



## **Gun Law Reform Bill**

### **WRITTEN SUBMISSION TO THE FINANCE AND EXPENDITURE COMMITTEE**

#### **CONSIDERING THE BILL**

#### **BY FISH & GAME NEW ZEALAND**

**29 March 2019**

### **INTRODUCTION**

1. Fish & Game supports the Gun Law Reform Bill as an important and necessary step to improve the security and safety of all New Zealanders.
2. Fish & Game's representation for recreational game bird hunters is on the basis of a legal, legitimate and traditional recreational pursuit in New Zealand. These hunters are responsible citizens that are equally concerned about the events in Christchurch and would support actions that prevent that type of incident occurring again.
3. Fish & Game would, however, like to raise some considerations with regard to this Bill.
4. Fish & Game wishes to be heard in support of its submission.

### **FISH AND GAME ORGANISATION**

5. Fish & Game is a statutory entity established by Parliament under the Conservation Act 1987 to manage, maintain and enhance sports fish and game birds and their habitats throughout the country. This model is unique in the world as it requires Fish & Game to manage a public resource for the benefit of all New Zealanders.
6. Fish & Game directly represents 150,000 licence holders. Around a quarter - 40,000 - of these licences are held by hunters who value the cultural traditions of game bird hunting, the skills associated with hunting and the recreational opportunities and time in the outdoors afforded by the ability to hunt game birds.
7. Fish & Game receives no public money or financial support from the government. All funding is provided by freshwater anglers and game bird hunters through licences and totals around \$11 million a year.
8. Fish & Game's position is based on having the statutory mandate to manage the following sporting species:
  - a. Black Swan.
  - b. Grey duck.

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- c. Mallard duck.
  - d. Paradise duck.
  - e. Spoonbill duck.
  - f. Pukeko.
  - g. Chukar.
  - h. Red legged partridge.
  - i. Pheasant.
  - j. Australian or brown quail.
  - k. Californian quail.
  - l. Virginian or bobwhite quail.
9. Fish & Game does not have the mandate to manage geese.
10. Sporting semi-automatic shotguns have become popular amongst game bird hunters in the last decade because their strong modern construction means they are capable of handling the heavier wear and tear caused by steel shot cartridges (which we have changed to so as to remove lead from the environment) whilst producing less recoil.

#### **SUPPORT FOR BILL**

11. Fish & Game supports the reforms to New Zealand's firearm laws as indicated in the Arms (Military Style Semi-automatic Firearms) Order 2019.
12. Fish & Game was one of the first firearm user groups to publicly call for a ban on MSSAs.
13. Fish & Game on 20 March 2019, in a letter to the Prime Minister, put forward twelve proposals for firearm law changes, including:
  - a. Ban all military style rifles.
  - b. Ban all military style shotguns.
  - c. Ban all high capacity shotgun and centrefire rifle magazines, including aftermarket accessories and magazine extensions allowing greater cartridge capacity in repeating shotguns.
  - d. All existing repeating shotguns should have their magazines irreversibly modified by a qualified gunsmith to limit their capacity to five shots. Because of the volume of such modifications, some lead in time will be required to ensure maximum compliance.
  - e. Institute and properly fund a "buy back" scheme to encourage owners of military style rifles and non-complying shotguns to surrender their weapons.
14. While Fish & Game supports a ban on MSSA rifles and sees no use for them from a recreational hunting perspective, we acknowledge that there is a narrow legitimate use for these firearms in specific pest culling situations. Accordingly, we would support regulations to permit

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exemptions to the ban on MSA rifles for professional pest cullers and farmers that undertake their own culling operations. These exemptions should be subject to stringent firearm licencing regulations and only issued to commercial operators or where farmers are able to demonstrate a legitimate need. Such an approach would be consistent with Australia, where specific licence categories exist to facilitate commercial culling operations.

15. Fish & Game further support stricter enforcement of firearm regulations generally, including more appropriate sentences for offenders.

### **MAGAZINE CAPACITY**

16. Fish & Game support the limitation on shotgun magazine capacity to five cartridges. This means a shotgun with a five shot magazine capacity has the ability to have six shots, as one shot can be loaded into the chamber and five held in the magazine.
17. A five shot magazine capacity means most firearms used by Fish and Game licence holders are unaffected by the proposed law changes. Some sporting semi-automatic shotguns do, however, have capacities exceeding the proposed limits – typically either six or seven shots (for example, certain configurations of Benelli M2).
18. Fish and Game support a ban on the future sale of sporting semi-automatic shotguns with a magazine capacity exceeding five shots.
19. Regarding existing sporting semi-automatic shotguns with magazine capacities that exceed the proposed limits, we suggest four options:
  - a. They can be irreversibly altered by a qualified gunsmith to bring them within the legal capacity limits. Fish & Game has commissioned a report on these changes by gunsmith Rod Woods and it is attached with this submission.
    - i. We suggest that this modification must be undertaken by a specified date, after which possession of an unmodified sporting semi-automatic shotgun with a magazine capacity exceeding five shots would be unlawful.
    - ii. This modification (ranging in cost from \$20-150, depending on the exact firearm) must be paid for by the government and is a cost-effective alternative to the buy-back scheme. It would, however, void the warranty of the firearm.
    - iii. We also seek clarification on whether, if these firearms cannot be modified or the owner does not want their warranty voided, they will be included in the buy-back scheme.
  - b. That any buy back by government be at fair market value.
  - c. The sale of sporting semi-automatic shotguns with a magazine capacity of greater than five shots is stopped, and their use is phased out over time.

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24. Making the determination of whether a firearm constitutes an MSSA contingent on a capability to receive a detachable magazine ignores firearms with an internal capacity that exceeds five shots.
25. Fish & Game request that this wording is amended to ensure clarity and to uphold the intention of the order to limit total magazine capacity to five shots.

#### **EXTENSION TUBES**

26. The construction of modern sporting semi-automatic shotguns sees most models having a magazine cap on the front end of the magazine. This is a small cap that is threaded onto the magazine and can be removed in order to clean the magazine.
27. Because the magazine is threaded to permit the cap to be removed, the magazine can receive a type of detachable magazine called an extension tube that is capable of adding another 1-9 shots to the set internal magazine of the shotgun. These extension tubes can be produced by the gun's manufacturer or by a third party, but they do not typically come as standard with the firearm.
28. Most sporting semi-automatic shotguns are, therefore, capable of receiving an extension tube.
29. The ability to receive an extension tube cannot be permanently modified without adversely impacting the ability to maintain the firearm.
30. Fish & Game believes that semi-automatic shotguns with the capability to receive an extension tube should not be banned, but that all extension tubes or any other parts that could be used to increase the magazine capacity of a shotgun above five become prohibited.

#### **TIMING OF IMPLEMENTATION**

31. Fish & Game asks that consideration be given to the timing of the implementation of these law changes. In particular, we draw your attention to the impending start of the 2019 game bird hunting season.
32. The 2019 game bird hunting season commences on 4 May and continues through until 25 August (depending upon species and region).
33. It is our belief that all sporting firearm users will readily comply with the law changes. However, given the buy-back process, high purchasing demand on shotguns unaffected by the

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proposed changes, and high volume of gunsmithing services we have concern that the timing of these law changes may negatively impact the ability of Fish & Game licence holders to hunt game birds in the upcoming season.

34. Fish & Game asks that any law change on semi-automatic shotgun magazine capacity does not take effect for two years to allow for (a) the buy back to be completed in a pragmatic timeframe, and (b) to ensure Fish and Game licence holders that use sporting semi-automatic shotguns, with a magazine capacity exceeding the proposed limit, can use these shotguns in the 2019 and 2020 seasons.

#### **FIREARM REGISTRATION**

35. Fish & Game supports consideration of firearm registration. However, we would like to acknowledge that experiences in Canada have demonstrated that this is a very expensive process that may prove ultimately unworkable.

A handwritten signature in blue ink that reads "Martin Taylor".

Martin Taylor  
CEO  
New Zealand Fish and Game Council

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# RODNEY M WOODS

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28 March 2019

Mr Martin Taylor  
Chief Executive  
New Zealand Fish and Game Council  
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## **Report on possible tubular magazine alterations for semi-automatic shotguns**

Dear Martin

Further to our conversation yesterday, please find some possible solutions below.

Frankly, the difference between a proposed 5 shot magazine and the current 7 shot magazine is totally inconsequential and not worth the costs involved, even for the sake of political expediency.

Semi-automatic shotguns have been a part of the New Zealand shooting scene since 1903 when the famous 5-shot Browning was introduced (and is still in production 116 years later). This gun was rapidly followed by similar guns from other makers, and by the beginning of WW1 the semi-automatic shotgun was well established as a reliable piece of sporting equipment. Subsequently, game regulations were introduced to restrict the magazine capacity of all types of repeating shotguns (lever, bolt, pump, and semi-auto) to a maximum of 2 rounds. This restriction was for game-bird shooting only, and the full magazine capacity was allowed for other types of game, (rabbits, hares, wallabies, etc). The magazine restrictors were, most commonly, internal plugs which limited the travel of the magazine follower and were retained by a cross-pin. Some factories introduced guns with a 'permanent' radial crimp in the magazine tube to achieve the same result.

For the last several years the magazine restriction has been removed, and introduction of steel shot has meant that magazine capacities have had to be increased to permit the use of the longer cartridges (up to 3-1/2 inches). Because of the lower ballistic performance of steel shot compared to lead, these longer cartridges are necessary to hold the greater number of pellets needed to bring the steel shot performance to an acceptable level (albeit shorter range). These longer cartridges create a problem for sporting shooters when magazine restrictions are introduced. A game shooter in an area where longer shots must be taken (60 metres or more) needs to use 3-1/2" steel shot cartridges to abide by the 'no lead shot' rules and still maintain effective performance to achieve clean kills. If the shotgun magazine tube is restricted to a maximum of 5 cartridges of 2-3/4" size, that means a game shooter using 3-1/2" can only fit 3 cartridges in his magazine, giving them a distinct disadvantage when you consider that usually more shots are fired with steel to achieve an acceptable result than is the case with lead.

I realise the foregoing is not directly dealing with the method of restricting magazines that we discussed, but, from the point of view of NZ Fish & Game, it is very important information to consider before a final decision is made.

The best method of restricting magazines is to ensure the magazine tube is only long enough to accept the required number of rounds, plus the extra length required to hold the follower, magazine spring, and end cap (this will vary slightly from gun to gun). Semi-automatic shotguns that are capable of having extended magazine tubes have a support ring attached to the barrel that the tube passes through. The simplest solution in the case of shotguns where the capacity is too high, is to fit an internal restrictor, either pinned to the tube or the end cap. This could be achieved at minimal cost per gun (\$20-\$30). Shortening the magazine tube is a more expensive option which would vary from gun to gun and would be in the order of 1 to 2 hours work (say \$75 to \$150). Another option would be ring-crimping the magazine tube to restrict the follower, although some gun designs would make this difficult. This option would require special tooling which would have to be reflected in the final cost per gun.

All of the above options are reliant upon the compliance and goodwill of the individual owners. All of these options are reversible with varying degrees of work and skill, even to the extent of manufacturing completely new magazine tubes. Despite disagreeing with any dubiously effective magazine restrictions, the vast majority of NZ shooters would reluctantly obey any new restrictions in order to continue their sport, but it would be grossly unfair to expect them to pay for any required modifications. The Government, if they impose such restrictions on semi-automatic shotguns, must be the ones to foot the bill for changes to lawfully owned sporting equipment.

There are a great many design variations of semi-automatic shotguns (long recoil, short recoil, inertia, internal piston gas, external piston gas, etc) that will make a 'one size fits all' regulation impossible. The imposition of a specific magazine capacity for semi-automatic shotguns would have to be solved on a 'case by case' basis to achieve



satisfaction and compliance from shooters, and the costs paid by Government to achieve that. I suspect that owners of higher grade guns (select woodwork, engraving, gold inlays, etc) will not be happy with such changes to the originality of guns that are 'works of art' and will be wanting full compensation for their guns.

From the foregoing, there are obvious problems to any proposed solution. An outright banning of semi-automatic shotguns will cost many millions of dollars in compensation, cause widespread anger among law-abiding shooters, possible non-compliance, and, in the final analysis, achieve absolutely nothing of consequence. Banning would mean that game shooters would need to replace their semi-automatic shotguns with something else that will safely handle steel shot, the only logical choice being pump-action guns which also have tubular magazines. Most double-barrel and under and over shotguns are not suitable for use with steel shot, and their two-shot capacity will be ineffectual to harvest game birds. An arbitrary number of cartridges allowed in the magazine will disadvantage those who use the longer 3-1/2" shells, unless any law change reflects their ability to use them.

These points need to be emphasised to the politicians before any decision is made. If I can be of any assistance in a technical capacity, please advise.

Yours faithfully

Rod Woods