

25 June 2018

Dea [REDACTED]

I am writing to you in response to your request dated 23 May 2018. You referred to some emails exchanged with Inspector Garth Den Heyer and asked:

1. *Could you please provide a copy of the current police policy that dictates or demands districts obtain serial numbers for firearm purchases via the section 43A mail order?*
2. *Garth's emails state districts have been instructed to obtain serial numbers for mail orders. Is this true?*
3. *Please provide reference to any relevant legislation that states a seller or buyer must provide a serial number for a section 43A mail order of a firearm.*
4. *Please provide the Name and QID and rank of the officer at PNHQ who has instructed that arms officers are to obtain serial numbers for firearm purchases via section 43A mail order and any records of this.*
5. *Again Garth's emails state that districts have been advised to, if so, who has advised them of this? What is their name, rank, and QID.*
6. *Please provide any and all policy documents, in addition to the guidelines set out in the police Arms Manual 2002, that police staff use when completing a section 43A mail order request from a firearms licence holder.*

Police reference number: [REDACTED]

With regard to the legislation and policy documents requiring serial numbers on firearms mail order purchase forms (questions 1, 3, and 6), in the context of mail order sales, section 43A requires that the written order bear an endorsement signed by a member of Police stating that he/she is satisfied that the purchaser is a fit and proper person to purchase "that firearm". Provision is made on the form for the serial number, as the serial number is one of pieces of information that goes towards describing the particular firearm that the written order relates to.

It is expected that most standard firearms would have serial numbers in light of regulation 13 (requirement to give notification including serial number on import), regulation 7 (dealers required to keep records of items received for sale, repair or modification; items manufactured; and items delivered), and that responsible firearms owners would want to ensure their firearms are uniquely identifiable in order to be able to provide a useful report to Police in the event of theft.

There is information about mail order processes available on the Police website, available at [http://www.police.govt.nz/sites/default/files/publications/police-mail-order-information\\_0.pdf](http://www.police.govt.nz/sites/default/files/publications/police-mail-order-information_0.pdf)

There is also guidance for all Police staff that refers to mail order in the *Police Manual*, but note that the Arms section of the Police Manual where this guidance appears is currently under review. The section relevant to mail order is shown below.



## Police Instructions

### Selling firearm or ammunition by mail order without a written order

You must prove the identity of the suspect and they:

- sold by mail order
- any firearm, or ammunition for a firearm or restricted weapon
- other than pursuant to a written order.

The written order must:

- be signed by the purchaser, and
- bear an endorsement signed by a Police employee, stating that the employee:
  - has inspected the buyer's firearms licence, and
  - is satisfied that the buyer is a fit and proper person to make the purchase.

**Note:** This section does not apply to pistols, restricted weapons or military style semi-automatic weapons. These are subject to permit to procure processes.

### Powers

You can issue a summons under section 43A (1) of the Arms Act 1983.

In terms of what district arms officers have been advised and by whom (questions 2, 4, and 5), no specific communication regarding the serial number have been made. The Mail Order form was first created in 2008 to help staff standardise the practice of endorsing purchase orders. The first version is attached, as you can see it has the space for a serial number. As mentioned before, the serial number helps Police staff be satisfied that the purchaser is a fit and proper person to purchase "that firearm".

In 2015, the Mail Order form was updated, as some changes were made to the process. This change had no bearing on the serial number, but the new Mail Order form was distributed to staff. Specifically, district firearms staff were advised by email on Thursday 22 October 2015 that the changes would be effective immediately. All Police staff were advised via the Police electronic Bulletin Board on Wednesday 28 October 2015. The email and Bulletin Board notifications were followed up by phone calls to district firearms staff by Police National Headquarters staff to ensure that the new process was understood and implemented as proposed. In parallel to the implementation of the changes to the Police processes, Response and Operations staff advised the majority of the major firearms retailers.

The guidance was also published on Police website, available here <http://www.police.govt.nz/about-us/publication/important-change-purchasing-firearms-ammunition-and-airguns-mail-order>

The Mail Order form was again reviewed in 2018, because the Police guidelines had previously required people to prove membership of an airsoft club when purchasing an airsoft gun. After feedback from the public, Police amended the policy to remove this requirement and updated all

relevant documentation, specifically the Mail Order form. This change was communicated on the Police website.

You have the right, under section 28(3) of the Official Information Act 1982, to ask the Ombudsman to review any aspects of my decision that are reviewable under section 28(1) and (2).

For your information, Police is developing a process for proactive release of information, so the response to your request may be publicly released.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'P.P. McIlraith', with a stylized flourish at the end.

Mike McIlraith

Acting Superintendent

Arms Act Service Delivery Group