

3 April 2019

Chair

Finance and Expenditure Committee

Arms (Prohibited Firearms, Magazines and Parts) Amendment Bill: Request for a one pager explaining the how the possession of A category firearm parts and prohibited firearm parts is changed in the Bill.

### **Problem**

Parts for firearms can be interchangeable and this interchangeability has been used to circumvent the intended controls over possession over MSSAs.

### The attached A 3:

- describes the changes to the definition of parts and changes to offences,
- depicts a decision making tree that a licence holder and Police may apply in deciding whether a prohibited part is possessed lawfully or not, and
- offers four scenarios to assist with the understanding.

The number of licence holders impacted is unknown. For a person who lawfully holds an A Category firearm and has parts, such as a silencer or sight, which are fitted to, or designed for, or is intended to be used on that firearm, these parts will continue to be lawfully possessed.

Yours sincerely,

Assistant Commissioner Tusha Penny

Assistant Commissioner Response and Operations

# Finance and Expenditure Committee: Question on Firearm Parts



### SUMMARY OF THE CHANGES IN DEFINITIONS

# Current approach

Legally prescribes **firearms parts** that are designed for, fitted to or intended to be used for specific firearms and are an integral part of the firearm.

Parts are defined for:

- MSSAs
- Pistols
- Restricted weapons

For an A category firearm a part is defined as the action of that firearm.

Permit to import is required to import parts.

No offence to possess parts.

# **Proposed approach** (see Interpretation definition of part b-d)

### Parts of prohibited firearms

The Bill applies the same approach to Prohibited Firearms as applied to MSSAs, pistols, and restricted weapons.

For an A category firearm it clarifies that where the action has an upper and lower receiver, **either** part is considered the action, whether together or individually.

# New category of prohibited parts

### For all firearms:

· Clarifies that any part that can convert a firearm to semiautomatic, near semi-automatic or automatic is prohibited.

This means that some parts that were previously considered A category parts are now classified as prohibited parts.

# Offence to possess parts

The Bill creates a new offence for possession of prohibited parts.

# **Impact**

The impact for A category licence holders and E endorsement licence holders who are holding parts for firearms that are now prohibited are:



Parts designed, fitted or intended for MSSAs (E Cat) are prohibited

Parts that were **designed**, **fitted or intended** to be used for a **newly-defined** prohibited firearm are now prohibited



Parts that were designed, fitted or intended for use with a non-prohibited A category firearm can continue to be legally held by a person who holds a standard licence.

### PROHIBITED PARTS (Definition clause 2C(b))

# What is a 'prohibited part'?



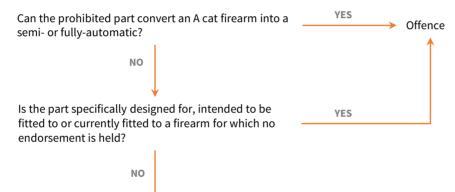
### **Prohibited parts** can include

- Sights & scopes
- Silencers/suppressers
- Grips
- Receivers

Magazines are treated separately

### When is possession of a prohibited part an offence?

No offence



# During the amnesty period

Can the part convert an A cat firearm into a semior fully-automatic?

NO

Is the part specifically designed for, intended to be fitted to or currently fitted to a firearm for which no endorsement is held?

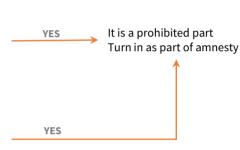


Chris has an A category licence with a B

prohibited semi-automatics and pistols

Chris has rifles, shotguns, newly-

Chris has a range of parts for these



### **SCENARIOS**

What they have



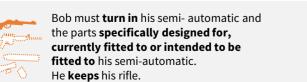
Bob has an A category licence with no



Bob has a rifle, and a newlyprohibited semi-automatic



Bob has parts that were manufactured specifically for his semi-automatic. They do not fit his rifle.





Peter must turn in his semi- automatics and MSSAs. He must **turn in** the parts that were specifically designed for, currently fitted to or intended to be fitted to his semi-automatics and MSSAs He may **keep** the parts that fit his rifles

Offence to have prohibited parts in his

Peter has an A category licence with an E

prohibited semi-automatics and MSSAs

Peter has several parts. Some fit his rifles

and shotguns and some are for the semi-

Peter has rifles, shotguns, newly-

automatics and MSSAs

possession



Chris must turn in his semi- automatics. He may keep the parts that fit his rifles, shotguns and pistols. He must **turn in** the parts that were

specifically designed for, currently fitted to or intended to be fitted to his semi-automatics

Offence to have prohibited parts in his possession



Pat has no firearms licence



Pat has an old rifle that belonged to his father



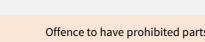
Pat has parts he's found, been given or







and shotguns.





Pat must turn in the rifle, and any part that meets the definition of prohibited part

Offence to have firearms in his possession without a firearms licence

*After the* amnestv

Offence to have prohibited parts in his possession