

PROACTIVE INFORMATION	
Draft Public Consultation Document on Amendments to the Arms Regulations and Two RCOI Recommendations	
Deadline: NA	Date of Response: 18 December 2020

Purpose

1. This paper provides you with an overview of the proposals in the public Consultation Document related to new and amended regulations to be incorporated into the Arms Regulations 1992 (the Arms Regulations).
2. This paper also addresses two recommendations arising from The Royal Commission of Inquiry into the terrorist attack on Christchurch Mosques on 15 March 2019 (the Royal Commission of Inquiry). One of these recommendations, relating to the firearms vetting process, is now being addressed through proposed changes to the Arms Regulations and will be contained in the Consultation Document. The other, relating to mandatory health practitioner reporting of firearms injuries, requires an amendment to the Arms Act 1983 (the Act).
3. The Consultation Document is attached for your reading over the recess period. Police would appreciate any initial feedback you have on the Consultation Document by Friday 22 January 2021. This will allow Police to finalise the consultation for consideration for release by CBC on Wednesday 10 February and Cabinet on Monday 15 February. Following Cabinet decisions, consultation is intended to take place from 16 February to 26 March 2021.

Background and timing

4. Recent changes in the Arms Legislation Act 2020 have created a need for the Arms Regulations to be updated. The administration of the Act could also be improved by adjusting or clarifying some existing regulations.
5. Police has drafted a Consultation Document setting out the policy proposals for potential new or amended regulations for inclusion in the Arms Regulations.
6. Following your feedback and agency consultation, early next year we will provide you with an updated version of the Consultation Document for you to consult with your Ministerial colleagues ahead of seeking Cabinet approval to release the document and commence public consultation.
7. The timetable for delivering this set of regulations is very tight. There is a risk that the new regulations may not be able to be in force by 24 June 2021 (when the expanded dealer requirements come into force). However, this should not present Police or licence holders with any major implementation issues, as the regulations will be able to provide for transitional matters.

Public consultation on proposed new or amended Regulations is required

8. The Consultation Document is the first of a series of consultation exercises on amendments to the Arms Regulations intended largely to support the implementation of amendments to the Act.
9. The aim of the Consultation Document is to promote consistency and transparency in the application of standards and processes when implementing the legislation. It gives stakeholders an opportunity to understand the impact of the proposals and provide feedback to ensure the regulations are fit for purpose and any unintended consequences are understood.
10. The consultation will help determine:
 - the proposals for new regulations
 - where guidance through Commissioner's guidance notices is more appropriate than putting in place new regulations.
11. Police will analyse the submissions received and expressed views will be taken into account when policy approval is sought for any new and amended regulations.
12. The Consultation Document sets out proposals for new arms regulations for types of dealers' licences and activity, conditions on dealers' licences (security, record keeping, specific conditions relating to activity), security precautions for firearm licence holders, ammunition sellers (security, record keeping), health practitioners and miscellaneous regulations including marking of parts, pistol carbine conversion kits, reviews under section 62 and technical amendments.
13. A summary of these proposals follows.

A number of the proposals relate to dealers and their responsibilities

14. The firearms related activities that require a dealer's licence are expanding and current regulations do not cover all these activities. The ability for dealers to operate from more than one place of business as provided for in the Arms Legislation Act 2020 also needs addressing through regulations.
15. From 24 June 2021, those classified as a 'dealer' will go beyond just those who are selling firearms, airguns, and restricted weapons - or manufacturing these items for sale. This may mean different requirements for different types of dealers are required.
16. The firearms-related activities needing a dealer's licence will include the following activities:
 - selling, hiring, lending or otherwise supplying
 - possessing for the purpose of auctioning;
 - repairing or modifying in the course of business;
 - displaying as the director or curator of a bona fide museum;

- manufacturing for sale, hire, lending or other supply; and
 - manufacturing for permitted supply prohibited parts and using prohibited items to test and demonstrate prohibited parts.
17. The firearms dealer related proposals in the Consultation Document cover the following:
- the types of dealers and business activities
 - setting out all relevant conditions of a dealer's licence on the licence itself
 - conditions relating to security precautions
 - conditions related to record keeping
 - general conditions that should apply to all dealers' licences
 - discontinuation of Business
 - inspection powers for hunting and target shooting rifles and shotguns
 - notifying Police when changing business premises
 - advising Police of the name of Store Managers
 - changes to types of activities and classes of arms items
 - carriage and use of firearms by dealers
 - guidance about types of conditions the Commissioner of Police may prescribe on a dealer's licence
 - new conditions specific to types of dealers' licences
 - employees of dealers
 - endorsements for On site theatrical armourers.

Regulations will set security standards and record keeping requirements for ammunition sellers

18. At present, neither the Act nor the Arms Regulations set out standards for secure storage of ammunition by ammunition sellers. The Act sets out a regulation-making power in relation to the security of the premises of ammunition sellers to prevent the theft or misuse of ammunition.
19. Setting security standards in regulations would help provide guidance and clarity to ammunition sellers and would provide consistency with the security requirements for licence holders and dealers. It would also reduce the risks of ammunition being stolen by people not entitled to possess ammunition.
20. New regulations are also required to cover ammunition sellers' record keeping of transactions involving ammunition.

Establishing Health practitioner notices and guidance

21. The Act leaves some of the processes relating to health practitioner notices to Police and the consequences for licence holders to be covered by regulations.

22. Police also propose that a Commissioner's Guidance Notice would be developed for health practitioners, providing them with guidance when considering whether to notify Police. This could be based on information that is already being provided to health practitioners.

Marking of firearm parts and record keeping to be extended

23. Current regulations require identifying markings for pistols, restricted weapons, and prohibited firearms transferred within New Zealand. Marking is not required for other firearms transferred in New Zealand, or for pistol carbine conversion kits (PCCKs) that are imported or transferred, for blank-firing guns that are imported, or for parts that are imported or transferred.
24. New regulations are required to cover identifying markings for PCCKs, blank-firing guns, and major parts of firearms that are imported or sold by a dealer.
25. Having identifying markings on major firearm parts could be useful to Police when they are trying to locate stolen firearms as it assists with identifying the firearm and assists victims of theft in proving ownership of their items.

Pistol carbine conversion kits are to be regulated

26. There are now restrictions on the possession of PCCKs in the Act which need to be reflected in regulations. At present, the regulations in respect of dealer records, applications for permits to import, import notifications, and permits to possess do not currently include pistol carbine conversion kits.

Technical changes to mail and internet orders are required

27. Section 43A of the Act, provides that when purchasing certain arms items through mail order or over the internet, an order form has to be completed by the purchaser and signed by Police.
28. The Consultation Document proposes that Regulation 29A should be amended. That section does not specifically include internet sales, and it needs to take into account the reference to additional items now covered by the section 43A process and amend the reference to an endorsement by Police (as the Act now refers to the purchaser's order being signed by Police).
29. These changes are all technical changes and would ensure the regulations are consistent with the current wording of the Act and current practice as the relevant form has already been amended to reflect the additional items now covered by the mail order / internet sale process.

Security precautions for firearms licence holders (non-dealers)

30. Some regulations would also benefit from some adjustment or clarification to improve the security of firearms and ammunition. For instance:
- to better reflect the standards now included in Police guidelines

- to address the uncertainty in relation to what constitutes adequate security for firearms in vehicles
- to mark at import or manufacture some key parts that are major components of firearms so as better enable the monitoring of the extent of the civilian armoury.

Regulating the review of decisions to refuse to issue or revoke a licence

31. Under section 62 of the Arms Act 1983 an applicant may seek a review by the Commissioner of Police (or their delegate) of a decision to refuse an application for, or to revoke, a firearms licence. Currently there are no guidelines or regulations setting out the process for the review.
32. The Consultation Document proposes options to address this.

Minor or technical changes to regulations

33. The Consultation Document proposes other minor or technical changes needed to several regulations. These changes are either to remedy existing drafting errors in those regulations or reflect recent amendments made to the Arms Act.

Police will include proposed amendments to the Regulations to implement Royal Commission of Inquiry Recommendation 23

34. The Royal Commission of Inquiry made a recommendation relating to firearms licencing vetting process for applicants who have previously resided overseas as follows:

Recommendation 23

We recommend that the Government direct New Zealand Police (or other relevant entity) to require two new processes in the case of applicants who have lived outside of New Zealand for substantial periods of time in the ten years preceding the application:

- a. applicants should be required to produce police or criminal history checks from countries in which they have previously resided; and*
- b. Firearms Vetting Officers should interview family members or other close connections in other countries using technology if the applicant does not have near relatives or close associates living in New Zealand.*

35. Police has explored how to implement the recommended actions to ensure the vetting process is robust and proposes to include a section in the public Consultation Document addressing this recommendation.
36. However, Police notes that some of the related proposals contained in the Consultation Document go further than recommendation 23 – we have taken a holistic view of the requirements around vetting and referee checks. Policy work will continue in this area, and public consultation may bring to light any unintended consequences and/or related costs.

37. The first set of proposals in the Consultation Document relate to Regulation 15 which specifies some of the information that must be supplied with an application form. Proposals will:
- specify new information to be provided, being:
 - a list of countries travelled to or lived in over the previous 10 years
 - a criminal record check for any country in which the applicant has resided for over 6 months in the past 10 years
 - amend and clarify some of the information specified in relation to referees, such as:
 - requiring a second NZ referee if the near relative referee is based overseas.
38. Police will ensure, at an operational level, that the overseas spouse, partner, or near relative is interviewed.
39. The second set of proposals relate to the grounds upon which Police may find a person is not fit and proper to possess firearms. This essentially clarifies the consequences of overseas or referee information being insufficient. Police proposes to specify through regulations that Police may find an applicant to not be fit and proper if any of the following apply:
- the applicant has spent time outside New Zealand in the last 10 years, Police has sought reasonable information about this to inform a decision as to whether the person is fit and proper to possess firearms and has been unable to obtain it
 - referees are found to be insufficient to enable Police to be satisfied that a person is fit and proper to possess firearms
 - the identity of any overseas referee cannot be confirmed.


Royal Commission Recommendation 24 – requirement for health practitioners to report firearms injuries needs to be addressed through an Amendment Act

40. The Royal Commission of Inquiry made one specific recommendation relating to reporting of firearms risks by health practitioners as follows:

Recommendation 24

Introduce mandatory reporting of firearms injuries to New Zealand Police by health professionals.

s 9(2)(f)(iv)



s 9(2)(f)(iv)

Next Steps

47. Police would appreciate any initial comments on the Consultation Document by Friday 20th April.
48. The following table sets out the milestones for the project.

48. The following table sets out the milestones through to May 2021.

s 9(2)	
(g)(i)	

