

In Confidence

Office of the Minister for Police

Cabinet Legislation Committee

Arms (Licence Holders' Application for New Licences) Amendment Bill: Approval for Introduction

Proposal

- 1 To seek approval to introduce the Arms (Licence Holders' Applications for New Licences) Amendment Bill (the Bill).

Policy

- 2 The Arms Act 1983 sets the regulatory requirements for firearms and those in possession of firearms.
- 3 Demand for new firearms licences is currently outstripping New Zealand Police's (Police) ability to process the applications and issue subsequent licences before previous licences expire. This problem is expected to get worse given the high number of licences that are due to expire.
- 4 On 19 September 2022 Cabinet agreed to amend the Arms Act 1983 (the Act) to allow a firearms licence to continue in force where an application for a subsequent licence has been made but cannot be processed before expiry of the previous licence (CAB-22-MIN-0396 refers).
- 5 Cabinet also agreed to minor changes to the Act to:
 - 5.1 align the subsequent firearms licence and dealer's licence, so that the new licence commences on the date it is issued, not on the expiry of the previous licence
 - 5.2 make a minor technical change to enable the Police to issue notices under the Arms Act through electronic means.
- 6 This Bill addresses concerns raised by the firearms community that delays in the processing of licensing applications are resulting in firearms holders having an expired licence and being unable to comply with the Arms Act 1983 due to Police not being able to process applications in time.
- 7 Following the Bill's enactment, Police will continue to triage licence applications based on priority and will be able to prioritise knowing that applicants that may express lower risk will remain lawful during this process. Applicants would receive written confirmation of their application for a new licence to provide evidence that their previous licence continues in force. The confirmation would act as evidence that their use of firearms remains lawful.

Clarification of expiry date when issued before previous expiry date

- 8 During the drafting of the bill, further clarification was required on what would happen if a firearms or dealer's licence was issued before the expiry of the previous licence. This is a relatively infrequent scenario¹, but to avoid unintended consequences, I recommend including a minor amendment to make it clear that the subsequent licence should take effect from either the issue date of the subsequent licence, or the expiry date of the previous licence, whichever is later. This would ensure that the length of the previous licence is not shortened.

Impact analysis

- 9 The Treasury's Regulatory Impact Analysis team has determined that the proposal to treat firearms licences as current while applications for renewals are being processed is exempt from the requirement to provide a Regulatory Impact Statement. The exemption is on the grounds that it has no or only minor impacts on businesses, individuals, and not-for-profit entities. The other proposed technical amendments are also exempt on the grounds of minor impacts.

Compliance

- 10 The Bill complies with the following
- 10.1 the principles of the Treaty of Waitangi;
 - 10.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993. The Ministry of Justice is currently reviewing the bill to determine compliance with the New Zealand Bill of Rights Act 1990. Police will continue to work with the Ministry of Justice and Parliamentary Counsel Office to ensure the introduction version of the Bill is consistent with the New Zealand Bill of Rights Act 1990.
 - 10.3 the disclosure statement requirements as covered in the attached Departmental Disclosure Statement;
 - 10.4 the principles and guidelines set out in the Privacy Act 2020;
 - 10.5 relevant international standards and obligations;
 - 10.6 the Legislation Guidelines (2021 edition).

¹ This currently occurs when an applicant for a new licence (such as a dealer) knows that they will be unavailable at the time their licence is due to expire and want to ensure there is no risk of a disruption to their dealer's licence. The Act does not enable Police to refuse a valid and complete application.

Consultation

- 11 The following agencies were consulted: the Treasury; Ministry of Justice; Department of Conservation; Ministry for Primary Industries; Department of the Prime Minister and Cabinet; Department of Corrections, Parliamentary Counsel Office; Ministry of Foreign Affairs and Trade; Te Puni Kōkiri; Te Arawhiti Māori/Crown Relations; Ministry for Culture and Heritage, Te Kawa Mataaho, New Zealand Customs Service, Sport New Zealand.
- 12 There is broad support for the proposals as it ensures that firearm owners can continue to possess and use firearms while the Police triage and manage the high number of licence applications.

Binding on the Crown

- 13 The Bill will be binding on the Crown.

Creating new agencies or amending law relating to existing agencies.

- 14 The Bill will not create any new agencies or amend laws relating to existing agencies.

Allocation of decision-making powers

- 15 The Bill does not allocate decision-making powers between the executive, the courts, and tribunals.

Associated regulations

- 16 No regulations will be required to bring the Bill into operation.

Other instruments

- 17 The proposed Bill does not include any provision empowering the making of other instruments that are deemed to be legislative instruments or disallowable instruments.

Definition of Minister/department

- 18 The Bill does not contain a definition of Minister, department (or equivalent government agency), or chief executive of a department (or equivalent position).

Commencement of legislation

- 19 The Bill will come into force on the day after the date of Royal assent;

Parliamentary stages

- 20 I propose that the Bill be:
- 20.1 referred to the Justice Committee for consideration;

20.2 enacted by early December under urgency.

Proactive Release

- 21 This paper will be proactively released, subject to any appropriate redactions, alongside the policy proposals within 30 days of Cabinet's decision on introduction of the Bill.

Recommendations

The Minister for Police recommends that the Cabinet Legislation Committee:

- 1 **note** that the Arms (Licence Holders' Applications for New Licences) Amendment Bill is consistent with policy decisions made on 19 September 2022 to:
 - 1.1 treat a previous firearms licence as current where an application for a new licence is made but cannot be processed by Police before expiry of the previous licence
 - 1.2 treat the commencement date of applications for subsequent dealer licences and firearms in the same way.
 - 1.3 enable the Police to issue notices under the Arms Act through electronic means;
- 2 **agree** that the commencement date of the subsequent firearms or dealers licence is set from the date of issue or expiry date of the previous licence, whichever is later;
- 3 **approve** the Arms (Licence Holders' Applications for New Licences) Amendment Bill for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives;
- 4 **note** that I am seeking approval from the House Business Committee for a two week select committee;
- 5 **agree** that the Bill be introduced on 8 November 2022;
- 6 **agree** that the government propose that the Bill be:
 - 6.1 referred to the Justice Committee for consideration;
 - 6.2 enacted by early December under urgency.

Authorised for lodgement

Hon Chris Hipkins
Minister for Police