



Cabinet Social Wellbeing Committee

Minute of Decision

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Firearms Prohibition Orders: Consultation

Portfolio Police

On 29 July 2020, the Cabinet Social Wellbeing Committee:

Public consultation process and summary of submissions

- 1 **noted** that in October 2019, the Cabinet Social Wellbeing Committee agreed that the New Zealand Police undertake a public consultation process on Firearms Prohibition Orders [SWC-19-MIN-0164];
- 2 **noted** that 41 submissions were received during the consultation period, and that of those submitters who expressed a position on Firearms Prohibition Orders (34 out of 41 submitters), 62 percent supported the concept of a Firearms Prohibition Order;
- 3 **noted** that submitters identified a range of issues, including human rights, privacy and public safety associated with Firearms Prohibition Orders and firearms offending;

Developing a Firearms Prohibition Order regime in New Zealand

- 4 **noted** that introducing a Firearms Prohibition Order regime would build on work to date to improve public safety and reduce the risk and harms associated with firearms;
- 5 **noted** that developing a Firearms Prohibition Order regime suitable for New Zealand will involve considerations of New Zealand's human rights and privacy protections, and New Zealand's unique environment;
- 6 **approve in principle, subject to** further policy design and costing, the development of a Firearms Prohibition Order regime for New Zealand, based on the following parameters:

6.1 Eligibility:

- 6.1.1 conviction-based orders based on convictions for firearm-related offences, serious violent offences, criminal harassment, or breaches of protection orders or restraining orders (and imposed as part of sentencing at the discretion of the decision-maker);
- 6.1.2 eligibility from the age of 18 years;

6.2 Conditions:

- 6.2.1 one broad standard condition prohibiting obtaining, purchasing, possessing, accessing (etc.) of firearms, parts, magazines, and ammunition;

- 6.2.2 standard conditions that can be modified by decision-makers as per the needs of the subject person:
 - 6.2.2.1 not associating with people with firearms on or about their person or under their control;
 - 6.2.2.2 not residing at premises where there are firearms;
 - 6.2.2.3 not visiting locations or premises where there are firearms;
 - 6.2.2.4 duration - 10 years;
- 6.3 Decision-maker:
 - 6.3.1 judicial decision-maker;
- 6.4 Compliance:
 - 6.4.1 current search powers (no change);
 - 6.4.2 penalty - up to five years for breach of order, or seven years if the offence involved a prohibited firearm;
 - 6.4.3 offence to supply someone subject to an order with firearm, part or ammunition - penalty to mirror breach of order;
 - 6.4.4 reverse onus - persuasive burden level (no change with existing Arms Act 1983 reverse onus provisions);
- 7 **directed** the New Zealand Police, in conjunction with relevant agencies, to undertake the further design and costing work required to develop a Firearms Prohibition Order regime;
- 8 **directed** the Minister of Police to report-back to Cabinet Social Wellbeing Committee with a final proposal for a Firearms Prohibition Order regime by December 2020.

Vivien Meek
Committee Secretary

Present:

Rt Hon Jacinda Ardern
Rt Hon Winston Peters
Hon Kelvin Davis
Hon Dr Megan Woods
Hon Carmel Sepuloni (Chair)
Hon Stuart Nash
Hon Damien O'Connor
Hon Kris Faafoi
Hon Willie Jackson
Hon Aupito William Sio
Hon Poto Williams
Jan Logie, MP

Officials present from:

Prime Minister's Office
Officials Committee for SWC
Office of the SWC Chair