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Comment on unlawfully obtaining a firearm via mail order

My name is Nicholas Taylor. I am a barrister who has specialised in Firearms law and legislation for the last 18 years (www.firearmslawyer.co.nz). I have undertaken thousands of firearm related cases before the courts and have been involved in dealing with all aspects in regards to search and seizure of firearms from crime scenes over that period all over the country. I am New Zealand's leading expert in firearms law and legislation.

I have been asked to make comment in regards to the law surrounding the situation that has occurred recently concerning the TV3 journalist obtaining a firearm via mail order. As part of this process I have reviewed my records and files and I have not come across a single case of a firearm seized from either an unlicensed or licensed person that was obtained via the method used by the TV3 journalist. I have contacted Police National Headquarters also and it appears that their statistics show a similar pattern.

This way of obtaining a firearm is not a loophole. It is not, and has never been, a real problem. The reason is that the risk of being caught is, or has been, too high. With the mail order form requirements and the very nature of the transaction that occurs certain factors come together, namely -

1. The purchaser must provide a delivery address for the gun to be sent to;
2. Payment must be made - via bank account, visa or cash deposited at a bank (which is recorded on CCTV);
3. The person must transmit the form somehow eg. email, fax.
4. The perception that "the details may be checked" and the person found out; and
5. The delivery is usually signed for at an address. The person who received the firearm(s) from a courier can potentially be identified by the driver.

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All systems of justice work as a result of compliance through threat of punishment.

In this matter, the TV3 journalist has (perhaps mistakenly) perceived that there was no threat to her personally of any punishment.

If this is the case then potentially anything is possible and this case proves nothing. An extreme example would be a person who wishes to expose a "loophole" could steal a gun from a gun shop when a staff member had turned their back.

The action taken by the TV3 journalist has exposed an issue that was never a problem in this country. The fact that the police have reacted to it by producing new mail order forms and policies that are potentially ultra vires their statutory authority is another issue for another day and is irrelevant. I believe that if this mail order issue is a real problem then it will require a law change to address it.

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