

Minister's Arms Advisory Group Annual Report

July 2022 – June 2023

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1. Report from the Chair

Tēnā koe Minister Andersen

On behalf of your Arms Advisory Group (the Group) I am pleased to present the annual report for 2022/23, as required by section 89 (3) of the Arms Act 1983.

The Group has now established a programme of work that recognises a number of key themes that we believe will lead to 'making New Zealand safer'. While the list below articulates the themes, the reality is they are all interconnected, and we have only broken them down to these themes to ensure that we do not overlook important aspects of the work.

Central to these themes is the concept of Trust and Confidence in both the firearms system and the regulatory system and striving to involve the wider community in all aspects of the firearms system in New Zealand. Without community involvement and buy-in, i.e., the people seeking to do the right thing rather than only complying because they are forced to, compliance and confidence will be eroded.

The themes the Group have identified include:

- Community involvement in contributing to firearms safety;
- Gathering information from the widest possible sources to provide detailed advice and ensure decisions are well-informed;
- Consideration of future risks, some of which may not even be known yet;
- Measuring and understanding harm that may exist below the threshold of crime, or reporting, to provide early warning of trends and issues facing communities;
- Continuing to look both ahead and back to learn and adjust;
- Support communities with communications that are easily understood and where appropriate acted upon.

Much of this will also feed into the 2026 review by establishing baseline data from which trends can be discerned. This will assist in answering the key question – have these changes made New Zealand safer. By considering these themes the Group are of the view we will collectively be in a much better position to answer this question.



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 (the Group).

The report covers the Group's activities between 1 July 2022 and 30 June 2023 and provides a financial overview for 2022/23.

3. Advisory Group members

The following people are or were members of the Group during the reporting year.

| Name | Term length | Term end |
|---------------------|-----------------|--|
| Don Hammond, Chair | Three-year term | 5 April 2024 |
| Rehanna Ali | Three-year term | 5 April 2024 |
| Michael Dowling | Three-year term | 5 April 2026 |
| Simon Mount QC | Two-year term | 5 April 2023 – chose not to seek reappointment |
| Dr Cathy Stephenson | Three-year term | 5 April 2026 |
| Debbie Lamb | Three-year term | 5 November 2025 |
| Shayne Walker | Three-year term | 5 November 2025 |
| Philippa Yasbek | Three-year term | 5 November 2025 |
| Helene Leaf | Three-year term | 5 November 2025 |

The initial appointments to the Group involved terms that commenced on 6 April 2021. The terms of the members have been staggered to avoid all positions expiring at the same time.

The initial terms of Debbie Lamb, Shayne Walker and Philippa Yasbek all expired on 5 November 2022. All three members expressed a desire to continue as members, and all were reappointed.

Simon Mount QC did not seek reappointment to the Group, and his term ended on 5 April 2023. His replacement was appointed in June 2023 and is outside the term of this annual report.

Michael Dowling's and Dr Cathy Stephenson's initial terms both expired on 5 April 2023, and both expressed a desire to continue as members. Both were reappointed.

The ongoing membership of the Group is an important consideration in order to ensure the right mix of skills, knowledge and connections to different parts of the community and achieve the balance of firearms and non-firearms owning membership contributing to the advice being provided. Two members' initial terms are due to expire on 5 April 2024.

4. Reflections

Several important milestones have been achieved in the arms regulatory system during the reporting period, including the introduction of the Firearms Safety Authority in November 2022 and the launch of the Registry in June 2023. Both events are critical components to delivering on the vision of “making New Zealand a safer place”.

These achievements have been delivered in a remarkably short period of time, demonstrating the willingness, effort and commitment of all those involved in their delivery. It is a credit to all involved.

The Group has been asked throughout the process to advise on many aspects of these projects and we are firmly of the view that our independent input and advice has helped strengthen the outcomes achieved.

Clearly a strong metric that will be followed closely is the number of firearms held by licence holders recorded in the Registry. Equally important, or perhaps even more critical, is the question of how many people and firearms remain outside the Registry requiring an understanding of why they remain outside and how this can be remedied.

The Group remains firmly of the view that the success of the Registry will only be achieved through the community wanting to be part of this initiative, not through it simply being a legal requirement.

The Group has also considered the issue of licence fees and continues to seek a balance between the cost of the firearms licence and ensuring the community can afford it and so will comply. The alternative will be them choosing to operate outside the law. This reflects our previous comment about the community wanting to comply, rather than being forced to comply.

The Group is now increasingly focused on new initiatives rather than responding to the considerable legislative demand that has been required to date. It is here where we believe we can add considerable value in the future and particularly as we head into the 2026 statutory review.

The Group will be looking to continue inviting external agencies to present including academics and relevant Government agencies such as the Classification Office, NZ Customs Service and the Security Intelligence Service.

Meetings

The Group met eleven times in the 22/23 financial year comprised of five full day meetings interspersed with six shorter video-linked meetings. One of the meetings was held at the Kilbirnie Mosque as part of our approach to reach out to minority groups within our wider community.

At the time of this report the Group had been meeting for two years and had developed its processes and solidified its kaupapa over this time. There have been two changes in its membership over this time and the Group continues to enjoy a good rapport among its members which include a near-equal balance of firearms and non-firearms-owners.

Where appropriate the Chair has provided an update to the Minister of Police after each meeting.

Matters considered

A significant concern expressed at meetings was the need to restore trust and confidence in Police from the firearms licence community. It should be noted that anecdotally, the wider community do not appear to differentiate between Police and TTP. The Group noted that some in the community felt the changes to the legislation, particularly the establishment of the Registry and associated reporting obligations, unfairly targeted them as firearms licence holders rather than the non-licence holding criminal community. Compounding this was the widespread reporting of the many gang-associated, drive-by shootings occurring throughout the year. The Group believes it is vital for the new Firearms Safety Authority (Te Tari Pūreke) to share important milestones and positive progress as much as possible.

Te Tari Pūreke was formally established on 30 November 2022. It is focused on the regulation and safety of lawful firearms ownership in New Zealand. Senior staff from Te Tari Pūreke are invited to attend every Group meeting and to report on matters such as the number and trends of applications for firearms licences and community outreach initiatives.

At its July meeting, the Group, assisted by a facilitator, undertook a strategic planning session which discussed the role of the group, established and prioritised its work programme, considered what the Group needed to operate successfully, what success looked like and how to measure it.

The Group confirmed its role is:

- To be an independent advisory group for the Minister of Police;
- To answer the fundamental questions “have legislative changes made New Zealand safer, and how do we know and measure safety?”;
- To take a more proactive role with its direct access to the Minister;
- To help the Minister maintain a “big picture” view;
- To provide an alternative view on policy and operational decisions that may not be fit for purpose and may need to be reconsidered;
- To support the work of Police and Te Tari Pūreke by identifying areas that Police and Te Tari Pūreke should be proactively considering.

Guided by this, the Group continued to develop its role throughout the year.

“Business as usual” matters included receiving from Police and Te Tari Pūreke progress reports on the development of the Registry, the fees review, reducing the licence application backlog, commenting on performance measures, the use of the firearms application triage model, and the development of regulations for implementing Part 6 of the Act relating to clubs and ranges.

The Group advised the Minister of the importance of stakeholder engagement.

The Group also noted existing and emerging trends in technology (such as 3D-printed guns) and the risks they presented.

The Group further developed its draft Terms of Reference. The Group agreed that:

- Advice from the Group will be provided as a collective. If there are matters where there is no common view, all sides of the discussion will be provided, and an explanation will be recorded;
- Minutes are not to be automatically released, though they could be requested under the Official Information Act 1982;
- Minutes would not be available to any third party (including Police) until they had been approved at a Group meeting;
- The Terms of Reference did not need to explicitly include an obligation under Te Tiriti o Waitangi, as it is already covered in the legislation. However, the Terms of Reference should include wording that this obligation had been considered in the advice provided to the Minister by the Group.

The Group developed a collective view on recommendation 24 from the Royal Commission of Inquiry and advised Minister Andersen of its view.

A regular theme during the reporting year was a concern that sentences imposed for some firearms offences appeared to be light, and the Group wished to understand the reasons and to look further into this.

The Group also considers that an independent review should consider whether firearms policy should remain within Police, be transferred to another Public Service Department such as Justice or be transferred to Te Tari Pūreke.

The Group welcomed Police's extension of the deadline for feedback from those impacted by cyclone Gabrielle on the discussion document proposing new fees for firearms licences.

Cyclone Gabrielle also prevented Group members being able to attend a planned Whakatūpato event during the period. Plans are underway for the Group to attend the event in the next reporting period.

At their June 2023 meeting, the Group were very pleased with the significant milestone that Te Tari Pūreke had achieved in eliminating the historical backlog of firearms licence applications through the application of dedicated resources to this problem. The Group also expressed satisfaction with the increasing level of community engagement that Te Tari Pūreke's Partnerships team was engaging in.

5. Financial overview

Chair of the Group costs for the year ended 30 June 2023 are as follows:

| | |
|-------------------------------|--------------------|
| Member attendance at meetings | 6,612.51 |
| Member preparation | 13,535.91 |
| Travel and accommodation | 4,483.66 |
| Total | \$24,632.08 |

Deputy Chair of the Group costs for the year ended 30 June 2023 are as follows:

| | |
|-------------------------------|-------------------|
| Member attendance at meetings | 3,209.40 |
| Member preparation | 1,728.11 |
| Travel and accommodation | Nil ¹ |
| Total | \$4,937.51 |

All other members of the Group costs for the year ended 30 June 2023 are as follows:

| | |
|-------------------------------|--------------------|
| Member attendance at meetings | 6,875.41 |
| Member preparation | 5,098.10 |
| Travel and accommodation | 12,733.56 |
| Total | \$24,707.07 |

Total Group costs for the year ended 30 June 2023 are as follows:

| | |
|-------------------------------|--------------------|
| Member attendance at meetings | 16,697.32 |
| Member preparation | 20,362.12 |
| Travel and accommodation | 17,217.22 |
| Total | \$54,276.66 |

¹ The Deputy Chair incurred no travel or accommodation costs as she resides in Wellington.

6. Looking Ahead

The Group has noted above that it has identified several key areas deserving their focus to best advise the Minister. These include assessing the extent to which other agencies of the Crown (such as the Classification Office) and the Judicial branch of the public service are able to support the delivery of the intent of the Arms Act.

An important piece of work is required to consider the question *“how do we know whether the changes made to the legislation are making New Zealand safer and how do we measure this?”* The Group will continue to look into the key performance measures needed to address this question. 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 Group has no view on this but seeks to have the discussion to achieve the best outcome.

7. Appendices

1. Support, fees and expenses for the Group

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 Group 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;
- The Secretariat function;
- Meeting costs;
- Production of the annual report.

Group fees and expenses are in accordance with the "Revised Fees Framework for members appointed to bodies in which the Crown has an interest" [CO (22)2]. This Cabinet Office circular was issued on 6 October 2022. The prior Cabinet Office circular was CO (19)1.

2. 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).