



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 semi-automatic, 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:

i

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

ii

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

iii

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/suppressors
- Grips
- Receivers

etc.

Magazines are treated separately

When is possession of a prohibited part an offence?

Can the prohibited part convert an A cat firearm into a semi- or fully-automatic?

YES → Offence

NO ↓

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

YES → Offence

NO ↓

No offence

During the amnesty period

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

YES → It is a prohibited part
Turn in as part of amnesty

NO ↓

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

YES → It is a prohibited part
Turn in as part of amnesty

NO ↓

Retain

SCENARIOS

What they have



Bob has an A category licence with no endorsements



Bob has a rifle, and a newly-prohibited semi-automatic



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



Peter has an A category licence with an E endorsement



Peter has rifles, shotguns, newly-prohibited semi-automatics and MSSAs



Peter has several parts. Some fit his rifles and shotguns and some are for the semi-automatics and MSSAs



Chris has an A category licence with a B endorsement



Chris has rifles, shotguns, newly-prohibited semi-automatics and pistols



Chris has a range of parts for these firearms



Pat has no firearms licence



Pat has an old rifle that belonged to his father



Pat has parts he's found, been given or inherited

During the amnesty



Bob must **turn in** his semi- automatic and the parts **specifically designed for, currently fitted to or intended to be fitted to** his semi-automatic. He **keeps** 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 and shotguns.



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



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

After the amnesty

Offence to have prohibited parts in his possession

Offence to have prohibited parts in his possession

Offence to have prohibited parts in his possession

Offence to have firearms in his possession without a firearms licence