



Cabinet

Minute of Decision

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Arms Act 1983 Reforms: Paper One

Portfolio Police

On 25 March 2019, Cabinet:

Decisions by group of Ministers

- 1 **noted** that on 18 March 2019, Cabinet made a number of in-principle decisions to amend the Arms Act 1983, and authorised a group of Ministers comprising the Prime Minister, Deputy Prime Minister, Minister of Finance, Minister of Justice, Minister of Police and Minister of Defence to have Power to Act to take decisions on the final detail of the proposals [CAB-19-MIN-0105];
- 2 **noted** that the group of Ministers subsequently took final decisions and that the ban of Military Style Semi-Automatic (MSSA) firearms and assault rifles was publicly announced on 21 March 2019;
- 3 **noted** that these proposals will be included in an Arms Amendment Bill (No. 1) 2019 to be passed under urgency in the next Parliamentary session;
- 4 **authorised** the group of Ministers referred to above to make consequential policy decisions which are consistent with the overall approach of the proposals, including how any buyback arrangements may work, for amendments that need to be included in the first Arms Amendment Bill 2019;

Part A – further decisions for the Arms Amendment Bill (No. 1)

Exemptions

- 5 **noted** that Cabinet agreed in principle to create an exemption for legitimate business need from the general prohibition of most semi-automatics [CAB-19-MIN-0105];
- 6 **agreed** to an exemption for wild animal control activities undertaken by Department of Conservation (DOC) officers, or those specifically contracted or authorised by DOC, or other legitimate commercial wild animal control businesses working with DOC;
- 7 **agreed** that the exemption regime include a requirement that every person or organisation on behalf of employees seeking an exemption will be required to demonstrate that no other type of lawful firearm will be as effective for the particular purpose it is being sought;
- 8 **agreed** to an exemption for dealers, museums and collectors;

- 9 **invited** the Minister of Police to provide advice on options for further controls and oversight of collectors in Paper 2 on the Arms Act reforms;
- 10 **agreed** that there be no exemption for international sporting competitions;

Amnesty

- 11 **noted** that Cabinet has agreed in principle to clarify, expand and promote the amnesty provisions in the Arms Act 1983 to include all firearms [CAB-19-MIN-0105];
- 12 **agreed** that from the enactment of the first Bill prohibiting most semi-automatics, until the end of the proposed buy-back period, there will be a full amnesty for the possession of the newly defined prohibited weapons and ammunition to enable and incentivise these newly prohibited firearms and ammunition to be handed in to Police or licensed dealers;
- 13 **agreed** to extend the licensed dealer amnesty referred to in paragraph 9 above to the receipt of newly prohibited firearms;
- 14 **agreed** to establish a general and ongoing amnesty for all other firearms in legislation, with the Police able to exercise its general discretion regarding prosecution, based on the specific circumstances in each case;

Offences and penalties for prohibited firearms, parts, ammunition and magazines

- 15 **noted** that Cabinet agreed in principle to establish offences and penalties connected to the newly prohibited firearms, parts, ammunition and magazines [CAB-19-MIN-0105];
- 16 **agreed** to establish offences in relation to firearms, parts, ammunition and magazines for:
- 16.1 possession, use and attempted use;
 - 16.2 carrying with criminal intent or use or attempted use to commit an offence;
 - 16.3 selling, supplying, transferring, distributing or importing;
 - 16.4 intentionally using any prohibited part or manufacturing any prohibited part to convert a non prohibited firearm into one that would meet the definition of prohibited firearm;
- 17 **noted** that Police will work with the Ministry of Justice to provide advice on the appropriate burden of proof, knowledge and penalty levels for the new offences;

Banning military-style ammunition

- 18 **agreed** to prohibit in Regulations to the Arms Act 1983 armour piercing, incendiary, tracer, and similar types of military ammunition for non-military use;

Arms Amendment Bill

- 19 **agreed** that the urgent Bill amending the Arms Act 1983 will bind the Crown, subject to the existing exceptions in the Act that apply to the Crown (for example for purposes of Police and the New Zealand Defence Force operations);
- 20 **authorised** the Minister of Police to issue drafting instructions to the Parliamentary Counsel Office to amend the Arms Act 1983 under urgency to give effect to the proposals agreed in Part A above;

PARTS B and C: Strengthening the Arms Act's regulatory regime

- 21 **noted** that the Minister of Police has previously signalled a report back to Cabinet with further proposals to improve the regulatory framework for the safe use and control of firearms;
- 22 **noted** the further proposals outlined in Part B of the paper under CAB-19-SUB-0124 in relation to strengthening the Arms Act's regulatory regime;
- 23 **agreed** that further work be undertaken on the proposals outlined in Part B of the paper under CAB-19-SUB-0124;
- 24 **noted** that it is proposed that these proposals be included in a second Arms Amendment Bill to be introduced in June 2019;
- 25 **noted** that in addition to the further work on the proposals outlined in Part B, there are a number of other firearms policy areas outlined in Part C that will require additional Cabinet decisions for inclusion in the Arms Amendment Bill (No. 2);
- 26 **invited** the Minister of Police to continue work on proposals in Part B and Part C to strengthen the firearms regime and report back on these policy areas in late April 2019;
- 27 **invited** the Minister of Police to also consider issues concerning the current regulatory settings relating to the advertising of firearms and ammunition;
- 28 **noted** that the Prime Minister and Minister of Police may publicly signal the areas of further work on the Arms Act reforms.

Michael Webster
Secretary of the Cabinet

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Prime Minister
Deputy Prime Minister
Minister of Police