

Office of the Minister of Police  
Chair, Cabinet Legislation Committee

## Arms Amendment Regulations 2023 – Firearms Registry

### Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the Arms Amendment Regulations 2023, which relate to the establishment of a firearms registry (the Registry).

### Executive summary

- 2 Amendments to the Arms Act 1983 (the Act) that will come into force on 24 June 2023 require the Commissioner of Police to establish the Registry.
- 3 The Arms Amendment Regulations 2023 are consistent with policy decisions and specify the information to be provided by licence holders to the Registry, and the timing and other administrative requirements for the efficient and effective establishment, and ongoing operation, of the Registry.

### Issue

- 4 Regulations are needed for the Firearms Safety Authority – Te Tari Pūreke (a branded business unit of Police) to implement the Registry. Regulations set out the detail of what information licence holders are required to provide for the Registry, and to provide for other matters to enable the Registry to be functional and effective.

### Policy

- 5 The Act requires a Registry to be established on 24 June 2023 which will record and track licence holders' possession of arms items. The Act provides for regulations for the Registry. These provisions were introduced in 2020 to strengthen the control and regulation of firearms to address concerns about a lack of oversight of the number, type and location of firearms, making it difficult for Police to prevent their use for criminal purposes.
- 6 The regulations will contribute to the purpose of the Act to promote the safe possession and use of firearms and impose controls on the possession and use of firearms and other weapons.
- 7 On 31 January 2023, Cabinet agreed to policy proposals for regulations that prescribe the detail on what information will be in the Registry, and the timing and other matters for implementation [CBC-23-MIN-0004].
- 8 The regulations specify “activating circumstances” that will trigger licence holders to engage with the Registry, including when they:
  - 8.1 apply for a licence or an endorsement

- 8.2 have a change in circumstances, such as a change of address
  - 8.3 sell or supply, purchase or receive, import, export, manufacture or modify an arms item
  - 8.4 report the theft, loss or destruction of an arms item
  - 8.5 import ammunition
  - 8.6 sell ammunition (dealers and ammunition sellers only)
  - 8.7 purchase ammunition after 24 June 2025, or
  - 8.8 are subject to compliance or enforcement action by Police under the Act or regulations.
- 9 Once involved in an activating circumstance, licence holders will register all of the arms items in their possession at that time. These arms items include firearms (excluding antique firearms), restricted weapons, prohibited magazines, major firearm parts, and pistol carbine conversion kits. Licence holders will provide applicable information on each of the items, such as make and model, identification marking, type, action, calibre or gauge.
- 10 Licence holders will also record, in relation to arms items, any sale or supply, purchase or receipt, import or export, manufacture or modification, loss, theft or destruction; and, in relation to ammunition, its importation, and sales of ammunition by dealers and ammunition sellers. Licence holders are not required to register ammunition; and purchases of ammunition between dealers and ammunition sellers, or between individual firearms licence holders, will not be recorded.
- 11 The Registry will contain licence holders' licence details, contact details, and secure storage locations, and relevant information about a dealer's business and their employees who may access arms items or ammunition. As Police already hold this information from the firearms licencing process, licence holders will not be required to provide this information separately.
- 12 Licence holders will be able to access to the Registry information to verify the licence, endorsement, and permit to possess status of people who they are buying from or selling an arms item to. Licence holders will input what they believe to be the buyer or seller's name and firearms licence or permit number and will receive a yes or no verification response. Licence holders will not be able to see the full details of another licence holder's personal information or arms items. Licence holders are already able to verify licences through an online firearms licence checker portal.

*Phasing in dealer's information*

- 13 Cabinet agreed that the regulations will apply to dealer's licence holders and ammunition sellers when directed by the Commissioner but no later than 24 June 2025 (instead of immediately applying on 24 June 2023). This will limit the initial load on the system to only registering the holdings and transactions of firearms licence holders. It will also give the dealer cohort (numbering 441 licence holders) time to prepare, and enable Te Tari Pūreke -The Firearms

Safety Authority to assist them, to register their arms holdings which in many cases will be significant.

- 14 I am assured by Police that bringing dealers and ammunition sellers fully into the Registry is on track to happen well in advance of June 2025. In the interim, Police will still have oversight of arms transactions, as dealers and ammunition sellers will continue to record these transactions and make this information available to Police, as they do now.

*Other administrative matters and timeframes for providing information*

- 15 Cabinet also agreed that the regulations cover a number of administrative requirements for the efficient and effective establishment, and ongoing operation, of the Registry. These include that the regulations will:
- 15.1 require firearms licence holders to place identification marking (serial numbers) on any arms items not already marked, and enable Police to make exceptions to marking requirements if this would significantly affect integrity or value, for example for heirloom or museum pieces<sup>1</sup>
  - 15.2 require those with powers to manage the property of deceased or incapacitated people to provide information on arms items that were/are possessed by those persons
  - 15.3 provide for shooting clubs and shooting ranges to record in the Registry information they must already provide to Police
  - 15.4 require dealers to provide information on the types and quantities of arms items they intend to take to a gun show
  - 15.5 outside of existing information access agreement provisions for government agencies, limit access to the Registry to: Police for its lawful functions; and licence holders to view their own information and verify the licence, endorsement and permit to possess status of people they are buying from or selling to
  - 15.6 provide for information for the Registry to be provided in a manner or form to be determined by the Commissioner, to ensure the necessary flexibility as the Registry develops
  - 15.7 provide timeframes for meeting requirements for recording information about arms items and ammunition
  - 15.8 set a deadline of 31 August 2028 for all licence holders to register their arms items if they have not already done so, and
  - 15.9 provide for the Registry to hold records of firearms licence holders for the duration of their life plus three years.

**Minor and technical amendments**

- 16 As authorised by Cabinet [CBC-23-MIN-0004], I have made some decisions on minor or technical matters that have arisen during the drafting process that are consistent with the overall policy direction. These are set out in Appendix 1.

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<sup>1</sup> Dealers are already required to place identification marking on arms items and Police can already exempt them from this requirement. The regulations will extend this to all licence holders.

## Regulations

### Timing and 28-day rule

- 17 No waiver of the 28-day rule is sought.
- 18 The requirements in the Act for the Commissioner to establish the Registry and these regulations will come into force on 24 June 2023.

### Compliance

- 19 The proposed regulations comply with:
  - 19.1 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993
  - 19.2 the principles of the Treaty of Waitangi
  - 19.3 the principles and guidelines set out in the Privacy Act 2020
  - 19.4 relevant international standards and obligations, and
  - 19.5 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.
- 20 I am satisfied that the Commissioner of Police has met the requirements under sections 74 (3) and (4) respectively to consult on the proposed regulations with the Privacy Commissioner, and individuals and representatives or organisations that appear to be affected or likely to be affected by the regulations.

### Regulations Review Committee

- 21 I do not consider there are grounds for the Regulations Review Committee to draw the amendment regulations to the attention of the House of Representatives under Standing Order 327.

### Certification by Parliamentary Counsel

- 22 The amendment regulations have been certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

### Impact analysis

- 23 A regulatory impact statement on proposals, which meets Treasury's quality assurance criteria, was attached to the paper considered by Cabinet Business Committee on 31 January 2023.
- 24 The regulations will enable Police to carry out its regulatory role under the Act to operate the Registry for public safety outcomes. Dealers and private sellers and buyers will over time have assurance that they are transacting in a legitimate market.
- 25 The regulations will incur costs for licence holders in providing information to the Registry. These costs will be minimised through the efficient design of

processes and user-friendly interfaces, while at the same time ensuring security and privacy standards meet or exceed government expectations. For the avoidance of doubt, providing information to the Registry will incur no fees.

- 26 The Climate Implications of Policy Assessment (CIPA) team was consulted and confirmed that the CIPA requirements did not apply to this proposal as the threshold for significance was not met.

### Publicity

- 27 I intend to make an announcement on the Registry regulations when they are gazetted in May 2023.
- 28 At the same time, Police will undertake active and comprehensive communications through its website and community links to firearms-owning community organisations, dealers, and shooting clubs and ranges to raise awareness of the Registry and how licence holders are to interact with it.

### Proactive release

- 29 I intend to proactively release this paper, and any other documents that support the policy and legislative decisions (with any necessary redactions that are consistent with the Official Information Act 1982) following the promulgation of the regulations.

### Consultation

- 30 Police consulted on the policy and draft regulations with the following agencies: the Treasury; Ministry of Justice; Department of Conservation; Ministry for Primary Industries; Department of the Prime Minister and Cabinet; the New Zealand Defence Force; Ministry of Foreign Affairs and Trade; New Zealand Customs Service; Ministry of Business, Innovation and Employment; Te Puni Kōkiri; Te Arawhiti Māori/Crown Relations; the Office of the Privacy Commissioner; and Parliamentary Counsel Office.
- 31 Public consultation on proposed regulations occurred from 31 August to 12 October 2022. The proposals were modified, taking into account submissions and feedback from workshops with key stakeholders, to minimise compliance burden where possible before policy decisions were made.
- 32 My Arms Advisory Group also gave advice on the policy decisions for these regulations and has reviewed the draft regulations.

### Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 **note** that on 31 January 2023 the Cabinet Business Committee agreed to policy decisions on the contents of the Arms Amendment Regulations 2023 [CBC-23-MIN-0004];

- 2 **note** that the Arms Amendment Regulations 2023 give effect to the policy decisions referred to in recommendation 1 above;
- 3 **note** that I am satisfied the Commissioner of Police has met the requirements under:
  - 3.1 section 74(3) of the Arms Act 1983 to consult the Privacy Commissioner about the proposed regulations; and
  - 3.2 section 74(4) of the Arms Act 1983 to consult with individuals and organisations that likely to be affected by the regulations through public consultation and further consultation with relevant stakeholder groups;
- 4 **authorise** the submission to the Executive Council of the Arms Amendment Regulations 2023; and
- 5 **note** that the Arms Amendment Regulations 2023 will come into force on 24 June 2023.

Authorised for lodgement

Hon Ginny Andersen  
Minister of Police

## Appendix 1 - Minor or technical changes to proposals

| Regulation              | Previously agreed<br>[CBC-23-MIN-0004]  | Minor/technical change to proposal   | Rationale  |
|-------------------------|---|--|--|
| 7 – amend regulation 7F | Cabinet agreed to certain information about transfers of arms items to be recorded in the registry. | <p>New regulation to exempt dealers from requirements in existing regulation 7F to record certain information in their record books as below:</p> <ul style="list-style-type: none"> <li>• 7(2)(b) the date the item was received</li> <li>• 7(2)(c) the address of the person from whom the item is received</li> <li>• 7(4)(b) the date on which the item is delivered</li> <li>• 7(4)(c) the address of the person to whom the item is delivered</li> <li>• 7(4)(e) in the case of a pistol, prohibited firearm, prohibited magazine, pistol carbine conversion kit, or restricted weapon delivered to a person who requires a permit to possess it, the date and place of issue of the permit</li> </ul> | <p>These exemptions are required as a consequence of no longer requiring (or amending the wording of) information about transfers of arms items to be provided for the Registry that are also currently required to be recorded in dealer books under existing regulations. An unintended consequence of retaining the existing requirements would be that when transfers of arms items are recorded in the Registry, dealers would still be technically required to record no longer required or very similar information separately in a record book. This is considered onerous, duplicative, and unnecessary. The Arms Act already provides that dealers do not need to continue to record information in their record books if the same information is provided for the registry.</p> |



| Regulation          | Previously agreed<br>[CBC-23-MIN-0004]   | Minor/technical change to proposal   | Rationale   |
|---------------------|--|--|---|
| 10 (5)              | Cabinet agreed that a firearms licence holder is required to place identification marking (serial numbers) on arms items which do not already have marking, before they register those arms items.   | Amend existing regulation 12 to include a relevant offence provision that relates to the identification marking requirement such that if a person, without reasonable excuse, does not meet the identification marking requirements they commit an offence and are liable on conviction to a fine not exceeding \$400. | This change is a consequence of Cabinet agreeing to the addition of the identification marking requirement and the need, aligned with other existing identification marking regulations, to include an offence for not complying with the regulation. The offence includes a 'reasonable excuse' defence in line with current drafting practice. The fine of \$400 is the same amount as applies to the existing identification marking requirements. |
| 23 – new 40 (2)     | Cabinet agreed that where a firearms licence holder possesses arms items or <i>ammunition</i> on behalf of a shooting club or shooting range, that firearms licence holder has responsibility for registration of those items.                                     | Remove reference to “ammunition”.  | The reference to ammunition is erroneous. It is not intended to register ammunition holdings.   |
| 23 – new 41 (1) (e) | Cabinet agreed to include if a licence holder “purchases ammunition from a dealer or ammunition seller after 24 June 2025” as one of a number of activating circumstances requiring a licence holder to provide information on all arms items in their possession. | Amend to “purchases ammunition after 24 June 2025.”  | Proposals consulted on did not limit purchases of ammunition to just being from a dealer or ammunition seller. This was inadvertently added as proposals were developed. This change will avoid an unintended consequence of active licence holders being able to defer registering all of their arms items by only purchasing ammunition from other licence holders which would undermine the Registry.  |



| Regulation                            | Previously agreed<br>[CBC-23-MIN-0004]  | Minor/technical change to proposal   | Rationale   |
|---------------------------------------|---|--|---|
| 23 – new 45 (1)                       | Cabinet agreed that dealer's licence holders would have access to the Registry to indirectly verify the firearms licence, endorsement and permit to possess status of a person to whom they are selling or purchasing arms items. | Add the following: <ul style="list-style-type: none"> <li>dealers and their employees, and ammunition sellers, who may access the Registry to verify the licence of persons to whom they are selling ammunition</li> <li>employees of dealers who may access the Registry to view the dealer's arms items and verify the licence, endorsement, and permit status of persons to or from whom they are buying or selling arms items</li> </ul> | Provision for checking licence status in relation to ammunition sales was inadvertently omitted from proposals.<br>Dealer's employees will also need to view information on dealer's stock of arms items to make transfers and verify the licence status of customers, in the everyday course of business. Employees must be firearms licence holders to access and handle firearms and will be named by dealers as part of their requirements for providing information relating to dealer's licence holders set out in Part 2 of Schedule 1B. |
| 24 - new Schedule 1B Part 2 (8)       | Cabinet agreed that dealer's licences holders must provide the names and firearms licence numbers of their employees handling or having access to arms items or ammunition at the dealer's place of business.                     | Along with the licence number, include information on every endorsement held by the employee of a dealer.  | This information is relevant to ensure that dealer's employees have the correct endorsements that are required to access and handle the type of arms items that the dealer has registered.  |
| 24 – New Schedule 1B Part 3 (3) & (4) | Cabinet agreed to enable Police to request photographs of firearms, restricted weapons and pistol carbine conversion kits.  | Include the same requirement to provide a photograph if requested for prohibited magazines and major firearms parts.   | The ability to request photographs for all arms items if needed would assist with assurance that licence holders are registering their items accurately.  |
| 24 – New Schedule 1B Part 3 (5)       | Cabinet agreed to certain details of arms items to be recorded in the registry in relation to pistol carbine conversion kits.   | Remove requirement to record type and calibre or gauge of a pistol carbine conversion kit.   | These requirements are not applicable to and are not necessary to identify pistol carbine conversion kits. The make and model and identifying markings will still be required.  |
| 24 - new Schedule 1B Part 4 (1) (a) & | Cabinet agreed that in the case of arms items sold or supplied, the details to be recorded would include:   | Change to: <ul style="list-style-type: none"> <li>the date on which the seller hands over or</li> </ul>  | The new wording "hands over or dispatches" is relevant to both face-to-face and mail order transactions.  |

| Regulation                      | Previously agreed<br>[CBC-23-MIN-0004]  | Minor/technical change to proposal  | Rationale  |
|---------------------------------|---|---|--|
| (b)                             | <ul style="list-style-type: none"> <li>the date any item was delivered</li> <li>in the case of a pistol, prohibited firearm, prohibited magazine, pistol carbine conversion kit, or restricted weapon delivered to a person who requires a permit to possess it, the <i>date and</i> number of the permit</li> <li>the date on which the item was received</li> </ul> | <p>dispatches the item</p> <ul style="list-style-type: none"> <li>in the case of a pistol, prohibited firearm, prohibited magazine, pistol carbine conversion kit, or restricted weapon delivered to a person who requires a permit to possess it, the number of the permit</li> <li>the date on which the item comes into the possession of the purchaser or receiver</li> </ul> | <p>It is unnecessary to require the date of the permit if the permit number is recorded.</p> <p>The new wording “comes into the possession of the purchaser or receiver” aligns with the Registry being concerned with tracking possession of the arms item.</p>               |
| 24 - new Schedule 1B Part 4 (3) | Cabinet agreed that licence holders would provide details of arms item exported and the export control permit number.   | Include the date the arms item is sent or is taken out of New Zealand   | Recording the date of exportation aligns with other event requirements and the purpose of the Registry to track possession of arms items.  |
| 24 - new Schedule 1B Part 4 (7) | Cabinet agreed that dealer’s licence holders and ammunition sellers must provide to Police for inclusion in the Registry relevant details on sales of ammunition.   | Clarify intention that recording sales of ammunition excludes sales of ammunition between dealers, between ammunition sellers, and between dealers and ammunition sellers.  | There is no intention to record sales of ammunition involving only dealers and ammunition sellers. Only sales of ammunition to firearms licence holders is to be recorded. This aligns with what is currently recorded.  |
| 24 - new Schedule 1B Part 5 (4) | Cabinet agreed that, from such time as a dealer’s licence holder or an <i>ammunition seller</i> is required to provide Police with relevant details of transfers of arms items they must provide the relevant details at or immediately following the time of the event   | Include that dealer and ammunition sellers must provide Police with relevant details of transfers of arms items <i>and ammunition</i> at or immediately following the time of the event   | Reference to the relevant details of transfers of ammunition was inadvertently omitted from the proposal. This information is currently required to be recorded in record books “immediately” under existing regulations and the regulations will mirror that for consistency. |