

22 February 2024

IR-01-24-2652

A Whittle  
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Tēnā koe A Whittle

I am writing to you in response to your Official Information Act 1982 (OIA) request dated 24 January 2024. You asked various questions in relation to firearms legislation and the role of the Police and/or the Firearms Safety Authority in communicating legislative changes to the public.

I have outlined my responses to each of your questions below.

***[1] when was Firearms Legislation changed to include as an illegal and/or prohibited firearm, pump action shotguns with a magazine capacity greater than five?***

***[2] please provide links to all legislation changes for pump action shotguns with a magazine capacity greater than five***

The Arms Act 1983 was amended in 2019, with a date of assent on 11 April 2019. Please see the following link to the amended legislation, particularly sections 2A and 2B:

- [Arms \(Prohibited Firearms, Magazines, and Parts\) Amendment Act 2019 date of assent 11 April 2019](#)

I also draw your attention to the attached compilation of Police media statements, including one issued on 11 April 2019 titled "Police to implement new firearms laws to keep communities safe".

In relation to the legislation change around pump action shotguns with a magazine capacity greater than five, the media statement says:

Prohibited firearms are:

- All semi-automatic firearms (including semi-automatic shotguns), but:
  - excluding rimfire rifles .22 calibre or less as long as they have a magazine (whether detachable or not) that holds 10 rounds or less; and
  - excluding semi-automatic shotguns that have a non-detachable, tubular magazine that holds five rounds or less.
- Pump action shotguns that:
  - Are capable of being used with a detachable magazine; or
  - Have a non-detachable tubular magazine capable of holding more than 5 cartridges.

Prohibited magazines are:

- Shotgun magazines (whether detachable or not) capable of holding more than 5 rounds.

The Arms Legislation Act 2020 amended the Arms Act 1983 and codified the definition of prohibited firearms. In relation to your question, see section 2A (1)(a)(ii)(iii)(iv)(v) in the following link:

- [The Arms Legislation Act 2020 Part 1 Amendments to Arms Act 1983](#)

In addition, the below website link provides a comprehensive overview of the 2019 amendments to the Arms Act:

- [Te Tari Pūreke 2019 firearms law changes](#)

***[3] when and how was this legislative change conveyed to LFO's?***

***[4] please provide any website links indicating this change***

***[5] if the change was not emailed and/or posted to LFO's - why did this not occur?***

Please see the attached “communications bundle” which encompasses messaging to all stakeholders that relate to the legislation changes of 2019, and the compilation of Police media statements.

In addition, the legislation amendments had significant national media coverage from when the new legislation came into effect on 12 April 2019.

Superintendent Michael McLraith and Senior Sergeant Paddy Hannon were at the forefront of this media coverage where they showed the firearms affected by the change in legislation. The media coverage is publicly available, and can be accessed through the following links:

- [First details about gun buyback scheme released | RNZ News](#)
- [Explainer: How New Zealand's gun laws are changing in the wake of the Christchurch attacks | RNZ News](#)
- [About 60 per cent of submitters support new gun law](#)

During the buyback a significant communications strategy was implemented and included photographs of the items affected by the legislation change. This included all centrefire firearms with magazine capacities greater than five rounds.

Please see the following website links as requested in question four.

The initial statement:

- [Police respond to signalled firearms law changes 1 April 2019](#)

Following the subsequent legislation announcement:

- [Police to implement new firearms laws to keep communities safe 11 April 2019](#)
- [Media advisory on Police implementation of changes to firearms laws | New Zealand Police 11 April 2019](#)

Please see the link to the following publicly available RNZ article published 11 April 2019; there are some links to the firearms amendment bill in the sidebar which you may find of interest too.

- [How police plan to implement new firearms laws RNZ News](#)

The beginning of the amnesty and buyback:

- [Media advisory: Police collection events for the firearms amnesty and buy-back scheme 19 June 2019](#)
- [Collection events open soon for banned firearms 20 June 2019](#)
- [Police announce nearly 200 firearms collection events 25 June 2019](#)

There were also district-by-district media releases and emails to stakeholders, and communications and meetings with groups like the Firearms Community Advisory Forum (FCAF). Please refer to the following links on the Te Tari Pūreke – Firearms Safety Authority website, under FCAF minutes, reports and publications, and News and announcements.

- <https://www.firearmssafetyauthority.govt.nz/about-us/firearms-community-advisory-forum-fcaf>
- [News and announcements | Firearms Safety Authority New Zealand](#)

The following are links to the communications around the buy-back and amnesty collection events:

- [Firearms buy-back and amnesty collection events, Sunday 21 July | New Zealand Police](#)
- [Reminder - two weeks until firearms amnesty ends | New Zealand Police](#)
- [Media advisory: Police collection events for the firearms amnesty and buy-back scheme | New Zealand Police](#)
- [UPDATE: Amendment allows extra time for specific firearm processes](#)

***[6] if it was emailed and/or posted, please provide a copy of the emailed correspondence including the date(s) it was sent***

Please see the attached “communications bundle” which encompasses messaging to all stakeholders that relate to the legislation changes of 2019.

“Stakeholders” include firearms licence holders, collectors, dealers, pest controllers, and clubs.

The bundle includes correspondences sent to firearms licence holders and other stakeholders:

- *From Deputy Commissioner Mike Clement*
- *endorsement and permit to possess*
- *the amnesty and buyback.*
- *the buyback price list and information on the buyback and amnesty*
- *link to Radio New Zealand interview with Deputy Commissioner Mike Clement*
- *firearms modifications*
- *external tender invitations for firearm valuers in relation to the firearms effected in the legislation amendments*
- *serial numbers*
- *to firearms licence holders and clubs in relation to collection events*
- *link to video in relation to modifications*
- *information for dealers, and*
- *email templates to firearms licence holders in relation to legislation change.*

***[7] what was the timeframe during which 7-shot pump action shotguns could be modified to 5-shot?***

On 19 June 2019, the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 were made by Order in Council and detailed provisions relating to the 2019 Firearms Amnesty and Buy-back Programme.

Please see section 28U (1) of the Arms Amendment Regulations 2019, “Converting prohibited items to non-prohibited items” in the link provided below:

- [Arms \(Prohibited Firearms, Magazines, and Parts\) Amendment Regulations 2019](#)

On 19 June 2019 the Arms (Prohibited Ammunition) Order 2019 was made by Order in Council. This Order detailed a schedule that included all ammunition declared prohibited ammunition.

- [Arms \(Prohibited Ammunition\) Order 2019](#)

Commencement of the modification regulations was 21 June 2019, and this remained in force until 20 December 2019, or if a firearm licence holder had applied for modification before 20 December 2019, it remained until a decision had been made on their modification. However, the relevant regulation, section 28U was revoked on 31 December 2020.

***[8] was compensation and reimbursement offered for modification of pump action shotguns to 5-shot?***

***[9] if so, when did this scheme expire?***

***[10] please provide a link to the legislation which states that pump action shotguns with a magazine capacity greater than five can no longer be modified and must be surrendered for destruction with no compensation***

Regulation 28U (3) of the Arms Amendment regulations (as provided in the link above) outlines the compensation for the cost of modification as follows:

A person may seek payment from the Crown, not exceeding \$300 (including goods and services tax) for the cost of the modification to the firearm and its non-detachable magazine or magazines if—

(a) the person submits to the Commissioner before the end of the amnesty period a completed application form; and

(b) the person presents to a member of the Police—

(i) a certificate from an approved gunsmith in a form approved by the Commissioner certifying that the modification has been done in the manner, and to the standard, required by the Commissioner; and

(ii) evidence of the cost of the modification; and

(iii) the modified firearm for inspection, if requested by a member of the Police; and

(c) the member of the Police is satisfied that the modification has permanently converted the firearm and magazine or magazines to a firearm and magazine or magazines that are not prohibited items.

Applications for modifications needed to be in by 20 December 2019, but decisions could take longer than this therefore the Regulations extended the amnesty period to acknowledge this. Regulation 28U was revoked on 31 December 2020 (please see my answer to question seven).

The regulation allowing modification from a prohibited to a non-prohibited as part of the buyback has been revoked, 28U, on 31 December 2020. Unlawful possession of a prohibited firearm is a disqualifying offence and surrender of any prohibited firearms unlawfully held is required.

If an item is a prohibited firearm, prohibited magazine, pistol, restricted weapon, or pistol carbine conversion kit, the licence holder storing them must possess the appropriate endorsement to possess each of those items and must apply to Police for a permit to possess each item.

If you have a firearm, other arms item or ammunition you cannot legally possess or do not wish to possess, you can surrender the item to:

- A current New Zealand firearms licence holder, or
- A licensed firearms dealer, or
- New Zealand Police

Police will not pay for any firearms or other arms items, or ammunition that are surrendered.

The Arms Act 1983 schedule 1, clause 6, indicates that nothing in the Arms Act or the amendment Act otherwise confers any right to compensations or is to be relied on in any proceedings as a basis for claim to compensation, except and to the extent authorised by regulations made under clause 7.

See the link below:


- [Disposal of illegally held or unwanted firearms](#)

Licence holders who are currently in lawful possession of a prohibited firearm can either modify it to un-prohibited, or voluntarily surrender a prohibited firearm under the current legislation.

Modifying a lawfully held prohibited firearm to non-prohibited is a “activating event” and must be recorded into the registry. A “lawfully held prohibited firearm” means a firearms licence holder who met one of the exemption categories and who applied for and obtained a new endorsement and permit to possess a prohibited firearm.

Please refer to the below link for the Arms Amendment Regulation 2023 Schedule 1B, Part 4 “Details of Events, Relevant details for registry,” section 8 “Modification of a prohibited firearm to a non-prohibited firearm:

- [Arms Amendment Regulations 2023 Schedule 1B](#)



I trust this information is satisfactory in answering your request.

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



Richard Wilson  
**Superintendent**  
**Director Operations**  
**Firearms Safety Authority**