

HELD AT THE DISTRICT COURT
AT AUCKLAND

CIV

IN THE MATTER

of an application pursuant
to Section 62 and Section
65 of the Arms Act 1983

BETWEEN

NZ HUNTER GROUP
LIMITED

of Tawa, Wellington

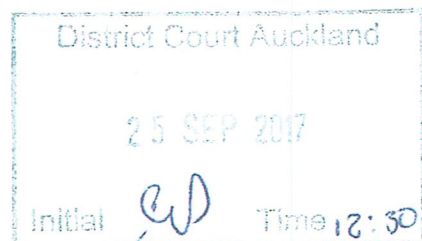
Applicant

AND

THE COMMISSIONER
OF POLICE

Respondent

**NOTICE OF ORIGINATING APPLICATION OF
APPEAL PURSUANT TO S 62 AND S 65
OF THE ARMS ACT 1983**



Counsel acting: Nicholas Taylor, Barrister, PO Box 4106,
Shortland St, Auckland, Ph: (09) 362 0622

Miles Brown, Solicitor, Castle Brown, PO Box 9670,
Newmarket, Auckland, Ph: (09) 307 7054

TAKE NOTICE that on the of at or
as soon thereafter as counsel may be heard counsel for the
Applicant will move this Honourable Court at AUCKLAND for

1. AN APPEAL pursuant to Section 62 (1) of the Arms Act 1983 against a revocation of a permit to import firearms, pursuant to s 16 (1) of the Arms Act 1983.
2. AN APPEAL pursuant to Section 65 of the Arms Act 1983 against the seizure of a firearm, pursuant to the Arms Act 1983.
3. A DECLARATION pursuant to Section 62 (1) (c) of the Arms Act 1983 against the unreasonable and ultra vires interpretation of the definition of a MSSA in s 2 of the Arms Act 1983.
4. A DECLARATION pursuant to Section 62 (1) (c) of the Arms Act 1983 against the unreasonable and ultra vires interpretation of the definition of a Pistol in s 2 of the Arms Act 1983.
5. COSTS in relation to the preparation and hearing on this matter as outlined in the District Courts Amendment Rules 2015.

UPON THE GROUNDS THAT:

- i. The Applicant is a fit and proper person who holds the necessary endorsements upon his firearms licence.
- ii. The Applicant is a licenced firearms dealer.
- iii. The Applicant has applied for a permit to import a MSSA firearm into New Zealand from the Respondent, pursuant to s 18 (1) for the purposes of s 16 (1) of the Arms Act 1983.
- iv. The Respondent has granted an import permit to the Applicant for a MSSA rifle.
- v. The Respondent has then unlawfully and incorrectly reinterpreted the definition of the classification of a pistol and applied it to this importation.

- vi. The Respondent has then unlawfully and incorrectly reinterpreted the definition of the classification of a MSSA and applied it to this importation.
- vii. The Respondent has seized the Applicant's firearm.
- viii. The Applicant seeks confirmation that its features are that of a MSSA rifle and are uniquely and individually defined in s 2 of the Arms Act 1983.
- ix. The Applicant seeks confirmation that the rifle is not a pistol as defined by the Arms Act 1983.
- x. The Applicant seeks a declaration that the Respondent's "new" policy concerning the measurement and classification of a MSSA is ultra vires and /or incorrect at law and that it has directly resulted in 1) the revocation of import permit number 1601709; and 2) the seizure of the firearm Scorpion Evolution imported by the Applicant.
- xi. The Applicant seeks the return of the seized firearm.
- xii. That it is in the interests of justice so to order.

This application is made in reliance on Section 34 of the District Courts Act 1947 and rules 20.14 of the District Court Rules 2015 and the affidavits of Ken Rountree, Martin Spencer Bath and Warren Fitzsimmons filed herein.

DATED this 22nd day of September 2017



N J B Taylor
Counsel for the Applicant

TO: The Registrar, District Court at Auckland

AND TO: The Respondent, The Commissioner of Police

THIS APPLICATION: is filed by N J B Taylor, Counsel for the Applicant.

Documents for service on the Applicant may be:

- 1) Delivered to Civic Chambers, Level 4, 2 Chancery St, Auckland City.
- 2) Emailed to Counsel on n.taylor@civicchambers.co.nz
- 3) Posted to Counsel at PO Box 4106, Shortland Street, Auckland.