

17 December 2018

Our Reference: IR-01-18-17326

[REDACTED]  
[REDACTED]

Dear [REDACTED]

I am writing to you in response to your email dated 28 November 2018 where you asked six questions relating to airguns.

The first five questions you asked were:

1. *Am I correct that there is nothing in law that requires people to 'give details' for recording when purchasing airsoft guns from retailers? Just proof of age?*
2. *What details are Police now insisting that shops record with sales?*
3. *What justification have police for imposing this recording system on retailers?*
4. *What law compels shops to participate?*
5. *Is it appropriate for Police to extort shops with extra legal requirements on threat of denying import permits?*

Those questions relate predominantly to the law rather than requesting information held by Police. However, in the interests of helping you better understand practices and the rationale for them, the following commentary is provided.

As you will be aware, section 2 of the Arms Act 1983 provides for a category of "airgun" which is a "restricted airgun"<sup>1</sup>.

Many airguns have the appearance of being real pistols, military style semi-automatic firearms, or restricted weapons and are therefore restricted airguns. Often the reason they are used in the sport they are used in, is because they look like real military hardware. Accordingly, they are "restricted airguns".

Section 12 of the Arms Act 1983 requires dealers to keep records. Regulation 7 of the Arms Regulations 1992 sets out the information that must be recorded by dealers.

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<sup>1</sup> <http://www.legislation.govt.nz/act/public/1983/0044/latest/whole.html#DLM72627>



Regulation 7(1) to (4) all apply to restricted airguns as well as firearms and restricted weapons. Regulation 7(4) applies to airguns<sup>2</sup>.

Section 12(3) of the Arms Act makes it an offence for a dealer to contravene the record keeping obligations in section 12(1).

Section 18 of the Arms Act provides that permits to import restricted airguns may not be granted except by the Commissioner of Police (or his delegate) and only when the Commissioner (or delegate) is satisfied that there are special reasons why the restricted airgun ought to be allowed into New Zealand.

Some dealers have sought to import restricted airguns for anticipated future sales to as yet unknown individuals (as opposed to fulfilling pre-existing orders from individuals who are able to make out their own special reason). Police will consider granting a permit to import:

- In cases where the dealer proposes an appropriate and sufficiently detailed process to ensure that those restricted airguns will only be sold to individuals who would in their own right be able to make out a special reason to import the item themselves (for example, the dealer might offer to make enquiries and keep records to ascertain and confirm that the individual purchasing the restricted airgun participates in an identifiable shooting discipline or sport at an incorporated sports club with rules encouraging safe and legal use of firearms/airguns and a range certified for the shooting activity and intends to use the restricted airgun in an event at that sports club); and
- With appropriate conditions to give effect to those proposed processes and ensure records are kept for audit purposes.

Your allegation of extortion is firmly denied.

Your final question was:

*6. How many crimes have been solved with these records?*

This information is refused under section 18(g) of the Official Information Act, as the information requested is not held. As you will be aware from previous similar information requests, it is generally not one specific piece of evidence that leads to Police 'solving' a particular offence, and may be a matter of opinion. You have the right to seek an investigation and review by the Ombudsman of this decision.

For your information, Police has developed a process for proactive release of information, so the response to your request may be publicly released on the New Zealand Police website.

Yours sincerely



**Mike McIlraith**  
Acting Superintendent  
Arms Act Service Delivery Group

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<sup>2</sup><http://www.legislation.govt.nz/regulation/public/1992/0346/latest/whole.html#DLM169108>

