

Office of the Minister of Police  
Cabinet Legislation Committee

## ARMS AMENDMENT REGULATIONS 2021

### Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the Arms Amendment Regulations 2021.

### Policy

- 2 The Regulations implement policy decisions on amendments to the Arms Regulations made by Cabinet on 4 August 2021 [SWC-21-MIN-0116.01 refers]. The amendments were based on proposals included in a public consultation paper released on 22 March 2021 for a 5-week consultation period [SWC-21-MIN 0011 of 10 March 2021 agreed to the release of the public consultation document]. The final proposals to Cabinet included several modifications to the proposals in the consultation document as a result of the submissions.
- 3 The amendments cover:
  - a. applications for dealers' licences to provide for the different types of dealer activities
  - b. records to be kept by dealers
  - c. conditions of dealers' licences (including those relating to security precautions and changing business premises or activities)
  - d. requirements of those in the business of selling ammunition but no other arms items
  - e. applications for import permits
  - f. the marking of firearms and major parts
  - g. the supply of particulars by applicants for firearms licences (particularly for those who have previously lived overseas)
  - h. circumstances when a licence applicant may be assessed as not fit and proper to possess firearms
  - i. the secure storage requirements for licence holders of firearms and ammunition, including in vehicles
  - j. conditions on endorsements for theatrical armourers
  - k. requirements purchasing firearms and ammunition by mail order and or over the internet
  - l. the recording of the quantity and types of firearms by Police when inspecting the security of a firearms licence holder
  - m. provisions relating to the surrender of firearms to Police by dealers who have received them anonymously
  - n. various technical amendments to align the Regulations with the Act as amended by the Arms Legislation Act

- 4 The regulations do not require any new policy decisions. They align with the above Cabinet approvals of 4 August with the following minor variations:
- a. There is no regulation requiring a document with all the dealer's licence conditions to be provided to a dealer as part of their licence as this creates some legal risk that non-receipt of such a document could be claimed as a reason for non-compliance with some conditions
  - b. Rather than having a new endorsement for theatrical armourers (which proved technically difficult to reconcile with provisions in the Act) the regulations now distinguish the role of theatrical armourers through conditions on the existing endorsements for employees or members of theatrical, film, television or video production companies
  - c. The list of major firearm parts that require marking has been reduced for practical and technical reasons.

#### **Timing and 28-day rule**

- 5 No waiver of the 28-day rule is sought.

#### **Compliance**

- 6 The regulations comply with each of the following:
- 6.1 the principles of the Treaty of Waitangi;
  - 6.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
  - 6.3 the principles and guidelines set out in the Privacy Act 2020;
  - 6.4 relevant international standards and obligations;
  - 6.5 the Legislation Guidelines (2018 edition), which are maintained by the Legislation Design and Advisory Committee.
- 7 Under section 74(3) of the Arms Act regulations may be made pursuant to the Act only on the recommendation of the Minister of Police after being satisfied that the Commissioner of Police has done everything reasonable to consult with individuals and organisations (or representatives of those organisations) that appear to be affected or likely to be affected by such regulations. I confirm that I consider that the public consultation process complied with this requirement.

#### **Regulations Review Committee**

- 8 I do not consider that there are grounds for the Regulations Review Committee to draw the regulations to the attention of the House of Representatives under Standing Order 327.

### **Certification by Parliamentary Counsel**

- 9 The draft regulations have been certified by the Parliamentary Counsel Office (PCO) as being in order for submission to Cabinet.

### **Impact Analysis**

- 10 A Regulatory Impact Assessment was prepared in accordance with the necessary requirements, and was submitted at the time that Cabinet approval was sought of the policy relating to the regulations [SWC-21-MIN-0116.01 of 4 August refers].

### **Publicity**

- 11 Police will undertake an active and comprehensive communication strategy through their community links to licence holders once the Arms Amendment Regulations have been gazetted. A press release will also be issued.

### **Proactive release**

- 12 I propose to release this paper proactively in its entirety by Monday, 31 January 2022.

### **Consultation**

- 13 The paper and the regulations have been consulted with the following government agencies: Ministry of Justice, Ara Poutama Aotearoa Department of Corrections, Department of Internal Affairs, New Zealand Customs Service, Ministry of Transport, Te Puni Kōkiri, Inland Revenue Department, the Treasury, the Department of the Prime Minister and Cabinet, Ministry of Foreign Affairs and Trade, Department of Conservation, Ministry of Primary Industries, the New Zealand Defence Force, Ministry for Culture and Heritage, and Te Arawhiti.
- 14 [Placeholder for consultation feedback.]
- 15 Police also forwarded a document summarising the regulations to members of my Ministerial Arms Advisory Group, the Firearms Community Advisory Forum, and the Arms Engagement Group (representatives of non-firearm owning organisations with an interest in firearm issues) for feedback.

### **Recommendations**

I recommend that the Cabinet Legislation Committee:

- 1 **note** that on 4 August 2021 Cabinet agreed to policy decisions on the contents of the Arms Amendment Regulations 2021 [SWC-21-MIN-0116.01 refers].
- 2 **note** that the Arms Amendment Regulations will give effect to the decisions referred to in paragraph 1 above;

- 3 **authorise** the submission to the Executive Council of the Arms Amendment Regulations 2021;
- 4 **note** that the Arms Amendment Regulations 2021 are to come into force on 13 January 2022;
- 5 **note** that section 74(4) of the Arms Act requires that the Minister of Police be satisfied that the Commissioner of Police has done everything reasonable to consult persons or organisations (or representatives of those organisations) that appear to the Commissioner to be affected or likely to be affected before recommending the making of any regulations under section 74;
- 6 **note** the advice of the Minister of Police that this requirement has been met.

Authorised for lodgement

Hon Poto Williams  
Minister of Police