

28 May 2018

Dear [REDACTED]

I am writing to you in response to your request dated 6 April 2018. Your request was made pursuant to the Official Information Act 1982 and specifically requested:

1. *Did an arms officer discharge a firearm in the Manukau station by accident?*
2. *Did a projectile / projectiles exit a window?*
3. *Did a projectile / projectiles hit a sign outside?*
4. *What did the sign say?*
5. *What was the type of firearm involved?*
6. *Why was the firearm in police hands?*
7. *Was the projectile / projectiles recovered?*
8. *Police are insisting that E category arms are used ONLY for the 'special reason/s' put on the permit application form. Where in law does ownership of a MSSA require 'special reason' and.....where in law does it limit the use to only these specific special reasons?*

My response is as follows.

New Zealand Police electronic database of unintentional or unauthorised discharge of firearms was created in 2010. Between 2010 and 15 May 2018 when this letter was prepared, there have been no reports of unintentional discharge of a firearm at the Manukau police station located at 42 Manukau Station Road.

Therefore, your questions 1 through to 7 are refused under s18(g) of the Official Information Act as this information is not held.

Police have records of four unintentional firearms discharges at other police stations in Counties Manukau District. These took place in 2012, 2014, 2016, and in 2018. Two of these were inside the police stations and two were outside. None of the discharges were at the hands of an arms officer. The reason police staff were handling these firearms were a pre-deployment safety check, a pre-assessment safety check, a firearms audit, and a removal of firearms from the boot of a vehicle. In none of these incidents, did a projectile exit a window or hit a sign outside.

8. *Where in law does ownership of a MSSA require 'special reason' and... ..where in law does it limit the use to only these specific special reasons?*

Applications for permits to import MSSAs require a special reason as to why the MSSA ought to be allowed into New Zealand under section 18(2) of the Arms Act 1983.

This should not to be confused with endorsement applications where applicants are asked for the reason why they want to acquire/use MSSAs because that reason will be relevant to assessing whether they are fit and proper to possess the MSSA under sections 30A(1) and 35. Section 33A(2) enables conditions as to use of the MSSA to be imposed on an MSSA endorsement.

I trust you are satisfied with my response to your request. If not, you have a right under section 28(3) of the Official Information Act 1982 to ask the Office of the Ombudsman to seek an investigation and review of my 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