



Thursday 4 April 2019

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## Submission

# Arms (Prohibited Firearms, Magazines, and Parts) Amendment Bill

### Introduction:

Thank you for the opportunity to make a submission on the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Bill (the Bill).

*The Public Health Association of New Zealand* is a national association with members from the public, private and voluntary sectors. Our organisation's vision is 'Good health for all - health equity in Aotearoa', or 'Hauora mō te katoa – oranga mō te Ao', and our purpose is to advocate for the health of all New Zealanders. To achieve this, we provide a forum for information and debate about public health action in Aotearoa New Zealand.

*The New Zealand College of Public Health Medicine* is the professional body representing the medical specialty of Public Health Medicine in New Zealand. The College partners with the Public Health Association in advocating for the health of all New Zealanders.

Both organisations recognise Te Tiriti o Waitangi as Aotearoa New Zealand's founding document, defining respectful relationships between tangata whenua and tangata Tiriti, and are actively committed to supporting Te Tiriti values in policy and legislation.

We both actively support and promote full implementation of the UN Convention on the Rights of the Child (UNCROC) and the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) in Aotearoa New Zealand.

We also advocate action on the United Nations Sustainable Development Goals (SDGs), and particularly in the context of the proposed Bill, SDG 16 Peace and Justice and Strong Institutions which has target (16.1) to significantly reduce all forms of violence and related death rates everywhere and target 16.4 which aims to significantly reduce illicit arms flows by 2030.

### Our submission:

We applaud and wholeheartedly support the Government's decisive and swift action following the Christchurch attack in introducing this Bill as a necessary first step towards ensuring that the tragic events of Friday 15 March never recur. This massacre of fifty innocent people has revealed how inadequate and lax our current gun control legislation is. The fact that the perpetrator was able to legally acquire the weapons, parts and ammunition to perpetrate this heinous crime under the laws of our country is profoundly disturbing.

While we will never be able to say with absolute certainty that we could have prevented this tragedy we can say that previous governments should have acted sooner to strengthen our gun control laws to make it as difficult as possible for people to gain access to the type of lethal weapons used in these attacks. Our current laws lag behind those of similar countries with Australia, UK and Canada having much stricter gun controls e.g. enforced disabling of restricted weapons and a ban on military-style semi-automatic weapons. Regarding firearm registration New Zealand joins the USA and Canada as the only countries among developed nations not to register civilian firearms.

The Government has indicated it will be introducing a second tranche of gun law changes which we also support. This tragedy presents an opportunity, dearly bought, for the Government to go further than the proposed Bill currently under consideration and introduce further legislation to implement all the recommendations of the 1997 Thorpe Review of Firearms Control in New Zealand and the recommendations of the bipartisan report of the Select Committee on Illegal Firearms in 2017.

**We support the proposed ban on all Military Style Semi-Automatics and assault rifles in New Zealand.**

We recommend that there be no exemptions to this ban and that we follow Australia's example after the Port Arthur massacre of 1996 and include all semi-automatic weapons in the ban, not just 'military style' weapons. This should include:

- all self-loading centre-fire rifles, whether military-style or not
- all self-loading and pump action shotguns
- all self-loading rim-fire rifles.

Following the ban and these other gun control measures introduced at the same time, there has not been a single mass shooting for 22 years in Australia (mass shooting = 5 deaths or more, not counting any perpetrators).

**We support the proposed ban on any parts which could be used to convert assault rifles into Military Style Semi-Automatics and high-capacity magazines** as it is crucial that any risk of converting legally-acquired firearms into semi-automatics in the future must be mitigated.

**We support the proposed amnesty and buy-back of banned firearms with compensation to owners.**

Following the Port Arthur massacre in 1996 the Australian government had a national firearms amnesty and bought and destroyed more than 600,000 civilian-owned firearms. Since then there has been two more national firearms amnesties in Australia, the latest in 2017 amidst increasing concern over the illegal import of firearms and the threat of terrorism, it netted a further 57,000 firearms. We recommend that the New Zealand amnesty follows Australia's lead and ensures there is no threat of prosecution if owners surrender illegal weapons and also that the approved places where weapons are able to be turned in include non-threatening venues such as licensed firearm dealers and mobile stations, as well as police stations.

***The harm from firearms in New Zealand***

While the mass shooting in Christchurch has sparked an immediate widespread response, we draw your attention to the ongoing preventable harm from firearms that does not receive the focus it warrants.

The most obvious is the lethal potential of firearms. From 2000 - 2015 there were 867 firearms deaths, an average of 54 a year (four more deaths than the death toll from the Christchurch shooting - every year <sup>(1)</sup>. Most of these deaths were suicides (40% in more recent years) and make up eight to 10 percent of all suicides. With respect to rural suicides 40% involve firearms compared with 8% of suicide in the general population <sup>(2)</sup>. These figures clearly show that easy access to firearms is a significant factor in New Zealand's very high suicide rate.

Other deaths from firearms are homicides and accidents. From 2008-2017 there were 69 firearms homicides, an average of 7 per year <sup>(3)</sup>.

There are also significant rates of injury from firearms with 2,182 hospitalisations for firearms injuries in the period 2008-2017, an average of 121 per year <sup>(4)</sup>.

### ***Why we need to strengthen our firearms laws***

There is robust evidence to suggest that tightening our firearms laws will reduce the risk of firearms injuries and deaths. Evidence from 130 studies in 10 countries suggests that in certain nations the simultaneous implementation of laws targeting multiple firearms restrictions [as now proposed in New Zealand] is associated with reductions in firearm deaths <sup>(4)</sup>. Following the introduction of legislation restricting ownership and access to firearms, [in 1992] firearm-related suicides significantly decreased in New Zealand <sup>(5)</sup>.

In Australia from 1979-1996 (before gun law reforms), 13 fatal mass shootings occurred in Australia, whereas from 1997 through May 2016 (after gun law reforms), no fatal mass shootings occurred, and there was a statistically significant acceleration in the pre-existing downward trend for firearm suicide' <sup>(6)</sup>.

Currently no one knows exactly how many firearms there are in New Zealand. Apart from Military Style Semi-Automatics, pistols and restricted weapons which have to be registered (in 2018 there were 65,837 of these firearms <sup>(3)</sup> registered to 9,772 licensed owners <sup>(7)</sup> no one knows how many firearms there are in total in New Zealand. The police estimate that there are between 700,000-1 million in civilian hands but that may be an underestimate if air rifles are included.

Therefore, **we strongly recommend the introduction of registration for all firearms** so we know exactly how many firearms there are in the country. The police are firmly behind a register for a number of reasons. Currently if the police attend a callout they have no idea if there are guns involved, nor how many they must locate and remove in order to ensure the safety of families in domestic violence cases. This is not only potentially dangerous for the police but also for the public whom they are there to protect.

In addition registration will help police to trace guns used in crime. When NZ Police did maintain a register of most guns, a 1982 survey found that, of those officers who had consulted the firearm register for a criminal offence, 67% found that it assisted in the apprehension of an offender. Three-quarters of these officers had used the register successfully to help catch criminals more than three times each, solving cases from illegal gun sales to armed robbery. <sup>(8)</sup>

Moreover, registration makes gun owners individually accountable for each weapon in their possession. A register provides a strong incentive to lock up guns and protects the rights and safety of the wider public. The New Zealand Police Association and the public health community promote registration as an essential tool to reduce the availability of firearms for all forms of violence and crime.<sup>(8)</sup>

### **Our recommendations:**

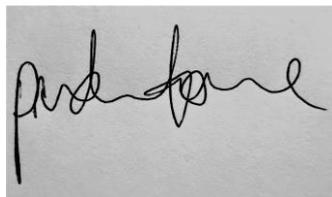
- That this bill be enacted as soon as possible
- That all semi-automatic firearms, including low calibre weapons, and relevant parts and magazines be banned with extremely limited exemptions granted, on an annual basis
- An amnesty applying to all prohibited firearms with no risk of prosecution and the approved sites for surrendering firearms include non-threatening venues such as firearms stores and mobile deposit stations, as well as police stations
- Within a limited period of time, the removal of semi-automatics from dealers to police custody
- Within a limited period of time, checks by Police on the owners and storage of all semi-automatics and pistols. Police know who most of these people are because these types of firearms currently must be registered – unlike other firearms
- A ban on all private ownership of all semi-automatic firearms in New Zealand
- A register of all firearms
- Three or five-year licensing of firearms owners (currently 10 years)
- Restriction on advertising of firearms
- Ammunition sales to be limited to the types of firearms registered to the buyer
- An independent Firearms Authority to monitor enforcement and compliance with gun laws
- All restricted weapons (privately held machine guns, etc.) to be permanently disabled
- The law to make clear that self-defence is not a legitimate purpose for acquiring a gun
- Tightened provisions for vetting and licensing, with more stringent rules for secure storage.

### **In Conclusion:**

We strongly endorse strong and effective firearms control, and are saddened and concerned that it takes tragic events such as those in Christchurch on 15 March before there is action to introduce them. We call for immediate reform of New Zealand's gun laws; it is crucial that effective restrictions are placed on the ownership and use of firearms to avoid a recurrence of last month's terrible events. Having said this, we are heartened by the concerted action taken by the Government to introduce these basic gun control measures. There is more to be done and this will require the continuation of an all-party commitment to reforming New Zealand's gun laws in the interests of protecting public health and safety.

We would welcome any opportunity to speak to our submission or take further part in government's development of more strategic measures to prevent the harm caused in New Zealand by firearms.

Yours sincerely,



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