



Cabinet

Minute of Decision

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Arms (Prohibited Firearms, Parts and Magazines) Amendment Bill: Approval for Introduction

Portfolio Police

On 1 April 2019, Cabinet:

Background

- 1 **noted** that the Arms (Prohibited Firearms, Parts and Magazines) Amendment Bill (the Bill) significantly restricts access to semi-automatic firearms and related parts to improve public safety;
- 2 **noted** that the Bill prohibits a number of firearms, parts and ammunition; sets out who will be exempted and how they will be controlled; provides for an amnesty regime to incentivise the handing in of prohibited items, and provides related offences;

Further policy decisions

- 3 **agreed** that instead of using regulations to prohibit armour piercing, incendiary, tracer, and similar types of military ammunition for non-military use, a better process to give effect to this ban is by defining 'prohibited ammunition' in the Act to be any ammunition declared by the Governor-General by Order in Council to be prohibited ammunition;
- 4 **agreed** that the category of exempt persons who may apply for lawful authority to possess prohibited items includes a person who is employed or engaged by a management agency (as defined in section 100 of the Biosecurity Act 1993) and involved in the killing or hunting of wild animals or pests in accordance with that Act;
- 5 **agreed** that no dealer's licence may be issued for the manufacture for sale of prohibited items;
- 6 **agreed** that the Bill explicitly confirm that Police have the discretion not to prosecute where the offence is possession only and there is no public interest in prosecution;
- 7 **agreed** that amnesty from prosecution for the possession offences in the Bill (that will apply until 30 September 2019, but that may be extended by Order in Council) applies to prohibited items possessed both lawfully and unlawfully prior to the ban;
- 8 **agreed** that it be clarified that before a person may lawfully possess a prohibited firearm or a prohibited magazine, their endorsement needs to be made specific to each particular prohibited firearm or prohibited magazine by first obtaining a permit;

- 9 **agreed** that “permit to procure” be renamed “permit to possess” to be more accurate and facilitate some transfers of prohibited items between endorsements following commencement;
- 10 **agreed** to the produce and inspection powers of Police currently in the Arms Regulations to be included in the Bill, to make these powers clearer and allow for a corresponding offence to be included in the Bill;
- 11 **agreed** to the Commissioner of Police having the discretion to consider there to be special reasons for a part to enter New Zealand where that part is going to be used on a firearm that is not a prohibited firearm in conjunction with conditions to enable verification of that end use;
- 12 **agreed**, so that there is clarity for the requirements for permits of prohibited parts, that it be made clear that for A category firearms with upper and lower receivers, an importer will need a permit to import for the upper and lower receiver, whether imported together or separately;
- 13 **agreed** to the offences and penalties in the Bill, including that the offence for the manufacture or conversion of a prohibited part into prohibited firearm be framed to focus on the assembly or conversion of the firearm, rather than the use of the prohibited part per se;

Approval of Bill for introduction

- 14 **approved** the Arms (Prohibited Firearms, Parts and Magazines) Amendment Bill [PCO 22048] for introduction, subject to the final approval of the government caucuses and sufficient support in the House of Representatives;
- 15 **authorised** the Minister of Police to make minor technical amendments to the Bill (if required);
- 16 **agreed** that the Bill be introduced on 1 April 2019;
- 17 **agreed** that the government propose that the Bill be:
- 17.1 referred to the Finance and Expenditure Committee for consideration;
- 17.2 enacted by 12 April 2019;

Power to act for group of Ministers

- 18 **noted** that on 18 March 2019, Cabinet authorised a group of Ministers comprising the Prime Minister, the Deputy Prime Minister, the Minister of Finance, the Minister of Police, the Minister of Justice, and the Minister of Defence (the Group of Ministers) to have the Power to Act to take decisions on the final details of the proposals to reform the Arms Act 1983 [CAB-19-MIN-0105];
- 19 **authorised** the Group of Ministers to take decisions on any issues that may arise out of the Parliamentary stages of the Arms (Prohibited Firearms, Parts and Magazines) Amendment Bill (the Bill).

Michael Webster
Secretary of the Cabinet

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