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**Royal Australasian College of Physicians’
submission to the Finance and
Expenditure Committee**

Arms (Prohibited Firearms, Magazines, and Parts)
Amendment Bill 2019

Introduction

The Royal Australasian College of Physicians (RACP) welcomes the opportunity to submit feedback on the Arms (Firearms, Magazines and Parts) Amendment Bill.

Our College has expressed its sorrow and grief for the shattered families and people who have lost loved ones, and many more caught up in the shootings who will be living with the life-changing physical and psychological trauma.

The RACP works across more than 40 medical specialties to educate, innovate and advocate for excellence in health and medical care. Working with our senior members, the RACP trains the next generation of specialists, while playing a lead role in developing world best practice models of care. We also draw on the skills of our members, to develop policies that promote a healthier society. By working together, our members advance the interest of our profession, our patients and the broader community.

Key points

While we are supportive of this Bill in its entirety, the RACP notes with deep sadness the reason it is now making its way through the Parliamentary process. We cannot return the loved ones lost in the terror attacks in Christchurch on Friday 15 March 2019, but we can take steps to prohibit the weapons that caused such mass destruction.

We firmly believe there is no justifiable reason for members of the public to own military style semi-automatic firearms (MSSAs), which are designed to inflict maximum fatal injury to human beings.

The RACP is in strong support of

- The urgency for introducing and passing this Bill
- The Bill's emphasis on public health and safety
- the amendments to repeal references to military style semi-automatic weapons in the Act and replace these references with the phrase 'prohibited item'
- Clarification in the Bill that holding firearms license does not entitle a person to possess a prohibited item
- Restricting the license endorsement required to obtain a prohibited item to a narrow selection of the community, for specific purposes as listed in the Bill

The Amendment Bill is an opportunity to enact a comprehensive register of any remaining MSSAs, magazines and parts, and link these to registered and licensed owners. The RACP encourages the Select Committee to recommend reviewing and amending the ways people and firearms are registered.

Background

Although Aotearoa New Zealand has been relatively free of the types of gun violence occurring with tragic frequency in other nations, it is with an acute sense of urgency that this legislation is now being considered. The RACP is heartened to see the Bill being widely supported by many sectors, organisations and individuals in our society.

It remains a distinct oversight to assume that an horrific attack on the scale of the Christchurch terror attack would never take place in New Zealand. This complacency was reflected in New Zealand's legislation, which was not amended despite the recommendations of numerous evidence-based reports and investigations, including the 1997 report of Justice Thorp, and the 2017 Law and Order Select Committee Inquiry into the illegal possession of firearms in New Zealand^{1 2}.

Comments on the Bill

Centrality of public health

This Bill underscores the intrinsic value of prevention and preventative measures as part of public health and safety it seeks to enact. The fact it has taken the loss of fifty people to enable these changes to existing legislation is an indelible mark on its passage through the parliamentary process.

The RACP welcomes the Bill's recognition that "extreme harm results from the misuse of semi-automatic firearms", though we note that as these firearms are by design 'military style', they are intentionally aiming to incite fear and inflict harm through their reference to weapons used by defence forces.

Injuries and deaths caused by firearm discharge in New Zealand are not uncommon, and 60 people on average per year have died due to assault, injury, accident or intentional firearm discharge in New Zealand, with around twice that number injured in the 10 years to 2015³. Evidence shows that firearm prevention and reform can lead to reductions in gun violence, children's access to guns, and firearm-related suicides^{4 5}.

Prohibited items

This Bill repeals references in the Act to several categories of firearms including MSSAs, pump-action shotguns, and other semi-automatic weapons, replacing these with the phrase "prohibited item". Further, "prohibited items" extends to gun components and ammunition which, when combined with some firearms, enable these devices to function automatically or semiautomatically. Modified firearms have been used in a number of crimes and mass shootings in New Zealand and the United States^{6 7}

¹ Thorp TM. Review of firearms control in New Zealand. Report of an independent inquiry commissioned by the Minister of Police. Wellington: New Zealand Police; 1997. Available from <https://bit.ly/2OKybuM>. Accessed 3 April 2019.

² Law and Order Select Committee. Report of an Inquiry into the illegal possession of firearms in New Zealand. Wellington: Law and Order Select Committee; 2017. Available from https://www.parliament.nz/en/pb/sc/reports/document/SCR_72851/inquiry-into-issues-relating-to-the-illegal-possession. Accessed 3 April 2019.

³ Ministry of Health. Gunshot dataset: gun deaths by circumstance and sex, 1979-2015. Ministry of Health New Zealand Health Information Service, requested 21 March 2019.

⁴ World Health Organization. Guns, knives and pesticides: Reducing access to lethal means. In Violence prevention: The evidence. Geneva: Health Organization; not dated. Available from https://www.who.int/violence_injury_prevention/violence/the-evidence/en/. Accessed 3 April 2019

⁵ Chapman S, Stewart M, Alpers P, Jones M. Fatal firearms incidents before and after Australia's 1996 National Firearms Agreement banning semiautomatic rifles. *Ann Intern Med* [Internet]; 2018; 169(1):62-64. Available from <https://annals.org/aim/fullarticle/2675234/fatal-firearm-incidents-before-after-australia-s-1996-national-firearms>. Accessed 3 April 2019.

⁶ Hurley S. Northland double-killer Quinn Patterson's weapons supplier, a former soldier, sentenced. *NZ Herald* [Internet]; 13 July 2018. Available from https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12075259. Accessed 3 April 2019.

⁷ Block G. Gun amnesty called in light of new figures. *Otago Daily Times* [Internet]; 14 January 2019. Available from <https://www.odt.co.nz/news/dunedin/campus/university-of-otago/gun-amnesty-call-light-new-figures>. Accessed 3 April 2019.

The RACP's motto is *Hominum Severe Saluti* (To Serve the Health of Our People), or 'Manaaki Tangata'. There is nothing in MSSA firearms, magazines or parts which aligns with our values of evidence-based medicine, public health and prevention, and health equity that can justify the ongoing availability of these firearms in Aotearoa New Zealand.

Amnesty

The Bill includes provision for an amnesty and buy-back scheme as part of the prohibition on MSSAs. The Regulatory Impact Assessment (RIA) on this Bill has estimated compliance costs will be high, due to the number of Category-E firearms in New Zealand – available data estimates this number at around 14,000 firearms. We welcome initial work undertaken by Police to allow people to surrender unwanted MSSAs and other firearm items prohibited under the Bill.

The RACP encourages the Select Committee and Cabinet to recommend that all firearms, magazines, parts and ammunition recovered through the Amnesty are destroyed rather than stored.

Register of owners and firearms

The Otago Daily Times reported in January 2019 on existing loopholes in New Zealand's gun legislation, including the ability of Category A firearms license holders (the most basic of gun licenses) to purchase firearms similar to a MSSA⁷. Further, firearms which do not meet the definition of a MSSA for largely cosmetic reasons (additional pieces of moulded plastic fitted to the butt and the grip) can be purchased by category A license holders, with no additional registration requirements⁸. We urge the Select Committee to recommend the licensing system for owners and firearms is reviewed, including the criteria to determine a "fit and proper person", and the interface with the firearms industry – including gun retailers – is strengthened.

Conclusion

The RACP thanks the Finance and Expenditure Select Committee for the opportunity to provide feedback on the Bill. To discuss this submission further, please contact the NZ Policy and Advocacy Unit at policy@racp.org.nz.

Nāku noa, nā

Dr Jeff Brown
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The Royal Australasian College of Physicians

⁸ Manch T. Gun licenses and gun laws in New Zealand – too easy and simplistic? [stuff.co.nz](https://www.stuff.co.nz/national/christchurch-shooting/111361160/a-beginners-guide-to-firearms-gun-licences-and-gun-law-in-new-zealand) [Internet] 18 March 2019. Available from <https://www.stuff.co.nz/national/christchurch-shooting/111361160/a-beginners-guide-to-firearms-gun-licences-and-gun-law-in-new-zealand>. Accessed 4 April 2019.