

Office of the Minister of Police  
Cabinet Social Wellbeing Committee

## **Arms Act 1983: Release of public consultation on proposals for Regulations**

### **Proposal**

- 1 This paper seeks agreement to release a consultation document on proposals to update the Arms Regulations 1992.

### **Executive Summary**

- 2 Regulations are needed to implement recent and upcoming amendments to the Arms Act 1983, which involve a range of matters including changes to the licensed dealers' regime. Amendments to the Arms Regulations will form the basis for conditions on licences, permits, endorsements, forms and operational processes. Before recommending that regulations are made under the Arms Act, I must be satisfied that the Commissioner of Police has done everything reasonable to consult with individuals and organisations that appear to be affected by such regulations. The attached consultation document is an important step towards meeting this requirement.
- 3 The consultation document also proposes regulations to deliver Recommendation 23 from the Royal Commission of Inquiry into the Terrorist Attack on Christchurch Mosques on 15 March 2019 relating to vetting processes for cases where the applicants have lived outside of New Zealand for substantial periods of time.

### **Relation to government priorities**

- 4 This consultation is a required step towards the development of regulations which will contribute to the Government's priority: "Support healthier, safer and more connected communities".

### **Background**

- 5 Recent changes in the Arms Legislation Act 2020 (the Arms Legislation Act), some of which come into force on 24 June 2021, have created a need for the Arms Regulations 1992 (the Arms Regulations) to be updated. The administration of the Arms Act 1983 (the Act) could also be improved by adjusting or clarifying some existing regulations.
- 6 Regulation-making powers are set out in section 74 of the Act. Under section 74(3) regulations may be made only on the recommendation of the Minister of Police after being satisfied that the Commissioner of Police has done everything reasonable to consult with individuals and organisations (or representatives of those organisations) that appear to be affected or likely to be affected by such regulations.

- 7 The public consultation aims to give stakeholders an opportunity to understand the impacts of the proposals and provide feedback to ensure the regulations are fit for purpose and any unintended consequences are managed. Responses to the consultation document will help Police assess whether, and if so how, we may need to amend the proposals to meet the objectives of the arms regulatory system.

### Overview of the proposals

- 8 New or revised regulations arising from the Arms Legislation Act will:
- 8.1 address the wider range of activities that would require a dealer's licence, which may mean different requirements for different activities, and for the different types of firearms that different activities involve;
  - 8.2 cover dealers' record-keeping of transactions involving ammunition and their secure storage of ammunition;
  - 8.3 cover the maintaining of records relating to possession of pistol carbine conversion kits, and the manufacture, or the marking of, major parts of firearms; and
  - 8.4 cover the requirements of ammunition sellers (who are not dealers).
- 9 Adjustment or clarification of current regulations will improve the administration of the Act. For instance:
- 9.1 the regulations on secure storage for firearms and ammunition in general could better reflect the standards now included in Police guidelines;
  - 9.2 there is uncertainty in relation to what constitutes adequate security for firearms held in vehicles; and
  - 9.3 some key parts that are major components of firearms may need to be marked at import or manufacture so as to better enable the monitoring of possession by civilians.
- 10 Recommendation 23 from the Royal Commission of Inquiry into the Terrorist Attack on Christchurch Mosques on 15 March 2019 directed New Zealand Police (or other relevant entity) to require two new vetting processes in the case of applicants who have lived outside of New Zealand for substantial periods of time in the ten years preceding the firearms licence application. The Government publicly agreed in principle to implement this recommendation. Proposals to address recommendation 23 are also included in this consultation document.
- 11 The amendments to the regulations will form the basis for conditions on licences, permits, endorsements, forms and operational processes.

### **Financial Implications**

- 12 Any fiscal implications arising from the proposals for Police will not be significant and will be met from within baselines.

### **Legislative Implications**

- 13 Arms Amendment Regulations will be required to implement the proposals, following the public consultation and Cabinet approval.

### **Impact Analysis**

#### **Regulatory Impact Statement**

- 14 The discussion document functions as an interim Regulatory Impact Assessment. Police's Quality Assurance panel has reviewed the discussion document and confirms that it is likely to lead to effective consultation and support the delivery of Regulatory Impact Analysis to inform subsequent decisions.

#### **Climate Implications of Policy Assessment**

- 15 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this proposal as the threshold for significance is not met.

#### **Population Implications**

- 16 There are around 250,000 licence holders and 468 dealers in New Zealand. Approximately 91% of firearms licence holders are men, and 90% are New Zealand European. Of the 468 dealers, 94% are men and 6% are women.
- 17 Determining precisely how men and women respectively are impacted as victims of firearms-related offences is difficult as some offences will have both male and female victims. However, from a sample of data held from 2011 to 2020, on offences with a firearm where there is a recorded victim (all genders) 65.8% had a recorded male victim, while 42.5% had a recorded female victim.
- 18 Amendments to the Arms Regulations, if introduced, would have a greater direct impact on men with regard to compliance, but their impact in increasing safety in the possession and use of firearms and less firearm offending will impact more equally on men and women with regard to victimisation.

#### **Treaty of Waitangi**

- 19 Of the 59% of firearms licence holders that have their ethnicity recorded in police data, 7% are Māori. Most of the changes proposed in the consultation document are technical regulations that will impact on those already involved in the sale and supply of firearms and ammunition, particularly licensed dealers. Police does not hold data on the ethnicity of the approximately 468 licensed dealers. However all dealers are required to hold a standard licence

and therefore their demographics are likely to be similar to the general licence holder population. It is therefore expected that the impact on Māori of the majority of changes will be minimal.

- 20 The proposals are aimed at the critical control points in the system for improving public safety by preventing criminal misuse of firearms. Consequently, reducing the opportunity for firearms to get into criminal hands should reduce the opportunities for people to become victims of firearms crime. Based on a sample of data, in 2018, Māori represented 29.6% of victims of firearms offences<sup>1</sup> where there was an identified victim whose ethnicity was known, and by 2020 this had increased to 37.3%.<sup>2</sup>
- 21 The proposals are intended to provide guidance to licence holders to assist their compliance with existing obligations, such as keeping firearms and ammunition securely stored. It is important that these proposals are fit for purpose for the whole licence holder population, including rural Māori communities for whom the use of firearms for varied hunting, shooting and food collecting activities is important. To assist with this, proposals for enhancing the secure storage of firearms will be consulted with those involved with the Whakatūpato programme, which delivers firearms safety training in rural communities, often on local Marae. The consultation document will also be sent to the Commissioner's Māori Focus Forum and the development of the proposals guided by Police's strategy, Te Huringa o te Tai, which recognises that Māori remain the population at most risk from harm and social and economic disadvantage.

## Human Rights

- 22 The proposals in the consultation document are consistent with the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990.

## Consultation

- 23 This paper has been consulted with the Ministry of Justice, Ara Poutama Aotearoa Department of Corrections, Department of Internal Affairs, New Zealand Customs Service, Ministry of Transport, Te Puni Kokiri, Inland Revenue Department, the Treasury, the Department of the Prime Minister and Cabinet, Ministry of Foreign Affairs and Trade, Department of Conservation, Ministry of Primary Industries, the New Zealand Defence Force, Ministry of Culture and Heritage and Te Arawhiti.

## Communications

- 24 Public consultation is proposed for a period of five weeks from 22 March 2021 to 25 April 2021. This timeframe will enable Police to review the submissions

<sup>1</sup> This only includes a sample of Police data on firearms-related offences more likely to have an identified victim and does not include possession-only offences. Only offences where a victim was recorded, and the victim's ethnicity was known, have been included.

<sup>2</sup> In the 2018 census, Māori were recorded as 16.5% of the New Zealand population. Stats NZ estimates that this increased to 16.7% in 2020.

and allow for the drafting and finalisation of regulations to coincide with the Arms Legislation Act provisions that come into force on 24 June 2021.

- 25 I will release a media statement announcing the release of the consultation document and invite interested parties to make a submission.

### Proactive Release

- 26 As part of the consultation process, I intend to proactively release this paper, and the Police briefing associated with it, by publishing it on the Police website.

### Recommendations

- 27 The Minister of Police recommends that the Committee:
1. **Note** that regulations are needed to support the implementation of recent and upcoming amendments to the Arms Act 1983;
  2. **Note** that the Minister of Police is required, before recommending any regulations be made under the Arms Act, to be satisfied that the Commissioner of Police has done everything reasonable to consult persons or organisations who in the opinion of the Commissioner will be affected by such regulations;
  3. **Agree** to release the attached public consultation document;
  4. **Note** that consultation is proposed for five weeks, to begin as soon as possible following Cabinet approval;
  5. **Authorise** the Minister of Police to make any necessary editorial or minor content changes to the consultation document prior to its release;
  6. **Note** that the Minister of Police will report back to Cabinet on the outcome of the consultation and seek decisions on the Arms Amendment Regulations and approval to issue drafting instructions to the Parliamentary Counsel Office for those Regulations.

Authorised for lodgement

Hon Poto Williams

Minister of Police