weapons and airguns.

**Conclusion**

ACT New Zealand opposes the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Bill. While we have some sympathy for the broad aims of the bill, we are not convinced that the bill will achieve its aims (or the broader aims supported by ACT). Meanwhile we are concerned that the bill would impose restrictions and costs on law abiding citizens that we believe cannot be justified in the circumstances.

Furthermore ACT believes that the distinction between military style semi-automatic firearms and non-military style semi-automatic firearms is artificial. We would welcome any future opportunity to

review that distinction with a view to implementing a more evidence based approach to this part of the Arms Act.

## **Appendix**

### **Committee process**

The Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Bill was referred to the committee on 11 May 2011. The closing date for submissions was 16 June 2011. We received and considered 257 submissions from interested groups and individuals. We heard 71 submissions at hearings of evidence held in Auckland, Christchurch, and Wellington.

We received advice from the New Zealand Police.

### **Committee membership**

Jacqui Dean (Chairperson)

Shane Ardern

Dr Cam Calder

Hilary Calvert

Hon Clayton Cosgrove

Raymond Huo

Melissa Lee

Louisa Wall

Jonathan Young

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**Key to symbols used in reprinted bill**

**As reported from a select committee**

text inserted unanimously

~~text deleted unanimously~~

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*Hon Judith Collins*

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**The Parliament of New Zealand enacts as follows:**

- 1

**Title**  
This Act is the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act **2011**.
- 2

**Commencement**  
(1) This Act comes into force on a date appointed by the Governor-General by Order in Council.  
(2) However, if this Act has not earlier been brought into force, it comes into force on the day that is 1 year after the date on which it receives the Royal assent.

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- 3

**Principal Act amended**  
This Act amends the Arms Act 1983.

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## Part 1 Amendments to principal Act

### 4 Interpretation

- (1) Section 2 is amended by repealing the ~~definition~~ definitions of **military style semi-automatic firearm** and substituting the following definition and **sporting configuration** and inserting the following definitions in their appropriate alphabetical order:

**“military style semi-automatic firearm—**

**“(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 folding or telescopic butt:**

**“(ii) 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:**

**“(iii) 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 more than 7 cartridges or that, by its appearance, indicates that it is capable of holding more than 10 cartridges:**

**“(iv) bayonet lugs:**

**“(v) a flash suppressor:**

**“(vi) a pistol grip as defined in regulations made under this Act; and**

**“(b) means a firearm that is declared by regulations made under this Act to be a military style semi-automatic firearm for the purposes of this Act; and**

**“(c) means a firearm that is of a type described in regulations made under this Act as a military style semi-automatic firearm for the purposes of this Act; and**

**“(d) means a firearm that has a feature that is defined or described in regulations made under this Act as a feature of a military style semi-automatic firearm for the purposes of this Act; but**

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~~“(e) does not include a pistol~~

~~“**military style semi-automatic firearm** means a firearm  
(other than a pistol) that is—~~

~~“(a) a semi-automatic firearm having one or more of the fol-  
lowing features:~~

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~~“(i) a folding or telescopic butt:~~

~~“(ii) a magazine designed to hold rimfire cartridges of  
a calibre of 0.22 inches or less that—~~

~~“(A) is capable of holding more than 15 cart-  
ridges; or~~

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~~“(B) is detachable, and by its appearance indi-  
cates that it is capable of holding more than  
15 cartridges:~~

~~“(iii) a magazine (other than one designed to hold rim-  
fire cartridges of a calibre of 0.22 inches or less)  
that—~~

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~~“(A) is capable of holding more than 7 cart-  
ridges; or~~

~~“(B) is detachable, and by its appearance indi-  
cates that it is capable of holding more than  
10 cartridges:~~

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~~“(iv) bayonet lugs:~~

~~“(v) a flash suppressor:~~

~~“(vi) a component of a kind defined or described by an  
order under **section 74A** as a pistol grip for the  
purposes of this definition; or~~

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~~“(b) a semi-automatic firearm of a make and model declared  
by an order under **section 74A** to be a military style  
semi-automatic firearm for the purposes of this Act; or~~

~~“(c) a semi-automatic firearm of a description declared by  
an order under **section 74A** to be a military style semi-  
automatic firearm for the purposes of this Act; or~~

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~~“(d) a semi-automatic firearm that has a feature of a kind  
defined or described in an order under **section 74A** as  
a feature of military style semi-automatic firearms for  
the purposes of this Act~~

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~~“**restricted airgun** means an airgun that,—~~

~~“(a) without any of the attachments with which it is cus-  
tomarily used, has the appearance of being a pistol, a~~

- restricted weapon, or a military style semi-automatic  
firearm; or
- “(b) with some or all of the attachments with which it is  
customarily used, has the appearance of being a pistol,  
a restricted weapon, or a military style semi-automatic  
firearm; or 5
- “(c) is designed for use in airsoft or paintball sports and,—
- “(i) without any of the attachments with which it is  
customarily used, has the appearance of being a  
firearm capable of full automatic fire; or 10
- “(ii) with some or all of the attachments with which it  
is customarily used, has the appearance of being  
a firearm capable of full automatic fire
- “semi-automatic firearm means a firearm that (if it is loaded),  
with each pull of the trigger,— 15
- “(a) fires a cartridge and ejects its case; and
- “(b) (unless all cartridges loaded have been fired) chambers  
another cartridge”.
- (2) Section 2 is amended by inserting the following definition in  
its appropriate alphabetical order: 20
- “restricted airgun means—
- “(a) an airgun that has the appearance, with or without at-  
tachments, of being—
- “(i) a pistol; or
- “(ii) a restricted weapon; or 25
- “(iii) a military style semi-automatic firearm;
- “(b) an airgun that—
- “(i) is designed for use in airsoft or paintball sports;  
and
- “(ii) has the appearance, with or without attachments,  
of being a firearm that is capable of full automatic  
fire”. 30
- (3) The definition of **sporting configuration** in section 2 is re-  
pealed.
- (2) Section 2 is amended by adding the following subsection as 35  
**subsection (2):**
- “(2) For the purposes of the definition of **restricted airgun** in sub-  
section (1), an airgun can have the appearance of a pistol,

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restricted weapon, military style semi-automatic firearm, or firearm capable of full automatic fire without having the appearance of any particular model of pistol, restricted weapon, military style semi-automatic firearm, or firearm capable of full automatic fire.”

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**5      Offence to import firearms or parts of firearms without permit**

Section 16(1) is amended by inserting “restricted airgun,” after “starting pistol,” in each place where it appears.

**6      Burden of proof**

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Section 17 is amended by inserting “restricted airgun,” after “starting pistol,”.

**5      Offence to import firearms or parts of firearms without permit**

(1)    The heading to section 16 is amended by omitting “**or parts of firearms**” and substituting “**, starting pistols, restricted air-guns, or restricted weapons, or parts of firearms, starting pistols, or restricted weapons**”.

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(2)    Section 16(1) is repealed and the following subsection substituted:

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“(1)    A person must not, otherwise than pursuant to a permit issued to the person by a member of the Police, bring or cause to be brought or sent into New Zealand—

“(a)    a firearm, pistol, military style semi-automatic firearm, starting pistol, restricted airgun, or restricted weapon; or

25

“(b)    any part of a firearm, pistol, military style semi-automatic firearm, starting pistol, or restricted weapon.”

**6      Burden of proof**

Section 17 is amended by omitting “or restricted weapon” and substituting “restricted airgun, or restricted weapon (or a part of a firearm, pistol, starting pistol, or restricted weapon)”.

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**7 Issue of permits to import firearms or parts of firearms**

**(1AA)** The heading to section 18 is amended by omitting “**or parts of firearms**” and substituting “**, parts of firearms, or restricted airguns**”.

- (1) Section 18(1)(a) is amended by inserting “restricted airguns,” after “starting pistols,”. 5
- (2) Section 18(1)(b)(i) is amended by inserting “restricted airgun,” after “starting pistol,” in each place where it appears.
- (3) Section 18(2) is amended by inserting “restricted airgun,” after “military style semi-automatic firearm,” in each place where it appears where it first and thirdly occurs. 10

**7A Expiration of permits to import firearms or parts of firearms**

The heading to section 18A is amended by omitting “**or parts of firearms**” and substituting “**, starting pistols, restricted airguns, or restricted weapons, or parts of firearms, starting pistols, or restricted weapons**”.

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**8 Samples**

Section 18B is amended by inserting “restricted airgun,” after “starting pistol,” in each place where it appears.

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**9 Seizure of illegally imported firearms or parts of firearms**

- (1) Section 19 is amended by omitting “that any firearm or restricted weapon or part of a firearm or restricted weapon” and substituting “that a firearm, pistol, military style semi-automatic firearm, starting pistol, restricted airgun, or restricted weapon or part of a firearm, pistol, military style semi-automatic firearm, starting pistol, restricted airgun, or restricted weapon”. 25
- (2) Section 19(a) and (b) are amended by omitting “that firearm or restricted weapon or part of a firearm or restricted weapon” and substituting in each case “that firearm, pistol, military style semi-automatic firearm, starting pistol, restricted airgun, or restricted weapon or that part of a firearm, pistol, military style semi-automatic firearm, starting pistol, restricted airgun, or restricted weapon”. 30  
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**8 Samples**

Section 18B is amended by inserting “restricted airgun,” after “starting pistol,” wherever it occurs.

**9 New section 19 substituted**

Section 19 is repealed and the following section substituted: 5

**“19 Seizure of illegally imported items**

A member of the Police or officer of the Customs who suspects on reasonable grounds that a firearm, pistol, military style semi-automatic firearm, starting pistol, restricted airgun, or restricted weapon (or a part of a firearm, pistol, military style semi-automatic firearm, starting pistol, or restricted weapon) has been brought into New Zealand in breach of section 16(1), or has been brought into the harbours or other territorial waters of New Zealand and is intended to be brought into New Zealand in breach of section 16(1),— 10 15

“(a) may seize and detain it; and

“(b) in effecting its seizure, may use any reasonably necessary force.”

**10 Right of appeal from official decisions**

**(1)** Section 62 is amended by repealing subsection (1) and substituting the following subsections: 20

**“(1)** This subsection applies to—

**“(a)** a person who is affected by a determination by the Commissioner that a firearm is a military style semi-automatic firearm; and 25

**“(b)** a person whose application for 1 of the following has been refused:

**“(i)** a dealer’s licence:

**“(ii)** consent under section 7A:

**“(iii)** a permit for the purposes of **section 16(1)**: 30

**“(iv)** a firearms licence:

**“(v)** an endorsement under section 30, 30B, or 36:

**“(vi)** a permit under section 35 to procure a pistol, military style semi-automatic firearm, or restricted weapon; and 35

- “(c) a person who has had 1 of the following issued subject to conditions imposed by a member of the Police or revoked:
- “(i) a dealer’s licence:
  - “(ii) a permit for the purposes of **section 16(1)**: 5
  - “(iii) a firearms licence:
  - “(iv) an endorsement under section 30, 30B, or 36:
  - “(v) a permit under section 35 to procure a pistol, military style semi-automatic firearm, or restricted weapon; and 10
- “(d) a person who has been served with a notice under section 41 or 59.
- “(1A) A person to whom **subsection (1)** applies may, by way of originating application, appeal to a District Court Judge from the determination, refusal, imposition of conditions, revocation, or service.” 15
- (2) Section 62(2) is amended by omitting “subsection (1)” and substituting “**subsection (1A)**”.
- 11 Regulations**
- Section 74(1) is amended by inserting the following paragraphs after paragraph (1a): 20
- “(1b) defining a pistol grip for the purposes of the definition of military style semi-automatic firearm:
  - “(1c) declaring a firearm to be a military style semi-automatic firearm for the purposes of this Act: 25
  - “(1d) describing a type of firearm as a military style semi-automatic firearm for the purposes of this Act:
  - “(1e) defining or describing features of a firearm as features of a military style semi-automatic firearm for the purposes of this Act.”. 30
- 11 New sections 74A and 74B inserted**
- The following sections are inserted after section 74:
- “74A Orders relating to military style semi-automatic firearms**
- The Governor-General may by Order in Council do any or all of the following things: 35

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- “(a) describe a kind of component as a pistol grip for the purposes of the definition in section 2 of military style semi-automatic firearm;
- “(b) declare semi-automatic firearms (other than pistols) of a stated make and model to be military style semi-automatic firearms for the purposes of this Act; 5
- “(c) declare semi-automatic firearms (other than pistols) of a stated description to be military style semi-automatic firearms for the purposes of this Act;
- “(d) define or describe features of a semi-automatic firearm (other than a pistol) as features of a military style semi-automatic firearm for the purposes of this Act. 10

**“74B Certain orders relating to military style semi-automatic firearms to expire unless confirmed**

- “(1) Where an order under **section 74A(b), (c), or (d)**— 15
  - “(a) has in any year been made on or after 1 January and before 1 July; and
  - “(b) has not been revoked with effect on or before 1 July in the next year; and
  - “(c) has not ceased, and will not cease, to have effect on or before 1 July in the next year by virtue of the Regulations (Disallowance) Act 1989,— 20

it must be treated as having been revoked with the close of the 30th day of June in that next year unless it has been confirmed by an Act of Parliament passed on or before that day. 25
- “(2) Where an order under **section 74A(b), (c), or (d)**—
  - “(a) has in any year been made after 30 June and on or before 31 December; and
  - “(b) has not been revoked with effect on or before 1 January in the year after the next year; and 30
  - “(c) has not ceased, and will not cease, to have effect on or before 1 January in the year after the next year by virtue of the Regulations (Disallowance) Act 1989,—

it must be treated as having been revoked with the close of 31 December in that next year unless it has been confirmed by an Act of Parliament passed on or before that day.” 35



## Part 2

### Consequential amendments

#### *Amendments to Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984*

- 12 Amendments to Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984** 5
- (1) This section amends the Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984.
- (2) The definition of **specified pre-charged pneumatic air rifles** in clause 1A is amended by omitting “that are not for use in airsoft or paintball sports” and substituting “, other than airguns that are designed for use in airsoft or paintball sports and are in the same configuration as when they were manufactured”. 10
- (3) The Schedule is amended by revoking clause 4 and substituting the following clauses: 15
- “4 Machine carbines or guns, submachine carbines or guns, and machine pistols of any kind, including those operated by gas or compressed air.
- “4A Firearms and airguns that are capable of full automatic fire, excluding airguns that are designed for use in airsoft or paintball sports and are in the same configuration as when they were manufactured.” 20

#### *Amendments to Arms Regulations 1992*

- 13 Amendments to Arms Regulations 1992**
- Sections 14 to 18** amend the Arms Regulations 1992. 25
- 14A New regulation 7 substituted**
- Regulation 7 is revoked and the following regulation substituted:
- “7 Records kept by licensed dealers**
- “(1) This regulation applies to an item if it is a firearm, pistol, military style semi-automatic firearm, restricted airgun, or restricted weapon.** 30
- “(2) Every licensed dealer must record, in respect of every item to which this regulation applies received by the licensed dealer**

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- (including every item received for sale, repair, or modification),—
- “(a) particulars of the item (including its serial number, calibre, make, and model); and
- “(b) the date the item was received; and 5
- “(c) except in the case of a pistol or restricted weapon received under section 10(2) of the Act, the name and address of the person from whom the item is received; and
- “(d) except in the case of a pistol or restricted weapon received under section 10(2) of the Act or a restricted airgun received from a person who is of or over the age of 18 years, the number of the firearms licence of the person from whom the item is received. 10
- “(3) Every licensed dealer must record, in respect of every item to which this regulation applies manufactured by the licensed dealer,— 15
- “(a) particulars of the item (including the serial number, calibre, make, and model); and
- “(b) the date on which the item’s manufacture is completed.
- “(4) Every licensed dealer must record, in respect of every item to which this regulation applies delivered by the licensed dealer,— 20
- “(a) particulars of the item (including the serial number, calibre, make, and model); and
- “(b) the date on which the item is delivered; and 25
- “(c) the name and address of the person to whom the item is delivered; and
- “(d) except in the case of a restricted airgun delivered to a person who is of or over the age of 18 years, the number of the firearms licence of the person to whom the item is delivered; and 30
- “(e) in the case of a pistol, military style semi-automatic firearm, restricted airgun, or restricted weapon delivered to a person who requires a permit to procure it, the date and place of issue of the permit. 35
- “(5) Every licensed dealer must record, in respect of every airgun delivered to a person who is between 16 and 18 years of age,—
- “(a) the person’s name and address; and
- “(b) the number of the person’s firearms licence.

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- “(6) The particulars stated in subclauses (2) to (5) must be recorded by the licensed dealer in the book required by section 12(1) of the Act to be kept by the licensed dealer at the place of business referred to in the licence.
- “(7) The book must be so kept as to disclose readily the particulars required to be recorded in it. 5
- “(8) Each entry must be made at or immediately following the time of the transaction to which it relates.
- “(9) Every book kept under section 12(1) of the Act by a licensed dealer must be retained by the dealer for at least 5 years after the date of the last entry in it.” 10
- 14 Heading above regulation 10 amended**  
The heading above regulation 10 is amended by inserting “*re-stricted airguns,*” after “*starting pistols,*”.
- 15 Permits to import firearms, pistols, military style semi-automatic firearms, starting pistols, or restricted weapons** 15
- (1) The heading to regulation 10 is amended by inserting “**re-stricted airguns,**” after “**starting pistols,**”.
- (2) Regulation 10 is amended by inserting “restricted airgun,” 20  
after “starting pistol,” in each place where it appears.
- (3) Regulation 10(2)(g) is amended by inserting “restricted air-  
gun,” after “military style semi-automatic firearm,”.
- 16 Place of application**  
Regulation 11 is amended by inserting “restricted airgun,” 25  
after “starting pistol,”.
- 17 Identification numbers**  
Regulation 12(1) is amended by inserting “restricted airgun,”  
after “military style semi-automatic firearm,” in each place  
where it appears. 30

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**18 Notification of importation**

Regulation 13 is amended by inserting “restricted airgun,” after “starting pistol,” in each place where it appears.

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**Legislative history**

15 April 2011  
11 May 2011

Introduction (Bill 285–1)  
First reading and referral to Law and Order  
Committee

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