



Security and Storage of Firearms Public Submissions

**SECOND REPORT FOR THE SECURE STORAGE
FCAF SUB-COMMITTEE**

September 2018

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SECTION A: BACKGROUND AND SUMMARY OF SUBMISSIONS

Background

1. The background of the Secure Storage sub-committee project and the consultation process is set out in the report entitled, *Security and Storage of Firearms, Public Submissions, REPORT FOR THE SECURE STORAGE FCAF SUB-COMMITTEE*, which can be found at the following link:

<http://www.police.govt.nz/sites/default/files/publications/report-on-security-and-storage-firearms-public-submission-2018.pdf>

Second Consultation Document

2. The release of a second public consultation document on 18 April 2018 followed the first report. Many of the recommendations made by submitters from the first round of consultation were included in the revised consultation document.
3. This current report summarises and groups the main themes identified in submissions from the second round of consultation which closed on 16 May 2018.
4. Police wishes to acknowledge the time and effort submitters gave to providing feedback and recommending changes. Police welcomes all the feedback from submitters, including those who recognised that Police had listened to submitters and had taken on board many suggested changes in the redraft of the Secure Storage Guidelines.

Submission Analysis

5. Police received a total of 36 submissions in the second round of consultation on the secure storage proposal document.
6. Not all individual submission recommendations have been referred to directly in this report. A table of the verbatim submissions is attached, see Appendix One.

Summary of Submissions

7. The 36 submissions came from a mixture of professional organisations or councils, persons affiliated to organisations, and individual submitters (who comprised the majority of submitters). Four submitters requested that their name be withheld.

SECTION B: MAIN ISSUES RAISED IN SUBMISSIONS

8. This section discusses the main issues that received comment from submitters.

B 1: Fixing of safes

9. 14 submitters¹ commented on a variety of separate concerns around 'safes', including the thickness of material, the method of fixing, the ability to fix in rental accommodation, securing the safe or cabinet and a suggestion that the requirement for break off door handles or any designed slip system on the lock be removed.
10. A representative sample of comments from submissions is provided below:

¹ Submissions #3, #4, #5, #9, #10, #11, #15, #27, #28, #29, #30, #31, #32, #33

*"This clause needs to be amended to allow for safes and cabinets that are of a large weight [and] do not need to be fixed to the building due to the difficulty to move such heavy objects"*²

*"A rigid 1mm steel lockable safe, braced appropriately should suffice and should be the minimum standard."*³

*Colfo recommends "Cabinets, containers or receptacles may be fixed to a single surface using the number of fittings normally expected to be fitted to a second surface, on a case-by-case basis. Such cases may include but are not limited to instances where a landlord will not permit wall or floor fixings or penetrations, the interference or presence of subfloor or internally routed services. Such services may include water, electricity, gas, data services or heating".*⁴

"That any requirements for break off door handles or any designed slip system on the lock be removed. Rationale:

(1). These requirements are not readily demonstrable to vetters (particularly on existing installed and approved systems) and would likely require assessment by appropriately qualified and vetted people.

(2). It is also unlikely that a broken handle or lock will be a significant barrier to burglars who have modern portable power tools – the efficacy of this proposed requirement is at best dubious

*(3). This proposed requirement may render many safes non-compliant and frustrate approval. This requirement is therefore unfair, unreasonable and has no estimation of costs, remedies, standard of evidence or how many potentially affected parties may have their current lawful status prejudiced."*⁵

Sub-committee response

11. The sub-committee understands the concerns raised. Small changes have been made to improve the wording of the guidance document. The intent of the guidance is to enable owners to easily comply with the storage requirements or exceed them.
12. It is possible to vary from the guidance document. The sub-committee recommends that licence holders approach the local Arms Officer to have their storage assessed where it may deviate from the guidance contained in the secure storage guidance document.
13. The sub-committee notes that heavy safes/cabinets in excess of 600kgs may be moved with simple lever and rollers, and are aware that not every theft is opportunistic. Anchoring heavy safes/cabinets will increase the inertia hence making the storage facility more difficult to move. The guidelines are designed to minimise opportunistic theft and keep children and young people safe by minimising the likelihood of them handling unsecured firearms.

B 2: Wording and definitions in the document

14. 14 submitters⁶ commented on the use of certain words being too broad, the use of a word such as "requirements" being used when another word would be more suitable

² Peter Linton, Submission #10

³ Logan Whitford, Submission #28

⁴ COLFO Submission #33

⁵ Welsh Family #4

⁶ Submissions #1, #2, #3, #8, #9, #10, #11, #11, #12, #14, #15, #23, #30, #32, #32

such as “guidelines”, and the lack of clarity and definition around some phrases and words.

15. A representative sample of comments from submissions is provided below:

“The document would be better served if ‘requirements’ were to be replaced with ‘guidelines, recommendations or best practice’.”⁷

“In relation to the “rooms of stout and secure construction’ there needs to be further clarification of the term “structurally sound” and whom is to make that determination”.”⁸

“The use of the word ‘Requirements’ on the title page clearly indicates that the contents are ‘required’ and appears to be a transparent effort to define the Police Policy and Practice as such requirements”.”⁹

“As this is a ‘best practice’ document words like are, is, will need to be deleted to be replaced with should, may, can except where explicitly identified in the Arms Act”.”¹⁰

“As for your statement ‘for wooden cabinets, Police recommends--.... What does this mean? This statement is totally confusing – You are saying that you recommend a standard but are not enforcing it?’”¹¹

“Where do the words ‘substantial and sturdily constructed’ come from? These words are not used in the Act or Regulations”.”¹²

Sub-committee response

16. The sub-committee notes the comments. Wording has been changed to clarify that the purpose of the document is to provide guidance. In addition some alterations have been made to wording to clarify what is meant by structurally sound and sturdy. This should enable staff and owners to make judgement calls without reference to engineering reports. Arms Officers will discuss ways that will assist owners to comply.

B 3: No cost/benefit analysis or schedule of costs to Firearms Owners

17. Five submitters¹³ pointed out that Police has not provided a cost benefit analysis or schedule of costs so that the firearms community can evaluate the proposed changes adequately.

18. A representative sample of comments from submissions is provided below:

“There are no schedule of charges – I can’t imagine that this is covered in the current fee system”, “That a schedule of costs accompany any proposals; It is unreasonable and unfair to consult without any indication of costs to individuals arising from the approval process’.”¹⁴

⁷ Alec Whatmough Submission #8

⁸ Gareth Williams Submission #9

⁹ James Henry Submission #32

¹⁰ Mark Fleet Submission #11

¹¹ Tony Bruce Submission #30

¹² Tony Bruce Submission #30

¹³ Submissions #4, #10, #15, #33, #34

"All changes to current laws and regulations should require cost benefit analysis and evidence made available to the public in a timely manner that demonstrates the need for change. This would validate the Police position, reassure the public and prevent the waste of Police resource and taxpayer's funds".¹⁵

"If security requirements become unaffordable through over-prescribing physical requirements there is a risk that non-compliance will be seen as an option for those without the financial means".¹⁶

"The cost of any added security needs to be affordable for all community. We would like to see encouragement of recommended upgrades rather than enforcement of unaffordable expectations for some low income firearms users".¹⁷

Sub-committee response

19. The sub-committee was not asked to undertake a cost/benefit analysis. The sub-committee was asked to consider options to increase physical security that did not require engineering solutions in all cases, such as using 16mm ply or equivalent, to increase the rigidity of thin steel cabinets.

B 4: Tougher penalties and focus on criminals

20. 15 submitters¹⁸ suggested that Police should be using their resources to increase their focus on criminals, reducing call out time and promoting to the Courts harsher sentences for those who commit firearms crimes.

21. A representative sample of comments from submissions is provided below:

"Police need to get tough with gangs and the criminal element and investigate where their pool of firearms is coming from".¹⁹

"Apart from being unlawful it is an absolute farce and just trying to pass the buck onto law abiding owners, to make up for their inability to deal with the problem, if they actually bothered to turn up at many of the crime scenes where firearms are involved they may actually get above the 8% convictions they state".²⁰

"The way I see these proposed changes is that the Police have failed in controlling the criminals in this country and the easiest option is to make it harder for the law abiding citizens to comply with security regulations hence taking away some of the Police work and putting it onto the firearm owner".²¹

"I am firmly of the belief that these proposed changes will have little or no impact on the ability of criminals to steal firearms repeatedly. Increased policing success and severe penalties are the only things that will secure our homes against these people who seek to benefit from others hard work".²²

¹⁴ Welsh Family Submission #4

¹⁵ Stuart Harker Submission #15

¹⁶ COLFO Submission #33

¹⁷ Firearm Safety Specialists, Nicole McKee submission #34

¹⁸ Submissions #6, #7, #10, #12, #15, #16, #17, #18, #19, #20, #22, #23, #27, #28, #35

¹⁹ Name withheld Submission #13

²⁰ Clarrie Ross Submission #7

²¹ Russell Peters Submission #16

²² Craig Benbow Submission #27

Sub-committee response

22. A review of the penalties for offences in the Arms Act 1983 and the investigation of the burglary of firearms was out of the scope of the review of secure storage.

B 5: Police do not make the law

23. Nine submitters²³ stated that Police do not and should not make the law.
24. A representative sample of comments from submissions is provided below:

"Under no circumstances should Police be allowed to either re-write or circumvent Laws passed by Parliament through the use of Regulations or Orders of Council".²⁴

"I would also like to remind Police it is their job to obey and enforce the law and not make it!"²⁵

"Regulation 19(2)(a) outlines the 'reasonable steps' to ensure that firearms are secured against theft. Yet Police see fit to make up what this means to them – and couch it in definitions NOT IN LAW."²⁶

Sub-committee response

25. The sub-committee was tasked with reviewing the document prepared by Police. It is not intended to constitute any departure from existing legislative requirements on firearm licence holders, but is a guide to best practice.

B 6: Security requirements are sufficient as they currently stand and are being adhered to by the majority of Firearms Licence Holders

26. 11 submitters²⁷ stated that the current security regulations are sufficient as they are and that most firearms owners adhere to security requirements.
27. A representative sample of comments from submissions is provided below:

"I believe our laws regarding security are sufficient".²⁸

"The current firearms laws and storage requirements have been in place since 1992, and have widespread support and compliance from the shooting public. I would recommend that there has been no law change, so these changes in firearms security requirements has come from the Police and there was no mandate from Government to do so".²⁹

"Law abiding firearms owners do secure firearms"³⁰

Sub-committee response

²³ Submissions #5, #7, #8, #10, #12, #13, #15, #23, #32

²⁴ Stuart Harker Submission #15

²⁵ Grant Hammond Submission #23

²⁶ James Henry Submission #32

²⁷ Submissions #6, #12, #15, #18, #19, #20, #21, #22, #29, #30, #35

²⁸ Chris Mounter Submission #6

²⁹ Tony Bruce Submission #30

³⁰ Tony Orman Submission #19

28. The sub-committee was tasked with reviewing the document prepared by Police. It is not intended to constitute any departure from existing legislative requirements on firearm licence holders, but is intended as a guide to best practice. While adherence to the guide may not prevent a prepared and determined burglar, the sub-committee believes the options suggested will deter an opportunistic thief and keep children and young people safe.

B 7: Extra security guidance

29. Five submitters³¹ stated that extra security can assist in keeping firearms safe from theft, such as alarms. However, others considered extra precautions, such as having a dog, were not effective.

30. A representative sample of comments from submissions is provided below:

*"Having a dog on the property does not increase security"*³²

*"Cameras and alarms are great deterrents".*³³

*"Re monitored alarms; while in essence this is a good idea, there are a number of issues with this. For those living in the country and away from metropolitan areas, response to alarms by security companies is often slow and given that there could be firearms being stolen, should Police be asking members of the public to put themselves into harms way?"*³⁴

Sub-committee response

31. The sub-committee notes the comments and has added some of the suggested security as additional measures that licence holders can take to enhance their security.

B 8: Specifying types of suitable windows (page 11 of consultation document)

32. Two submitters³⁵ specifically stated that if security meets the required standard then the type of window a home has is not relevant.

33. A representative sample of comments from submissions is provided below:

*"If windows are effectively barred/grilled, then whether that window is a sash, solid pane or a louvre makes no difference to the level of security offered. As Regulation 28 makes no mention of types of window, for police to not accept the installation of louvre windows has no legal basis".*³⁶

*"COLFO submits that the type of window is irrelevant and this statement should be removed. So long as the remainder of the specified requirements are met (i.e. steel rods) any window is still made of glass and offers no inherent physical security anyway".*³⁷

³¹ Submission #1, #2, #6, #9, #32

³² Joe Green Submission #1

³³ Name withheld Submission #2

³⁴ Gareth Williams Submission #9

³⁵ Submissions #8, #33

³⁶ Alec Whatmough Submission #8

³⁷ COLFO Submission #33

Sub-committee response

34. The sub-committee notes the comment and the guidance has been amended to make it clearer that effective bars and grills should be affixed irrespective of the type of window.

B 9: No sub-category of A Category Firearms

35. Four submitters stated that Police cannot create a sub-category of A Category firearms. This was a response from some to one of the first 2017 consultation documents which did make a distinction between the storage requirements for shotguns and bolt action rifles and other A category firearms. This distinction does not appear in the 2018 consultation document.

36. A representative sample of comments from submissions is provided below:

"There should be no creation of sub-categories of A-Class Firearms. This can only create distrust with firearms owners towards the Police".³⁸

"Police have attempted to change the law regarding the re-classification of MSSAs to include semi-automatic A-Cat rifles (especially .22 semi-autos) into an E-Cat designation and thereby advance a policy of greater scrutiny, security and storage for these firearms which have, by Police records, been shown have almost no appearance in crime statistics".³⁹

Sub-committee response

37. The sub-committee's view is that there was no intention to create a sub-category of A category firearms. The section on security for A category firearms has been reworded to remove this impression.

B 10: Never going to have a fail safe security system

38. Seven submitters⁴⁰ stated that no matter what requirements are in place, criminals will always find a way to circumvent them.

39. A representative sample of comments from submissions is provided below:

"We recognise that no level of security will prevent a determined and well planned burglary with enough time to execute their plan from gaining access".⁴¹

"Given the availability of a very wide range of portable power tools and easy transport it will never be possible to entirely thwart the truly determined thief so much more emphasis needs to be placed on deterrence".⁴²

"While storage of firearms is important especially to avoid children having unsupervised access to firearms, it has to be realised criminals will with the right tools, gain access to a firearm even though it is under lock and key".⁴³

³⁸ Stuart Harker Submission #15

³⁹ Paul Barrett Submission #12

⁴⁰ Submissions #5, #16, #17, #18, #19, #20, #27

⁴¹ Sporting Shooters Association Submission #17

⁴² David Mac Submission #18

⁴³ Tony Orman Submission #19

“While it is entirely desirable to ensure criminals cannot access firearms easily, given they are almost always the individual who use firearms against another, the increased requirements contained in this draft document will impact every licensed firearm owner in some way shape or form”.⁴⁴

Sub-committee response

40. The sub-committee agrees with a number of these views and fully realises that adherence to the guidance may not prevent a prepared and determined burglar. However, the sub-committee believes the options suggested will improve deterrence of opportunistic theft and keep children and young people safe.

B 11: The January Document is practical and not overly restrictive

41. Four submitters⁴⁵ stated that the re-written January 2018 document was much improved and not overly restrictive.
42. A representative sample of comments from submissions is provided below:

“We consider that the document “New Zealand Firearms Licence Secure Storage Requirements Police Policy and Practice” January 2018 provides firearm owners with a number of practical solutions and advice for the secure storage of firearms of all categories without imposing impractical or over restrictive constraints on firearms owners”.⁴⁶

“Overall I think the draft provides good guidance on what is required of firearms licence holders/owners by way of security, and I didn’t feel there are any unreasonable requirements”.⁴⁷

“Achieving a balance between the setting of prohibitively expensive security standards, the incidence of firearm theft through burglary, and meeting the goals of public safety is always likely to be difficult”. “This version of the document has made noble efforts to achieve such a balance”.⁴⁸

Sub-committee response

43. The sub-committee appreciates this feedback.

SECTION C: OTHER SUGGESTED CHANGES BY SUBMITTERS

44. Section C highlights a number of other suggested changes from submitters. These are listed below:

- I. Introduce personal firearms logbooks for individual firearms users.⁴⁹

Sub-committee response

The sub-committee appreciates the feedback and supports this as best practice.

⁴⁴ Craig Benbow Submission #27

⁴⁵ Submissions #17, #21, #24, #25

⁴⁶ Sporting Shooters Association Submission #17

⁴⁷ Stuart Hayman Submission #21

⁴⁸ Chaz Forsyth Submission #24

⁴⁹ Chris Mounter Submission #6

- II. Have another class of licence for those who wish to participate in firearms activities but who cannot for whatever reason meet the storage requirements i.e. such as students in halls of residence or those with landlords who will not allow them to make alterations.⁵⁰

Sub-committee response

The sub-committee appreciates the feedback and has suggested including wording to recognise security that complies with guidance from the local Arms Officer.

- III. There is no advice in the current document for secure storage of firearms while travelling or for firearms parts. There is also no mention of security requirements for deactivated firearms.⁵¹

Sub-committee response

The sub-committee has passed the issue of the transit of firearms to Police as this was outside of the scope of the review. In regard to deactivated firearms the security requirements are as stated, unless the local Arms Officer is satisfied with any variation on a case by case basis.

- IV. People should be allowed to ask questions on firearms on TradeMe without having to put a firearms licence number in.⁵²

Sub-committee response

The sub-committee does not have scope to set policy on separate commercial entities. It is recommended that the submitter takes the issue up directly with Trade Me.

- V. There should be a definition of A Category firearms.⁵³

Sub-committee response

Recommendations on changes to the definition of firearms contained in the Arms Act 1983 are out of scope of the terms of reference for the sub-committee.

- VI. There is no mention of what will happen to current arrangements for those with existing Category C, B and E endorsements.⁵⁴

Sub-committee response

All firearms licence holders should be given the chance to comply in a timely manner. The allowances provided are an attempt to give options for owners who engage with Arms Officers to find individual solutions where adherence to general guidance is not achievable.

- VII. All those who work in firearms for Police should be vetted/security cleared and subject to the Privacy Act.⁵⁵

⁵⁰ Name withheld Submission #31

⁵¹ Tony Bruce Submission #30

⁵² Tim Goode Submission #14

⁵³ Joe Green Submission #1

⁵⁴ Welsh Family Submission #4

⁵⁵ Ibid

Sub-committee response

Police advises that all police employees must adhere to the requirements of the Privacy Act. All Police employees are vetted prior to becoming an employee of Police.

- VIII. Ensure the consistent application of any guidelines nationally.⁵⁶

Sub-committee response

The sub-committee agrees and understands this is part of that process.

- IX. Why limit construction of lockable cabinets for A Category firearms.⁵⁷

Sub-committee response

The sub-committee's view is this guidance sets a minimum standard required but does not limit owners from constructing cabinets that exceed the requirements.

- X. The handling and possession of MSSAs should be the same as restricted weapons and pistols.⁵⁸

Sub-committee response

The sub-committee does not have scope to recommend changes to the legislative requirements as part of the review of secure firearms storage.

- XI. All firearms licence holders should be given the chance to comply in a timely manner.⁵⁹

Sub-committee response

The sub-committee agrees.

- XII. Inconsistent use of "premises" and "residence" between the Arms Act and the guidelines.⁶⁰

Sub-committee response

The sub-committee's view is the guidance is given to enable owners to comply with legislation. Where legal matters arise, the legislative wording takes precedence.

- XIII. There needs to be more images of 'correct' safes.⁶¹

Sub-committee response

The sub-committee agrees and has recommended that such resources are made available to local Arms Officers to provide to firearms licence holders on request. Specific brands will not be recommended.

⁵⁶ Ibid

⁵⁷ Gareth Williams Submission #9

⁵⁸ Peter Linton Submission #10

⁵⁹ Ibid

⁶⁰ Tim Goode Submission #14 Question: Has this been tested in the Court?

⁶¹ Stuart Harker Submission #15

- XIV. Police are not under-resourced and need to effectively use resources to target criminals.⁶²

Sub-committee response

The sub-committee notes the comment; however resourcing for Police is not an issue that the secure storage guidance is addressing.

- XV. The image on the Title page should be of securely stored firearms, not a person shooting.⁶³

Sub-committee response

The sub-committee agrees and this has been undertaken.

- XVI. Police need to ensure that all forms are asking for information legally required, such as the restricted firearms security form.⁶⁴

Sub-committee response

The subcommittee agrees. Police confirms that its forms are consistent with the requirements placed on Police to administer the Arms Act

- XVII. All Police vetting staff should follow a well written set of rules defined by Police, FCAF and the firearms community.⁶⁵

Sub-committee response

The sub-committee agrees and understands clear guidance is to be provided as part of finalising the secure storage document.

- XVIII. The Guidelines should have a dispute resolution process outlined that can be undertaken when a dispute is identified.⁶⁶

Sub-committee response

This proposal is outside the terms of reference for the sub-committee's review of secure storage.

- XIX. Need to be aware that 50mm of thread for rigid support is not achievable in steel framed homes.⁶⁷

Sub-committee response

The sub-committee understands the issue; the intent is to ensure the retainer is of sufficient thread to prevent a cabinet from being torn away from a wall. If the bolt or screw is connected to a wall, with no movement between the cabinet and wall, the force required to remove the cabinet is increased and will help prevent removal of the cabinet by an opportunist thief or unauthorised person.

⁶² Ibid

⁶³ Tony Bruce Submission #30

⁶⁴ Grant Daniels Submission #22

⁶⁵ Peter Linton Submission #10

⁶⁶ Grant Hammond Submission #23

⁶⁷ Name withheld Submission #31

- XX. Look at what empowers Police to inspect security before the issue of a firearms licence.⁶⁸

Sub-committee response

This proposal is outside the terms of reference for the sub-committee's review of secure storage.

- XXI. The ability of Police to make 'allowances' for individual circumstances, with guidance, can be spelt out in the document.⁶⁹

Sub-committee response

The sub-committee's intent is for this document to give guidance to owners to enable easy compliance, taking into account the variation of premises, emerging building materials and practice. The allowances provided are an attempt to give options for owners who engage with Arms Officers to find individual solutions where adherence to general guidance is not achievable.

- XXII. There is a difference between Regulation 19(1)(c) which states "*the holder shall take **reasonable steps** to ensure that any firearm in the holder's possession is secured against theft*" and the proposed policy which states "*The Police will assess storage against the three matters covered in regulation 19(1).....[second bullet point] **Preventing the theft of firearms**...*"⁷⁰

Sub-committee response

The sub-committee agrees and has made changes to align the wording with that in the Regulations.

⁶⁸ James Henry Submission 32

⁶⁹ Nicole McKee Submission #34

⁷⁰ Name withheld Submission #2