



Cabinet Business Committee

Minute of Decision

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Arms Act 1983: Regulations for the Firearms Registry

Portfolio Police

On 31 January 2023, the Cabinet Business Committee:

Background

- 1 **noted** that in August 2022, the Cabinet Social Wellbeing Committee agreed to the release of a discussion document containing detailed proposals for regulations to support the implementation of a firearms registry (the Registry) as required by provisions in the Arms Act 1983 that come into force on 24 June 2023 [SWC-22-MIN-0155];
- 2 **noted** that Police received 416 submissions on the discussion document that have been analysed and considered in final proposals for amendments to the Arms Regulations 1992;

Proposals for regulations

Manner or form of providing information for the Registry

- 3 **agreed** that information that is to be provided to Police for inclusion in the Registry is to be provided in a manner or form to be determined by the Commissioner of Police (the Commissioner);

Information on licence holders

- 4 **agreed** that firearms licence holders must provide the following information to Police for inclusion in the Registry:
 - 4.1 their full name, date of birth, contact phone number, email address, residential address and, if different, postal address;
 - 4.2 the number and date of expiry of their firearms licence and every endorsement on the licence;
 - 4.3 every condition on their firearms licence or endorsements additional to conditions imposed by the Arms Act 1983 or Arms Regulations 1992;
 - 4.4 whether they are an ammunition seller;
 - 4.5 information on locations approved by Police for the secure storage of arms items and ammunition either possessed by them or for which they are responsible on behalf of a shooting club or shooting range;

- 5 **agreed** that dealer's licences holders must provide the following information to Police for inclusion in the Registry:
- 5.1 their full name, date of birth, contact phone number, email address, residential address and, if different, postal address;
 - 5.2 the number and date of expiry of their dealer's licence and every endorsement on their dealer's licence;
 - 5.3 every condition on the dealer's licence additional to conditions imposed by the Arms Act 1983 or Arms Regulations 1992;
 - 5.4 the registered name of the business (for body corporates), the trading name (if any), and New Zealand Business Number (if any);
 - 5.5 the dealer's business address and, where the dealer is operating from more than one place of business, the addresses of those places;
 - 5.6 the address of any separate warehousing/storage facilities they operate;
 - 5.7 the names and firearms licence numbers and endorsements of their employees handling or having access to arms items or ammunition at the dealer's place of business;
- 6 **agreed** that the above information from dealers is to be provided at the application or renewal of their dealer's licence;

Arms items to be recorded in the Registry

- 7 **agreed** that the Registry is to record particulars of the following arms items:
- 7.1 firearms (including prohibited firearms) but excluding antique firearms;
 - 7.2 restricted weapons;
 - 7.3 prohibited magazines;
 - 7.4 major firearm parts (as defined in the Arms Regulations 1992);
 - 7.5 pistol carbine conversion kits;

Particulars of arms items to be recorded in the Registry

- 8 **agreed** that the particulars of a firearm (including prohibited firearms), but excluding antique firearms, to be recorded in the Registry are:
- 8.1 make and model;
 - 8.2 identification marking (serial number), according to guidelines;
 - 8.3 type;
 - 8.4 action;
 - 8.5 calibre or gauge;
 - 8.6 whether the firearm has a non-detachable magazine and if it does, its capacity;
 - 8.7 if requested, a photograph of the firearm, according to guidelines;

- 9 **agreed** that the particulars of a restricted weapon to be recorded in the Registry are:
- 9.1 make and model;
 - 9.2 identification marking (serial number), according to guidelines;
 - 9.3 type;
 - 9.4 action;
 - 9.5 calibre or gauge where appropriate;
 - 9.6 if requested, a photograph of the firearm, according to guidelines;
- 10 **agreed** that the particulars of a prohibited magazine to be recorded in the Registry are:
- 10.1 make;
 - 10.2 identification marking (serial number), according to guidelines;
 - 10.3 type;
 - 10.4 calibre or gauge;
 - 10.5 capacity;
- 11 **agreed** that the particulars of a major firearm part to be recorded in the Registry are:
- 11.1 make and model;
 - 11.2 description of the part (i.e. the action (frame, receiver, or upper receiver and lower receiver) of a firearm: the frame of a pistol: a calibre conversion component or kit of a pistol);
 - 11.3 identification marking (serial number), according to guidelines, unless it is incorporated or integrated into a firearm;
- 12 **agreed** that the particulars of a pistol carbine conversion kit to be recorded in the Registry are:
- 12.1 make and model;
 - 12.2 identification marking (serial number), according to guidelines;
 - 12.3 type;
 - 12.4 calibre or gauge;
 - 12.5 if requested, a photograph of the firearm, according to guidelines;
- Identification marking**
- 13 **agreed** that a firearms licence holder is required to place identification marking (serial numbers) on firearms, prohibited magazines, major firearm parts, restricted weapons, and pistol carbine conversion kits they possess (including on behalf of shooting clubs or shooting ranges), which do not already have marking, according to guidelines made by Police, before they register those arms items with Police;

- 14 **agreed** that the regulations are amended to enable Police to grant individual exceptions for a firearms licence holder to marking requirements, similar to the current exemption from marking requirements that can be applied to a dealer's licence which guidelines on marking will take into account;
- 15 **agreed** to change the terminology in the regulations from "identification numbers" to "identifying marking (for example, a serial number) according to guidelines";

Circumstances activating licence holders to provide information on all arms items in possession of a licence holder

- 16 **agreed** that a firearms licence holder, permit holder, or prescribed person, as at 24 June 2023, must provide Police, for inclusion in the Registry, particulars of all arms items in their possession after any of the following circumstances occurring during the first five years of the Registry:
- 16.1 when the person is applying for a licence or an endorsement;
 - 16.2 when the person is notifying a change in circumstances, such as a change of address;
 - 16.3 when the person has responsibility in relation to any of the following events involving an arms item:
 - 16.3.1 selling or supplying (other than temporary transfer of less than 30 days unless the item is a pistol, prohibited firearm, prohibited magazine, or restricted weapon);
 - 16.3.2 purchasing or receiving (other than temporary transfer of less than 30 days unless the item is a pistol, prohibited firearm, prohibited magazine, or restricted weapon);
 - 16.3.3 importing;
 - 16.3.4 exporting;
 - 16.3.5 manufacturing;
 - 16.3.6 its theft, loss, or destruction;
 - 16.3.7 imports of ammunition;
 - 16.3.8 sales of ammunition by dealers and ammunition sellers;
 - 16.3.9 application for modification of a prohibited firearm to a non-prohibited firearm;
 - 16.4 when the person is subject to compliance or enforcement action by Police under the Arms Act 1983;
 - 16.5 when the person purchases ammunition from a dealer or ammunition seller after 24 June 2025;

Arms items and their particulars to be recorded following an activating circumstance

- 17 **agreed** that the information to be provided by licence holders following the activating circumstances is the information about the licence holder, and the arms items in their possession and their particulars, that must be recorded in the Registry as set out in paragraphs 4 - 12 above;

Timeframe for providing information following an activating circumstance

- 18 **agreed** that from 24 June 2023, an individual firearm licence holder will be required to provide information on all of the arms items in their possession (including if possessed on behalf of a shooting club or shooting range) within 30 days after involvement in an activating circumstance unless a later period is agreed with the Commissioner, which in no case can be longer than 60 days after the activating event;
- 19 **agreed** that a dealer's licence holder will be required to provide information on all of the arms items in their possession (if they have been involved in an activating circumstance) at a time(s) as directed by the Commissioner within a period that can be no later than 24 June 2025;

Final date for providing information on possession of arms items

- 20 **agreed** that the final date for the provision to Police by all licence holders of all relevant information on the arms items they possess is 31 August 2028, if none of the activating circumstances have occurred by 24 June 2028;

Transfers (sale/supply or purchase/receipt) of arms items and associated transactions

- 21 **agreed** that from 24 June 2023, a firearms licence holder must provide to Police for inclusion in the Registry relevant details on all transfers of arms items to another firearms licence holder (other than temporary transfer of less than 30 days unless the item is a pistol, prohibited firearm, prohibited magazine, or restricted weapon);
- 22 **agreed** that a dealer's licence holder must provide to Police for inclusion in the Registry relevant details of all transfers of arms items to individuals and to another dealer's licence holder (other than temporary transfer of less than 30 days unless the item is a pistol, prohibited firearm, prohibited magazine, or restricted weapon), from such time as the dealer has provided Police with information on all arms items in their possession (refer timeframe set out in paragraph 19);
- 23 **agreed** that until such time as a dealer's licence holder has provided information on all arms items in their possession, they must continue to record relevant details on sales of arms items to individuals and other dealers in their record books;
- 24 **agreed** that licence holders must provide to Police for inclusion in the Registry relevant details of transfers by mail order or over the internet, either in the manner currently required under section 43A or the permit to possess process, or in a manner or form to be determined by the Commissioner;
- 25 **agreed** that the relevant details to be recorded in the relation to transfers of arms items are:
- 25.1 in the case of items sold or supplied:
 - 25.1.1 the date any item was delivered;
 - 25.1.2 the name and licence number of the person to whom an item is delivered;
 - 25.1.3 in the case of a pistol, prohibited firearm, prohibited magazine, pistol carbine conversion kit, or restricted weapon delivered to a person who requires a permit to possess it, the date and number of the permit;
 - 25.1.4 particulars of the item as set out in paragraphs 7 - 12 above;

25.2 in the case of items purchased or received:

25.2.1 the date the item was received;

25.2.2 the name and firearms licence number of the person from whom the item is received (unless the arms item is surrendered within five days by a licensed dealer to a member of the Police);

25.2.3 particulars of the item as set out in paragraphs [7](#) - [12](#) above;

Imports and exports of arms items

26 **agreed** that a firearms licence holder must provide to Police for inclusion in the Registry relevant details on importations of arms items either in the form it is currently provided, or in a manner or form to be determined by the Commissioner, with the notification period remaining at 30 days after the item has been released by the New Zealand Customs Service;

27 **agreed** that a firearms licence holder must provide to Police for inclusion in the Registry relevant details on exportations of arms items from New Zealand only if an export controls permit number issued by the Ministry for Foreign Affairs and Trade is required;

Manufacture

28 **agreed** that a firearms licence holder must provide to Police for inclusion in the Registry relevant details of arms items manufactured for sale, hire, lending or other supply, or for personal use, including the particulars of the item in paragraphs [7](#) - [12](#) above and the date on which the arms item's manufacture is completed;

Loss, theft or destruction

29 **agreed** that in the event of the loss, theft, or destruction of an arms item in the Registry, including any pistol, pistol carbine conversion kit, prohibited firearm, prohibited magazine or restricted weapon, the details to be provided for the Registry are the date of this occurrence, details of the firearm, and its last known location;

Imports of ammunition

30 **agreed** that licence holders must provide to Police for inclusion in the Registry relevant details of imports of ammunition (which is to include its type and quantity) through the current notification process;

Sales of ammunition by dealers and ammunition sellers

31 **agreed** that dealer's licence holders and ammunition sellers must provide to Police for inclusion in the Registry relevant details on sales of ammunition, to include the date on which the seller hands over or dispatches the ammunition, the type and quantity of ammunition sold, the name and firearms licence, number of the purchaser, or the person supervising the purchaser;

32 **agreed** that, until such time as the Commissioner provides for a dealer's licence holder and an ammunition seller to record the relevant details set out in paragraph [31](#) above in the Registry, they must continue to record transaction information on ammunition in their record books;

Modification of firearms

- 33 **agreed** that licence holders must provide to Police for inclusion in the Registry relevant details of any modification of a prohibited firearm into a non-prohibited firearm which must include details of the firearm before and after modification, and the certification from a person authorised by Police that the modification has been properly carried out and is irreversible;

Dealers and ammunition sellers record books

- 34 **agreed** that a dealer's licence holder and an ammunition seller must make their record books available to Police in a form and manner, and at a frequency, directed by the Commissioner;

Relevant details to be recorded following an event

- 35 **agreed** that, unless specified otherwise, the relevant details to be recorded following an event are those that need to be recorded in the Registry as set out in paragraphs 7 - 12 above;

Timeframe for providing information following an event

- 36 **agreed** that from 24 June 2023, a firearms licence holder is required to provide relevant details to Police of transfers of arms items:
- 36.1 immediately, during or following sale or supply of an arms item;
 - 36.2 as soon as practicable, but no later than 30 days following purchase or receipt of an arms item;
 - 36.3 within five days of an arms item being manufactured, modified, or destroyed;
 - 36.4 for notifications of import, within 30 days after the date on which the arms item is released to the importer by the New Zealand Customs Service;
 - 36.5 for notifications of exports, within five days after the date on which the arms item is exported;
 - 36.6 immediately following the loss or discovery of a theft of an arms item;
- 37 **agreed** that, from such time as a dealer's licence holder or an ammunition seller is required to provide Police with relevant details of transfers of arms items, they must provide the relevant details at or immediately following the time of the event;

Executors/administrators of estate and persons with power of attorney

- 38 **agreed** that any executor/administrator of the estate of a deceased person who was in possession of an arms item/s, and/or any person who has power of attorney or is otherwise authorised to deal with an incapacitated person's property where that person is in possession of arms item/s, must provide the following specified information to Police for inclusion in the Registry:
- 38.1 a photocopy or electronically scanned copy or photograph of the death certificate and name and bona fides of administrator, or name of person who is subject to power of attorney and name and bona fides of person with power of attorney;
 - 38.2 if requested a photograph of the arms item/s;
 - 38.3 any identification markings (serial numbers);

38.4 any transfer of the arms item/s to a dealer's licence holder or firearms licence holder;

Shooting clubs and shooting ranges

- 39 **agreed** that information required under the Arms Act 1983 or Arms Regulations 1992 to be provided to Police by or on behalf of shooting clubs, or by individuals about participation in shooting club activities, may be entered digitally into the Registry when the Commissioner allows it;
- 40 **agreed** that information required under the Arms Act 1983 or Arms Regulations 1992 to be provided to Police by or on behalf of shooting range operators, may be entered digitally into the Registry when the Commissioner allows it;
- 41 **agreed** that where a firearms licence holder possesses arms items or ammunition on behalf of a shooting club or shooting range, that firearms licence holder has responsibility for registration of those items;

Accessing information in the Registry

- 42 **agreed** that the Commissioner must ensure that, outside of direct access agreements under new sections 38Y to 38ZH of the Arms Act 1983 and any approved information agreement by Order in Council, the Registry or any part of the Registry is only accessed by the following persons or class of persons:
- 42.1 licence holders to access and verify their own information, seek correction if they find it to be inaccurate and advise any updates, which includes personal information they submitted with their firearms licence and/or endorsement application and the list of their firearms;
 - 42.2 a firearms licence holder to indirectly verify (through a digital tool) the firearms licence status of a person to whom they are selling or supplying or from whom they are acquiring arms items or ammunition;
 - 42.3 a firearms licence holder selling a pistol, restricted weapon, prohibited firearms or prohibited magazine to indirectly verify the purchaser's endorsement and permit to possess;
 - 42.4 a dealer's licence holder to indirectly verify the firearms licence status of a person to whom they are selling or from whom they are acquiring arms items or ammunition, and that person's licence endorsement status and the number of the permit to possess if that person is acquiring from the dealer a pistol, pistol carbine conversion kit, restricted weapon, prohibited firearms, or prohibited magazine;
 - 42.5 licence holders selling through mail order or internet site non-prohibited firearms to indirectly verify the purchaser's authorisation to take possession;
 - 42.6 members of Police to obtain the details of the arms items in the possession of a firearms licence holder, a dealer's licence holder, or an ammunition seller, and details of their addresses and contact details where necessary for Police to fulfil its lawful functions;

Duration of records in the Registry

- 43 **agreed** that the Registry is to hold records of firearms licence holders for the duration of their life plus three years, including if, in the meantime, the licence has expired or been surrendered or revoked;

Requirement for the Department of Conservation to provide particulars for inclusion in Registry

- 44 **agreed** to require firearms owned by the Department of Conservation to be recorded in the Registry at such time as to be agreed between the Commissioner of Police and the Director-General of Conservation;
- 45 **invited** the Minister of Police to report back to the Cabinet Social Wellbeing Committee with progress on how and when the proposal referred to in paragraph 44 will be implemented, after consultation with the Minister of Conservation, as soon as is reasonably practicable after 24 June 2023 and no later than 24 June 2025;

Information on arms items at a gun show

- 46 **agreed** to amend the regulatory requirements for the provision of information when dealers apply for consent to conduct business at a gun show, to require the application to state the types and quantities of arms items that the dealer is taking to the show;

Process for the regulations

- 47 **invited** the Minister of Police to issue drafting instructions to the Parliamentary Counsel Office to amend the Arms Regulations 1992 and give effect to the proposals in the paper under CBC-23-SUB-0004;
- 48 **authorised** the Minister of Police to make decisions on any minor or technical matters that arise during the drafting process, consistent with the overall policy direction in the paper under CBC-23-SUB-0004;
- 49 **invited** the Minister of Police to report back to the Cabinet Legislation Committee with draft regulations for submission to the Executive Council;
- 50 **noted** that the implementation of the new regulations relating to the Registry will not require additional funding.

Rachel Clarke
Committee Secretary

Present:

Rt Hon Chris Hipkins (Chair)
Hon Carmel Sepuloni
Hon Grant Robertson
Hon Kelvin Davis
Hon Dr Megan Woods
Hon Andrew Little
Hon David Parker
Hon Nanaia Mahuta
Hon Damien O'Connor
Hon Stuart Nash
Hon Michael Wood
Hon Kiri Allan

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet