

NATIONAL SHOOTERS ASSOCIATION

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Friday, 21 May 2010

Inspector Joe Green
Manager, Licensing & Vetting Centre
NZ Police

Dear Inspector Green

Re: Police advisory — High Court decision of Lincoln v COP

We observe that the police department have published an advisory following our suggestion to that effect on Monday 17th May 2010.

We are pleased that police have made available a process by which gun owners may be compensated for their losses consequential to the attempted police interference with the interpretation of the Arms Act. We would however like to point out that it would be appropriate and desirable for police to extend that process to allowing for compensation of the difference between normal MSSA firearm security and restricted SCSA category firearm security — without the security being surrendered. The obvious advantage is a higher level of security remaining with gun owners who upgraded to an unrestricted (MSSA) type safe; that extra security surely must be a good thing? We believe the relatively small amount spent on that would be far greater value for money than the \$60,000 of taxpayer funds police spent advertising their unlawful reclassification policy.

You will be aware that the High Court decision sanctions the use of the safety feature of a non-military pattern free standing pistol grip on a restricted configuration sporting semi-automatic firearm. Your advisory does not mention that — we believe it should.

Your advisory states: *“Where a person has applied (solely as a result of the Police July 2009 interpretation of “military pattern free-standing pistol grip”) for an E endorsement prior to the 1 March 2010 High Court judgment and has the proper security in place, Arms Officers are being told that the endorsement may be issued and permit to procure issued for the semi automatic they wish to possess as an MSSA.”* This blatantly allows the conversion of an SCSA into an MSSA, while **on the same day**, you have refused to allow this very same conversion process in regard to our Mr Hows’ application; on the grounds that that would nullify the intention of controlling imports of MSSA firearms. Can you please explain how this process is both permissible and forbidden at the same

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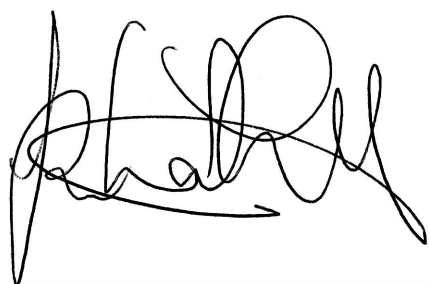
time? We do not understand how you can publish two diametrically opposed decisions on the very same day?

Your advisory also states *“The 2009 Police communication is still correct in that a non-integrated addition that connects a pistol grip to the stock or butt in an attempt to make it no longer free standing (such as adding a metal or plastic rod) will not stop the grip from being “free standing”. Any semi-automatic with that feature will be an MSSA”* (my emphasis.) Your hypothesis is not correct. If the pistol grip to which the metal or plastic rod is attached is not ‘military pattern’ then that addition in itself would not qualify the firearm as an unrestricted MSSA. The “contrivance” mentioned by Her Honor Justice Mallon only applies to modification of a military pattern free standing pistol grip.

We would be grateful if you would amend the advisory accordingly. We would not like to see our advice to civilian gun owners result in ongoing debates with your arms officers or police officers who do not properly understand the law.

We also seek a clear explanation as to the contradiction in converting SCSA firearms to MSSA firearms. The appearance is that Police are unlawfully manipulating their statutory powers and erratically interpreting the Arms Act to suit their own purposes; with total disregard for the rights of law abiding civilian gun owners. We emphasise that police are charged with providing an administrative service to civilian gun owners (who pay for that service in their taxes, licensing and endorsement fees.) Police are neither obliged nor justified in being oppressive and authoritarian to law-abiding responsible licensed citizens who simply wish to participate in their legitimate sporting interests without unnecessary interference from the police department.

National Shooters Association

A handwritten signature in black ink, appearing to read 'Richard Lincoln', with a stylized, cursive script.

RICHARD LINCOLN
President

CC: Commissioner of NZ Police
Minister of Police