

23 May 2019

Our Reference: IR-01-19-8319

[REDACTED]  
[REDACTED]

Dear [REDACTED]

I am writing to you in response to your request dated 22 March 2019. You asked:

*Regarding the statement about the Christchurch terror attack, in your statement you said the accused provided two further referees who met the requirements.*

- 1. According to the form, one referee needs to be a spouse, partner, or next of kin that is domiciled in New Zealand. How did you check that the accused was in a relationship or related to this person?*
- 2. If it turns out there was a lie written on the form and due diligence was not taken in the checks, will charges be made against the person/ people police interviewed?*
- 3. Will any police officers be censured if it turns out that incorrect information was put on the form, and not properly researched?*
- 4. What checks are in place to ensure people are not lying/ all information supplied is correct when obtaining their gun license?*
- 5. Can you please tell me what the threshold is for "knowing someone well" as stated on the gun license application form?*
- 6. Can you please tell me the number of people, who do not have New Zealand citizenship or residency visas hold a New Zealand gun license?*
- 7. How many people on short term visas to New Zealand hold gun licenses?*
- 8. How many people on student visas hold New Zealand gun licenses?*
- 9. Is it a requirement that police talk to each referee for gun licenses face to face, and how do you confirm that has happened?*

Question 1 is refused in accordance with section 6(c) of the Official Information Act 1982 as the release of the information would prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

Questions 2 and 3 require Police to form an opinion for a hypothetical situation and therefore are not requests for official information. The Ombudsman's guidelines state: "If a requester seeks information by asking a question, there is a distinction between: questions which can be answered by providing information already known to and held by the agency (official information); and questions which require the agency to form an opinion or provide an explanation and so create new information to answer the request (not official information)." Questions 2 and 3 are refused in accordance with section 18(e) of the Official Information Act 1982 as the information does not exist.

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## **Police National Headquarters**

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Response to Question 4: Information from each referee is cross-checked and checked against any information held on the Police national computer system. Police is entitled to make supplementary enquiries when staff consider this necessary.

Response to Question 5: The Police vetting guide advises that whenever possible, one of the referees should be a next of kin and another an independent non-related referee. Both need to be able to demonstrate that they know the applicant well. "Knowing the applicant well" must include being able to supply meaningful answers to all of the vetting guide questions, as well as being able to demonstrate a close and ongoing face to face relationship with the applicant. Answers of "I do not know" to vetting questions would indicate that the referee is not suitable and does not know the applicant. If there is no next of kin (or a person who has resided with the applicant for 12 months or more) offered or available, then the application may be refused.

Response to Question 6, 7, and 8: Residency or citizenship is not a requirement of the Arms Act 1983. Therefore, any person who is present and able to participate in the vetting process in New Zealand and is able to provide suitable referees is able to apply for a firearms licence. These questions are refused in accordance with section 18(g) as the information is not held.

Response to Question 9: The Police vetting guide advises that the referee completes the vetting guide interview form. Referees are interviewed either in person or over the phone, with in-person interviews conducted whenever possible.

You have the right to seek an investigation and review by the Ombudsman of the decision to refuse questions 1, 2, 3, 6, 7, and 8.

For your information, Police has developed a process for proactive release of information, so the anonymised response to your request may be publicly released on the New Zealand Police website.

Yours sincerely



**Mike McIlraith**  
Acting Superintendent  
Arms Act Service Delivery Group

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