



Cabinet Social Wellbeing Committee

Minute of Decision

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Firearms Prohibition Orders: Final Design Parameters

Portfolio

Police

On 14 April 2021, the Cabinet Social Wellbeing Committee:

Firearms Prohibition Order regime design

- 1 **noted** that, in July 2020, Cabinet approved in-principle the development of a Firearms Prohibition Order regime subject to policy design and costing;
- 2 **noted** that Appendix One of the submission under SWC 21-SUB-0053 presents refinements to the Firearms Prohibition Order model approved in principle in July 2020;
- 3 **agreed** to develop a Firearms Prohibition Order regime for New Zealand, based on the parameters set out in Appendix One;

Transitional and consequential arrangements

- 4 **agreed** that the making of a Firearms Prohibition Order will:
 - 4.1 automatically cancel any firearms licence in the name of the subject person;
 - 4.2 be a ground for disqualification under section 22H of the Arms Act 1983;
 - 4.3 be a criterion (whether the order was current, expired or revoked) of the fit and proper person test under section 24A of the Arms Act 1983;
- 5 **agreed** that any firearms or other items seized as part of a breach will be managed in accordance with current legislative provisions, including destruction provisions;
- 6 **agreed** that there will be immunity for undercover officers in relation to offences under the Firearms Prohibition Order regime;
- 7 **agreed** to amend section 108 of the Evidence Act 2006 to include offences under the Firearms Prohibition Order regime;
- 8 **agreed** that legal aid be available for appeals from the court's decision to make or not make a Firearms Prohibition Order;

- 9 **agreed** that the Privacy Act 1993 be amended to include Firearms Prohibition Orders to enable information on Firearms Prohibition Orders to be shared in relation to protection orders, restraining orders or victims' orders, and/or shared with Ara Poutama Aotearoa to enable post-sentence conditions to be managed in a manner consistent with Firearms Prohibition Orders;
- 10 **agreed** to amend the Search and Surveillance Act 2012 to:
- 10.1 include offences under the Firearms Prohibition Order regime;
- 10.2 include firearms parts in the definition of 'arms';

Financial implications

- 11 **noted** the justice sector cost of the proposed Firearms Prohibition Order regime will be incurred gradually from the 2023 enactment of the regime;

s 9(2)(f)(iv) and s 9(2)(g)(i) OIA

Legislative implications and drafting instructions

- 14 **agreed** to amend the Arms Act 1983 to introduce a Firearms Prohibition Order regime;
- 15 **invited** the Minister of Police to issue drafting instructions to the Parliamentary Counsel Office to amend the Arms Act 1983 to give effect to the decisions in paragraphs 3 to 10 and 14 above;
- 16 **authorised** the Minister of Police to make any minor and technical changes required, including any additional consequential impacts on the Arms Act 1983;
- 17 **noted** that the Arms (Firearms Prohibition Orders) Legislation Bill has sought a Category 4 priority on the 2021 Legislative Programme (referred to a select committee in 2021);
- 18 **authorised** the Minister of Police, at her discretion, to share text from drafts of the Arms (Firearms Prohibition Orders) Legislation Bill with targeted stakeholders and experts if they consider it would be useful;
- 19 **noted** that the Minister of Police will instruct her officials to consult with Māori on the exposure draft of the Arms (Firearms Prohibition Orders) Legislation Bill and report back to the Minister before legislation is introduced in the House.

Rachel Clarke
Committee Secretary

Present (see over)

Present:

Rt Hon Jacinda Ardern
Hon Grant Robertson
Hon Kelvin Davis
Hon Dr Megan Woods
Hon Carmel Sepuloni (Chair)
Hon Andrew Little
Hon Poto Williams
Hon Peeni Henare
Hon Willie Jackson
Hon Jan Tinetti
Hon Dr Ayesha Verrall
Hon Priyanca Radhakrishnan

Officials present from:

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

Proactive release

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