

Submission to the Select Committee

My name is Raymond O'Brien.

### **My Background**

I hold a Bachelor of Science degree (Multi-Discipline) from Monash University Melbourne with a double major in chemistry, and sub-majors in mathematics and physics. I hold a Masters of Business Administration from the Royal Melbourne Institute of Technology University. I also hold military flying wings earned with the Australian Army.

I have had a career in senior roles in telecommunications companies, and have worked in a number of countries. I first arrived to live and work permanently in New Zealand in 1996. I am part owner of small businesses, including a farm, shooting range facility and a technology company.

My wife and I became involved in shooting sports four and a half years ago. It has been a source of challenge, achievement and shared experiences that have come from joining a great community of people. In that time we have both won championships in New Zealand and Australia, and have represented New Zealand at international competitions.

I have set out the story of my time in shooting at the end of this submission.

*Thank you for accepting my submission.*

*Please make note that I wish to speak to my submission in a Select Committee hearing.*

### **MY SUBMISSION - MAJOR CONCERNS WITH THE CURRENT "PROCESS"**

I **oppose** the changes as they are proposed.

I **oppose** the timeframes imposed by government with their intent of stifling comment and opposition.

In **summary**, my submission covers:

- 1) The denial of fairness and respect by government and parliament to tens of thousands of New Zealanders in the rush to change, crushing our ability to be heard;
- 2) What should happen before legislation is even proposed. There appears to be a complete lack of understanding by government of the true causes and enablers of the terror attack by Brenton Tarrant;
- 3) The high cost to the targets of the proposed legislative change;
- 4) The high cost to the taxpayer of fair compensation that has not been properly or fully costed;
- 5) The deficient nature of the proposed legislation –if this crushing timetable remains unaltered then I have some suggestions for consideration; and
- 6) The story of personal and financial investment that Victoria, my wife, and I have made as competitors and to support our shooting community.

These points are discussed in detail below.

**1) Time and information is required assess what happened and to propose changes with any real merit or value to New Zealand**

It has only been just over two weeks since the horrifying event in Christchurch unfolded. The loss of life and injuries inflicted were terrible, and my heart goes out to the victims and survivors and to their family and friends.

However, along with a very large number of New Zealanders I have to put those events and feelings to the side to address the emotional behaviour of parliament in response to those events. At a time when we turn to parliament for fact driven analysis, decisions and leadership we are being provided just the opposite. The dreadful timeframe imposed for this process ensures there will be no consideration of facts or fair treatment for tens of thousands of New Zealanders. Where is the urgency here? Licenced Firearms owners have had these firearms for decades along with an incredibly low rate of crime involving firearms.

The failure of Police and Security agencies notwithstanding, how is there any urgency?

This is not fair treatment of myself or other individuals by the New Zealand government.

This unfair treatment by government would appear to conflict with the New Zealand Bill of Rights.

Much more time is needed to determine the facts of what has happened.

Please consider:

- Brenton Tarrant did not steal any firearms;
- He was not sold any firearms illegally;
- He was granted a Firearms Licence by Police, when by all accounts he should have failed in his application at the vetting stage;
- Concerns about him appear to have been reported to Police by other Firearms Licence holders, but the complaints were never investigated;
- His travel patterns were extreme, in terms of the countries visited, and his time spent in New Zealand during his 'residence' was minimal. Both aspects that should have seen him on a 'Watch List';
- There are accounts that he was, in fact, on a 'Watch List' but removed only days before he committed his atrocity; and
- What other logistical and other infrastructure supporting him also went undetected?

It is worthy of note that there has been no genuine evidence presented in any forum that legal owners are more than a minor, and entirely replaceable, source of firearms used for any criminal acts. Firearms come in with drug shipments, they come in hidden in car panels, they come in hidden in containers, they are stolen from Police and the NZDF, they are made by competent but criminal machinists, and they are 3D printed.

While it is almost impossible to stop this type of event if the perpetrator is relying on 'black market' sourcing of weapons or other equipment, in this case he was enabled by multiple failures of our Police and security services, not by lawful New Zealand firearms owners.

Yet the focus in the proposed legislation is the confiscation of personal property of many tens of thousands law-abiding New Zealanders, none of whom were involved in any way with this act of terror.

If Police and security services had done their job correctly, it may well be that this tragedy would never have happened.

## **2) What Should Happen Before Any Legislative Response to the Terror Attack of 15 March 2018.**

I believe that parliament should collectively ‘take a breath’ before passing into law legislation that is extraordinarily costly to the taxpayer, and does not address the problem(s) that allowed the terrorist attack in Christchurch.

It is an entirely unbalanced, unfair situation where the government, you, are threatening, and have the power, to take away our hobbies, our pasttimes, our sport, our property, our businesses, our livelihoods, our clubs, our communities, our dreams and our aspirations.

At the same time, having presented the legislation to make good your threats, you have advised through media briefings that my submission can have no effect as you have decided what the legislation will contain. Even if that sentiment expressed by the prime minister in response to media questions is not correct, you have allowed no time for meaningful, or for that matter any, consideration of submissions.

So – what should you ethically be doing **before** any legislative response to the terror attack? I can suggest some actions:

### 1: Establish a Royal Commission..

...to enable the development of a truly considered response to attack(s) in Christchurch, a properly formed enquiry should be undertaken into:

- A. Determining what failures, if any, that were made by Police in the vetting and monitoring of Brenton Tarrant; and
- B. Determining what failures, if any, that were made by security services, especially with the travel pattern exhibited by Tarrant to identify him, and maintain him, on a ‘watch list’;

with a charter to determine what can be done to avoid those failures in the future, and to identify what changes to any legislation might support these and reduce the risk of a future failure without simply trying to remove the rights and property of law-abiding New Zealand citizens.

And

### 2: Subsequent to the Royal Commission, implement a Robust Select Committee Process..

...to consider the results of a Royal Commission and recommend legislative and other measures based on evidence that will address what has happened, and reduce the likelihood of it happening again.

### **3) The high cost to the targets of the proposed legislative changes**

Some of what is being taken **may** be fairly compensated, but the confiscation is not just of our property. What is being taken includes:

- our hobbies;
- our pasttimes;
- our sport;
- our businesses;
- our livelihoods;
- our clubs;
- our communities of interest;
- our dreams and our aspirations.

For most of these there is no dollar figure that would adequately cover it. For some the government has already indicated that it will not even consider compensation, even when a financial number could be determined. This is atrocious behaviour.

### **4) Costings for compensation for confiscation of private property**

The estimate by the government of \$100m to \$200m as the potential cost of compensation for the confiscation of private property appears to be extremely low. If each holder of a Firearms Licence has only one of the firearms to be confiscated, and the mid point of fair value of compensation per firearm is only \$4,000, then the government is looking at around \$1,000,000,000. Now it is likely that not all Licence holders have a semi automatic rifle or shotgun, but it is a fact that those that have firearms tend to purchase more over time.

The government has also foreshadowed that it is entirely willing to destroy lawful businesses with no compensation. In fact there is no proposal for any compensation of confiscated personal property or for any other losses in the current proposal.

This is beyond bullying behaviour at its worst by an elected government.

### **5) The Current Proposed Legislation**

It is clear that the current proposed legislation is hurried, deficient, poorly drafted and ill-advised. It appears to be driven by a belief that firearms should not be owned by civilians, and this attitude is what informs the entire proposal. There is no evidence or logic that backs this belief:

- This belief is most glaring in the current proposals by granting of an effective “Rule by Decree” through the sweeping power granted to the government to make regulations to deem any magazine or ammunition prohibited without notice under proposed sections 2 B and 2 D. This of course would make the use of any firearm that required such magazines or ammunition a criminal act.
- Any argument that this is somehow not an effective “Rule by Decree”, due to the ‘Confirmable Instrument’ provisions would be an outright lie, as a 12 to 18 month period of being banned by decree and being a crime to possess is totalitarian.
- Legislation that provides for Order in Council regulations are not meant to provide this type of sweeping power.

Despite what is a crushing attitude of government to any form of dissenting opinion, I offer some proposals for a different approach.

There is an expressed concern about the security of the current stock of semi-automatic rifles and shotguns in New Zealand currently held by Licenced Firearms Owners in “A” category security.

If that is a genuine concern about the ‘availability’ of firearms via the lawful community for the commission of crime, even though it appears that any such concern is not supported by any genuine evidence, then there are better ways than confiscation of private property. It can be achieved at much lower cost to the taxpayer than paying hundreds of millions of dollars in compensation.

The current firearms licencing regime requires registration of all MSSA firearms. It also requires a very high grade of secure storage that is truly a step function above that required for “A” category firearms.

Additionally, provisions in the proposed legislation are required to give ‘voice’ to the government’s stated intention of not directing penalties at legitimate users of firearms, and to accommodate competitors in ‘mainstream international competitions’. New Zealand is an outdoor and sporting culture. Both the international sports shooting organisations and New Zealand would be the poorer if we are excluded by an emotional legislative response to terrorism.

If you read the **6) Summary of my involvement in shooting sports** appended below, you will understand why I believe the current legislation is primarily, perhaps entirely, aimed at penalising legitimate users of firearms and participants in mainstream international competitions.

There is no provision for continuing our sports in the proposed legislation. The words of Mr Nash from a recent press release are hollow and disingenuous when he states:

“There is no exemption for international sporting competitions. Further advice is needed and it may be considered as part of the second Arms Amendment Bill which is likely later this year”

.. as this “Further advice” and “may be considered” come after the confiscation of irreplaceable custom sporting equipment. If the intent is genuine the exemption must be provided now.

Proposal:

Instead of a Total Ban on MSSAs:

- Amend the current requirements for “E” (MSSA) endorsement to mirror the current “B” (pistol) endorsement requirements, so that prior to the processing of application for “E” endorsement:
  - Reasons for application to include, and be a minimum of being for, competition. Further valid reason may be for hunting.

- The applicant for “E” endorsement must belong to an incorporated shooting club recognised by Police (“Club”) (initially those incorporated pistol clubs recognised by Police could be deemed to satisfy that requirement);
- The applicant for “E” endorsement must undergo a practical training course set by the of at least 6 months and at least 12 sessions conducted by the Club;
- The applicant for “E” endorsement is required to reach a level of skill and knowledge sufficient to pass that training course and be recommended for the “E” endorsement by the Club committee to Police;
- The current “E” and “B” security is very high (approved safe or approved ‘strong’ room) – this is to be inspected to ensure compliance and the applicant and further referees interviewed by Police.
- Once having been granted the “E” endorsement, the holder of the endorsement must attend the club at least 12 times each year at the ranges on which the club operates.
- Also the provision of Section 50 (5) should also apply to MSSAs as well as pistols to allow for proper training and safety management during competitions.
- All of those that do not obtain an “E” endorsement may sell their “new” MSSAs either to the holder of an “E” endorsement (with a Permit to Procure that results in the registration of the MSSA) or sell them to the government authority charged with their confiscation.

These changes provide a community and authority oversight entirely missing for current holders of only “E” endorsements.

The sweeping regulatory powers vested by this proposal in the government must be removed.

I also believe other aspects in respect of licencing need to be considered and these include:

- Even up the immigration policy imbalance that currently allows all Australian citizens to automatically become NZ permanent residents the moment they set foot in NZ. Australia withdrew that privilege for New Zealanders moving to Australia years ago.
- Disallow anyone who doesn't have some sort of permanent resident status (that perhaps includes long-term work visas but excludes student visas) from obtaining a firearms licence.
- Crack down on gangs and gang activity of all types, including white supremacist gangs, in the same way that has driven these people over to NZ from Australia. This will give police rather incredible and far-reaching powers when it comes to gangs.
- Step up deportations of criminals who are not NZ citizens and stop all New Zealanders who are associated with terror groups overseas from returning to New Zealand.

Thank you for reading and considering my submission.

***To re-iterate, I wish to speak to my submission in a Select Committee hearing.***

Yours Sincerely,

---

Raymond O’Brien  
[Address]

Attached: 6) Summary of my involvement in shooting sports.

### **6) Summary of my involvement in shooting sports**

As the result of a random conversation between us four and a half years ago my wife, Victoria, and I attended a wonderful pistol club, Auckland Pistol Club, in Brookby. The people were friendly, and the obvious fun, challenge, competition and satisfaction they had from this sport was inspiring and welcoming.

We started competing, building our skills and our fitness as the competitions are a combination of speed and accuracy. We progressed through the licencing process and gained our pistol endorsements, putting very stringent security in place. We started buying, and training with, our own competition guns, developing skills and knowledge in how to improve ourselves. We also learned about the fascinating process of making your own ammunition with specialist equipment and tools and the benefits in accuracy and consistency from producing the highest quality ammunition entirely customised for each of our firearms. We learned gunsmithing and other skills to improve the performance and dependability of our competition equipment – not just the firearms. We invested in consumables and parts to remove any problems from delivery times or stock shortages.

All of this was with the help, support, training and guidance of a surprisingly warm and modest community. Everywhere we turned there were offers of help in all aspects of this involving sport.

We won New Zealand and Australian championships. We represented New Zealand in international events with the pinnacle being the World championships, proudly wearing our New Zealand team shirts in among the 1,500 competitors from well over 100 countries.

We then ‘graduated’ to the next level of the sport involving rifle, pistol and shotgun in the one competition. To be able to participate we went through the vetting and security processes and qualified for the endorsements for our licences so that we could train and compete, and investing in more competition equipment so that we would be able to compete to international standards, eventually, against the world’s best. That equipment includes what are called MSSAs in New Zealand, necessary as these are the basic platform used in international events where each competition is again based on speed and accuracy.

There has been a dire need for a high quality venue in Auckland to provide for the 50,000 or so licence holders in the region, to provide international standard safety and skills training, to provide a place for shooters to learn more about the responsibilities of ownership, and to provide the facilities for international level training and competitions.

Victoria and I did a lot of thinking, we had a lot of discussions with some of the most experienced members of the shooting community, we talked to Auckland Council planning, and then we did a lot more thinking and planning.

Victoria and I finally decided to fund such a venue using our life savings, selling our home and all of our other assets. We invested in a large rural property in the Auckland region to minimise the issue of noise by providing the distance and terrain that is needed entirely within our property.

The Auckland Shooting Club (ASC) was established and is run by some of the most experienced and credentialed sporting shooters in New Zealand and has as its core aims the promotion of firearms safety & education and responsible firearm ownership.

ASC was officially opened in July 2017 by the Deputy Prime Minister. In the time it has been operating it has had six hundred people take membership, providing a welcoming community based on a shared interest and passion. There are more than 25 nationalities represented in the club membership. There are people from all walks of life all with different backgrounds and lifestyles. There are many religions represented. There are wives, husbands, partners, sons, daughters, brothers, sisters, fathers, mothers, grandmothers and grandfathers. There are plumbers, carpenters, lawyers, doctors, project managers, drainlayers, psychologists, radiologists, government employees, bankers, airline pilots, small business owners, council employees, police, NZDF, students, surgeons, retirees, engineers, and machine operators. We are not somehow separate from New Zealand society – we are New Zealand society.

And what is the financial tally for Victoria and I? We have over \$100,000 invested in competition firearms. We have about twice that in related equipment, parts, consumables, tools and machinery. We have invested almost \$5,000,000 in developing the facilities for the Auckland Shooting Club.