

Minister's Arms Advisory Group Annual Report

July 2021 – June 2022

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1. Report from the Chair

Tēnā koe Minister Andersen

On behalf of your Arms Advisory Group (MAAG) I am pleased to present the annual report for 2021/22.

It is a privilege to be your trusted advisor on such important matters. Each member of your Advisory Group takes this responsibility very seriously and share in the common objective to make New Zealand a safer place to live by ensuring an appropriate system of firearms training, licensing, management and enforcement is in place.

We are confident that the building blocks are coming together, and focus must turn to implementation.

The following report highlights work carried out during the year and identifies key areas of focus for the coming year.

The firearms system in this country is evolving rapidly at present making it essential to ensure all decisions are based on sound data and judgement including input from a wide range of stakeholders.

Further, the Group recognises the need to rebuild trust and confidence in the firearms system from both the firearm using community and the wider public. This challenge is one Te Tari Pūreke - Firearms Safety Authority will need to address if progress is to be made. The build of the new team is an important step in the right direction but must now be accelerated.

The Group looks forward to continuing to build strong relationships with you and with the new entity.



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 initially 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 MAAG's activities between July 2021 and June 2022 and provides a financial overview for 2021/22.

3. MAAG members

The following members were appointed to the MAAG:

Name	Term length	Term end
Don Hammond, Chair	Three-year term	6 April 2024
Rehanna Ali	Three-year term	6 April 2024
Michael Dowling	Two-year term	6 April 2023
Simon Mount QC	Two-year term	6 April 2023
Maxine Shortland	Three-year term	January 2022 - resigned
Dr Cathy Stephenson	Two-year term	6 April 2023
Debbie Lamb (previously Wakker)	Eighteen-month term	6 November 2022
Shayne Walker	Eighteen-month term	6 November 2022
Philippa Yasbek	Eighteen-month term	6 November 2022

All terms commenced on 6 April 2021 with staggered terms of membership to avoid all positions expiring at the same time.

Maxine Shortland resigned from the MAAG in January 2022 following her appointment to a permanent director position in the Public Service. Nominations for a replacement were invited from twelve government agencies and from Police's advisory groups: the Firearms Community Advisory Forum; the Arms Engagement Group; Māori and Pacific Ethnic Services. There were ten nominations. The process for appointing a replacement was not completed before the end of the financial year.

Post the year under review, this position has now been filled.

The ongoing refreshment of the MAAG is an important matter ensuring the right mix of skills, knowledge and connections to different parts of the community (both firearms and non-firearms-owning groups) contribute to the advice being provided. Further terms expire in the coming year so there will be continued renewal of the members.

Meetings

The MAAG met eleven times in the 21/22 financial year comprised of five full day meetings interspersed with six shorter video-linked meetings, with Covid continuing to disrupt plans. Fortunately, the team were determined to ensure the necessary work was completed despite the challenges.

The first Annual Report was presented, after members had met just once. Since then, the MAAG has focused on developing its processes and clarifying and solidifying their kaupapa. In July 2021, members took the opportunity to enhance their knowledge of trends in the lawful and criminal use of firearms by combining their full day meeting with a visit to the Police armoury. In part, this recognised the range of backgrounds of the MAAG – from those with extensive knowledge in the area to those who had no previous direct involvement with firearms.

Arms Entity

The July and August 2021 meetings focused on the Minister's specific request to consider the optimum entity structure for the delivery of the arms regulatory services. In August, assisted by an independent facilitator, the MAAG identified a range of Critical Success Factors and assessed whether these would be best achieved through a standalone Crown entity, or a ring-fenced unit retained within Police. The members advised the Minister that the choice was finely balanced but concluded that seamless, effective and timely exchange of information and intelligence favoured retention of the regulatory function as a ring-fenced branded business unit within Police, as an initial step, but one that is capable of being uplifted in the future as a standalone entity. This decision was conditional upon a review of the entity's performance to commence in June 2026 to align with the required statutory review of the Arms Act 1983.

Operational Performance

The promotion of trust and confidence through effective firearms system management was identified by the MAAG members as one of the Critical Success Factors. For this reason, a standing agenda item for every meeting has requested a progress report back on management of firearms licence applications in the pipeline. Progress on delivery of firearms licence applications and renewals has been disappointing to all concerned – Police, MAAG and the firearms community. Police recognises this and have been seeking ways to deliver improved performance.

In addition, the October and November meetings supported by an independent facilitator, focused on the development of an outcomes framework and assisted the MAAG to identify the key performance indicators to determine whether the implementation of the Arms Act is meeting its' purpose of safe use and control of firearms. This work continues to progress and remains an area of active member involvement.

Throughout the year the members received reports on the findings from Operation Tauwhiro¹ as it progressed. The MAAG identified international developments in criminal access and use of firearms as an area for monitoring and assessing whether New Zealand's legislative framework is equipped to deal with these trends.

¹ This operation focused on the access and use of firearms by gangs and organised crime groups.

Legislative programme

In the year, there was an extensive regulatory programme led by Police relating to the implementation of the Arms Act and to Recommendation 24 made by the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019. The latter promoted the mandatory reporting of firearms injuries. The MAAG was also briefed on options under consideration for amending the Act to provide for Firearms Protection Orders.

Presentation on these matters supported the MAAG to provide collective and independent advice to the Minister of Police.

The tight timeframe for consultation on the regulations needed to implement the 2020 changes to the Arms Act meant it was not always possible for the MAAG to form a collective view. Therefore, the members focused on advising on improvements that could be made to the consultation documents and consultation processes to make them more accessible to the affected parties. In particular, the MAAG expressed concern about the difficulty in understanding some of the consultation documents and noted a significant improvement to future consultation documents.

Future Focus

The MAAG identified international developments in criminal access and use of firearms as an area for monitoring and assessing whether New Zealand's legislative framework is equipped to deal with these trends.

In July 2021, the members took the opportunity to enhance their knowledge of trends in the lawful and criminal use of firearms by combining their full day meeting with a visit to the Police armoury.

Clearly as we count down to the establishment of the new Registry there is considerable work to be completed in a short timeframe. Efficiency and effectiveness of the new Registry is critical as is security, accuracy, completeness and integrity. These are very significant challenges that must be addressed before the Registry goes live. The Registry has only one chance of successful operation. It must be fit for purpose and functional from day one.

4. Financial overview

Chair of the MAAG costs for the year ended 30 June 2022 are as follows:

Member attendance at meetings	3,881.25
Member preparation	8,536.65
Travel and accommodation	2,878.83
Total	\$15,296.73

Deputy Chair of MAAG costs for the year ended 30 June 2022 are as follows:

Total	3,209.38²
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All other members MAAG costs for the year ended 30 June 2022 are as follows:

Member attendance at meetings	4,271.50
Member preparation	3,260
Travel and accommodation	1,055.03
Total	\$8,586.53

Total MAAG costs for the year ended 30 June 2022 are as follows:

Member attendance at meetings ³	11,362.13 ³
Member preparation	11,796.65
Travel and accommodation	3,933.86
Total	\$27,092.64

5. Looking Ahead

The MAAG has identified several key areas deserving their focus in order to best advise the Minister. These include the standing up of the Registry in June 2023, the fees and costs associated with licences; and assessing the extent to which other agencies of the Crown (especially the Censor and the Judiciary) are able to support the intent of the changes being made to firearms legislation of making New Zealand safer.

A separate piece of work is required to consider the question *"how do we know whether these changes are making New Zealand safer and how do we measure this?"* Alongside this is how do we (we in the widest sense) reach out to the firearms community and create their support for these changes, recognising that to be most effective, the community must want to make change, not simply have it imposed on them. If the community wants to change, greater progress will be made.

We continue to seek a review of where firearms policy should sit. Currently it sits within Police, but for example in the case of the Crimes Act, policy for this sits in Justice. The MAAG has no view on this but seeks to have the discussion to achieve the best outcome.

² The Deputy Chair's costs did not separate preparation costs from attendance cost. so total preparation costs are marginally understated and attendance cost marginally overstated.

³ Ibid.

6. 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 Licensed 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, is 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 acted as counsel in 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 at time of appointment 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 involved in pistol, rifle and shotgun competition shooting, and professionally involved in the education sector.
- Shayne Walker was appointed for an eighteen-month term. Mr Walker is a Senior Lecturer in the Social and Community 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. She brings knowledge of New Zealand and international firearms regulatory systems acquired through involvement with Gun Control New

Zealand and as a member of Police's Arms Engagement Group.

2. Member appointment process

The Act specifies that the Minister's Arms Advisory Group 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 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 MAAG 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 Aorere, 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: and 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 was 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 are supported by a Secretariat, who is accountable to Police, to enable the MAAG to perform its functions. This includes:

- 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 MAAG has been identified as a Group 4, Level 3 body under CO (19)1. The appropriate fees charged by the Chair and the members are assessed against a matrix of factors outlined in this Cabinet Circular and were then given a score. The appropriate range for the MAAG is identified below.

Total Score	Level	Fee range – Chair	Fee range – members
24 – 28	1	\$540 - \$1,150	\$405 - \$865
20 – 23	2	\$390 - \$885	\$290 - \$560
15 – 19	3	\$280 - \$575	\$205 - \$395
10 – 14	4	\$250 - \$365	\$190 - \$270
9 or less	5	\$205 - \$265	\$150 - \$205

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.

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).