



Cabinet

Minute of Decision

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Arms Legislation Bill: Approval for Introduction

Portfolio Police

On 9 September 2019, following reference from the Cabinet Business Committee (CBC), Cabinet:

Proposal

- 1 **noted** that the Arms Legislation Bill (the Bill) significantly strengthens the framework for safe use and control of firearms;

Policy items requiring Cabinet approval

- 2 **noted** that the Bill reduces the duration of a firearms licence from 10 years to five years to enable the more regular reassessment of people against the fit and proper test, while grandfathering 10 year licences that were issued or applied for before 23 July 2019;
- 3 **agreed** that the Bill specify that existing licence holders whose licences do not expire before the Act comes into force (but who apply anyway), and new licence applicants, will obtain a 10 year licence that will revert to a five year licence when the licensing provisions comes into force, where an application for a licence was made after 22 July 2019;
- 4 **agreed** that the limb on the Purpose Statement outlining that everybody works together to promote and protect personal and public safety not be drafted in the Bill, as it could create a risk of Courts interpreting provisions of the Act in ways not intended;
- 5 **agreed** that the other policy amendments that have arisen as part of the drafting process, including those that impact on how the Act binds the Crown, set out in Appendix 1 of the paper under CAB-19-SUB-0454, be included in the Bill;

Policy items with prior Cabinet approval

- 6 **noted** that the Arms Legislation Bill will amend the Arms Act 1983 to introduce a number of changes, including:
 - 6.1 introducing a Purpose Statement for the Act;
 - 6.2 enabling the creation of an online registry to store information on firearms, other items controlled by the Arms Act, and licence holders, to keep better track of firearms;

- 6.3 strengthening individual and dealer licensing regimes to have more focus on high risk behaviour, to ensure firearms remain accessible only to fit and proper people in the interests of personal and public safety;
- 6.4 introducing a licensing regime for clubs and ranges;
- 6.5 increasing the regulatory and enforcement tools available to Police;
- 6.6 introducing a stakeholder advisory group with membership from the firearms and non-firearms communities;
- 6.7 enabling more robust cost recovery regimes;
- 6.8 enabling the issue of further guidance on aspects of the Arms Act and Regulations through a notice-making provision;
- 6.9 strengthening regulatory oversight of the importation and sale of ammunition and imitation blank firing firearms, advertising, and the manufacturing of parts;
- 6.10 providing for a review of the Arms Act to commence five years after the Bill is passed;
- 6.11 addressing follow up matters from the April 2019 Amendment Act prohibiting some semi-automatic and other firearms;
- 6.12 making minor and technical changes to improve workability;
- 7 **noted** that Cabinet agreed to a two year duration for pest control endorsements [SWC -19-MIN-0063];
- 8 **agreed** that the above provision apply retrospectively to pest control endorsements issued on or after 12 April 2019, when the prohibition amendments came into force;
- 9 **noted** that Cabinet agreed to prohibit visitors to New Zealand from purchasing firearms [SWC -19-MIN-0063];
- 10 **agreed** to extend this prohibition to the purchase of restricted weapons;

Items approved by Ministers requiring Cabinet confirmation

Information sharing and health practitioners

- 11 **noted** that Cabinet agreed that information sharing options, including direct data access, be considered by Ministers with Power to Act [CAB-19-MIN-0288];
- 12 **noted** that Ministers with Power to Act:
 - 12.1 agreed to Direct Data Access provisions to enable the Ministry of Foreign Affairs and Trade, New Zealand Customs Service and the Department of Conservation access information in the registry for specified purposes related to the administration of the firearms regime, and their powers, duties and functions in relation to arms generally;
 - 12.2 noted that details about the conditions and circumstances of access to the registry would be agreed in Direct Data Access agreements between relevant Ministers, following consultation with stakeholders and with the Privacy Commissioner;

12.3 agreed to require each licence applicant to inform Police who their primary health provider is and authorise Police to notify the licence holder's primary health provider that a licence is held by that person;

13 **agreed** to the information sharing provisions agreed by Ministers with Power to Act;

Accession to the Firearms Protocol

14 **noted** that Cabinet authorised the Minister of Police and Minister of Foreign Affairs to issue any drafting instructions required to enable New Zealand to accede to the Firearms Protocol [CAB-19-MIN-0288];

15 **agreed that** New Zealand to accede to the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (the Firearms Protocol), **subject to:**

15.1 passage of the Bill, which will implement the minimum requirements of the Firearms Protocol as currently interpreted;

15.2 non-legislative changes to procedural requirements for the export of firearms, such as seeking the approval from importing states;

16 **noted** that the Firearms Protocol will be brought into force for New Zealand by the deposit of an instrument of accession with the Secretary-General of the United Nations;

17 **agreed** that the policy changes required to become party to the Firearms Protocol would complement the other changes in the Bill and should progress regardless of whether New Zealand accedes to the Protocol (except for the technical amendments relating to mutual assistance and extradition which require accession before commencement);

18 **noted** that Parliamentary Treaty Examination was completed for the Firearms Protocol in 2004;

19 **agreed** that the Parliamentary Treaty examination does not need to be repeated;

20 **invited** the Minister of Police to write to the Chair of Select Committee considering the Bill to advise that:

20.1 the changes in the Bill will also enable New Zealand to accede to the Firearms Protocol;

20.2 the government intends to accede to the Firearms Protocol following the passage of the legislation;

Offences and penalties

21 **noted** that Cabinet authorised the Minister of Police and Minister of Justice to make decisions on new and existing offences and penalty levels [CAB-19-MIN-0288];

22 **agreed** to the offences and penalty levels agreed by Ministers in the Bill as outlined at Appendix 3 to the paper under CAB-19-SUB-0454;

Minor and technical amendments

23 **noted** that Cabinet authorised the Minister of Police to take decisions on any minor or technical matters;

- 24 **agreed** to the minor amendments set out at Appendix 4 to the paper under CAB-19-SUB-0454 for inclusion in the Bill;
- 25 **noted** there have been ongoing minor and technical amendments to the Bill since consideration at CBC on 2 September 2019 to ensure the Bill is ready for introduction;

Commencement

- 26 **agreed** that the commencement provisions below be drafted into the Bill:
- 26.1 the day after the date of enactment (March 2020): key provisions and enabling provisions will come into force such as the purpose statement, duration of licencing, notice making powers, and regulation-making powers including fee setting/cost recovery, along with the substantive provisions aimed at enabling New Zealand to accede to the Firearms Protocol;
 - 26.2 six months from the date of enactment (September 2020): key provisions around the individual licensing system and graduated responses for licence holders (such as improvement notices and the ability to suspend a licence) will come into force;
 - 26.3 twelve months from the date of enactment (March 2021): key provisions around the dealers licensing changes will come into force, along with graduated responses for dealers;
 - 26.4 two years from the date of enactment (March 2022): key provisions relating to the licensing of clubs and ranges and the registry will come into force, with a provision for the registry to be brought into force sooner by Order in Council;
 - 26.5 upon entry into force for New Zealand of the Firearms Protocol: consequential amendments to the Mutual Assistance in Criminal Matters Act 1992 and Extradition Act 1999 by Order in Council;

Parliamentary stages

- 27 **approved** the Arms Legislation Bill [PCO 18958/16.0] for introduction subject to the final approval of the government caucuses and sufficient support in the House of Representatives;
- 28 **agreed** that the Bill be subject to continued drafting of a minor and technical nature between consideration by Cabinet and introduction on 13 September 2019, and throughout the Select Committee process, to modernise language, continue with quality assurance processes, and to ensure the overall workability of the Bill;
- 29 **agreed** that the Bill be introduced on 13 September 2019;
- 30 **agreed** that the government propose that the Bill be:
- 30.1 referred to the Finance and Expenditure committee for consideration; and
 - 30.2 enacted before 15 March 2020.

Michael Webster
Secretary of the Cabinet

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Deputy Prime Minister
Minister of Police

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