

---

# **Minister's Arms Advisory Group Annual Report**

January – June 2021

---

# Contents

1. Report from the Chair .....	3
2. Introduction .....	4
3. MAAG members .....	4
4. Establishment meeting .....	4
5. Future meetings.....	8
6. Financial overview.....	8
Appendices.....	9
1. Member biographies.....	9
2. Member appointment process.....	10
3. Support, fees and expenses for the MAAG .....	11
4. Relevant legislation.....	11

# 1. Report from the Chair

---

Tēnā koe Minister Williams,

On behalf of your Arms Advisory Group (MAAG) I am pleased to present the annual report for 2020/21.

It is a privilege to be your trusted advisor at such an important time and on such important matters. The MAAG take this responsibility very seriously.

Our objective as a group in our first year is to provide you with independent advice on firearms matters, drawing upon the varying perspectives on how the administration and regulatory activities of the Arms Act may impact on licence holders and on our communities.

In our first meeting together, we agreed how we would like to work together in a meaningful way. It quickly became clear our kaupapa would be to have a cohesive voice and always work towards a consensus when providing advice that we believe is in the best interests of all New Zealanders.

Our overarching 'test' of the work we do is "How does this assist in making the people of New Zealand safer".

As a group, we are committed to considering and respecting the principles of Te Tiriti o Waitangi.

From our very first meeting it became apparent you have brought together an exceptional group with wide knowledge and skills and most importantly a strong commitment to improve the safety of everyone. I am enthusiastic that the year ahead will see good progress.



Don Hammond  
Chair  
Minister's Arms Advisory Group

## 2. Introduction

---

On 24 June 2020, the Arms Act 1983 (the Act) was amended to provide for the establishment of a statutory advisory body to the Minister of Police. Members were appointed on 6 April 2021 to the Minister's Arms Advisory Group (MAAG).

This annual report is a requirement under s89(3) of the Act. The report covers the 2020/21 financial year. It reports only on the establishment of the MAAG in April 2021, its first meeting in June 2021 and a financial overview for 2020/21.

## 3. MAAG members

---

The following members were appointed to the MAAG:

Don Hammond, Chair	Three-year term
Rehanna Ali	Three-year term
Michael Dowling	Two-year term
Simon Mount QC	Two-year term
Maxine Shortland	Three-year term
Dr Cathy Stephenson	Two-year term
Debbie Wakker	Eighteen-month term
Shayne Walker	Eighteen-month term
Philippa Yasbek	Eighteen-month term

All terms commenced on 6 April 2021.

See the appendices for further detail on the members, the appointment process and details of support provided to the MAAG.

## 4. Establishment meeting

---

The MAAG met for the first time on 1 June 2021 in Wellington. During this initial meeting, the MAAG met the Minister of Police, the Commissioner and Deputy Commissioner of New Zealand Police Nga Pirihimana O Aotearoa (Police), the Executive Director, Policy and Partnerships and Police's Firearms Policy & Partnerships Team.

### Expectations of members and other matters

During this first meeting, the members agreed on the following items:

- expectations regarding declaration of conflicts of interest
- the inability to receive gifts, hospitality, or benefits of any kind from a third party that might be seen to compromise personal judgement or integrity

- members are required to avoid taking on any additional role that may prejudice their role on the MAAG
- meeting ground rules
- the treatment of information and matters discussed at meetings with due regard to any confidentiality and sensitivity of the information
- quorum: It was decided that the quorum for all meetings will be the Chair plus five members (with a minimum of two from the non-firearms owning community members and two from the firearms owning community members).
- Philippa Yasbek was appointed as Deputy Chair.

Members agreed their kaupapa was to have open and confidential discussions, and decisions of the group would be made as a consensus and reflect one cohesive voice. Members initiated board only time during meetings, to ensure they have time committed to allow for this.

## Meeting the Minister of Police

While the Act enables the MAAG to provide advice on any matter relating to firearms in New Zealand, there were three aspects the Minister asked the MAAG to give particular attention to:

- *Performance measures* - In consultation with the Commissioner of Police, the MAAG should advise on the on-going measures that need to be in place to best indicate that the purposes of the Act are being achieved and can be reported on in the statutorily required review. This includes whether the conditions placed on licence holders have reduced the risk of a firearms coming into the hands of a person who is likely to misuse a firearm.
- *Fit and proper assessment* - To consider the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019 (RCOI), recommendation 23, relating to Police's vetting processes the proposed regulatory response. To consider the wider public health risks are adequately provided for in both the codified fit and proper assessment criteria, the conditions placed on licence holders, and the nature of regulations in relation to role of health practitioners.
- *Advertising* - To provide independent advice on what, if any, limitations should be placed on advertisements relating to the sale and use of firearms.

In addition to the above, the Minister asked that the members collectively identify issues that may be of importance, including areas of uncertainty in the law or issues such as emerging technologies in the firearms space.

## Meeting with the Commissioner and Deputy Commissioner of Police and Executive Director, Policy and Partnerships

The Commissioner, Deputy Commissioner and Executive Director, Policy and Partnerships spoke to the importance of the MAAG and their role in providing independent advice. They noted that while the MAAG's purpose is to provide advice to the Minister, Police will be open and honest, and value the ability to discuss matters with the group.

An operational update and an overview of the arms regulatory function was provided by Police. This included work that is currently being done to determine what a good service experience looks like and consideration to how the firearms licensing queue can be managed.

There was some discussion regarding the potential branded business unit and the work that has been undertaken to date. It was reiterated that the intention is to ensure that this is progressed in the most robust manner possible.

## Presentation by Police's Firearms Policy and Partnership Team

The Firearms Policy and Partnership Team presented a summary of the changes to the Arms Act and related regulations. The presentation covered summaries of the following:

- context of the changes
- the four Arms Act control strategies:
  - prohibiting or controlling access to firearms deemed high-risk
  - reducing availability to potentially high-risk users and ensuring only 'fit and proper' people are able to possess firearms
  - prohibiting or controlling high risk uses
  - promoting acceptance of responsibility for safe use of a firearm
- April 2019 changes:
  - banned prohibited firearms (and their parts) and prohibited large capacity magazines.
  - banned most semi-automatic firearms – not pistols; not 0.22 rimfire with up to 10 round magazine; not semi-automatic shotguns with up to 5 round tubular magazine. These changes recognised that pistols were already controlled by regulatory framework.
  - banned pump-action shotguns that can be used with detachable magazine; or have tubular magazine holding 5 cartridges or fewer.
  - prohibited items which can be lawfully possessed only by exempted persons (s4A) with endorsement and permit.
- June 2020 changes:
  - a new purpose statement
  - newly prohibited and restricted items
  - first time licence, and licence issued after a previously expired or revoked licence now five years
  - import permits needed for ammunition, pistol carbine conversion kits, blank-firing guns
  - new offences and penalties
  - visitor licence holder cannot purchase firearms for use in New Zealand
  - establishment of Minister's Arms Advisory Group
- December 2020 changes:
  - strengthened licensing provisions

- transparent fit and proper test / new disqualifying criteria / five-year stand-down if previous licence revoked
- internal review process before District Court appeal (s62)
- general condition on all licences which permits Police to inspect firearms and security, with notice
- health practitioners to consider reporting concerns to Police (s92)
- licence required for ammunition importing, buying, selling (ss 22C, 22D, 24C)
- new offences: re possession of prohibited magazines and non-prohibited parts, and sale and possession of ammunition (ss 22A, 22B, 22D)
- June 2021 changes:
  - activities which will require a dealer licence (s5) including hiring, repairing / modifying, displaying as museum
  - dealer fit and proper requirements (s6)
  - conditions on dealer licence relating to activity type such as security and record-keeping
  - dealer endorsements
  - multiple places of business (s7)
  - special conditions regarding manufacturing (s6B)
- June 2022 changes: shooting clubs and ranges
  - the proposals in the Arms Legislation Act set out only broad parameters with detail to be set in Regulations
  - the intention is for regulatory rules to be proportionate to the size, and risk of the target shooting club or range activities – noting clubs can play an important role in encouraging safe use
  - the Act deliberately provided for the changes to come into force two years after the Act becomes law to allow sufficient time for consultation
  - public consultation will take place in approx. April 2022, over an estimated six-week period
- Further regulations:
  - provide for new controls on firearms advertising
  - re-set of fees (cost recovery principles in Act ss 83 – 86).
- June 2023 changes: The creation of a firearms registry to enable the monitoring and tracking of every firearm legally held in New Zealand.

## Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019

Police has lead responsibility for eight of the 44 recommendations from the RCOI report. The recommendations relevant to firearms are:

- recommendation 19: make policies and operational standards and guidance for the firearms licensing system clear and consistent with legislation

- recommendation 20: introduce an electronic system for processing firearms licence applications
- recommendation 21: ensure firearms licensing staff have regular training and undertake periodic reviews of the quality of their work
- recommendation 22: introduce performance indicators that focus on the effective implementation of the firearms licensing system. Key indicators should include:
  - regular performance monitoring of firearms licensing staff to ensure national standards are met
  - public confidence in the firearms licensing system is increased
- recommendation 23: 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
- recommendation 24: introduce mandatory reporting of firearms injuries to Police by health professionals.

## 5. Future meetings

---

Future meetings for 2021/2022 have been set for July, August, October, November 2021 and January, March, April, May and June 2022.

## 6. Financial overview

---

MAAG costs for the year ended 30 June 2021 are as follows:

Member Fees & Travel	22,115
Meeting costs	558
Office Supplies	254
<b>Total</b>	<b>\$22,927</b>



# Appendices

---

## 1. Member biographies

- Don Hammond was appointed as Chair for a three-year term. Mr Hammond brings business, leadership and governance skills, and knowledge of firearms and pest control. He is currently Chair and shareholder of a number of private farming and forestry entities, and not-for-profit entities
- Rehanna Ali was appointed for a three-year term. Ms Ali was a member of the Muslim Community Reference Group to the Royal Commission of Inquiry undertaking research into legal, regulatory and legislative frameworks relating to firearms both in New Zealand and overseas; New Zealand gun licensing regulations; and working with victims of gun violence.
- Michael Dowling was appointed for a two-year term. Mr Dowling is the Chairman of the Council of Licenced Firearms Owners (COLFO), and a board member of the New Zealand Council of Victim Support Groups. Mr Dowling brings technical knowledge of firearms and experience with the firearms owning community. He has extensive governance experience as he is currently a Director of a financial advisory company and has voluntary involvement in various organisations.
- Simon Mount QC was appointed for a two-year term. Mr Mount has been a Barrister since 2010 and has maintained an interest in firearms law and policy. He has conducted and acted as counsel in a number of inquiries relevant to public health and safety. Mr Mount is a member of the Public Service Commission's Panel of Performance Improvement Framework Lead Reviewers and Inquirers.
- Maxine Shortland was appointed for a three-year term. Ms Shortland is a community and business leader, farmer and currently the Chair of the New Zealand Public Health Association.
- Dr Catherine (Cathy) Stephenson was appointed for a two-year term. Dr Stephenson is a General Practitioner, the Clinical Lead Southern for the Royal New Zealand College of General Practice, and a Senior Clinical Lecturer in Sexual Violence and Intimate Partner Violence, University of Otago. Dr Stephenson has a sound knowledge of the health impacts of firearms.
- Deborah (Debbie) Wakker was appointed for an eighteen-month term. Ms Wakker is the President of Pistol New Zealand and a founding member of the Firearms Community Advisory Forum. She is actively involved in a variety of competition shooting for pistol, rifle and shotgun, and is professionally involved in the education sector.
- Shayne Walker was appointed for an eighteen-month term. Mr Walker is currently Senior Lecturer in Social and Community Work Programme, Otago University Dunedin. He is an occasional recreational hunter. He is Co-Chair of Voyce Whakarongomai (a mentoring role) and has served on the Family Violence Death Review Committee since 2018.

- Philippa Yasbek was appointed for an eighteen-month term. Ms Yasbek is a Co-founder of Gun Control New Zealand and has knowledge of New Zealand and international firearms regulatory systems acquired through her involvement with Gun Control New Zealand.

## 2. Member appointment process

The Act specifies that the MAAG must comprise a balance of people from both the firearm-owning and non-firearm owning community and include people who are concerned about the mitigation of harm from firearms from a health perspective. Membership must collectively possess knowledge and experience in some or all of the following areas:

- New Zealand and international firearms regulatory systems
- public health and safety, particularly as it relates to firearms
- firearms research
- delivering firearms safety training and safe and use of firearms
- membership of any community organisation or group involved in firearms awareness, safety, or law reform

Also sought were the following:

- for the Chair:
  - experience in setting direction for the Group that will assist on-going review and support the review of the Act five years after it has taken effect
  - knowledge of legal and illegal use of firearms in New Zealand, the various stakeholders and associated challenges
  - understanding of the machinery of government and experience of good regulatory practice including good consultative practice.
- for all members:
  - evidence in working collaboratively with individuals holding divergent views
  - ability to work with Te Ao Māori and New Zealand's diverse population.

A broad approach was taken for the identification of suitably qualified people. Invitations for nominations were sent to several Government agencies including the Ministry of Health Manatū Hauora, Ministry for Women Manatū Wāhine, Te Puni Kōkiri, Ministry of Primary Industries Manatū Ahu Matua, Ministry of Foreign Affairs and Trade Manatū Aor, New Zealand Customs Service Te Mana Ārai o Aotearoa, Department of Conservation Te Papa Atawhai, and Te Kawa Mataaho Public Services Commission. Invitations for nominations were also sent to all members of the Firearms Community Advisory Forum (FCAF), the Arms Engagement Group (AEG) and the Labour Caucus.

Forty high calibre nominations were received for both the Chair and member roles. The nine members that were appointed were identified as having the desired mix of skills, knowledge, experience, personal attributes, diversity. Collectively they covered all the areas required in the Act.

As all members were appointed at the same time, the length of their terms have been staggered to either three years, two years or 18 months. This will allow for departures and reappointments without disruption and loss of institutional knowledge.

### 3. Support, fees and expenses for the MAAG

Resources and administrative support are provided by Police in accordance with section 89(4) of the Act. The Chair and members will be supported by a Secretariat, who is accountable to Police, to enable the MAAG to perform its functions. This will include:

- fees for costs incurred by members' preparation, travel and attendance at meetings in accordance with the Government's fees framework
- secretariat function
- meeting costs
- production of the annual report

MAAG fees and expenses are in accordance with the "Fees Framework for members appointed to bodies in which the Crown has an interest" [CO (19)1]. The fees framework is available here: <https://dpmc.govt.nz/publications/co-19-1-fees-framework-members-appointed-bodies-which-Crown-has-interest-html#section-5>.

### 4. Relevant legislation

#### **Arms Act 1983**

##### *Section 88: Arms Advisory Group*

- (1) The Minister of Police must establish an Arms Advisory Group (the advisory group) comprising a chairperson and up to 8 other members.
- (2) The purpose of the advisory group is to advise the Minister on matters that contribute to achieving the objectives of this Act, in particular, the safe use and control of firearms.
- (3) The advisory group may provide advice on any matter relating to firearms in New Zealand, including legislative proposals, policies for regulating New Zealand's firearms regime, and the promotion of firearms safety.

##### *Section 89: Operations of advisory group*

- (1) The members of the advisory group must appoint a deputy chairperson from among their number at their first meeting.
- (2) The advisory group may determine its own procedure, subject to compliance with any relevant provisions of this Act and regulations made under this Act.
- (3) The advisory group must, as soon as practicable after the end of each financial year, provide the Minister of Police with an annual report of its proceedings and operations during that year.
- (4) The Commissioner must provide the resources and administrative support necessary to enable the advisory group to perform its functions.
- (5) The members of the advisory group are immune from liability in civil proceedings for good-faith actions or omissions in pursuance, or intended pursuance, of the duties, functions, or powers of the group.

### *Section 90: Provisions relating to appointment of members of advisory group*

- (1) The membership of the advisory group must comprise a balance of people from both the firearm-owning and the non-firearm-owning community, including people who are concerned about the mitigation of harm from firearms from a health perspective.
- (2) In appointing any member of the advisory group, the Minister of Police must have regard to the need for the advisory group to possess knowledge and experience in some or all of the following areas:
  - (a) New Zealand and international firearms regulatory systems:
  - (b) public health and safety, particularly as it relates to firearms:
  - (c) firearms research:
  - (d) firearms safety and the use of firearms:
  - (e) membership of any community organisation or group involved in firearms awareness, safety, or law reform:
  - (f) any other matters the Minister considers relevant.
- (3) A member may be appointed for a term of up to 3 years as specified in the notice of appointment and be reappointed in the same manner.
- (4) The Minister of Police must, by notice in the *Gazette*, notify the appointment of members and their terms of office.
- (5) A member is entitled to be —
  - (a) paid remuneration at a rate and of a kind determined in accordance with the fees framework; and
  - (b) reimbursed for actual and reasonable travelling and other expenses in accordance with the fees framework.
- (6) In this section, fees framework means the framework determined by the Government for the classification and remuneration of statutory and other bodies in which the Crown has an interest.

### *Section 91: Removal of members of advisory group*

- (1) The Minister of Police may, if satisfied that there is just cause to do so, remove from office any member of the advisory group.
- (2) The removal must be made by written notice to the member.
- (3) The notice must state—
  - (a) the day on which the removal takes effect, which must not be earlier than the day on which the notice is received; and
  - (b) the reasons for the removal.
- (4) For the purposes of subsection (1), just cause includes misconduct, inability to perform the functions of office, neglect of duty, and breach of any of the determinations of the group regarding its operations and procedures (depending on the seriousness of the breach).