

Office of the Minister of Police

Cabinet Social Wellbeing Committee

Arms Act 1983: Release of public discussion document on regulations for a firearms registry

Proposal

- 1 I seek Cabinet's agreement to release a public discussion document on proposals for regulations to implement a firearms registry.

Relation to government priorities

- 2 The new regulations, which relate to the establishment of a firearms registry, will contribute to the Government's priority to "support healthier, safer and more connected communities".

Executive Summary

- 3 Regulations are needed to implement the 2020 amendments to the Arms Act 1983 (the Act), which come into force on 24 June 2023. The provisions in the Act require the Commissioner of Police (the Commissioner) to keep and operate a firearms registry to record information on all firearms and link this information to the respective firearms licence holders.
- 4 The proposed regulations deliver on the regulatory framework for the safe use and control of firearms strengthened by the Arms Legislation Act 2020. The focus of the proposals is to provide Ngā Pirihimana o Aotearoa – New Zealand Police (Police) with better information about the transfers and possession of firearms among licensed firearm owners. This information will enable firearms to be tracked through their lifetime.
- 5 Before recommending that regulations are made under the Act, I must be satisfied that the Commissioner has done everything reasonable to consult with individuals and organisations that appear to be affected or likely to be affected by such regulations. The attached public discussion document is an important step towards meeting this requirement.

Background

- 6 A number of changes were made to the Act by the Arms Legislation Act Including provisions to establish a firearms registry which come into effect on 24 June 2023. The Arms Regulations 1992 need to be amended to include new regulations that enable full implementation of the firearms registry and set down the requirements for those who possess firearms. The registry will ensure that, over time, there will be greater oversight of the number, types and location of firearms and other arms items in New Zealand.
- 7 Regulation-making powers are set out in section 74 of the Act. Under section 74(3), regulations may be made only on the recommendation of the Minister of Police after being satisfied that the Commissioner has done everything reasonable to consult with individuals and organisations (or representatives of

those organisations) that appear to be affected or likely to be affected by such regulations.

- 8 The registry public discussion document is the third public discussion document for changes made to the Act by the Arms Legislation Act 2020. It follows:
 - 8.1 regulations that came into force on 1 February 2021 that covered amendments to the Act on dealers, secure storage requirements, ammunition sellers, and firearm licence applications; and
 - 8.2 proposed regulations to implement amendments that came into force 24 June 2022 covering shooting clubs and shooting ranges.

Overview of the proposals

- 9 The proposals in the public discussion document aim to increase Police's ability to identify the origins of firearms in the community and track firearms throughout their lifetime.
- 10 The proposals cover:
 - 10.1 registry information required to be provided by firearms licence holders and licensed dealers;
 - 10.2 the process for providing information to Police;
 - 10.3 transitional provisions, including the date by which all licence holders must have provided information on all the arms items they possess; and
 - 10.4 administrative rules and registry standards.

The regulations will provide the basis for forms and operational processes.

Engagement to support consultation

- 11 Public consultation is proposed for a period of six weeks to begin following Cabinet approval.
- 12 Engagement with Māori is supported through consultation with the Firearms Community Advisory Forum (FCAF), which includes representation from the Whakatūpato Firearms Licensing Programme. This programme blends the National Firearms Safety Course with tikanga Māori and is specifically designed to be marae-based for remote and rural communities.
- 13 Police is currently engaging with iwi across the country on a range of firearm related topics, which includes discussion of the registry and the impact on Māori firearms users.

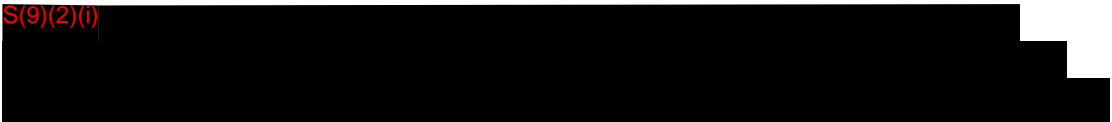
Timing of implementation

- 14 The registry and its associated regulations are required to be in place by 24 June 2023. The Act phases in the registration of firearms by firearms licence

holders over five years as they are involved in events related to arms items (such as the purchase of firearms or ammunition). There will then be a period beyond that, to be set in regulations, in which licence holders will need to register all their firearms that have yet to be recorded in the registry. This means that the registry will become fully operational by late 2028.

Financial Implications

15 There are no immediate financial implications related to the release of this consultation document.

16 S(9)(2)(i) 
There is ongoing revenue to support the registry including licence fees which are expected to be around \$1.5m per year.

Budget 2022 decisions

17 At its meeting of 11 April 2022, Cabinet approved the inclusion of the Budget initiative Arms Safety and Control for Vote Police in the 2022 Budget package. This included an overall investment in Arms Safety and Control of \$208 million across the four-year forecast period for the delivery of legislative responsibilities under the updated Act. Of this, \$161.392 million has been set aside in the 'Implementation of the Arms Legislation Act', tagged operating and capital contingency.

Legislative Implications

18 Following public consultation and Cabinet policy approvals, proposals for implementing the firearms registry will need to be implemented through amendments to the Arms Regulations 1992.

Regulatory Impact Statement

19 The Treasury's Regulatory Impact Analysis team has determined that the public discussion document is exempt from the requirement to provide a Regulatory Impact Statement (RIS). The exemption is based on Police receiving advice that the discussion document includes the key features of an interim RIS.

20 An interim RIS is attached which analyses feasible options to the proposals in the public discussion document. A regulatory impact analysis panel in Police has reviewed the discussion document and confirmed that it partially meets these requirements of an interim RIS.

21 A final RIS will be completed at a later date to inform Cabinet's final decisions on this proposal, once consultation has been completed and submissions have been considered.

Population Implications

- 22 On 1 April 2022, there were 240,425 firearms licence holders in New Zealand. Approximately 92 percent of firearms licence holders are men, and 74 percent are currently aged 40 years or older. Of the 59 percent of firearms licence holders that have their ethnicity recorded by Police, 90 percent are Pākehā and seven percent are Māori.
- 23 Based on the demographics for firearms licence holders, it is likely that the proposals in the discussion paper would have the greatest effect on Pākehā men, aged 40 or older.
- 24 An online registry will also have an impact on those who do not have ready access to the internet, or those who struggle with using technology. Police will provide an alternative paper-based system for those users unable to access the registry online.

Human Rights

- 25 The proposals in the consultation document are consistent with the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990.

Climate implications

- 26 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this proposal as the threshold for significance is not met.

Proactive release

- 27 This Cabinet paper and associated advice will be published within 30 working days of the Cabinet decision.

Consultation

- 28 My Arms Advisory Group and Police stakeholders have provided input to assist with the development of the public consultation document. These groups will also be able to submit on the public consultation document through the same channels open to the public.
- 29 This paper and the discussion document have been consulted with the Department of Internal Affairs; Local Government New Zealand; Department of Conservation (DOC); Ministry of Justice; Ara Poutama Aotearoa Department of Corrections; New Zealand Customs Service; Te Puni Kōkiri; the Treasury; the Department of the Prime Minister and Cabinet; Ministry of Foreign Affairs and Trade; Ministry of Business, Innovation and Employment; Ministry of Primary Industries; the New Zealand Defence Force; Te Arawhiti, and the Office of the Privacy Commissioner.
- 30 Feedback from agencies has been incorporated into the revised public consultation document. A supplementary document clarifying and comparing the current information requirements from firearms licence holders, and the new

information requirements once the registry is established, has been drafted to address feedback from the Office of the Privacy Commissioner.

- 31 DOC provided feedback based on possible regulatory application to firearms owned by the agency and/or employees. This has been reflected in the public consultation document by seeking submissions on whether requirements should apply to DOC. I expect the details of how and which requirements apply to be identified and developed through the consultation process.
- 32 Following Ministerial consultation, Police received feedback from the Minister of Finance's office requesting the public consultation document draw a better distinction between the majority firearms licence holders that are law-abiding and responsible and the small minority of those that misuse firearms. The public discussion document was amended to reflect this feedback.

Communications

- 33 Subject to Cabinet approval, I intend to announce the release of the discussion document on 31 August.
- 34 Also subject to Cabinet approval, Police intends to undertake an active and comprehensive communication strategy to publicise the discussion document through its website, stakeholders and community links.

Recommendations

The Minister of Police recommends that the Committee:

- 1 **note** that regulations relating to the establishment of a firearms registry are needed to implement amendments to the Arms Act 1983 that come into force on 24 June 2023;
- 2 **note** that before recommending any regulations be made under the Arms Act 1983, the Minister of Police is required to be satisfied that the Commissioner of Police has done everything reasonable to consult with individuals and organisations (or representatives of those organisations) that appear to be affected or likely to be affected by such regulations;
- 3 **agree** to the release of the attached public discussion document, which contains proposals on regulations for a firearms registry;
- 4 **note** that consultation is proposed for six weeks, beginning as soon as possible following Cabinet approval;
- 5 **authorise** the Minister of Police to make any necessary minor technical or editorial changes to the public discussion document prior to its release;

- 6 **invite** the Minister of Police to report back to Cabinet on the outcome of the consultation and seek policy decisions on new regulations and approval to issue drafting instructions to the Parliamentary Counsel Office.

Authorised for lodgement

Hon Chris Hipkins

Minister of Police