

07 August 2024

Mr Andrew Brown
ANZAC House
Level 4 / 181 Willis Street
Wellington 6011
New Zealand

Subject: Clarification on The Royal New Zealand Returned and Services' Association Trophy guns

Dear Andrew,

I am writing to you and your branches, as there has been a request for clarification around the licensing, storage, and display requirements of firearms for the Royal New Zealand Returned Services' Association (RSA) branch premises.

At Te Tari Pūreke the Firearms Safety Authority, we appreciate the historical significance of the firearms and other arms items displayed at RSAs. We share your commitment to preserving these items for future generations. However, we also understand that there may be RSA branches that have current security measures for arms items, including both functional and inoperable firearms, that do not meet the necessary storage requirements of the Arms Act 1983.

We would like to work with you and the RSA branches to ensure that all firearm safety and compliance requirements are met. Our staff are available to support the various RSA branches in securing these historical items and meeting their firearms licensing requirements.

How RSAs fit within the Arms Act 1983

We have determined that RSA branches do not meet the proposed criteria of a museumⁱ, or a collectorⁱⁱ, or a theatrical bodyⁱⁱⁱ.

While an RSA branch does not meet the licensing criteria for a bona fide museum, collector or theatrical body, they must still have a firearms licence holder (with endorsements if appropriate) responsible for any firearms and arms items held at the RSA and meet the security requirements of regulations [19](#) and [28](#).

Firearms and arms items at a RSA

Any firearms or arms items displayed at a RSA branch must be made permanently inoperable. To indicate that a firearm or other arms item has been made permanently inoperable there are several different terms used by different individuals and organisations. These terms are:

1. **Innocuous**^{iv}: Rendered completely harmless, incapable of being restored to working condition. This is the terminology that New Zealand Defence Force (NZDF) use.
2. **Disabled**^v: Physically modified to a state where it can no longer immediately function as a firearm; Altered so it cannot discharge a shot or projectile.
3. **Deactivated**^{vi}: Physically modified to a state where it is no longer a functional arms item.

For the purpose of a RSA branch with firearms and or arms items, Te Tari Pūreke will use the term disabled to denote a firearm that for the time being is not in a working condition by the removal of parts of the action and rendering the remaining action parts non-functional. Disabled firearms are still an arms item under the Arms Act 1983 and must meet the storage requirements of the Arms Regulations 1992.

Non-Prohibited firearms on display

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Non-prohibited firearms, such as bolt action .303 rifles, on display at an RSA branch must meet the requirements of secure firearms storage. Regulation 19(2)(a)(iii) makes it a requirement to have non-prohibited firearms on display immobilised so that none of them may be fired and they must be in a rack or display cabinet. However, immobilisation on its own is insufficient because RSA premises are unoccupied for long periods. Consequently, Te Tari Pūreke now requires RSA memento non-prohibited firearms to be “disabled”^{vii} and immobilised. This state is achieved in several ways including removing the bolt or firing pin and drilling holes in the barrel near to the chamber, and welding the action closed. The rack or cabinet that the disabled non-prohibited firearm is in must meet the requirements of regulation 19(1).

Please see [Section 2 of the Secure storage and transportation guide](#) for more information.

Pistols, prohibited firearms, prohibited magazines, and restricted weapons on display.

Pistols, prohibited firearms, prohibited magazines, and restricted weapons for display must meet the requirements of regulation 28. This means that these firearms must be in a stout or strong room with controlled access. The access must be controlled by the responsible licence and endorsement holder and be within the conditions of their licence and endorsements. The result of this is that while a RSA would retain these arms items, general viewing by anyone other than the responsible licence and endorsement holder would not be possible. Prohibited firearms and restricted weapons are also required by regulation to have a vital part removed. In addition, the vital parts of both prohibited and restricted items must be stored off-site. Our strong preference is for these firearms and weapons to also be disabled in addition to these other security measures.

Please see [Section 4 of the Secure storage and transportation guide](#) for more information.

Ammunition

No live ammunition^{viii} should be present at an RSA branch. Ammunition that has been disabled^{ix} can be at a branch.

Artillery, cannons, and anti-aircraft weapons on display

Artillery and cannons are non-prohibited firearms and displayed at some RSAs. To meet the requirements of regulation 19, artillery and cannons must have been disabled and be firmly secured to a concrete plinth or fixed to the concrete/asphalt surface.

Anti-aircraft weapons, such as Oerlikon and Bofors, are considered restricted weapons. To meet the requirements of regulation 28 they must have been disabled and be firmly secured to a concrete plinth or fixed to the concrete/asphalt surface. Anti-aircraft autocannons that have been disabled and are firmly secured to a concrete plinth or fixed to the concrete/asphalt surface, can, after inspection, be considered under regulation 28(4) for exemption from regulation 28(1) & (2).

An RSA can still elect to operate as a bona-fide museum

In the past, there was a requirement that RSA branches be treated as museums when displaying firearms on their premises. Endorsements were issued in the “C” Museum categories. This was prior to the amendments to the Arms Act, that now require museums to operate under a firearms dealer’s licence. There may be RSA branches that have obtained a dealer licence as a “museum” in recent years, however it is likely that RSA branches do not fit the proposed criteria of a bona fide museum.

If an RSA branch would like to operate like a museum, they would have to meet all the relevant provisions and requirements including holding a dealer’s licence, having the dealer on site each day, and additional security provisions.

Te Tari Pūreke values and acknowledges the importance of these historical items, and we look forward to working together to preserve them responsibly.

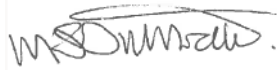
I would be grateful if you would share this letter with RSA branches.

Te Tari Pūreke – Firearms Safety Authority

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Yours sincerely



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ⁱ While RSA has governance structures, its primary focus is on supporting veterans and their communities, not the standards expected of museums and generally, do not employ museum professionals such as a director or curator. Some RSAs display items of historical significance although their primary purpose is not education in the same sense as a museum. Their displays are more about commemoration and community engagement with some educational factors. RSAs heavily rely on memberships, donations, and community support, which may make it difficult to meet the financial requirements expected of museums. And RSAs are a membership-based organisation, and their primary function is not to provide regular public access to historical collections in the same manner as a museum.

ⁱⁱ RSA branch firearms “collections” do not meet the requirements for bona fide collections. These firearms honour and commemorate significant events, the fallen, and RSA members. It is now recognised that it would be appropriate for the endorsements (where required) to be for the possession of heirlooms or mementos, as that is what these firearms are, rather than of a collection.

ⁱⁱⁱ RSA branches do not meet the requirements to be a theatrical body as set out in section 29(2)(e) of the Act. This means that they cannot stage or oversee any public event that uses firearms, or an event where blank ammunition is used. The RSA must engage a bona fide theatrical body that has been recognised by Te Tari Pūreke as being a body within the meaning of that section to perform the event. Such events must be planned and managed by a licence holder who holds the regulation 22A Theatrical Armourer endorsement.

^{iv} The above listed terminology does not sit well with the Arms Act 1983, as this Act does not recognise any state of a firearm that is no longer a firearm. As does “deactivated” in other jurisdictions. “Innocuous” in the New Zealand military sense has no corresponding meaning in the Arms Act. The extended definition of a firearm (s2,^{iv} subparagraphs (b)(ii) and (iii)), means that anything that is a firearm and can be returned to working order remains a functional firearm for the purposes of the Act. Overseas jurisdictions, in particular the United Kingdom, have amply demonstrated that their definition of “deactivated” meaning “no longer a firearm” has not worked as re-activated deactivated firearms are found in criminal hands. “Rendered permanently inoperable” is their definition of this process.

^v The Te Tari Pūreke preference is to settle on a term that we can use without undermining Act and is not confused with the terms listed above. Avoiding the word “inoperable” as that occurs in the Act. ***Disabled**, meaning physically modified to a state where it can no longer immediately function as a firearm, is the term chosen to represent an innocuous firearm or weapon. That is, a physical state whereby it would take substantial work that requires trade-like skills to return the weapon to a state where it could discharge a projectile by force of explosive. Being a firearm, although disabled, means that it remains within the requirements of the Arms Act 1983. Secure storage would still have to comply with the regulations.

^{vi} “Deactivated” in New Zealand means a firearm that has been sectioned through its entire length and is no longer a firearm for the purposes of the Arms Act 1983. This is an option for RSAs to adopt to display any class of firearm.

^{vii} *Disabled, meaning physically modified to a state where it can no longer function as a firearm. That is, a state whereby it would take substantial work that requires trade-like skills to return it to a state where it could discharge a projectile by force of explosive.

^{viii} For ammunition to be live it must have a projectile, propellant, primer, and casing.

^{ix} Disabling ammunition is achieved by the removal of the primer and propellant.