

Proposals for new Regulations under the Arms Act 1983 (Phase One)

This consultation document sets out proposals for new Arms Regulations in relation to:

- **Types of dealer activities**
- **Conditions on types of dealers' licences (including security, record keeping, specific conditions relating to activities)**
- **Security precautions for firearms licence holders**
- **Requirements on all Ammunition sellers (notifications, security, record keeping)**
- **Implementing Royal Commission of Inquiry Recommendation 23**
- **Miscellaneous (including marking of parts, pistol carbine conversion kits, mail and internet orders, reviews under s62, technical amendments)**

PUBLIC CONSULTATION DOCUMENT

22 MARCH 2021

Contents

Contents	2
1. Submissions	5
1.1. Purpose of this consultation	5
1.2. How to have your say	5
1.3. Privacy.....	6
1.4. What happens to my submission?	6
2. Introduction to the Arms Regulatory Regime.....	7
2.1. The Arms Act 1983	7
2.2. The Arms Legislation Act 2020	7
2.3. Regulations under the Arms Act 1983.....	8
2.4. Terms used in this document	9
3. Proposals for new and updated regulations	11
3.1. Objectives of the proposals.....	11
3.2. Why are we proposing new regulations?.....	11
3.3. New power to issue Guidance Notices.....	12
3.4. Criteria for assessing the proposals	13
4. Dealers	14
4.1. Changes impacting on dealers.....	14
4.2. Why are changes required?	14
4.3. Transition to new dealer regime	14
4.4. Dealers: types of dealer activities.....	16
4.5. Dealers: Document setting out all relevant conditions of a dealer's licence	17
4.6. Dealers: conditions relating to security precautions.....	19
4.7. Dealers: Conditions related to record keeping.....	21
4.8. Dealers: general conditions that should apply to all dealers' licences	23
4.8.1 Discontinuation of Business	24
4.8.2 Inspection of all arms items held by dealers	25
4.8.3 Notifying Police when changing business premises.....	26
4.8.4 Managers of body corporate dealer businesses and other dealer businesses ...	27
4.8.5 Changes to types of activities and classes of arms items	28
4.8.6 Carriage and use of firearms by dealers	29
4.9 New conditions specific to types of dealer activities	31
4.10 Employees of dealers	33
4.11 Theatrical armourers.....	35
5 Security precautions for firearms licence holders (non-dealer).....	37

5.1	Background – security precautions in regulations	37
5.2	Why are changes required?	37
5.3	General security of firearms	38
5.4	Storage of Ammunition	39
5.5	Firearms in vehicles	40
5.6	Carriage of firearms in public places or on public transport	42
5.7	Further guidance on security precaution best practice	43
6	Ammunition sellers.....	45
6.1	Ammunition sellers - notification requirements	45
6.2	Ammunition sellers - security requirements.....	46
6.3	Ammunition sellers - record keeping requirements.....	47
7	Marking of firearms and parts.....	49
8	Mail Order / Internet sales	52
9	The Police review process under section 62	54
10	Amendments to implement Royal Commission of Inquiry.....	56
10.1	Amendments to implement Royal Commission of Inquiry Recommendation 23	56
10.2	Amendments to Regulation 15 (supply of particulars for firearms licence)	57
10.3	New criteria for finding that a person is not a fit and proper person to be in possession of a firearm	58
11	Pistol Carbine Conversion Kits	60
12	Other matters	61
12.1	Minor or technical changes needed to regulations	61
12.2	Amendment to Regulation 9 (Power to grant exemptions in respect of security precautions).....	61
12.3	Amendment to Regulation 10 (Applications for permits to import)	62
12.4	Amendment to regulation 13 (Notification of importation)	63
12.5	Amendment to regulation 20B (Manner of applying for endorsement in respect of prohibited firearm or prohibited magazine)	64
12.6	Amendment to regulation 28C (Commissioner may direct who may issue licences, etc) 65	
12.7	Amendment to regulation 28Y (Certain persons may possess prohibited ammunition).....	66
12.8	New regulation regarding the inspection provisions in section 24B	67
12.9	New regulation regarding the “amnesty provisions” in s 59A.....	68
12.10	New regulation: Reporting the non-receipt of any firearms or parts by dealers or firearms licence holders when an incomplete order is received	70
13	Monitoring, evaluation and review	72
APPENDIX: SUBMISSION FORM FOR CONSULTATION ON ARMS REGULATIONS (PHASE ONE)		73
Questions		75

APPENDIX: EXTRACTS FROM ARMS ACT AND ARMS REGULATIONS.....	96
---	-----------

1. Submissions

This document sets out policy proposals for potential inclusion in the Arms Regulations to assist with implementation of amendments to the Arms Act 1983 made by the Arms Legislation Act 2020. New Zealand Police invites interested parties to make written submissions on the proposals presented in this consultation document.

Your submissions will help us assess whether, and if so how, we may need to amend the proposals to meet the objectives of the legislation.

1.1. Purpose of this consultation

This consultation is the first of a series of consultation exercises on amendments to the Arms Regulations. These amendments are mainly to support the implementation of amendments to the Arms Act 1983. This consultation does not constitute a review of the amendments in the Arms Legislation Act 2020 but a consideration of how to best give effect to those amendments.

This document relates to amendments that either came into force in December 2020 or will come into force in June 2021. While this document seeks feedback from the wider public, most of these proposals are technical and directly impact those who already have a defined role in the system, such as licensed firearms dealers.

It also relates to two recommendations from the November 2020 report of the Royal Commission of Inquiry into the Terrorist Attack on Christchurch Mosques on 15 March 2019.

The purpose of this consultation is to help determine:

- the proposals for new Regulations
- where guidance through Commissioner's guidance notices is more appropriate than a formal regulation.

These amendments to Regulations are intended to support the purpose of the Arms Act by clarifying the responsibilities of those persons who supply, sell, possess or use arms.

The critical points for controlling who possesses firearms are at licensing, import, transfer, and storage. To a lesser degree the point of manufacture provides a further control point. The transfer and storage points are key to mitigating the risk of the movement of firearms from the legal market to the illegal market through theft or sales into the black market.

The general aims of this consultation are to:

- ensure the proposed regulations are fit for purpose and to minimise any unintended consequences
- promote consistency and transparency in the application of standards and processes when implementing the legislation
- give stakeholders an opportunity to understand how the new proposals would impact on them and submit comments.

1.2. How to have your say

The closing date for submissions is 25 April 2021.

We encourage you to give your views on the questions set out in this consultation document, and to provide any other comments you may have about the matters discussed. You do not have to answer all the questions.

To assist you with your response, a submission form accompanies this consultation document. You do not have to use this form to make a submission.

Please include your name, contact details, and organisation (if applicable) in your submission.

You can submit by:

- sending your submission to consultation@police.govt.nz
- posting your submission to Firearms Policy and Partnerships, 13th floor Police National Headquarters, PO Box 3017, Wellington
- using the online submission form, located at www.police.govt.nz/consultation-regulations

1.3. Privacy

Your feedback may be made publicly available by Police on its website, or to members of the public who request copies of submissions. Please indicate clearly if your identity or comments are provided in confidence or if there is some other reason they should not be disclosed.

Any request for non-disclosure will be considered in terms of the [Official Information Act 1982](#). Your feedback may be edited for publication to anonymise it or remove sensitive information.

1.4. What happens to my submission?

Police will analyse all the submissions received. The submissions will be considered when Police reports back to the Government with recommendations.

2. Introduction to the Arms Regulatory Regime

2.1. The Arms Act 1983

The purpose of the Arms Act 1983 is to promote the safe possession and use of firearms and impose controls that reflect the principles that the possession and use of arms is a privilege and that persons who manufacture, supply, sell, possess, or use arms have a responsibility to act in the interests of public safety.

The Arms Act has provisions for:

- the licensing of those in possession of firearms
- the licensing of firearms dealers
- permits for the importing of firearms
- restrictions on the possession of certain firearms to those who have endorsements and permits for them
- the revocation of licences.

It sets out offences and penalties for contravening the Act.

The Act was recently amended by the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 and the Arms Legislation Act 2020.

You can read more about the Arms Act 1983 [here](#).

2.2. The Arms Legislation Act 2020

The Arms Legislation Act 2020 set out the newly stated purpose of the Arms Act 1983 (which is to promote the safe possession and use of firearms and impose controls that reflect that the possession and use of arms is a privilege and that persons who manufacture, supply, sell, possess, or use arms have a responsibility to act in the interests of public safety). The amendments in the Act aimed to provide greater oversight of, and strengthen, the critical control points in the Arms Act.

The other main changes were:

- adding to the types of firearms that are prohibited
- extending activities requiring a dealer's licence and setting out criteria for determining if a person is fit and proper to hold a dealer's licence
- requiring permits to import ammunition, blank-firing guns, parts of firearms, and pistol carbine conversion kits
- requiring a firearms licence to sell or possess ammunition
- requiring those in the business of selling ammunition to have secure storage and keep records
- disqualifying certain individuals from holding a firearms licence

- setting out the criteria that can be the basis of a Police decision that a person is not fit and proper to be in possession of a firearm or airgun and may not be issued with a firearms licence
- reducing the duration of a firearms licence for first-time licence holders and those whose previous licence was surrendered, revoked or expired
- introducing additional conditions on firearm licences
- enabling Police to issue improvement notices and notices that immediately suspend an individual's firearms or dealer's licence pending revocation
- enabling individuals to seek a review by the Commissioner of decisions to refuse an application for, or to revoke, a firearms licence
- enabling the Commissioner to issue guidance notices
- establishing a Ministerial arms advisory group
- requiring Commissioner approval of shooting clubs and certification of ranges (from June 2022)
- establishing a registry (from June 2023 or earlier by Order in Council)
- requiring a review of the changes to the Arms Act 1983 after all sections of the Arms Legislation Act 2020 (with 2 minor exceptions) have been in force for three years.

You can read more about the Arms Legislation Act 2020 [here](#).

2.3. Regulations under the Arms Act 1983

The regulation-making powers in the Arms Act 1983 enable the Governor-General to make regulations on matters necessary to give full effect to the Act and for its due administration.

Regulations may be made prescribing conditions on licences, endorsements and permits, or authorising the Commissioner to prescribe such conditions. There is provision for regulations relating to security precautions, record keeping and marking of firearms.

The current Arms Regulations 1992 have provisions relating to record keeping by dealers, the secure storage of firearms by dealers, the security of firearms possessed in a personal capacity, with additional security precautions for pistols, prohibited firearms, prohibited magazines and restricted weapons, and the marking of firearms that are imported, manufactured or assembled.

You can read more about the current Arms Regulations 1992 [here](#).

Changes in the policy settings of the Arms Act brought about by the Arms Legislation Act 2020 need to be supported by regulatory changes that clarify both the existing and new obligations on holders of firearms licences and dealer licences to meet personal and public safety standards. The proposed regulatory proposals in this paper therefore cover new regulations to support implementation of changes to the Act and strengthening current regulations to provide clear and comprehensive directions on expectations around legislative requirements.

2.4. Terms used in this document

The following sets out the definitions for the technical words used in this consultation document. Most of these reflect the definitions set out in section 2 of the Arms Act 1983.

Term	Explanation
Airgun	Includes any air rifle, any air pistol, and any weapon from which, by the use of gas or compressed air (and not by force of explosive), any shot, bullet, missile or other projectile can be discharged.
Ammunition seller	A person who is responsible for the day to day management of a business that includes selling or supplying ammunition, but does not include a licensed dealer (as they are covered by separate requirements) or members of shooting clubs selling ammunition on club premises to obtain revenue for the club. This excludes the sale or supply of prohibited ammunition.
Arms Advisory Group	A Minister's arms advisory group that must be established by the Minister of Police under section 88 of the Arms Act 1983.
Arms item	This term includes all the following: firearms, magazines, parts, airguns, pistols, restricted weapons, pistol carbine conversion kits. Does not include ammunition.
Blank-firing gun	Anything that— (i) has the shape of a firearm or restricted weapon, or otherwise resembles a firearm or restricted weapon; and (ii) is capable of firing blank cartridges, but incapable of discharging any shot, bullet, missile, or other projectile; and includes a starting pistol that fires a blank cartridge or a cap.
Commissioned officer of Police	A police officer of the rank of Inspector or above.
FCAF	Firearms Community Advisory Forum. An advisory group established by Police to provide a formal mechanism for representatives from the firearms community to: input to the Police on policy relating to the Arms Act 1983 and the Arms Regulations 1992; and review and make recommendations for consideration by Police on firearms-related matters. Membership of the Forum comprises both Police employees and representatives from firearms community organisations.
Hire	'Hire' means offering the temporary use of arms items for compensation.
Hunting and target shooting rifles and shotguns	Standard non-endorsed firearms (that are not prohibited firearms or restricted weapons, or pistols) also known as sporting rifles and shotguns.
Manufacture	In addition to the ordinary meaning, "manufacture" in relation to the Arms Act includes the assembly of that item.
Part	Part in relation to any firearm or restricted weapon: <ul style="list-style-type: none"> means in relation to any firearm or restricted weapon: <ul style="list-style-type: none"> any component that, of itself, is essential to the discharge of any shot, bullet, missile, or other projectile from the firearm or restricted weapon; and any component that is exclusively designed to be, or is intended to be, an integral part of the firearm or restricted weapon (for example, a butt, stock, magazine, or other component that feeds or contributes to feeding ammunition to the firearm or restricted weapon); and includes the following components or accessories that can be fitted to, or adapted to fit, a firearm or restricted weapon: <ul style="list-style-type: none"> grips frames chassis systems

	<ul style="list-style-type: none"> - magazine adapters - magazine couplers - magazine loaders - flash suppressors - silencers - folding or telescoping stocks; • but does not include the following: <ul style="list-style-type: none"> - pistol carbine conversion kits - air pistol carbine conversion kits.
Pistol	Any firearm (other than a prohibited firearm or restricted weapon) that is designed or adapted to be held and fired with one hand; and includes any firearm (other than a prohibited firearm or restricted weapon) that is less than 762 millimetres in length.
Prohibited ammunition	Ammunition of a type specified in the Arms (Prohibited Ammunition) Order 2019 (essentially ammunition designed for military use).
Prohibited firearm	Defined in section 2A Arms Act 1983 – includes a wide range of semi-automatic firearms (excluding pistols used for target shooting and low calibre rimfire rifles) and pump-action shotguns above a specified magazine capacity.
Prohibited magazine	Defined in section 2B Arms Act 1983 – Includes shotgun magazines capable of holding more than 5 cartridges and magazines for other firearms capable of holding more than 10 cartridges.
Prohibited part	A part of a prohibited firearm or a component that can enable, or take significant steps towards enabling, a firearm to be fired with, or near to, a semi-automatic or automatic action.
Restricted airgun	<p>An airgun that:</p> <ul style="list-style-type: none"> • without any of the attachments with which it is customarily used, has the appearance of being a pistol, prohibited firearm, or a restricted weapon; or • with some or all of the attachments with which it is customarily used, has the appearance of being a pistol, prohibited firearm, or restricted weapon; or • is designed for use in airsoft or paintball sports and: <ul style="list-style-type: none"> - without any of the attachments with which it is customarily used, has the appearance of being a firearm capable of full automatic fire; or - with some or all of the attachments with which it is customarily used, has the appearance of being a firearm capable of full automatic fire. <p>For the purposes of the above definition of restricted airgun, an airgun can have the appearance of a pistol, restricted weapon, prohibited firearm, or firearm capable of full automatic fire without having the appearance of any particular model of pistol, restricted weapon, prohibited firearm, or firearm capable of full automatic fire.</p>
Restricted weapons	Items in the Schedule to the Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984. They are items such as anti-tank projectors, grenade launchers, grenades, machine guns, fully automatic firearms, mines, mortars, rocket launchers, and devices such as tasers, and those that release mace or pepper spray.
Sale	<p>'Sale' includes:</p> <ul style="list-style-type: none"> • barter; • offering or attempting to sell; • having in possession for sale; • exposing for sale; • sending or delivering for sale; and • causing or allowing to be sold, offered or exposed for sale.

	"To sell" has a corresponding meaning.
Theatrical armourer	<p>"Theatrical armourer" means a person who holds a firearms licence that bears a current endorsement under section 30(1)(c) or 30B(3) allowing them to possess, use, or supervise the use of any of the following items in making a broadcast or in theatrical, cinematic, television film, or video recording productions:</p> <ul style="list-style-type: none"> • prohibited firearms and pistols; • prohibited magazines; or • restricted weapons.

3. Proposals for new and updated regulations

3.1. Objectives of the proposals

The proposals in this discussion paper aim to:

- support the purpose and principles of the Arms Act 1983
- create regulations that give effect to the changes in the Arms Legislation Act 2020 relating to:
 - types of dealer activities
 - conditions on dealers' licences
 - security for firearms (including in vehicles)
 - ammunition sales and the secure storage of ammunition
 - marking of firearm parts
 - pistol carbine conversion kits
 - mail and internet orders
 - review of decisions to refuse to issue a licence or to revoke a licence (section 62 of the Arms Act 1983)
- give transparency and legitimacy to conditions required to be met by licence holders
- establish the basis for the format and content of required forms and documents
- update those current regulations that do not provide clear and comprehensive directions on expectations around legislative requirements
- address some technical matters.

3.2. Why are we proposing new regulations?

The recent changes to the Arms Act 1983 have created a need for changes and additions to the Arms Regulations 1992 to assist compliance with the new provisions on the safe possession and use of firearms, improve accountability of licence holders consistent with promoting public safety, and introduce more transparency and consistency in how holders of dealers' and firearm licences are regulated. For instance, new or revised regulations are required to:

- address the wider range of activities that will require a dealer's licence. This may mean different requirements for different activities, and for the different types of firearms that are involved
- address the licensing of persons who are a business manager type of licensed dealer (for a body corporate or another dealer)
- cover dealers' record-keeping of transactions involving parts and ammunition and their secure storage of ammunition. In addition, new regulations are required to cover records relating to possession of pistol carbine conversion kits, and the manufacture, or the marking of, major parts of firearms
- establish a requirement for ammunition sellers (which excludes dealers) to provide notification to Police of being in business and, to manage the risks associated with ammunition, address the maintenance of their records of transactions involving ammunition and the secure storage of the ammunition they stock.

Some regulations would also benefit from some adjustment or clarification to improve the administration of the Arms Act 1983 and better safeguard the public. For instance:

- the regulations on security precautions for firearms and ammunition in general could better reflect the standards now included in Police guidelines
- there is a need to define what constitutes adequate security for firearms in vehicles
- some key parts that are major components of firearms may need to be marked at the time of import or manufacture to support the oversight of these items coming into the country.

Proposals to address recommendation 23 (comprising two recommendations) from the Royal Commission of Inquiry into the Terrorist Attack on Christchurch Mosques on 15 March 2019 related to the vetting process for firearms licensing are also included.

The amendments to the regulations will form the basis for forms, conditions on licences, permits, endorsements, and operational processes.

3.3. New power to issue Guidance Notices

The Arms Act 1983 now enables the Commissioner to issue notices that provide guidance or details of an administrative nature (see section 87). In doing so, the Commissioner must consult with the Minister's Arms Advisory Group and may consult any other person or organisation that the Commissioner thinks appropriate, before issuing any notice.

There will be some areas of administrative change where there will be a choice as to whether the change is made through regulations or through Commissioner's guidance notices. Regulations have the force of law, while guidance notices would generally set out recommended best practice but would rely on voluntary compliance. However, guidance notices have the advantage of providing a faster response to clarifying a matter concerning the administrative application of the Arms Act.

Throughout this consultation paper there are the options of using regulations or guidance notices for each proposal, which is often the choice between the status quo (which can be enhanced by guidance notices) and additional regulations.

3.4. Criteria for assessing the proposals

Each of the proposals should support the high-level objectives of the Arms Act, and is assessed against the following criteria:

- public safety (achieve safety outcomes);
- practicality (clear, consistent and easy to understand and follow);
- efficiency (giving effect to them isn't harder than it needs to be); and
- cost effective (high, medium or low).

In each case there will be a comparison with the status quo or an enhanced status quo.

4. Dealers

4.1. Changes impacting on dealers

Currently a dealer's licence is required by anyone who:

- in the way of business sells any firearm, prohibited magazine, prohibited part, airgun, pistol, or restricted weapon; or
- manufactures for sale any firearm, prohibited magazine, prohibited part, airgun, pistol, or restricted weapon.

From 24 June 2021, the arms items-related activities that will need a dealer's licence are:

- selling, hiring, lending or otherwise supplying;
- possessing for the purpose of auctioning;
- repairing or modifying in the course of business;
- displaying as the director or curator of a bona fide museum;
- manufacturing for sale, hire, lending or other supply; and
- manufacturing for permitted supply prohibited parts and using prohibited items to test and demonstrate prohibited parts.

This means that those classified as a 'dealer' will go beyond just those who sell firearms, airguns, and restricted weapons - or manufacture these items for sale. Activities that would also require a dealer's licence will include, for example, gunsmiths (repairing and modifying), auctioneers, and directors or curators of museums (displaying).

The dealers' requirements for record keeping and security against theft are very important to public safety in view of the quantities of stock they hold. While there are regulations setting out requirements for dealers, these regulations are generalised.

The broadening of the activities needing a dealer's licence means that different requirements relating to storage and record keeping (for instance) are needed for the various dealer operations. Regulations set out the process for applying to Police for a dealer's licence, including the information required by Police, and record keeping and security requirements.

From 24 June 2021, there will also be a new requirement for dealers to keep records of particulars prescribed by regulations in relation to parts and ammunition received, sold, supplied, or manufactured.

4.2. Why are changes required?

The current regulations do not cover all activities of dealers, or the new provisions that enable dealers to operate from more than one place of business. They do not provide for the enhanced management of risks and improved public safety envisaged by the new dealer regime and for Police to have oversight of all aspects of that regime. The next sections set out the specific details in relation to the proposed new / amended regulations relating to dealers.

4.3. Transition to new dealer regime

There will be transitional arrangements to ensure a smooth transition to the new dealer regime. This would involve a staged issuing of new dealers' licences over a period of a year after the

new provisions come into force. The main aspects of the transition would be along the following lines, subject to final wording of the regulations being determined at the drafting stage:

- (1) Every dealer's licence and every endorsement on that licence which is issued under the Arms Act 1983 and which is in force immediately before 24 June 2021 shall, until the close of 23 June 2022, continue in force on the same terms it was issued under until it expires; and any such licence or endorsement may be revoked, suspended, or renewed under the provisions of the Arms Act as at 24 June 2021.
- (2) If any dealer in (1) wishes to continue their dealer activities after their dealer's licence expires they must make application for the renewal of their licence under the sections in Part 2 that came into force on 24 June 2021.
- (3) For individuals not licensed as a dealer on 24 June 2021 but who are undertaking any of the dealer activities that require a licence, they will need to apply for a dealer's licence within 6 months of 24 June 2021 and if they apply within that period they can continue in business lawfully until they receive a decision on their application.
- (4) For individuals who hold a firearms licence which is in force immediately before 24 June 2021 with an endorsement to possess pistols, restricted weapons, prohibited firearms and prohibited magazines in their capacity as an employee of a dealer, the endorsement continues in force while the dealer's licence continues in force under (1) while they continue to work for that dealer.

4.4. Dealers: types of dealer activities

Context

At present, sections 5 to 15 of the Arms Act and the Arms Regulations set out several requirements and conditions in relation to all dealers' licences. These relate to applications for a dealer's licence, licence conditions, gun shows, security and records, and the need to have endorsements on a dealer's licence for pistols, restricted weapons, and prohibited firearms that the dealer possesses for the purposes of their business.

Regulation 28D also allows specific conditions on a dealer's licence to be prescribed by the Commissioner to match the specific risks and activities associated with each type of dealer.

Issue

The current application process in regulations does not require the applicant to identify which dealer activities they will be undertaking (except for dealers who are manufacturers of firearms), or classes of items involved. As from June 2021 there will be more arms items-related activities that require a dealer's licence. This will involve different considerations by Police as to whether a person is fit and proper to carry on as a dealer depending on which activities they are undertaking. Under the new provisions a dealer's licence is required to specify the dealer's activities, the classes of arms items they deal in, and their place of business (sections 5B(3) and 7(1)).

Proposal (enhanced status quo)

Regulation 3 (which covers applications for a dealer's licence) is amended so that, as part of the application process for a dealer's licence, the applicant must indicate:

- The activity or activities the applicant intends to undertake; that is one or more of the following:
 - the business of selling;
 - the business of hiring;
 - the business of lending;
 - the business of otherwise supplying;
 - possessing firearms for auction;
 - repairing or modifying;
 - displaying arms items as a director or curator of a museum;
 - the business of manufacturing for supply; or
 - manufacturing prohibited parts for permitted supply.
- The class or classes of arms items intended to be dealt with by the dealer activity and the endorsements needed for those items.
- The place of business (a current requirement).
- Other information that Police may require to assist Police's determination as to whether a person is fit and proper to carry out the dealer activities they intend to undertake.

Under this option, the dealer's licence card would set out their dealer activities, their place of business, the endorsements, and the classes of arms items that the dealer may possess and trade in.

The regulations would enable Police to set conditions on dealer licences specific to these different activities, which is discussed further in section 4.9.

Advantages: This option is principally matching up regulation 3 with the new provisions in the Act. It is relatively simple to implement, and provides more clarity up front in the application form as to the different types of activities to be undertaken by dealers. It would assist with setting licence conditions relevant to the particular dealer activities and the risks of those activities.

Disadvantages: This would require slightly more detail in the licence application forms, but inclusion of the activities in the form would appear to be necessary in order for Police to assess whether the applicant is fit and proper to undertake those activities.

Impact: This will bring more clarity in Police's records, and assist their setting of conditions on dealer licences and the management of the safety risks of the different types of dealer activities involving firearms. There will be minor additional costs to Police in amending the application form, but in general this proposal follows current practice of recording dealer activities.

What do you think?	
1.	Do you agree with the regulations being amended to provide that applications for dealers licences must indicate each activity that the dealer wishes to undertake, the class of arms items they will be dealing with, and other information required to assist Police's determination as to whether a person is fit and proper to carry out dealer activities? Why/Why not?
2.	Are there other options for specifying dealer activities in relation to dealers' licences? If so, what option/s should also be considered?

4.5. Dealers: Document setting out all relevant conditions of a dealer's licence

Context

A dealer's licence is issued with conditions which must be complied with. These conditions can relate to:

- activities that can be undertaken;
- classes of arms items that can be possessed for each activity;
- places of business;
- the manufacture of arms items;
- security;
- record keeping;

- police inspections;
- notifications to Police.

Any endorsements on a dealer's licence may also be subject to specific conditions.

Issue

Conditions for dealers' licences and endorsements have three sources, being either:

- 1) set out in the Arms Act, or
- 2) set out the Arms Regulations, or
- 3) prescribed by the Commissioner under regulation 28D (as conditions on their licence or endorsements) because they relate to the specific circumstances of the dealer.

There is an issue of how these three different types of conditions can be brought to the attention of the dealer. Currently the only conditions that the dealer receives notification of are those prescribed by the Commissioner.

Proposal

Option 1 (status quo)

Dealers are advised in writing of any special prescribed licence conditions outside of general conditions in the Act or Regulations, when their licence or endorsement is issued or renewed. This is for their information, and they are not required to formally sign any acknowledgement.

Advantages: Keeps administrative costs lower, there is flexibility to readily make changes to licence conditions, and involves dealers and Police sharing responsibility for dealers' compliance with standards that need to apply to the industry.

Disadvantages: May lead to some dealers not being clear as to the full range of their responsibilities, with associated public safety risks.

Option 2

Each holder of a dealer's licence must receive a document (such as a letter or a memorandum of authorisation) specific to each dealer. This would set out information on all the relevant conditions relating to the licence, and to any endorsements on that licence.

The document would be given legal status through the regulations, which would provide that a dealer would be given a document that sets out conditions of their licence and endorsements when their licence is issued or renewed. Together, the licence card and the authorisation document would constitute the "dealer's licence" for the purposes of section 5B. Dealers would be required to sign a copy of this document acknowledging the conditions, which would be retained by Police. There would also be a copy for the dealer to retain.

Advantages: Setting out all conditions in a single document would improve the effectiveness of the licensing process by making it easier for dealers to know and comply with their responsibilities.

Disadvantages: There would be additional administration for Police in setting out the conditions in a document for each dealer. The entire document would need to be updated and re-signed with any changes to the dealer's activities.

Impact: This will increase the understanding of dealers as to their obligations, without placing additional demands on them. Clarity around conditions of dealers' licences, particularly around security requirements, will promote public safety. There will be some additional administrative costs for Police in preparing this document.

What do you think?	
3.	Do you agree with the Option 2 proposal that regulations provide that dealers must be supplied with a document setting out all the conditions of their licence and endorsements which is legally part of their licence? Why / Why not?
4.	Is there another approach to formalising conditions on licences? If so, what option/s should also be considered?

4.6. Dealers: conditions relating to security precautions

Context

Under the new section 5B of the Arms Act, before a dealer's licence can be issued, a commissioned officer of Police must be satisfied that each dealer's place of business has secure storage facilities appropriate for the proposed class and number of arms items and ammunition they will have in stock.

Regulation 8 sets out the conditions relating to security precautions that apply to all dealers. These include (for example) requirements relating to the building structure of their business premises, the condition of doors, windows and skylights, and how firearms must be stored. There are references to firearms being displayed to customers either in secure cabinets or racks or under supervision. Regulation 28 separately covers the secure storage requirements of pistols, prohibited firearms, and restricted weapons although it is not clear that this applies to dealers as well as firearm licence holders.

Police has also created, with the assistance of the Firearms Community Advisory Forum, a secure storage guidance for firearms document. This is directed at firearm licence holders and endorsement holders but some of the recommendations as to technical specifications have relevance for dealers.

Issues

Currently, the conditions relating to security precautions are located across multiple regulations, forms, and the Police [Secure Storage Guidance](#) document. This complicates the application of these requirements.

With a wider range of specified activities explicitly requiring a dealer's licence, the regulations could be amended to refer to the different security requirements for the different types of dealer activities – as well as being specific about storage requirements for arms items that are not currently covered (i.e. magazines, parts and ammunition).

Proposals

Option 1 (retaining current level of detail in regulations, supplemented with guidance)

Make minimal tidying up changes to the current regulations and use Commissioner's guidance notices (based on Police's [Secure Storage Guidance](#) for firearms document) to provide more specific details as to what would meet the required security precautions for each type of activity.

Regulations would be amended to add storage requirements for magazines, parts and ammunition, and require the Police to approve each of the necessary security features.

Advantages / disadvantages: This would be relatively easy to implement but continues to rely heavily on the regulations being supplemented by guidance documents that take time to develop, and conditions on dealers' licences that must be worked through with each dealer. It is riskier from a public safety perspective to have secure storage conditions set out in non-enforceable guidance, which could end up being ignored by a small portion of dealers. It is not unlikely that some dealers will comply only with what is explicit in the law.

Option 2 (regulations having some more details on general standards and additional tailored conditions applicable to types of dealers)

The current standards in regulations 8 and 28 (with some tidying up as in option 1) would remain and made to apply to all dealers. The regulations would also include additional tailored security conditions applicable to the particular types of dealer activities. These would cover such matters as displaying firearms, security devices, hiring out, public access, removing firearms from premises, and the delivery of firearms, to the extent these are relevant to each type of business.

More specific requirements, involving technical details, could be set out in Commissioner's guidance notices.

There would be a need for facilities to be inspected and approved by a member of Police delegated by the Commissioner in every case.

The regulations would also provide that it is a condition of every dealer's licence that when a dealer alters their security arrangements, or needs new security arrangements because their business activities change, they must notify Police immediately to arrange a new security inspection.

Advantages: This option would improve the transparency as to what security measures are required in relation to different types of dealers or dealer activities, and provides that this material is mostly set out in a single place. More standards would be legally enforceable rather than being set in non-enforceable guidance.

Disadvantages: Adding this material to the regulations would increase their length and complexity. It would also mean that changes to security requirements would more often need to go through the regulation development process rather than through guidance notices (although these also need to be consulted on).

Impact: More detail on secure storage requirements in regulations would assist with the application of consistent and comprehensive standards across all dealers to improve the safe possession of firearms. Having more standards that are enforceable will contribute to public

safety. This would not add to costs for Police. It could involve additional costs for some dealers who need to take remedial action to fully comply with the requirements.

What do you think?	
5.	Which of the following options do you prefer in relation to dealer licence conditions relating to security precautions? Why? (a) Option 1: retaining current level of detail in regulations, supplemented with guidance; or (b) Option 2: regulations having some more details on general standards and additional tailored conditions applicable to types of dealer activities and providing that it is a condition of every dealer's licence that when a dealer alters their security arrangements, or needs new security arrangements because their business activities change, they must notify Police immediately to arrange a new security inspection.
6.	Are there other options for regulating storage security for dealers? If so, what option/s should also be considered?

4.7. Dealers: Conditions related to record keeping

Context

Section 12 of the Arms Act (from 24 June 2021) sets out that a licenced dealer must keep records covering at least 10 years of particulars prescribed by regulations relating to arms items and ammunition received, sold, supplied or manufactured in the course of their business.

Dealers must at all times allow Police to inspect and make copies of these records.

Regulation 7 sets out the details of what must be included in a dealer's records concerning firearms, pistols, prohibited firearms, prohibited magazines, restricted airguns and restricted weapons. These include:

- particulars of every item received, manufactured or delivered (including serial number, calibre, make and model);
- the date the item was received / delivered / manufactured;
- the name and address of the person from whom an item is received (unless immediately surrendered to Police) and to whom it is delivered, and (unless it is a restricted airgun received from or delivered to a person of or over the age of 18 years) the number of their firearms licence; and
- in the case of an item requiring a permit to possess, the date and place of issue of the permit of the person receiving the item.

In respect of airguns received from, or delivered to, a person of 16 or 17 years the dealer must record the person's name and address and the number of their firearms licence.

Dealers who are recording the manufacture, receipt and delivery of arms items must also record when each of these actions involves a prohibited item.

The recording requirements greatly assist Police having oversight of the stock of dealers and the risks associated with the numbers of firearms stored and transferred by dealers.

Issue

Regulation 7 was drafted with gun stores (involved in purchasing and selling items) and gun manufacturers in mind. The regulation needs to be updated to cover the full range of dealer activities. Although the use of the word “delivered” currently covers the hiring of firearms, the requirements for recording the hiring or temporary supply of items in a commercial setting could be made more explicit.

The regulation also does not currently cover manufacture for sale, receipt, or sale of airguns, pistol carbine conversion kits, non-prohibited magazines, parts, or ammunition.

Proposal

To amend the recording regulations so that they cover the range of dealer activities that require a dealer’s licence.

This would include expanding the regulations to cover the recording of:

- the receipt, delivery, and manufacture of airguns, pistol carbine conversion kits, non-prohibited magazines, and parts (other than parts excluded by regulations). These records are to include the recording of the make and model of each item and, in the case of major parts, identifying marking where such marking for those parts is required by regulations;
- the quantity and type of ammunition received and sold; and
- sales of air pistol conversion kits which would include recording the purchaser’s membership of an airsoft or paintball club (which needs to be affiliated with a national airsoft or paintball organisation).

The regulations would also be expanded to cover the following information:

- supply and possession of arms items and ammunition outside of gun stores (for instance, by shooting ranges, commercial hunting guides / outfitters, and museums). This would include the names of persons supplied with arms items, licence details, dates of supply and return, and details of items;
- recording by auction house owners / managers of information when and where items are sold, licence numbers of the clients who are the sellers and of the buyers and the dates that the purchasers takes possession;
- records of the supply of arms items to theatrical companies for productions which would include whom the items are supplied to, the location (including temporary filming locations) where the items are handled, where they are stored, duration of the production, production details, and details of any supervising theatrical armourer; and
- receipt and supply of airguns by owners/managers of airsoft or paintball/Milsim sports venues. The owner or manager would need to record airguns received, and from whom, and the names of all persons who are supplied with airguns at their sports venues, the dates the airguns are supplied and returned, and the types of those airguns.

As provided in current law, records of transactions would need to be available for inspection by Police at any time on demand.

Advantages: This proposal brings the record keeping regulations up to date with changes in the Act that expanded the range of activities requiring a dealer's licence. Record keeping requirements are made more specific, practical and relevant according to the type of dealer activity, which assists with compliance.

Disadvantages: This proposal involves more compliance and recording obligations, if records are to be complete.

Impact: This proposal achieves consistent recording across all arms items and is more practically targeted to dealers' actual activities. Through having access to fuller information Police will be better able to monitor and manage the full spectrum of risks associated with the amounts of firearms held and transferred by dealers.

What do you think?	
7.	Do you agree with amending the regulations on dealers' record keeping requirements to include: a) the receipt, delivery, and manufacture of airguns, pistol carbine conversion kits, non-prohibited magazines, and parts (other than parts excluded by regulations); Why / Why not? b) more record-keeping specifications related to the various types of dealer activities? Why / Why not?
8.	Are there other options with respect to amending record keeping requirements? If so, what option/s should also be considered?

4.8. Dealers: general conditions that should apply to all dealers' licences

This section sets out the conditions that New Zealand Police considers should apply to all dealers' licences. These conditions relate to:

- discontinuation of business;
- inspection powers for hunting and target shooting rifles and shotguns;
- notifying police when changing business premises;
- managers of body corporate dealer businesses;
- changes to types of activities and classes of arms items; and
- carriage and use of firearms by dealers.

Some of these conditions could be set by the Commissioner, while others are more appropriately dealt with in new regulations.

4.8.1 Discontinuation of Business

Context

There is currently no explicit statement in either the Arms Act 1983 or the Arms Regulations that a dealer's licence must be surrendered if a dealer does not wish to continue in business or is unable to comply with their licence conditions.

A dealer's licence is valid for one year, a dealer can surrender their licence at any time, and Police may require the surrender of a dealer's licence if Police have suspended the licence. There is still the situation where a dealer is not able to continue complying with all their licence conditions but wishes to keep trading as long as possible. Unless their non-compliance is observed by Police and their licence suspended, this may not become apparent until their licence comes up for renewal.

Issue

The potential for a dealer to continue operating in breach of their licence conditions creates a risk to the community and to the integrity of the arms regime.

Similarly, if a dealer ceases to continue trading, it would be preferable if Police were made aware of this as soon as possible, through surrender of the licence, because of the dealer stock that may not remain under supervision to the same extent.

Proposal

The regulations be amended to make it a condition of every dealer's licence that the dealer must notify Police and surrender their licence under section 8B if they no longer wish to carry on business as a dealer, or if they can no longer comply with one or more of their licence conditions.

Once a dealer has surrendered their licence, they would have the existing statutory period of three months to sell or otherwise dispose of the items and ammunition to a person approved by a commissioned officer of Police (see section 14).

Advantages: This ensures that Police is notified when a dealer is going to cease operating as a dealer or can no longer comply with their licence conditions. This would mean that Police would be able to follow up and ensure that any arms stock was safely and lawfully disposed of and any records the dealer has been required to keep are handed over to Police.

Disadvantages: None apparent as only legislating for what logically needs to happen for dealers to comply with the law.

Impact: Assists with dealers operating in compliance with their licence conditions and Police having up-to-date information on dealers' businesses. This would improve public safety and the effectiveness of the arms regime. There are no additional costs to Police or dealers as it is detailing what should in any event happen.

What do you think?

9. Do you agree with the proposal for regulations to provide that a dealer must surrender their dealer's licence to Police if they no longer wish to carry on their

business or if they can no longer comply with one or more of the licence conditions?
Why / Why not?

10. Are there other options for ensuring the surrender of a dealer's licence when they cease business? If so, what option/s should also be considered?

4.8.2 Inspection of all arms items held by dealers

Context

Under section 6A of the Arms Act 1983, every dealer's licence is subject to the condition that the dealer must allow Police to inspect any pistols, pistol carbine conversion kits, restricted weapons (other than an air pistol), prohibited firearms, or prohibited magazines that they possess by virtue of that licence and the places where they are kept.

Issue

The Act does not specifically provide for a condition relating to allowing inspection of the following items that may be in the dealer's possession:

- firearms that are not prohibited firearms;
- magazines that are not prohibited magazines;
- airguns;
- restricted airguns; and
- air pistol carbine conversion kits.

There is provision in the Act which enables regulations to be made prescribing conditions on dealers' licences such as allowing Police to inspect all firearms owned or possessed by a dealer.

Proposal

The regulations be amended under section 74(1)(e) [power to make regulations prescribing conditions on licences] to provide that a condition of a dealer's licence is that the dealer shall permit Police, on demand, to inspect all arms items held by a dealer and the storage of those firearms. This would be a new standard condition of a dealer's licence.

This is important given that dealers hold more stock than the average firearms licence holder and there is a greater risk to the community if their arms items are not secured against theft.

Advantages: It is highly desirable that any inspection powers for police which require them to be allowed to enter premises, and the reason for those powers, are set out clearly in legislation. The inspection of the storage of hunting and target shooting rifles and shotguns held by licence holders has been challenged in the past because authority for it was not made explicit in legislation. It is not unlikely that some dealers will comply only with what is explicit in the law.

Disadvantages: None apparent as this is aligning Police's powers to inspect dealers' security with Police's inspection powers in relation to firearm licence holders under section 24B(1)(c) and inspections of all of a dealer's firearms would simply take place when there was an inspection of their prohibited firearms, pistols and restricted weapons.

Impact: This would put beyond doubt Police's legal ability to inspect the storage of all firearms held by a dealer and promotes public safety since secure storage is a key to preventing firearms from getting into the hands of criminals. There is no additional cost to dealers. Police may incur some additional costs to the extent that inspections of dealers' firearms and security take longer if they are extended to all firearms and such inspections did not occur previously.

What do you think?	
11.	Do you agree with the proposal to provide in regulations that a condition of a dealer's licence is that the dealer shall permit Police, on demand, to inspect all arms items held by the dealer and the storage of those items? Why / Why not?
12.	Are there other options for providing for the inspection of firearms held by dealers? If so, what option/s should also be considered?

4.8.3 Notifying Police when changing business premises

Context

Generally, under section 7(1) a dealer's licence is issued in respect of one place of business. Section 7(3) enables a dealer to operate from more than one place of business if each place of business is managed by someone holding a dealer's licence.

In addition, section 7(5) enables a dealer, on an occasional basis, to carry on dealer activities from other locations if there is a condition on their dealer's licence permitting them to do so. This is to enable dealers to operate from temporary locations.

Issue

Neither the Arms Act 1983 nor the Arms Regulations specifically provide for dealers to notify Police if they intend to change or alter their business premises (although it could be argued that the need to do this is implied as the issue of a dealer's licence relates to specified premises). Nor is there a specific requirement for Police to review the new premises (involving an inspection of the security arrangements for the dealer's firearms and ammunition).

Proposal

The regulations be amended to make it a condition of every dealer's licence that if the dealer is intending to **change** business premises, **add** to their premises, or **alter** their premises, they must notify Police and arrange a new security inspection as soon as practicable. Also, when a dealer is conducting business at a gun show, arrangements must be made for Police to inspect the security at that show. This would enable Police to confirm that the dealer is still compliant with the conditions of their licence and, in the case of new premises, for these new premises to be specified in the licence.

Advantages: Security requirement for dealers are key conditions of their licences and this ensures that firearms continue to be stored appropriately as their business premises change, and at temporary storage locations during gun shows.

Disadvantages: None apparent as it is clearly in the interests of public safety that secure storage of dealers' firearms is maintained throughout changing circumstances.

Impact: This supports the Act's emphasis on secure storage being a key part of the safe possession of firearms and assists with the monitoring of this with regard to dealers. This will reduce burglaries of firearms from insecure storage sites. Some additional costs to Police will be incurred through inspections of each new or altered business premises at the time of change and of gun show locations, consistent with ongoing monitoring of dealers' premises.

What do you think?	
13.	Do you agree with the proposal to regulate that it is a condition on dealers' licences that dealers must notify Police if they intend to change, add to, or alter any of their business premises? Why / Why not?
14.	Are there other options for ensuring ongoing security arrangements during changes to premises? If so, what option/s should also be considered?

4.8.4 Managers of body corporate dealer businesses and other dealer businesses

Context

Generally, a dealer's licence is issued in respect of one place of business. The Arms Legislation Act 2020 amended section 7 to enable a dealer to be able to operate from more than one place of business if each place of business is managed by someone holding a dealer's licence.

From June 2021 the Act will provide that a body corporate may carry out dealer activities if it has a senior manager who has a dealer's licence and there is a manager at each of the body corporate's places of business (sections 5, 5B and 6). It will also provide that any applicant for a dealer's licence who is intending to operate from 2 or more places of business must specify the name of the manager of each place of business and the address of each place of business (section 5A).

Issue

Currently, there is no obligation, outside of the application process, on dealers to inform Police as to the names of the people who are managing each place of business / premise, who must hold a dealer's licence, or of any subsequent changes to those managers. Police need to be satisfied that these managers do have dealer's licences and are appropriate people to have oversight and control of dealer premises.

Proposal

The regulations be amended to include a requirement for an application for a dealer's licence across multiple locations / premises to include the name of the manager at each location (including each location's business address), their dealer licence number (or a copy of their application for a dealer's licence) and such other details of the manager that the Commissioner

may require. There would also be a regulation providing that a condition on all dealers' licences is that the dealer must notify Police of any changes or proposed changes of managers.

This is consistent with the earlier proposal that dealers should notify Police of any change to their business premises.

Advantages: Setting out this requirement in legislation would avoid any doubt as to the provision of this information, and it would assist in the Police having a clear and up-to-date picture of the management of each of a dealer's business premises.

Disadvantages: None apparent.

Impact: Some additional compliance steps for dealers, but these are not significant. Improves Police oversight and dealers' accountability over the proper management of the risks associated with dealer businesses.

What do you think?	
15.	Do you agree with the proposal to regulate that an application for a dealer's licence must, if the dealer is to operate from more than one place of business, provide the address of each business, the name of the manager of each additional place of business, confirmation that the manager has a dealer's licence, or applied for one, and other information on the manager that the Commissioner may require; and that a condition on every dealer's licence is that the dealer must notify Police if there are any changes or proposed changes to the management of their premises? Why / Why not?
16.	Are there other options for regulating the management of a dealer's multiple places of business? If so, what option/s should also be considered?

4.8.5 Changes to types of activities and classes of arms items

Context

A dealer may only possess arms items in their capacity as a dealer carrying out activities specified on their licence and only involving those classes of arms items authorised under this licence. Despite this, there is currently no explicit statement in either the Arms Act 1983 or the regulations that a dealer must seek authorisation from Police prior to changing their types of activities or the class of arms items they deal with (and that this approval cannot be left until the licence renewal time).

Issue

There is potential for a dealer to change the type of activities or class of arms items they deal with during the lifetime of a licence, without first seeking authorisation for those changes from Police and having these specified on the licence.

It could be clearer that any changes in relation to the dealer's business activities, or the types of arms items they are dealing with, would need to be authorised by Police to ensure the security arrangements are confirmed or in place before those changes can take place.

Proposal

The regulations be amended to make it a condition of every dealer's licence that any alteration to the dealer's approved activities or to their approved classes of arms items must be authorised beforehand in writing by Police and specified on the licence.

Advantages: Assists with Police monitoring and keeping up to date with the activities of dealers and the arms items they possess. Reinforces the need for dealers to be consistently acting in accordance with their licence.

Disadvantages: May be considered unnecessary in view of it clearly being outside the terms of a dealer's licence if activities not specified on the licence are undertaken, and Police has legislative tools to deal with this if they become aware of it. Also, one-year licence renewals can pick up and formalise any changes to activities or arms items. This needs to be balanced against the need for dealers to be always operating according to what they are approved to do.

Impact: This would contribute to dealers continually acting in relation to activities and classes of arms items that are approved and ensure that any associated responsibilities (such as security requirements) are met. There are some additional administrative costs for Police and dealers.

What do you think?	
17.	Do you agree with the proposal for dealers needing to seek prior approval for any change in their activities or classes of arms items they deal in? Why / Why not?
18.	Are there other options for ensuring ongoing compliance with licence conditions and security precautions when dealers' activities change? If so, what option/s should also be considered?

4.8.6 Carriage and use of firearms by dealers

Context

The Arms Act 1983 makes it an offence to possess or carry firearms, without lawful purpose, in a public place (section 50D). It also makes it an offence to carry or be in possession of a firearm or imitation firearm except for some lawful, proper and sufficient purpose (sections 45 and 46). Under section 36 it is an offence for a person to carry a pistol, prohibited firearm, prohibited magazine, or restricted weapon beyond the curtilage of their dwelling save in accordance with conditions on their firearms licence.

Issue

Both the Act and the regulations are silent on dealers' carriage of arms items outside the curtilage of their place of business and the use of firearms they have in their possession when conducting business.

Neither do they specify the security required when firearms and ammunition are in transit from wholesale stores to individual dealerships, between stores, or from a store to a firearms licence holder who is a purchaser. There are instances that have come to the attention of Police of deliveries of firearms and ammunition between stores that have involved overnight storage that has been less than secure. This raises the question of whether there should be some interventions to manage the risk presented by these situations.

The current Act reflects the “gun shop” scenario. There will be a wider range of dealer activities after June 2021, and there are also now specific authorisations needed for prohibited firearms which are legitimately used by some businesses but need to be very closely tied to the narrow legitimate purpose to prevent circumvention of the prohibition. The Act is silent on these matters.

Proposal

Option 1 (status quo – leaving restrictions on the carriage and use of firearms by dealers outside of their business places to licence conditions)

There is no change to the regulations; the carriage of firearms outside of a dealer’s place of business and any use of firearms in their role as a dealer, would be subject to conditions of their dealer’s licence prescribed by the Commissioner (under regulation 28D).

Advantages: This would provide some (although limited) consistency around the movement and use of firearms without requiring dealers to seek permissions from Police in every case.

Disadvantages: Relying on these limitations being included as a licence condition may not provide the same public assurance that there are requirements about the security of firearms leaving dealers’ premises.

Option 2 (new regulation setting out conditions for carriage and use of firearms by dealers)

The inclusion of a new regulation that sets out conditions on dealers’ licences in relation to the carriage and use of firearms by dealers. This regulation would:

- require that any firearm, prohibited magazine, restricted weapon, or pistol carbine conversion kit possessed pursuant to a dealer’s licence must remain on the dealer’s business premises at all times, except
 - when being delivered to the address (where there is security) of a licenced firearms holder authorised to take possession
 - when the dealer’s licence conditions authorise the dealer to carry these arms items (in a secure manner) between that place of business and another location such as a licensed gunsmith, another store, another dealer’s premises, or a Police authorised gun show, or
 - when there is written permission from Police in a particular instance to remove the item to another location (such as for a theatrical production)
- set out that a dealer is only permitted to test fire a prohibited firearm or pistol (target pistol) at a Police approved firearms range or in a bullet trap at their business premises; and may be fired only for the purposes of carrying on an activity authorised by their dealer’s licence.

Advantages: This provides both transparency and clarity as to the lawful carriage and use of firearms by dealers. It clarifies that removal of dealers' firearms from their premises is by exception through licence conditions and written approvals from Police, consistent with what applies to licence holders generally. These conditions provide for the expanded types and circumstances of dealers' licences and activities over and above the gun shop scenario.

Disadvantages: This creates a requirement for dealers to make an additional application (or applications) to the Police should they wish to move or use firearms in situations outside that covered by their licence conditions.

Impact: Most of the required approvals would be of an ongoing basis (through licence conditions), but there would be additional administration for Police and dealers on occasions when additional approvals were required from Police. This would tighten up on when dealers' firearms and ammunition leave their premises when they may be more vulnerable to theft which improves public safety.

What do you think?	
19.	Which of the following options for the carriage and use of firearms by dealers outside their place of business do you prefer? Why? a) status quo - leaving restrictions on the carriage and use of firearms by dealers outside of their business places to licence conditions prescribed by the Commissioner; or b) regulations setting out that a condition on all dealers' licences is that firearms must remain on their premises unless the dealer's licence conditions or the written permission of Police allows the firearms to be removed to another location.
20.	Are there other options for regulating the carriage and use of firearms by dealers outside of their business premises? If so, what option/s should also be considered?

4.9 New conditions specific to types of dealer activities

Note: This section does not relate to security or record keeping conditions which are covered in sections above.

Context

The Act and regulations set out certain general conditions that apply to dealers' licences. Under regulation 28D the Commissioner may prescribe specific conditions on a dealer's licence. Dealers currently have conditions placed on their licence which vary according to their type of business.

Issue

The current regulations do not specify the range or types of specific conditions that could be prescribed by the Commissioner for dealers' licences. This is left to the discretion of the Commissioner under regulation 28D.

Proposal

The regulations be amended to set out the type of the specific conditions on a dealer's licence that could be set by the Commissioner to apply to each type of dealer activity.

These could be along the lines set out below according to types of dealer activities:

Activities: Selling, hiring, lending or otherwise supplying:

Any dealer's licence relating to the selling, hiring, lending or otherwise supplying a class or classes of firearms is subject to conditions prescribed by the Commissioner which can include conditions relating to:

- Carrying on dealer activities at places additional to the place of business specified in their dealer's licence (section 7(5)).
- Carriage of arms items to a venue for test firing or demonstration
- Use of arms items on approved ranges
- Supply and use of firearms for theatrical productions. These could relate to
 - Permitted theatrical activities
 - Approval of additional places of business which are film sets or performance venues
 - On-site theatrical armourers
- Types and numbers of arms items supplied to clients
- Carriage of firearms to hunting areas.

Activity: Auction

Any dealer's licence relating to the possession of arms items for the purposes of an auction is subject to conditions prescribed by the Commissioner which may include conditions relating to

- Carriage and display of arms items
- Not selling or otherwise supplying arms items or ammunition outside of official auctions
- Locations to which the licence can apply and at which the auctions may take place
- Display of items.

Activity: Repairing or modifying arms items

Any dealer's licence relating to the repair or modification of arms items is subject to conditions prescribed by the Commissioner which may include conditions relating to

- Types of arms items approved for repair or modification
- Marking of arms items
- Notifications to Police
- Modification of firearms
- Testing of arms items
- Carriage of firearms.

Activity: Displaying items as a Museum Curator or Director

Any dealer's licence relating to the display of arms items as a museum curator or director is subject to conditions prescribed by the Commissioner which may include conditions relating to

- The display / security of arms items
- The lending and sale of arms items
- The carriage of arms items.

Activity: Manufacturing

Any dealer's licence relating to the manufacture of arms items is subject to conditions prescribed by the Commissioner which may include conditions relating to

- Types of arms items approved for manufacture
- Marking of arms items
- Notifications to Police
- Modification of firearms
- Testing of arms items
- Carriage of firearms.

The specific conditions would then be spelt out in a proposed letter or memorandum of authorisation issued to dealers with their licence.

Advantages: This option would strengthen the regulatory status of the conditions and would better reflect good regulatory practice by providing more transparency and specificity in the regulations as to the scope and type of conditions that can be imposed by Police.

Disadvantages: Additional detail in regulations on licence conditions may reduce discretion, although this can be mitigated by non-exclusive wording.

Impact: This provides for consistency of conditions and assists understanding of how conditions will vary according to dealer activities and the risks associated with those activities. There is no additional compliance for dealers. Having conditions that are consistent with what is prescribed in regulations should improve understanding of, and compliance with, conditions.

What do you think?	
21.	Do you agree with the proposal that regulations set out the types of conditions, specific to each type of dealer business / activity? Why / Why not?
22.	Are there other options for regulating the conditions specific to dealer activities? If so, what option/s should also be considered?

4.10 Employees of dealers

Context

The Arms Act 1983 sets out the legal requirements for working as an employee of a dealer. These include that the employee:

- must not assist with carrying on dealer activities unless they hold a firearms licence; and
- must hold a firearms licence with appropriate endorsements if their employee duties include the carrying on of a dealer activity in respect of pistols, pistol carbine conversion kits, restricted weapons, prohibited firearms, or prohibited magazines. Any such employment-related endorsements only allow them to possess those items when engaged in their duties as an employee, last for a maximum of one year (to coincide with the duration of a dealer's licence), and will expire/need to be renewed when the dealer's licence expires.

Permits to possess pistols, restricted weapons, prohibited firearms or prohibited magazines are not to be issued to people in their capacity as employees of dealers.

Issue

While the current Arms Act 1983 settings are largely self-sufficient, there is no requirement for a dealer's employee who has endorsements on their licence for the purposes of their employment to inform Police when their employment ceases. There are several situations that have come to Police's attention when an individual has failed to advise of the cessation of their employment with a specified dealer and retained the endorsement on their firearms licence related to pistols, prohibited items or restricted weapons.

Proposal

That a dealer's employee who has their firearms licence endorsed in their capacity as the employee of a specified dealer be required, as a condition on their endorsement, to notify Police if they cease to be employed by the specified dealer, or if they move to work for another dealer.

Advantages: This proposal would provide Police with up-to-date information on the currency of dealer employees' endorsements to assist with monitoring compliance with endorsements.

Disadvantages: May be viewed as unnecessary because the law is clear on the point of how long the dealer employees' endorsements last and employees can be expected to comply with this.

Impact: Minor impact as only reinforces what is already in law, although the clarification in regulations should assist with compliance.

What do you think?	
23.	Do you agree with the proposal that the regulations provide that a condition of any endorsement issued to an employee of a dealer in their capacity as an employee is that they must notify Police if they cease to be employed by the dealer or they become the employee of another dealer? Why / Why not?
24.	Are there other options to clarify the legal requirements for working as an employee of a dealer? If so, what option/s should also be considered?

4.11 Theatrical armourers

Context

Under section 5C of the Arms Act 1983, an on-site theatrical armourer is required to supervise the use of firearms hired out by a dealer to a bona fide theatrical, cinematic or television film production company.

Under section 7 of the Act, the on-site theatrical armourer must have a firearms licence, endorsed as appropriate, and must obtain Police consent for the places and times that they will be supervising the use of firearms by a theatrical company.

An endorsement issued under section 30 and/or section 30B is required by on-site theatrical armourers who are going to supervise the use of prohibited firearms, prohibited magazines, pistols or restricted weapons. These are applied for under section 29(2)(e) and/or section 30A. There is a specific broadcaster/theatrical endorsement application form for this. This form is also made available to those who wish to use their own arms items in theatrical productions and re-enactments.

Issues

There are different and additional responsibilities (over and above having an endorsement) associated with being an on-site theatrical armourer and supervising the use of arms in theatrical productions and enactments compared to members of societies who possess firearms of historical significance, perform theatrical re-enactments from military history or take part in commemorations of historical events using these firearms. The use of the same broadcaster/theatrical endorsement for both these groups doesn't make this clear.

Section 29(2)(g) provides that a licence holder may apply for an endorsement in their capacity as a person specified by regulations made under the Act.

Proposal

The regulations be amended to set out a discrete endorsement for theatrical armourers supervising on-site the use of pistols, restricted weapons, or prohibited items being used by a theatrical/cinematic/television production company or society.

On-site theatrical armourers would range from armourers designated by theatre companies or societies, whose members own such items themselves and engage in theatrical displays under the supervision of their armourers, to armourers supervising larger scale theatrical productions where firearms are being used by actors who do not have licences/endorsements but are under the supervision of the armourer and who only have possession of firearms during the production (see section 31).

Specifying a separate endorsement for on-site theatrical armourers would enable the endorsement to require the applicant to have had appropriate training and experience and have specific conditions associated with it depending on the sort of production being supervised - for instance, conditions regarding what needs to be recorded, the supervision and training of any employees, and compliance with guidelines such as relevant film industry codes of practice.

Advantages: This would clarify that endorsements for on-site theatrical armourers are different to those needed by members of historical societies for re-enactments and make it clearer to theatrical armourers their responsibilities under the Act. It would improve the safe use of firearms during theatrical productions through specific conditions on the endorsements of on-site theatrical armourers.

Disadvantages: A separate endorsement application form for on-site theatrical armourers would need to be produced, although this is not particularly onerous.

Impact: A discrete endorsement for theatrical armourers (involving a separate application form) will make it easier to manage and monitor their activities, and to prescribe conditions according to the level of risks associated with the particular types of productions being supervised. There are additional costs for Police in administering these activities and additional compliance costs for theatrical armorers.

What do you think?	
25.	Do you agree with the proposal to have a discrete endorsement for theatrical armourers? Why / Why not?
26.	Are there other options for regulating theatrical armourers? If so, what option/s should also be considered?

5 Security precautions for firearms licence holders (non-dealer)

Note: Security precautions specifically for ammunition sellers are included in part 6.

5.1 Background – security precautions in regulations

The current regulations set out the security precautions that apply to all licence holders (see regulation 19) and the security precautions that must be taken in relation to pistols, prohibited firearms and restricted weapons (see regulation 28).

However, an analysis of a sample of 246 reported cases of stolen firearms between 1 July 2016 and 30 June 2018 indicated that the firearms were adequately stored in only 15 percent of cases, that the firearms had not been adequately stored in 33 percent of cases, and there was no record of storage conditions in 52 percent of cases.

The cases where there was inadequate storage involved:

- the victim leaving the firearm unattended in an insecure location (72%)
- the offender being able to remove the locks/hinges off the storage to gain access (14%)
- the storage unit not permanently fixed to wall/floor and therefore taken (10%)
- the keys for storage unit not securely stored (4%).

While only a sample of cases, the above outcomes indicate there are a range of practices where licence holders are leaving a firearm in an insecure location, and this increases the risk of unauthorised access to the firearm, and an increased risk to the community.

Police, with assistance from the Firearms Community Advisory Forum (FCAF), produced a guidance document on secure storage of firearms that recommended standards such as technical specifications that would enable compliance with the regulations.

5.2 Why are changes required?

Section 74(1)(j) of the Arms Act 1983 sets out a regulation-making power in relation to firearms security, and precautions that need to be taken to prevent the theft or misuse of firearms, and arms items.

The provisions in the Arms Act now also include new general licence conditions which permit police to inspect the security arrangements in any vehicle used by licence holders to transport firearms. The regulations are currently silent on what security arrangements in a vehicle would be appropriate – the only current requirement is that a firearm cannot be left in a vehicle unattended. This points to a need to specify security requirements for when firearms are transported in vehicles.

The next sections set out the proposed new / amended regulations relating to firearms and arms items security, covering:

- General security for firearms
- Ammunition
- Firearms in vehicles
- Carriage of firearms in public places or on public transport.

5.3 General security of firearms

Context

Regulation 19 provides that a licence holder needs to ensure that any firearm in their possession is secured against theft. Regulation 28 sets out a higher level of security for the safe storage of pistols, prohibited firearms, prohibited magazines, and restricted weapons.

Police's [Secure Storage Guidance](#) document provides guidance on how the security conditions can be met to facilitate national consistency.

Issue

While the regulations set out the requirements for security, they leave certain aspects open to interpretation (for instance, what constitutes 'stout construction' in relation to arms items, and what standards a display cabinet or rack must meet to ensure the firearms are reasonably secured against theft).

In relation to the higher security requirements for prohibited firearms, pistols, prohibited magazines and restricted weapons, the regulations also set out that measures are to be approved in writing either generally or in the particular case by a member of Police. There is no similar requirement in relation to the storage of hunting and target shooting rifles and shotguns. General approvals for products, such as types of safes, can create difficulties over time due to the manufacturer's product changes.

There is also no material in the existing regulations or guidance material that covers the situations of mobile homes or static caravan units.

Proposals

The regulations in relation to firearms security to be amended to include a requirement that a licence holder's security measures are to be approved in writing by a member of Police, following an inspection, on a case-by-case basis.

This will involve individual approvals of both storage boxes, cabinets, safes, racks and similar and the manner in which they are locked and/or secured to the building containing them. The standards on which approvals will be based will be those set out in the Secure Standard Guidance, so that those standards will become enforceable. There would be some clarification in the regulations on the security standards to better link them to [the Secure Storage Guidance](#).

The regulations to refer to security measures needed for firearms stored in mobile homes, campervans, and caravan units. When these are used as permanent homes then the standard security provisions must apply (with any necessary vehicle-related variations) and be approved by a commissioned officer of Police. When firearms are only in these vehicles during transportation (such as on vacations) the requirements will be similar to what is proposed for the carriage of firearms in vehicles in section 5.5 below.

Advantages: Specific approvals of arrangements according to clear standards for the secure storage of firearms and ammunition should lead to greater consistency of compliance with those standards.

Disadvantages: May reduce flexibility to modify standards, depending on what is set out in regulations, although this risk can be minimised by retaining a lot of the detailed standards in guidance material.

Impact: Requiring approvals by police in each particular case will help to establish and maintain standards that more effectively prevent the theft of firearms from licence holders. This will improve public safety.

What do you think?	
27.	Do you agree with the proposals that regulations a) provide that storage containers and how they are secured must be approved by Police on a case-by-case basis with some additional clarity as to the applicable standards? Why / Why not? b) clarify how these conditions apply to mobile homes and campervans? Why / Why not?
28.	Are there other options for regulating security requirements? If so, what option/s should also be considered?

5.4 Storage of Ammunition

Context

Regulation 19(1)(b) stipulates that the licence holder must take steps to ensure that ammunition is not stored in a way that a person who obtains access to a firearm also obtains access to the ammunition, or ensure, where the ammunition is stored with the firearm, that the firearm is not capable of being discharged.

In relation to pistols, prohibited firearms, prohibited magazines, and restricted weapons regulation 28 sets out that ammunition must not be kept with a firearm that is stored in a steel box, steel cabinet, or steel safe.

Issue

The regulations do not prescribe any requirements for the storage of ammunition in a secure manner. There are recommended standards in [the Secure Storage Guidance](#).

Proposal

The regulations be amended to prescribe the minimum standards applicable to the storage of ammunition on top of the requirement that ammunition must always be kept separate from firearms. This would require ammunition to be kept in

- its own storage metal/steel container (such as a cash box, ammunition box) with a locking mechanism (a key or combination number) or padlock; or
- a lock box in a gun safe cabinet with a different key stored in a different place to the key for the safe/cabinet.

Advantages: This would improve clarity over the security requirements for ammunition.

Disadvantages: This may have some additional compliance costs for licence holders who would need to upgrade their security.

Impact: This should reduce the theft of ammunition and of firearms and ammunition at the same time which could be used together immediately. This will improve public safety.

What do you think?	
29.	Do you agree with the proposal that regulations prescribe conditions for securely storing ammunition in containers or cabinets? Why / Why not?
30.	Are there other options for regulating the secure storage of ammunition? If so, what option/s should also be considered?

5.5 Firearms in vehicles

Context

Section 24B(1)(d) sets out that a licence holder must permit Police to inspect the security arrangements in any vehicle used by the holder to transport firearms. This points to a need to specify security requirements for when firearms are transported in vehicles. The regulations are silent on this matter.

Regulation 19(2)(c) sets out that a firearm cannot be left in a vehicle unattended.

Separately, clause 7.21 of the Land Transport (Road User) Rule 2004 sets out that no one should drive a vehicle with a firearm in it that is loaded. There is an exemption if a commissioned officer of Police gives authority allowing such carriage. In the past Police has issued permits of authorisation to those engaged in pest control.

Issue

The regulations are silent on what security arrangements are appropriate for firearms being transported in a vehicle, such as being in secure containers. The provision that a firearm cannot be left in a vehicle unattended, has led to some taking the view that unless the vehicle remains always in sight a person always has to take the firearm with them whenever they leave the vehicle, which can involve them carrying the firearm in public view and into public premises.

It would be helpful if the regulatory framework for firearm licence holders in the Arms Regulations around firearms in vehicles incorporated a provision along the lines of clause 7.21 of the Land Transport (Road User) Rule 2004.

It would also be good practice if an additional requirement for a vehicle with firearms in it being driven on public roads were that the firearms must not be visible from outside the vehicle.

Proposals

The regulations prescribe that

- a person should not drive a vehicle on a public road/access way with a firearm in it unless the firearm is made inoperable and is not visible from the outside, unless permitted to do so by Police

- firearms being transported in vehicles must not be loaded with ammunition in the magazine or the breech
- pest controllers may transport their prohibited firearms (not loaded) in their work vehicles in a hard carry case
- when firearms are transported in vehicles, further security should include one of the following:
 - the firearm is in a locked hard carrying case secured to an anchor point in the vehicle, with a separate container for ammunition
 - the firearm is in a flexible gun bag that is closed and locked and secured to an anchor point in the vehicle with a security cord or cable that passes through part of the firearm and the bag
 - the firearm is secured to an anchor point in the vehicle with a security cord or cable passed through the magazine/breech area or trigger guard
 - a locked container secured/bolted to structural parts of the vehicle or in a locked compartment within the vehicle.

Similar to ammunition storage generally, ammunition in vehicles would need to be stored in a separate locked container.

The regulations to be amended to allow for the firearm to be left in a vehicle for short periods of time only, such as travel stops, and only where a vehicle has secure storage for firearms (in which the firearms are out of sight) and provided the doors of the vehicle are locked, windows closed, and the keys are not left in the vehicle.

Firearms must never be left unattended in a vehicle overnight.

Additionally, there would be guidance that vehicles containing firearms, and which are left unattended for short periods of time, must have an immobiliser and/or alarm fitted and, where possible, parked in an area that is publicly observable or in a secured parking compound with physical or CCTV surveillance.

It would be made clear that the vehicle storage requirements above do not apply to a firearms licence holder who is using a quadbike, motorbike or other farm vehicle when employed on a farm and undertaking farm-related duties, or when hunting, or when undertaking wild animal or pest control and the vehicle and firearm remain in the user's possession or in the immediate proximity to the firearms licence holder.

Advantages: These proposals would help to clarify and consolidate the rules around the carriage of firearms in vehicles, and more practically take into account the issues around this issue.

Disadvantages: Not the same flexibility as there would be if left to guidelines.

Impact: Will give licence holders clarity on how they can act lawfully when transporting firearms in vehicles where previously this was not clear. It will reduce thefts of firearms from vehicles and so improve public safety. There would be some compliance costs for licence holders who cannot currently meet the proposed standards.

What do you think?	
31.	Do you agree with the proposal for regulations to prescribe secure storage conditions for firearms being transported in vehicles? Why / Why not?
32.	Do you agree with the proposal to modify the regulations to allow firearms to be left in a vehicle for short periods of time only where that vehicle has secure storage for firearms that are out of sight, and the vehicle is locked and has closed windows? Why / Why not?
33.	Are there other options regarding having firearms in vehicles? If so, what option/s should also be considered?

5.6 Carriage of firearms in public places or on public transport

Context

Sections 50D and 51 set out the offences of carrying or possessing firearms (including prohibited firearms, airguns, pistols, restricted weapons, ammunition or explosives), in a public place without lawful purpose.

There will be occasions when a person does have a lawful purpose for carrying a firearm in a public place (including on public transport); for instance, when carrying the firearm to and from a place where they can lawfully be used (such as a shooting range).

Issue

There are no requirements for when firearms are carried in public places or on public transport, that establish some safe practices.

Proposal

That regulations set out that firearms carried in public places or on public transport (where that is not excluded by the conditions of carriage of the transport provider) must be rendered inoperable and carried in a locked carrying container (whether it is a rigid construction carry case or a flexible gun bag) that does not identify the contents. There would be an exception for those authorised to provide pest control services who are on public land.

Advantages: This will provide clear rules for those needing to travel with firearms, and at the same time addresses safety considerations. Regulations have greater force and enforceability than guidelines or Guidance Notices.

Disadvantages: Not the same flexibility as there would be if left to guidelines.

Impact: Will give licence holders clarity on how they can act lawfully and safely when transporting firearms in vehicles where previously this was not clear. Compliance costs for licence holders would be low.

What do you think?	
34.	Do you agree with the proposals to prescribe conditions when carrying firearms in public places or on public transport? Why / Why not?
35.	Are there other options to regulate the carrying of firearms in public? If so, what option/s should also be considered?

5.7 Further guidance on security precaution best practice

Context

Section 87 enables the Commissioner to issue notices that provide guidance or details of an administrative nature. This includes the ability to provide further guidance around the security of premises where firearms are kept.

The notices are a useful vehicle for communicating advice on security measures at a level of detail it may not be practicable to incorporate in regulations.

There is already a [Secure storage guidance](#) for firearms document developed in consultation with the Firearms Community Advisory Forum on the Police website. This could be the starting point for a Commissioner's Guidance Notice.

Issue

Guidance Notices must be consulted with the Minister's Arms Advisory Group and published or notified in the Gazette which may make them more significant to licence holders than Police's own guidance (even if that is consulted with FCAF).

Proposal

That the Commissioner issue guidance notices on securing firearms, to supplement what is in regulations, to be developed in consultation with FCAF and the Minister's Arms Advisory Group.

Advantages: This will strengthen the guidance for the secure storage of firearms.

Disadvantages: Slightly less flexibility than if kept at current level of guidance.

Impact: Does not place additional compliance on licence holders as simply changing the source of the guidance. Allows for more details on safe storage where that would help with consistent compliance with the required standards.

What do you think?	
36.	Do you agree with the proposal to develop Commissioner's guidance notices on securing firearms, to supplement regulations, in consultation with FCAF and the Minister's Arms Advisory Group? Why / Why not?
37.	Are there other options for developing guidance on security precautions for firearms? If so, what option/s should also be considered?

6 Ammunition sellers

Under section 22D a person who sells or supplies ammunition must hold a firearms licence. This does not apply to an employee of an ammunition seller if the employee is selling ammunition under the supervision of a firearms licence holder.

Ammunition sellers (people managing businesses that include selling or supplying ammunition, but who are not dealers) must keep records (section 22E) and have appropriate security to ensure the secure storage of all ammunition that they possess (section 24C).

6.1 Ammunition sellers - notification requirements

Context

The Act sets out who an ammunition seller is, that a firearms licence is required to sell ammunition, and that an ammunition seller needs appropriate security for their ammunition and needs to keep records. It does not expressly require licence holders to obtain approval from Police to be ammunition sellers so that Police will know who to monitor for security and record keeping.

Issue

Police needs to prescribe and monitor conditions on the firearms licences of ammunition sellers, relating to security and record keeping. This is problematic if Police is not made aware of when a licence holder is an ammunition seller. Police may request firearm licence holders or first-time applicants for firearm licences to notify them of this fact when they apply for a licence, but this leaves out licence holders who have time to run on their licences.

Proposal

That firearm licence holders are required to notify Police if they are ammunition sellers so that police can place the necessary conditions on their firearms licence and inspect their storage and records.

Advantages: This will assist in Police having up-to-date records on which licence holders are operating as ammunition sellers and need to have their security checked and the necessary conditions placed on their licence.

Disadvantages: There is some additional administrative time for Police and ammunition sellers (who are not dealers), but this is necessary if there are not to be gaps in Police's records of those who are ammunition sellers.

Impact: This will contribute to public safety as it will assist with ensuring that all ammunition sellers are checked for their ammunition being secured against theft and not ending up in criminal hands.

What do you think?

38. Do you agree with the proposal to require firearm licence holders to notify Police if they are ammunition sellers? Why / why not?

- | |
|--|
| 39. Are there other options for regulating ammunition sellers? If so, what option/s should also be considered? |
|--|

6.2 Ammunition sellers - security requirements

Issue

At present, neither the Arms Act 1983 nor the Arms Regulations set out the standards for secure storage of ammunition by ammunition sellers. The Act sets out a regulation-making power in relation to the security of the premises of ammunition sellers to prevent the theft or misuse of ammunition.

Proposal

The regulations to provide for the secure storage of ammunition by ammunition sellers. This would require that ammunition sellers must store ammunition:

- in an area not accessible to the public, and in a locked steel cabinet or locked storeroom; or
- if it is on display, in an area that is accessible to the public, then it must be in a locked container or locked display case.

These basic standards can be fleshed out with details (including quantities that should be on display at any one time) in Guidance Notices. For instance, ammunition sellers' storage requirements would depend upon quantities held - while a few boxes could be stored in a steel cabinet, a significant quantity (such as pallets of ammunition) would need to be stored in a room of stout construction.

Advantages: Setting security standards in regulations would help provide guidance and clarity to ammunition sellers and would provide consistency with the security requirements for licence holders and dealers.

Disadvantages: The storage requirements may be seen as too onerous both for bigger stores that sell other rural supplies and smaller retailers that sell ammunition but primarily sell other items such as farm supplies or petrol.

Impact: Some additional compliance costs for businesses which sell ammunition which are now required to have an ammunition seller on the premises who has responsibility for the secure storage of ammunition. There would also be additional costs for Police in checking security arrangements. Reduces the risks of ammunition being stolen by people not entitled to possess it and promotes public safety.

What do you think?
40. Do you agree with the proposal to regulate that ammunition sellers must store ammunition in steel cabinets or storerooms not accessible to the public when it is

not on display and that when ammunition is on display it is to be in a locked container or display case? Why / Why not?

41. Are there other options for regulating the security of ammunition held by ammunition sellers? If so, what option/s should also be considered?

6.3 Ammunition sellers - record keeping requirements

Context

Section 22E requires an ammunition seller to keep a record of all ammunition (other than projectiles for airguns) sold or supplied in the course of their business. These records must be retained for at least 10 years, and an ammunition seller must permit any member of the Police to inspect or make copies of entries in the record.

Issue

The requirements in section 22E do not include an ammunition seller having to record details of **receiving** ammunition. Ammunition is a controlled item which in the wrong hands is potentially lethal. A requirement to record procurement of ammunition which can then be matched to the seller's sales records will provide a full record of transactions involving ammunition, consistent with the records that dealers are required to have for arms items and ammunition.

Proposals

That regulations require ammunition sellers to keep records of the quantity and type of ammunition they receive in the course of their business, the date it was received, the name and address of the supplier (which is to include the importer if the ammunition is imported), and the number of the firearms licence of the supplier if the supplier is in New Zealand. These details are to be recorded in the same book that records their sales.

Advantages: Records will assist in maintaining oversight of the commercial quantities of ammunition that are in New Zealand and will also assist with Police identifying aberrant patterns when they come to inspect those records.

Disadvantages: This will possibly involve additional administrative time for some sellers.

Impact: Having full records of transactions of ammunition, that can be inspected by Police, will assist with maintaining the accountability of ammunition sellers to the legal restrictions around ammunition which are important for public safety. Many retailers' current sales recording systems will be able to extract the records on ammunition transactions (from their records on other items they sell) seamlessly.

What do you think?	
42.	Do you agree with the proposal to regulate that ammunition sellers must record the type and quantities of ammunition that they acquire? Why / why not?
43.	Are there other options for regulating the record keeping of transfers of ammunition by ammunition sellers? If so, what option/s should also be considered

7 Marking of firearms and parts

Context

Section 41A requires the marking of firearms and parts to the extent provided for in regulations.

Section 74(1)(l) provides that regulations can be made that relate to any marking required for any firearms, magazines, and parts.

The regulations currently set out the following marking requirements when the items in question are not already marked:

- when importing or manufacturing (or assembling) firearms, pistols, restricted airguns, restricted weapons and prohibited magazines (regulation 12)
- when taking possession of pistol, prohibited firearm, prohibited magazine, or restricted weapon as part of the permit to possess procedure (regulation 27).

Regulation 7 requires dealers to record in respect of every firearm, pistol, prohibited magazine, restricted airgun, and restricted weapon that they manufacture, particulars of the item (including the serial number). They are also required to record the serial number of those items when they “deliver” them.

Issue

Regulations 12 and 27 do not require identifying markings for

- any firearms that are not pistols, restricted weapons, or prohibited firearms that are possessed, or (other than those received and sold by dealers) transferred within NZ
- PCCKs that are possessed, imported/transferred
- significant parts that are possessed/imported/transferred.

Firearms

At present all firearms must have a serial number/identifying marking recorded at point of manufacture, at point of import, and at time of sale by a dealer. All pistols, prohibited firearms and restricted weapons must have identification numbers at point of sale.

Without having a central registry that is recording all sales, it is probably impractical (from administrative and enforcement standpoints), to extend this marking requirement to apply to private sales (those not involving a dealer) of hunting and target shooting rifles and shotguns.

Pistol carbine conversion kits (PCCKs)

Possession of PCCKs requires a permit to possess so there is no logical reason why that requirement of the permit to possess process for pistols, prohibited firearms, restricted weapons and prohibited magazines which involves placing identifying markings on them should not apply to PCCKs.

It is also logical that identifying markings are required to be recorded at point of import, as the controls around possession of PCCKs are intended to enable Police to maintain a record of these items, and this would assist that process.

Although there is not a specific regulation-making power in the Act for the marking of PCCKs, this was not an intended omission and it is considered that it is justifiable, and consistent with s41A, to use the more general regulation-making power of regulation 74(1)(s) to require such marking upon import and point of sale.

Parts

Parts (excluding prohibited magazines at point of import and sale) are not required to be marked at any stage. Some parts go a substantial way to assembling a firearm and if Police is to obtain better knowledge of the civilian armoury and retain it (ahead of a fully populated registry) then at the points of manufacture, import and sales by dealers it is sensible to require that key parts have identifying markings.

Blank-firing guns

There is a requirement to have a permit to import these, but they are not included in regulation 12. It would be consistent to include them.

Terminology

There is also a need to make the terminology consistent. In regulation 12(1B) it requires “identifying markings”. Elsewhere in regulations 12 and 27 the requirement is for “a number” that is to be stamped or engraved on the item.

Proposals

Regulation 12 (identification numbers on imports) is extended to include pistol carbine conversion kits, blank-firing guns and major firearm parts.

Regulation 27 (identification numbers for items requiring permit to possess) is extended to include pistol carbine conversion kits.

That there is a regulation that requires dealers to stamp or engrave identifying marking on major parts they manufacture or take possession of that do not already have such marking (which will become part of their record keeping requirements).

That the major firearm parts requiring marking at the points of import, manufacture, or possession by a dealer could be:

1. The action housing (frame or receiver) of firearms - this would include marking on the upper receiver and on the lower receiver where these are separate components of the action;
2. The frame of a pistol;
3. Rifle chassis systems;
4. Pistol grips;
5. A calibre conversion kit/component of any firearm (a “firearm” by definition)
6. A prohibited magazine (already required at point of import);
7. The slide of any semi-automatic action pistol;
8. A barrel or barrel blank;
9. The cylinder of a revolver-action firearm;
10. Barrel and cylinder assembly;
11. The bolt for a bolt action firearm
12. Either the action, or frame, or receiver of a restricted airgun;
13. The frame of a starting pistol or other blank-firing pistol;
14. Either the action or receiver of a blank-firing gun;
15. Conversion kit;
16. Folding or telescoping stock;

17. Gas block;
18. Recoil buffer.

As with current marking, the requirement to also mark pistol carbine conversion kits, blank-firing guns, and certain parts would be an obligation and cost on the importer and the dealer.

It is also proposed to make the terminology consistent as the regulations refer to “identifying markings” and “a number” when both refer to the same thing, which is the “identifying markings”.

Advantages: Having identifying markings on major firearm parts is useful to Police when they are trying to locate stolen firearms as it assists with identifying the firearm and assists victims of theft in proving ownership of their items.

Disadvantages: There would be costs to the importers and dealers. Some ‘collectible’ items may lose some value due to markings. However, it is anticipated that such items could be marked in ways that minimise the impact of the marking, and under section 41A it will not apply to antique firearms.

Impact: Police will have a fuller record of the details of major components of firearms and blank-firing guns that are in possession of licence holders. This gives a fuller picture of what firearms and potential firearms they are holding and what their security arrangements should be. There are additional compliance costs for dealers and importers, although a lot of parts being imported into New Zealand already have identifying marking.

What do you think?	
44.	Do you agree with the proposal that the current regulations are amended to require identifying marking for the following: a) all imported pistol carbine conversion kits, and blank-firing guns? Why / Why not? b) major firearm parts at the point of import, manufacture, or possession by dealer? Why / Why not?
45.	If you agree with b) above, do you have any comments on the proposed list of those parts that would need marking?
46.	Do you have any views as to the likely consequences, including costs, of requiring the marking of major parts?
47.	Do you think there are other options regarding the marking of firearms and parts that could be considered? If so, what are these?

8 Mail Order / Internet sales

Context

Section 43A of the Act, provides that when purchasing certain arms items through mail order or over the internet (when there is no face-to face meeting between seller and purchaser), an order form has to be completed by the purchaser and signed by Police (confirming they have checked the purchaser's firearms licence) who then forward the form to the seller. This applies to

- non-prohibited firearms
- non-prohibited magazines
- non-prohibited parts
- pistol carbine conversion kits (PCCKs)
- airguns (other than airguns used in airsoft or paintball).

Issues

Regulation 29A provides that a person wanting Police endorsement on a written order for a firearm or ammunition being ordered by mail order (pursuant to section 43A) must submit the order to Police in hard copy or electronically.

This regulation has not been kept up to date to:

- specifically include internet sales
- take into account the reference to additional items now covered by the section 43A process
- amend the reference to an endorsement by Police (as the Act now refers to the purchaser's order being signed by Police).

There is also an issue with the mail order process applying to certain parts that are transferred between dealers in high volumes where the mail order requirement for Police to sign the order form has proved difficult to comply with in a timely manner because of practical limitations around the availability of police stations.

Proposals

That regulation 29A is amended to:

- include references to internet sales
- refer to "arms items" instead of "firearms" (consistent with s43A(2)) in order to capture magazines, parts, PCCKs and airguns.
- change wording from "endorse a written order" to "sign a written order".

These changes are technical changes and would ensure the regulations are consistent with the current wording of the Act and current practice as the form has already been amended to reflect the additional items now covered by the mail order / internet sale process.

It is also proposed that regulation 29A specify, as is the current operational practice, that the written order signed by Police must be sent by Police directly to the seller.

That the regulation is further amended, under section 74(1)(o), to exclude non-prohibited parts (other than the action of a firearm) that are transferred between dealers from the requirements of section 43A(1) and (2). This acknowledges the impracticality of applying a process designed with the trading of firearms principally in mind to parts being traded in high numbers.

Advantages: Brings the regulations up-to date with the Act and addresses a practical difficulty with administering section 43A.

Disadvantages: None apparent.

Impact: Allows dealers to more readily conduct common business transactions that do not present any significant public risk.

What do you think?	
48.	<p>Do you agree with the proposals to amend regulation 29A</p> <ul style="list-style-type: none">a) to reflect the language and scope of the Arms Act in relation to mail order / internet sales? Why / Why not?b) to provide that the written purchase order signed by Police must be sent by Police directly to the seller, as is current practice? Why / Why not?c) to exclude the transfer between dealers of non-prohibited parts (other than the action of a firearm) from the requirements in section 43A(1) and (2)? Why / Why not?
49.	<p>Are there other options for regulating mail order / internet sales? If so, what option/s should also be considered?</p>

9 The Police review process under section 62

Context

Under section 62 of the Arms Act 1983 a person may seek a review by the Commissioner of Police of a decision to refuse an application for, or to revoke, a firearms licence. The Act also sets out that the Commissioner must delegate responsibility for the review to 1 or more persons other than the person who made the original decision. The reviewer must complete the review within 28 days and the applicant must be provided with a written or electronic notice of the outcome of the review.

The Act sets out that the person has the right to appeal to a District Court Judge against the review decision.

Section 74(1)(rc) provides for regulations to be made providing for the operation of the review process, including the form of applications for review, and grounds for review.

Issues

There are no guidelines or regulations setting out the process for the review.

Proposals

Option 1 (no specific regulation – use of existing powers to prescribe or approve form for applications)

Rely on existing regulation 28B, which enables the Commissioner to prescribe or approve forms for applications, as well as other documents required for the purposes of the Act. Under this option, a form would be developed for use when applying for a review under the Act.

Advantages: This option would be the simplest to implement and would provide flexibility to evolve and change the application form over time as needed to improve the review process.

Disadvantages: No up-front indications in regulations of what is required to seek a review.

Option 2 (new regulation that would specify the requirements for an application for review)

There is a regulation that specifies the requirements for an application for review under section 62. This regulation would form the basis for the review form.

Advantages: This option would still be relatively simple to implement and would provide up-front in regulations an indication of what is required to seek a review.

Disadvantages: It may mean that there is less flexibility in being able to modify or improve the application form over time.

Impact: There is little administrative difference in the two options. The second does provide some clarity in legislation for what the framework of the application will be.

What do you think?

50. Which of the following options do you prefer for applications to Police to review a decision to refuse an application for, or to revoke, a firearms licence? Why?

- a) no specific regulation – use of existing powers to prescribe or approve forms for applications
- b) new regulations that would specify the requirements for an application for review.

51. Are there other options for regulating the Police review process under section 62? If so, what option/s should also be considered?

10 Amendments to implement Royal Commission of Inquiry

10.1 Amendments to implement Royal Commission of Inquiry Recommendation 23

Context

The Royal Commission of Inquiry into the terrorist attack on Christchurch Mosques on 15 March 2019 made a specific recommendation relating to the firearms licencing vetting process, as follows.

Recommendation 23

We recommend that the Government:

Direct New Zealand Police (or other relevant entity) to 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:

- a. Applicants should be required to produce police or criminal history checks from countries in which they have previously resided; and
- b. Firearms Vetting Officers should interview family members or other close connections in other countries using technology if the applicant does not have near relatives or close associates living in New Zealand.

For the purpose of determining whether a person is a fit and proper person to be in possession of a firearm, a member of Police may seek and receive any information that they think appropriate, and consider information from any source (section 24A(3)).

The combination of section 24A(1)(n) and section 74(1)(bb) enables regulations to provide criteria, not inconsistent with this Act, for finding that a person is not a fit and proper person to be in possession of a firearm.

Regulation 15 sets out the particulars that an application for a firearms licence must include.

Issue

On a case-by-case basis Police could request travel history or foreign criminal record checks. However, the application may be delayed if the fact that someone has lived or travelled overseas does not come to light until the interview stage.

Police may, as a matter of operational practice, use technology to interview overseas family members or other close connections. It is also important that the applicant has referees based in New Zealand.

To avoid ad-hoc processes and possible inconsistencies, Police consider it is better to be transparent from the beginning about what information is required and the consequences of Police not being satisfied with the information provided.

The following proposals set out new and amended information required to be specified in Regulation 15 (related to travel and residing overseas and referees). They also propose grounds upon which Police may find a person is not fit and proper to possess firearms, and essentially clarify the consequences of overseas or referee information being insufficient.

10.2 Amendments to Regulation 15 (supply of particulars for firearms licence)

Proposals

That regulation 15 is amended to require the following information to be supplied with an application form:

- a list of countries travelled to (excluding transits) or lived in over the previous 10 years, with total time visiting or resident in each country (*new requirement*)
- a criminal record check for each country in which the applicant has resided for over 6 months (not necessarily consecutive) in the past 10 years (not including NZ) at the applicant's cost (*new requirement*)
- the name and address and contact details of a spouse, partner, or near relative who knows the applicant well of whom inquiries can be made about whether the applicant is a fit and proper person to be in possession of a firearm (*the requirement to give the name is in the Regulations, that inquiries are to be made of them is standard practice but not currently specified in Regulations*)
- the details of all parents and legal guardians if the applicant is 16 or 17 years of age (*standard practice but not currently specified in Regulations*)
- where the applicant does not have a spouse, partner, or near relative who knows them well they will need to provide a close associate who knows them well (*standard practice, but not currently specified in the Regulations*)
- the name and address and contact details of any ex-spouse or ex-partner from the 5 years immediately preceding the application of whom inquiries can be made about whether the applicant is a fit and proper person to be in possession of a firearm (*standard practice, but not currently specified in the Regulations*)
- the name and address and contact details of a person (in addition to the above) who resides in New Zealand and who knows the applicant well of whom inquiries can be made about whether the applicant is a fit and proper person to be in possession of a firearm (*the requirement to reside in New Zealand is a new specification*)
- if the spouse, partner, near relative, or close connection is overseas, a further New Zealand-based referee will be required - whether or not Police is able to interview the overseas person (*new requirement*).

It is also proposed that Regulation 15 makes it clear that the Commissioner may also request other information on the application forms. This is in line with current practice.

Advantages: This fills in what is otherwise a potential gap in full background checks on firearms licence applicants that are needed to bring to light behaviour (otherwise not disclosed or uncovered) that will affect an assessment of an individual's suitability to be in possession of firearms.

Disadvantages: This will lengthen the licensing process timeframe for some applicants.

Impact: There are additional compliance costs for licence applicants required to produce criminal histories from overseas jurisdictions, but this is considered appropriate in order to put

in place further safeguards for the safe possession and use of firearms at the control point of issuing firearms licences. This will contribute to public safety.

10.3 New criteria for finding that a person is not a fit and proper person to be in possession of a firearm

Proposals

The following proposals relate to the grounds upon which Police may find a person is not fit and proper to possess firearms (in accordance with sections 24A(1)(n) and 74(1)(bb)). The proposals essentially clarify the consequences of overseas or referee information being insufficient.

It is proposed that regulations specify that Police may find an applicant to not be fit and proper if any of the following apply:

- the applicant has spent time outside New Zealand in the last 10 years and Police has sought reasonable information about this to inform a decision as to whether the person is fit and proper to possess firearms and has not received it from the applicant, or been able to verify the information provided
- referees are unable to provide sufficient information to enable Police to be satisfied that a person is fit and proper to possess firearms (this will apply to all applicants)
- the identity of any overseas referee cannot be confirmed.

Advantages: This reinforces the need for Police to have sufficient information on firearms licence applicants through full background checks before determining an individual's suitability to be in possession of firearms.

Disadvantages: None apparent as this is essentially codifying best practice.

Impact: More licence applications will be declined as this will include those where information on overseas residency by an applicant that could be relevant to their fit and proper status is not available. This provides an additional safeguard for ensuring the safe possession and use of firearms at the control point of issuing firearms licences. This will contribute to public safety.

What do you think?	
52.	<p>Do you agree with the proposals to amend Regulation 15 to:</p> <ul style="list-style-type: none">a) require an applicant for a firearms licences to list the countries travelled to, or lived in, over the previous 10 yearsb) require a criminal record check for any country in which the applicant has resided for over 6 months in total in the past 10 yearsc) clarify that inquiries will be made of the spouse, partner or near relatived) require the details of all parents and legal guardians if the applicant is 16 or 17 years of age

- e) clarify that where there is not a spouse, partner or near relative who knows the applicant well, they will need to provide a close associate who knows them well
- f) require details of previous any spouse or partner in the past five years
- g) clarify that the second referee should be someone who resides in NZ
- h) require a further NZ-based referee where the spouse, partner, near relative, or close connection is resident overseas.

Why / Why not?

53. Do you agree with the proposal to specify new criteria that may indicate that a person is not fit and proper to possess firearms if:

- a) the applicant has spent time outside New Zealand in the last 10 years and Police has sought reasonable information about this to inform a decision as to whether the person is fit and proper to possess firearms and has been unable to obtain it
- b) referees are found to be insufficient to enable Police to be satisfied that a person is fit and proper to possess firearms
- c) the identity of any overseas referee cannot be confirmed.

Why / Why not?

11 Pistol Carbine Conversion Kits

Context

Under section 22C, the possession of a pistol carbine conversion kits requires an endorsement to possess a pistol, a permit to possess a pistol and a permit to possess the conversion kit.

Issue

There are now restrictions on the possession of pistol carbine conversion kits in the Act which need to be reflected in regulations. At present, the regulations in respect of dealer records, applications for permits to import, import notifications, and permits to possess do not currently refer to pistol carbine conversion kits.

Proposal

That the regulations are amended to reflect the restrictions in the Act on the import and possession of pistol carbine conversion kits.

These are essentially technical changes to the regulations required as a consequence of the Arms Legislation Act 2020.

Some of these amendments are also covered in the following section on minor or technical changes.

What do you think?	
54.	Do you agree with the proposal that the current regulations reflect the changes to the Arms Act relating to the import and possession of pistol carbine conversion kits? Why / Why not?
55.	Are there other options for regulating the changes to the import and possession of pistol carbine conversion kits? If so, what should also be considered?

12 Other matters

12.1 Minor or technical changes needed to regulations

Minor or technical changes are needed to several regulations. These changes are either to remedy existing drafting errors in those regulations or reflect recent amendments made to the Arms Act 1983. The regulations and changes are:

Regulation	Issue/Proposal
9	This regulation needs to refer to regulation 8 (security precautions) instead of regulation 7 (records) as it currently does.
10	This regulation, which sets out requirements for applications to import specified arms items, needs to reflect section 16 (which sets out import permit requirements for arms items and ammunition) and include imports of non-prohibited ammunition, pistol carbine conversion kits, and air pistol carbine conversion kits. It also should specify that descriptions of firearms need to include make, model, calibre, and serial number.
13	This regulation, which sets out a requirement to notify Police of imports needs to reflect section 16 (which sets out import permit requirements for arms items and ammunition) and include imports of non-prohibited ammunition, pistol carbine conversion kits, and air pistol carbine conversion kits.
20B	The content of the regulation needs to include a reference to endorsements for prohibited magazines to match up with the heading which refers to endorsements for prohibited firearms and prohibited magazines.
28C	This provision that the Commissioner may direct that only certain members of Police may issue permits or licences or grant endorsements to extend to issuing improvement notices and notices temporarily suspending a firearms or dealer's licence.
28Y	This regulation sets out the notification of possession of prohibited ammunition under section 28Y(4), and is to be amended to include that a person in possession of prohibited ammunition who notifies Police they possess it must in that notification advise if they are making an application to Police to continue to possess it as a bona fide collector of ammunition, a director or curator of a bona fide museum, or a researcher.
New regulation	A new regulation is needed to clarify that when Police are conducting an inspection under section 24B of a licence holder's firearms, they may also record the details of those firearms.
New regulation	A new regulation is needed to set out what the legal options are for dealing with firearms delivered to Police under section 59A after Police has undertaken inspection and inquiries.
New regulation	A new regulation requiring reporting of non-receipt of any firearms or parts by dealer or firearms licence holder when an incomplete order is received.

12.2 Amendment to Regulation 9 (Power to grant exemptions in respect of security precautions)

Context

Under regulation 9 any commissioned officer of Police may, by writing, exempt any dealer from compliance with any of the conditions set out in regulation 7 if that officer is satisfied that the security conditions being observed by that dealer are sufficient to prevent the unlawful removal of firearms from the dealer's place of business.

Issue

The regulation incorrectly refers to regulation 7 (which is about records) instead of regulation 8 (security precautions).

Proposal

Regulation 9(1) to be amended to refer to regulation 8 as opposed to the current reference to regulation 7.

This is a technical amendment, which would improve effectiveness of the regulations by correcting the wrong reference.

What do you think?

56. Do you have any comments on this proposal to amend regulation 9 to correct a wrong reference to regulation 7?

12.3 Amendment to Regulation 10 (Applications for permits to import)

Context

Regulation 10 sets out requirements for an application to import a firearm, pistol, prohibited magazine, starting pistol, restricted airgun, or restricted weapon; or a part of a firearm, pistol, prohibited magazine, starting pistol, or restricted weapon.

Issue

The regulation sets out the items that required import permits under section 16(1) prior to the passing of the Arms Legislation Act 2020. However, that Act amended section 16(1) to also require import permits for blank-firing guns, pistol carbine conversion kits, air pistol carbine conversion kits, and ammunition. These items therefore need to be added to regulation 10.

The regulation states that the application must include a description of the pistol, prohibited item, restricted airgun, or restricted weapon that is to be imported. It would be helpful if any description included its make, model, and calibre, as this is the information Police needs to determine whether it can come into New Zealand or not (and it is consistent with what dealers must record when they manufacture, receive or sell firearms). The regulation could also require the provision of a special reason for applying to import a pistol, prohibited item, prohibited part, restricted airgun, pistol carbine conversion kit, or restricted weapon (consistent with section 18(4) of the Act) and a reason for applying to import other arms items consistent with Police's need to monitor the acquisition of firearms.

To be consistent with the application form it could also be made clear that the applicant is to provide any other relevant information required by the Commissioner such as the number of the applicant's firearms licence.

Proposals

Amend Regulation 10 by adding references to a blank-firing gun, pistol carbine conversion kit, air pistol carbine conversion kit, and ammunition. This change is effectively a consequential amendment to the regulations as a result of the amendment to section 16(1) of the Arms Act 1983 and is needed to bring consistency between the Act and regulations.

To amend the regulation to provide that the description of the arms item in the application form must include the make, model, calibre, and serial number, that the applicant must provide the reason they are applying for a permit to import particular items, and that in the case of applying to import a pistol, prohibited item, prohibited part, restricted airgun, pistol carbine conversion kit, or restricted weapon the applicant must provide a special reason why the item should be allowed into New Zealand.

To also clarify that the applicant is to provide any other relevant information required by the Commissioner such as the number of the applicant's firearms licence.

What do you think?	
57.	<p>Do you have any comments on the proposal to amend regulation 10 to provide that the requirements for applications for permits to import include:</p> <ul style="list-style-type: none">a. references to blank-firing guns, pistol carbine conversion kits, air pistol carbine conversion kits, and ammunitionb. a requirement that the description of any firearm to be imported include its make, model, calibre, and serial numberc. a requirement to provide the reason for the application and in the case of a pistol, prohibited item, prohibited part, restricted airgun, pistol carbine conversion kit, or restricted weapon, a special reason why the item should be allowed into New Zealand.d. A requirement to provide any other relevant information required by the Commissioner?

12.4 Amendment to regulation 13 (Notification of importation)

Context

Regulation 13 sets out a requirement to notify Police within 30 days of importing a firearm, pistol, prohibited magazine, starting pistol, restricted airgun, or restricted weapon; or a part of a firearm, pistol, prohibited magazine, starting pistol, or restricted weapon.

Issue

The regulation sets out the items that required import permits under section 16(1) prior to the passing of the Arms Legislation Act 2020. However, the Arms Legislation Act 2020 amended section 16(1) to also require import permits for blank-firing guns, pistol carbine conversion kits,

air pistol carbine conversion kits, and ammunition. These items therefore need to be added to regulation 13.

Proposal

To amend regulation 13 by adding references to a blank-firing gun, pistol carbine conversion kit, air pistol carbine conversion kit, and ammunition. This change is effectively a consequential amendment to the regulations as a result of the amendment to section 16(1) of the Arms Act 1983 and is needed to bring consistency between the Act and regulations.

What do you think?

58. Do you have any comments on the proposal to amend regulation 13 to also refer to the imports of blank-firing guns, pistol carbine conversion kits, air pistol carbine conversion kits, and ammunition?

12.5 Amendment to regulation 20B (Manner of applying for endorsement in respect of prohibited firearm or prohibited magazine)

Context

Regulation 20B sets out that an application for endorsement in respect of a prohibited firearm must be made either in writing in a hard copy form, or electronically through an internet site.

Issue

The heading of regulation 20B refers to endorsements for prohibited firearms and prohibited magazines but there is no reference to prohibited magazines in the regulation itself.

Proposal

To amend regulation 20B by including in the regulation itself a reference to a prohibited magazine.

This proposal would reflect that an endorsement is needed to possess prohibited magazines and prohibited firearms, and that while this was included in the heading of the regulation, it was overlooked in the regulation itself.

What do you think?

59. Do you have any comments on the proposal to amend Regulation 20B concerning applications for endorsements to include a reference to a prohibited magazine?

12.6 Amendment to regulation 28C (Commissioner may direct who may issue licences, etc)

Context

The Arms Act 1983 provides for import permits, firearm licences, and endorsements to be issued by a member of Police.

Dealers licences, endorsements, or the revocation of a firearms licence or a dealer's licence, can only be issued by a commissioned officer of Police (Inspector or above) and permits to possess are to be issued by a member of Police acting under a direction of the Commissioner.

The Arms Legislation Act 2020 extended the types of documents that a member of Police may issue by introducing improvement notices, and notices that temporarily suspend a firearms or dealer's licence. In June 2022, two further types of documents will be able to be issued by the Commissioner - certificates of approval for shooting clubs, and certifications of shooting ranges.

Regulation 28C provides that the Commissioner may direct that only certain members of Police may issue permits or licences or grant endorsements.

Issue

Regulation 28C does not refer to any of the additional notices or certificates, even though the practice would be that these would be issued by a person (at the appropriate level) with delegated authority from the Commissioner.

Proposal

Amend regulation 28C to include the Commissioner being able to make directions that only certain members of the Police can issue improvement notices and temporary suspension notices.

This change would ensure consistency between the issue of licences and endorsements, and the issue of improvement notices or temporary suspension notices. Such directions could happen without regulations, but this will clarify the practice. This will help ensure consistency, transparency and rigour across the full range of decisions that Police need to make under the Arms Act 1983.

What do you think?

60. Do you agree with the proposal to amend regulation 28C to provide that the Commissioner may make directions in respect of who may issue improvement notices and temporary suspension notices? Why / Why not?

12.7 Amendment to regulation 28Y (Certain persons may possess prohibited ammunition)

Context

Regulation 28Y provides that certain persons (either a collector of ammunition, a museum curator, or a researcher) may possess prohibited ammunition and that they have a duty to notify Police of this possession.

It is an offence under section 50AC to possess prohibited ammunition if they are not authorised or permitted expressly to do so by the Act. Under section 22B a person needs a firearms licence to be in possession of ammunition (which includes prohibited ammunition).

Issue

Regulation 28Y does not require the persons listed as able to possess prohibited ammunition to apply to Police to be recognised (and receive recognition) as a person who may possess prohibited ammunition. No process is set down for authorising a person to be in possession of prohibited ammunition. Without this there is little assurance that only those who are lawfully able to possess prohibited ammunition will have such ammunition.

The regulations also do not set out any requirements regarding facilities for the secure storage of this prohibited ammunition, which Police can take into account when considering applications to possess prohibited ammunition.

Proposal

To amend regulation 28Y(4) to specify that a person who possesses or wishes to possess prohibited ammunition who notifies Police must (if they are not disposing of it) make an application to Police to continue to possess it as a bona fide collector of ammunition, a director or curator of a bona fide museum, or a researcher for the New Zealand Defence Force or Institute of Environmental Science and Research Ltd.

The regulation would also clarify that the person would need to have a firearms licence and be able to securely store the prohibited ammunition in a manner approved by Police.

Advantages: Making this change would make it clear in the regulations that it is not just a matter of someone notifying Police that they are in possession of prohibited ammunition, but that there is an application process to confirm that the person is in the category of persons authorised to possess prohibited ammunition, is the holder of a firearms licence, and has appropriate security precautions for the storage of the ammunition.

It will address some of the current confusion about what constitutes authorisation under the Act to possess prohibited ammunition. It would reflect and formalise the current use by Police of an application form for recognition by Police as a certain person who may possess prohibited ammunition.

Possession of ammunition already requires a firearms licence, and prohibited ammunition poses a higher risk than ordinary ammunition.

Disadvantages: Some additional administration, but not significant as this largely reflects current practice.

Impact: There are some additional compliance costs and administrative processes for those wanting to possess prohibited ammunition and administrative costs to Police. It will improve

Police's ability to practically enforce the offence of possessing prohibited ammunition without authorisation.

What do you think?	
61.	Do you agree with the proposal to make amendments to regulation 28Y to clarify that a person who possesses prohibited ammunition needs to be recognised by Police as being in the categories of persons who can be in possession under the regulation, have a firearms licence, and be able to securely store the prohibited ammunition in an approved manner? Why / Why not?

12.8 New regulation regarding the inspection provisions in section 24B

Context

Section 24B provides that every firearm licence is subject to the condition that the holder must permit a member of Police to inspect all firearms in the licence holder's possession and the places where they are kept. This requirement is subject to the Police giving the person seven days' notice of the proposed inspection.

Issues

Section 24B does not make it explicit that Police would be able to record details of the firearms inspected. Such recording could be viewed as a logical outcome of the section, as the member of Police's record that such an inspection has been carried out would, for the sake of completion, record the numbers and types of the firearms that were inspected and the security relating to those numbers and types of firearms. However, it is highly desirable that any powers that police have when they have been allowed to enter premises, are set out clearly in legislation. In the past the inspection of the storage of hunting and target shooting rifles and shotguns held by licence holders has been challenged because authority for it was not made explicit in legislation.

Proposal

A regulation be made under section 74(1)(e) of the Arms Act 1983 that would specify that every inspection carried out by a member of Police under section 24B can include Police recording the number and types of those firearms.

Advantages: This proposal clarifies the intent and logical consequence of section 24B, which was that Police would gain knowledge of the number and types of all firearms possessed by a licence holder, not just their pistols, prohibited firearms and restricted weapons, and that there was adequate storage for all those firearms. It gives this a stronger legal basis than if it was to be made a condition on each licence in accordance with regulation 28D.

Disadvantages: May be considered by some licence holders as too intrusive but needs to be balanced against the significant advantages relating to public safety.

Impact: Having knowledge of a licence holder's firearms and the security for all those firearms contributes to Police's ability to monitor compliance with the safe possession of firearms.

What do you think?

62. Do you agree with the proposal that regulations provide that Police may, when conducting an inspection of a licence holder's firearms under s24B, record the number and types of those firearms? Why / Why not?

12.9 New regulation regarding the “amnesty provisions” in s 59A

Context

Section 59A of the Arms Act 1983 provides that

- A licensed dealer does not contravene section 10 [requirements for lawful possession] if, on obtaining possession of any of the following items from any person, the licensed dealer surrenders the item to Police within 5 working days:
 - a pistol;
 - a pistol carbine conversion kit;
 - a restricted weapon;
 - a prohibited item.
- a licenced dealer does not breach section 12 (which outlines dealers' requirements to have records of their dealings) if they do not record the particulars of arms items received but surrender those items to the nearest Police station within 5 working days for inspection and inquiries.

The 2002 Arms Manual set out that, when an arms item was surrendered to Police, Police were to check to see whether the item was reported as lost or stolen, or whether it might have been involved in criminal offending, in which cases Police would try and establish ownership. Where Police could not establish ownership of the item, it could be returned to the licensed dealer who could sell it. This is what usually happened.

Issues

Section 59A is silent on how arms items surrendered by a dealer should be dealt with after Police has made the relevant inspection and inquiries. The current practice of returning them to dealers for sale is not based on any provisions in the Arms Act 1983 or the Regulations.

When Police's first buy-back of prohibited firearms was in progress, Clause 6 of Schedule 1 of the Act provided that prohibited items surrendered to the Police become the property of the Crown and that compensation may be paid for them in accordance with regulations. However, this relates to a compensation scheme which has ended, and the fact that compensation is not payable for prohibited items handed in under section 59A needs to be clarified.

There is nothing to say that a non-prohibited firearm, pistol, or restricted weapon surrendered by a dealer becomes Crown property. This leaves open whether they can become the property of the Crown and destroyed. The legislation is also silent as to whether Police has discretion to return firearms, pistols and restricted weapons to dealers who have handed them in, and

whether Police can impose conditions (through the permit to possess) on returning them to the dealer to sell.

Proposal

The regulations to clarify that there is no compensation payable for prohibited items (or non-prohibited items) that are either handed in to a dealer and subsequently delivered to Police or delivered to Police by a person not lawfully permitted to possess the item.

The regulations to clarify the position in relation to firearms, pistols, restricted weapons or pistol carbine conversion kits surrendered by a dealer under section 59A of the Arms Act. That position would be that, after establishing that there is no lawful owner of the item, and the firearm has not been involved in a crime, the Police may return the item to the dealer if appropriate in the circumstances.

Any item returned would be subject to any conditions imposed by Police by notice in writing and agreed to by the dealer. In the case of prohibited firearms, pistols and restricted weapons, the return would also be subject to the dealer having the necessary permit to possess the item, and any conditions on that permit.

This would enable Police, where the dealer wished to convert a prohibited firearm to a non-prohibited firearm for the purposes of sale, to place conditions on the permit to possess, so that the modification would need to be subject to Police inspection to ensure it was both a permanent conversion and a safe one.

Police would not return prohibited items to dealers that would simply be stock, as this would run counter to minimising the numbers of prohibited firearms in New Zealand.

Advantages: These proposals would help improve both transparency and consistency in Police processes. It will encourage more individuals to hand over firearms they are not licenced to have to dealers because there is a possibility they may be able to receive some money through the subsequent sale of them by the dealer (after an inspection of the firearm by Police). It would ensure there are ongoing processes consistent with recent policy changes aimed at reducing the number of prohibited firearms in New Zealand.

Disadvantages: May create expectations from dealers that Police will in the vast majority of cases return firearms to them that they have handed in, which they can then sell, which is not clear will be the case.

Impact: Will reduce the number of firearms in the grey market which are not subject to legislative controls. This will improve public safety as firearms in the grey market are more vulnerable to finding their way into the black market either through theft or illegal transfer. There are some additional administrative costs for Police in returning firearms to dealers.

What do you think?

63. Do you agree with the proposal that regulations provide that Police may, after receiving any firearms, pistols, restricted weapons or PCCKs from dealers under s59A, and establishing that there are no lawful owners of these items, return them to the dealer, provided in the case of pistols, restricted weapons and prohibited

	firearms that the dealer has the necessary permit and subject to any conditions that Police places on the permit? Why / Why not?
64.	Do you agree with the proposal that the regulations provide that no compensation is payable for prohibited items handed in to Police by either dealers or other persons? Why / Why not?
65.	Are there other options for regulating how Police may deal with the receipt of firearms, pistols, restricted weapons and PCCKs from dealers under section 59A?

12.10 New regulation: Reporting the non-receipt of any firearms or parts by dealers or firearms licence holders when an incomplete order is received

Context

Section 66A requires an owner of a firearm, prohibited magazine, prohibited part, or restricted weapon to immediately notify a member of Police if any of those items are lost, stolen, or destroyed. It is an offence punishable by a fine up to \$10,000 to contravene this section without reasonable excuse.

This does not cover situations when someone acquiring arms items through an order process fails to receive those items or only receives some of those items, which also means that arms items have gone missing and may have entered the black market, as with losses and thefts.

Proposal

The regulations to provide that whenever a firearm, pistol, prohibited magazine, prohibited part or restricted weapon has been ordered by the holder of a firearms licence or a dealer's licence and that item has not been delivered, the licence holder shall as soon as they have established that the item has gone missing notify a member of Police of this occurrence; and a person commits an offence and is liable on conviction to a fine not exceeding \$500 if they contravene this regulation.

Advantages: This supports Police maintaining records of firearms that have gone missing.

Disadvantages: None apparent, as just tidying up what is not quite covered in the Act.

Impact: It will assist Police to monitor firearms that may be finding their way into the black market through theft or losses during transit. There are minor compliance costs for licence holders, minor costs for Police in recording these missing firearms and some additional costs in investigations.

What do you think?	
66.	Do you agree with the proposal that regulations provide that whenever a firearm, pistol, prohibited magazine, prohibited part or restricted weapon has been ordered by a firearms or dealer's licence holder and that item has not been delivered, the licence holder shall as soon as they have established that the item has gone missing

notify a member of Police of this occurrence; and a person commits an offence and is liable on conviction to a fine not exceeding \$500 if they contravene this? Why / Why not?

67. Are there other options for regulating for situations when firearms that have been ordered go missing in transit?

13 Monitoring, evaluation, and review

How will Police determine when and whether the regulatory changes have performed well and whether the preferred option has had a greater net benefit than alternatives?

Police will monitor the consistent application of the regulations through:

- Information collected by Police during the dealer licence application process which takes place annually for each dealer and includes an audit of their security
- Information collected by Police during firearm licence applications relating to applicants' overseas travel and overseas-based referees
- Recording the outcome of inspections of licence holders' firearms and their storage
- A database that records all licence suspensions and revocations

Measures which will be used to assess the performance of the regulations, include:

- Numbers and outcomes of reviews of licence refusals, suspensions, and revocations
- Numbers and outcomes of firearm licence applications where overseas travel, or overseas-based referees, were a consideration in determining whether to issue a licence
- Numbers and outcomes of appeals to District Court on licensing decisions
- Numbers and outcomes of licence holder security inspections, including secure storage in vehicles
- Numbers and outcomes related to burglaries at licence holder properties and at non-licence holder properties where firearms were taken.

Consistent with a recommendation from the Controller and Auditor-General's report of May 2020 on Implementing the firearms buy-back and amnesty scheme, Police is designing and implementing a framework to evaluate the extent to which changes to firearms regulations have made New Zealand safer.

In addition to ongoing monitoring of licensing decisions and audits / inspections outlined above, the regulations will need to be reviewed as part of the review of the Arms Act that needs to take place after three years of the changes in the Arms Legislation Act being in force.

What do you think?

68. Do you have any additional suggestions on how Police could monitor, evaluate and / or review the performance of the proposed regulatory changes?



APPENDIX: SUBMISSION FORM FOR CONSULTATION ON ARMS REGULATIONS (PHASE ONE)

The closing date for submissions is **25 April 2021**.

You can submit by using the online submission form, located at www.police.govt.nz/consultation-regulations

- and:
- emailing your submission to consultation@police.govt.nz; or
 - posting your submission to Firearms Policy and Partnerships, 13th floor Police National Headquarters, PO Box 3017, Wellington

This submission was completed by:

Name.....

Address.....

.....

.....

Email.....

Organisation (if appropriate)

Position (if appropriate)

Are you submitting this:

☐ as an individual?

☐ on behalf of a group or organisation?

☐ other? (please specify)

If you are an individual, we would find it useful if you could indicate the following, but this is optional

Gender

Ethnicity

Age

Consultation submission form – Arms Regulations (Phase One)

Are you a licenced firearms owner?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you an endorsement holder?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you a licensed dealer?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Questions

Dealers

1. Do you agree that the regulations are amended to provide that applications for dealers licences must indicate each activity that the dealer wishes to undertake, the class of arms items they will be dealing with, and other information required to assist Police's determination as to whether a person is fit and proper to carry out dealer activities?

☐ **Yes** ☐ **No**

Comment.....
.....
.....

2. Are there other options for specifying dealer activities in relation to dealers' licences? If so, what option/s should also be considered?

Comment.....
.....
.....

3. Do you agree with the proposal that regulations provide that dealers must be supplied with a document setting out all the conditions of their licence and endorsements which is legally part of their licence?

☐ **Yes** ☐ **No**

Comment.....
.....
.....

4. Is there any other approach to formalising conditions on licences? If so, what option/s should also be considered?

Comment.....
.....
.....

5. Which of the following options do you support in relation to dealer licence conditions relating to security precautions?

☐ **Option One:** retaining current level of detail in regulations, supplemented with guidance.

☐ **Yes** ☐ **No**

Comment.....
.....
.....

☐ **Option Two:** regulations having some more details on general standards and additional tailored conditions applicable to types of dealer activities and providing that it is a condition on every dealer's licence that when a dealer alters their security arrangements, or needs new security arrangements because their business activities change, they must notify Police immediately to arrange a new security inspection.

☐ **Yes** ☐ **No**

Comment.....
.....
.....

6. Are there other options for regulating storage security for dealers? If so, what option/s should also be considered?

Comment.....
.....
.....

7. Do you agree with amending the regulations on dealers' record keeping requirements to include:

a) The receipt, delivery, and manufacture of airguns, pistol carbine conversion kits, non-prohibited magazines, and parts (other than parts excluded by regulations)

☐ **Yes** ☐ **No**

Comment.....

.....

.....

b) more specifications related to the various types of dealer activities

☐ **Yes** ☐ **No**

Comment.....

.....

.....

8. Are there other options for amending dealers' record keeping requirements? If so, what option/s should also be considered?

Comment.....

.....

.....

9. Do you agree with the proposal for regulations to provide that a dealer must surrender their dealer's licence to Police if they no longer wish to carry on their business or if they can no longer comply with one or more of the licence conditions?

☐ **Yes** ☐ **No**

Comment.....

.....

.....

10. Are there other options for the surrender of a dealer's licence when they cease business?
If so, what option/s should also be considered?

Comment.....

.....

.....

11. Do you agree with the proposal to provide in regulations that a condition of a dealer's licence is that the dealer shall permit Police to inspect all arms items held by the dealer and the storage of those items, subject to Police giving notice?

☐ **Yes** ☐ **No**

Comment.....
.....
.....

12. Are there other options for providing for the inspection of firearms held by dealers? If so, what option/s should also be considered?

Comment.....
.....
.....

13. Do you agree with the proposal to regulate that it is a condition of dealers' licences that dealers must notify Police if they intend to change, add to, or alter any of their business premises?

☐ **Yes** ☐ **No**

Comment.....
.....
.....

14. Are there other options for ensuring ongoing security arrangements during changes to dealers' premises? If so, what option/s should also be considered?

Comment.....
.....
.....

15. Do you agree with the proposal to regulate that an application for a dealer's licence must, if the dealer is to operate from more than one place of business, provide the address of each business, the name of the manager of each additional place of business, confirmation that the manager has a dealer's licence, or applied for one, and other information on the

manager that the Commissioner may require; and that a condition on every dealer's licence is that the dealer must notify Police if there are any changes or proposed changes to the management of their premises?

☐ **Yes** ☐ **No**

Comment.....
.....
.....

16. Are there other options for regulating the management of a dealer's multiple places of business? If so, what option/s should also be considered?

Comment.....
.....
.....

17. Do you agree with the proposal for dealers needing to seek prior approval for any change in their activities or classes of arms items they deal in?

☐ **Yes** ☐ **No**

Comment.....
.....
.....

18. Are there other options for ensuring ongoing compliance with licence conditions and security precautions when dealers' activities change? If so, what option/s should also be considered?

Comment.....
.....
.....

19. Which of the following options for the carriage and use of firearms by dealers outside their place of business do you prefer?

☐ **Option One:** status quo - leaving restrictions on the carriage and use of firearms by dealers outside of their business places to licence conditions prescribed by the Commissioner.

☐ **Yes** ☐ **No**

Comment.....
.....
.....

- ☐ **Option Two:** regulations setting out that a condition on all dealers' licences is that the firearms must remain on their premise unless the dealer's licence conditions or the written permission of Police allows the firearms to be removed to another location.

☐ **Yes** ☐ **No**

Comment.....
.....
.....

20. Are there other options for regulating the carriage and use of firearms by dealers outside of their business premises? If so, what option/s should also be considered?

Comment.....
.....
.....

21. Do you agree with the proposal that regulations set out the types of conditions that will be specific to each type of dealer business / activity?

☐ **Yes** ☐ **No**

Comment.....
.....
.....

22. Are there other options for regulating the conditions specific to dealer activities? If so, what option/s should also be considered?

Comment.....
.....

.....

23. Do you agree with the proposal that the regulations provide that a condition of any endorsement issued to an employee of a dealer in their capacity as an employee is that they must notify Police if they cease to be employed by the dealer or they become the employee of another dealer?

☐ **Yes** ☐ **No**

Comment.....

.....

.....

24. Are there other options to clarify the legal requirements for working as an employee of a dealer? If so, what option/s should also be considered?

Comment.....

.....

.....

25. Do you agree with the proposal to have discrete endorsements for theatrical armourers?

☐ **Yes** ☐ **No**

Comment.....

.....

.....

26. Are there other options for regulating theatrical armourers? If so, what option/s should also be considered?

Comment.....

.....

.....

Security precautions for firearms licence holders (non-dealer)

27. Do you agree with the proposals that regulations:

- a) provide that storage containers and how they are secured must be approved by Police on a case-by-case basis with some additional clarity as to the applicable standards?

☐ **Yes** ☐ **No**

Comment.....

.....

.....

- b) clarify how these conditions apply to mobile homes and campervans?

☐ **Yes** ☐ **No**

Comment.....

.....

.....

28. Are there other options for regulating security requirements? If so, what option/s should also be considered?

Comment.....

.....

.....

29. Do you agree with the proposals that regulations prescribe conditions for securely storing ammunition in containers or cabinets?

☐ **Yes** ☐ **No**

Comment.....

.....

.....

30. Are there other options for regulating the secure storage of ammunition? If so, what option/s should also be considered?

Comment.....

.....

.....

31. Do you agree with the proposals to prescribe secure storage conditions for firearms being transported in vehicles?

☐ **Yes** ☐ **No**

Comment.....
.....
.....

32. Do you agree with the proposals to modify the regulation to allow firearms to be left in a vehicle for short periods of time only where that vehicle has secure storage for firearms that are out of sight, and the vehicle is locked and has closed windows?

☐ **Yes** ☐ **No**

Comment.....
.....
.....

33. Are there other options regarding having firearms in vehicles? If so, what option/s should also be considered?

Comment.....
.....
.....

34. Do you agree with the proposals to prescribe conditions when carrying firearms in public places or on public transport?

☐ **Yes** ☐ **No**

Comment.....
.....
.....

35. Are there other options to regulate the carrying of firearms in public? If so, what option/s should also be considered?

Comment.....
.....
.....

36. Do you agree with the proposal to develop draft Commissioner's guidance notices on securing firearms, to supplement regulations, in consultation with FCAF and the Minister's Arms Advisory Group?

☐ **Yes** ☐ **No**

Comment.....
.....
.....

37. Are there other options for developing guidance on security precautions for firearms? If so, what option/s should also be considered?

Comment.....
.....
.....

Ammunition sellers

38. Do you agree with the proposal to regulate that firearm licence holders must notify Police if they are ammunition sellers?

☐ **Yes** ☐ **No**

Comment.....
.....
.....

39. Are there other options for regulating ammunition sellers? If so, what option/s should also be considered?

Comment.....
.....
.....

40. Do you agree with the proposal to regulate that ammunition sellers must store ammunition in steel cabinets of storerooms not accessible to the public when it is not on display and when on display it is to be in a locked container or display case?

☐ **Yes** ☐ **No**

Comment.....

.....

.....

41. Are there other options for regulating the security of ammunition held by ammunition sellers? If so, what option/s should also be considered?

Comment.....

.....

.....

42. Do you agree with the proposals to regulate that ammunition sellers must record the type and quantities of ammunition that they acquire?

☐ **Yes** ☐ **No**

Comment.....

.....

.....

43. Are there other options for regulating the record keeping of transfers of ammunition by ammunition sellers? If so, what option/s should also be considered?

Comment.....

.....

.....

Marking of firearms and parts

44. Do you agree with the proposal that the current regulations are amended to require identifying marking for the following:

a. all imported pistol carbine conversion kits and blank-firing guns

☐ **Yes** ☐ **No**

Comment.....

.....

.....

- b. major firearms parts at the point of import, manufacture or possession by dealer?

☐ **Yes** ☐ **No**

Comment.....
.....
.....

45. if you agree with b) above. Do you have any comments on the proposed list of those parts that need marking?

Comment.....
.....
.....

46. Do you have any views as to the likely consequences, including costs, of requiring the marking of major parts?

Comment.....
.....
.....

47. Do you think there are there other options regarding the marking of firearms and parts that could be considered? If so, what are these?

Comment.....
.....
.....

Mail order / Internet sales

48. Do you agree with the proposal to amend regulation 29A

- (a) to reflect the language and scope of the Arms Act 1983 in relation to mail order / internet sales?

☐ **Yes** ☐ **No**

Comment.....
.....
.....

(b) to provide that the written purchase order signed by Police must be sent by Police directly to the seller, as is current practice?

☐ **Yes** ☐ **No**

Comment.....
.....
.....

(c) to exclude the transfer between dealers of non-prohibited parts (other than the action of a firearm) from the requirements in section 43A(1) and (2)?

☐ **Yes** ☐ **No**

Comment.....
.....
.....

49. Are there other options for regulating mail order / internet sales? If so, what option/s should also be considered?

Comment.....
.....
.....

The Police review process under section 62

50. Which of the following options do you prefer for applications to Police to review a decision to refuse an application for, or to revoke, a firearms licence?

☐ **Option One:** no specific regulation – use of existing powers to prescribe or approve forms for applications

☐ **Yes** ☐ **No**

Comment.....
.....
.....

- ☐ **Option Two:** new regulations that would specify the requirements for an application for review

☐ **Yes** ☐ **No**

Comment.....
.....
.....

51. Are there other options for regulating the Police review process under section 62? If so, what option/s should also be considered?

Comment.....
.....
.....

Amendments to implement Royal Commission of Inquiry Recommendation 23

52. Do you agree with the proposals to amend Regulation 15 to:

- (a) Require an applicant for a firearms licence to list the countries they have travelled to or lived in over the previous 10 years

☐ **Yes** ☐ **No**

Comment.....
.....
.....

- (b) Require a criminal record check for any country in which the applicant has resided for over 6 months in total in the past 10 years

☐ **Yes** ☐ **No**

Comment.....
.....
.....

- (c) Clarify that inquiries will be made of the applicant's spouse, partner or near relative

☐ **Yes** ☐ **No**

Comment.....
.....
.....

(d) Require the details of all parents and legal guardians if the applicant is 16 or 17 years of age

☐ **Yes** ☐ **No**

Comment.....
.....
.....

(e) Clarify that where there is not a spouse, partner or near relative who knows the applicant well, they will need to provide a close associate who knows them well

☐ **Yes** ☐ **No**

Comment.....
.....
.....

(f) Require details of any previous spouse or partner of the applicant in the past five years

☐ **Yes** ☐ **No**

Comment.....
.....
.....

(g) Clarify that the second referee should be someone who resides in NZ

☐ **Yes** ☐ **No**

Comment.....
.....
.....

- (h) Require a further NZ-based referee where the spouse, partner, near relative, or close connection is resident overseas

☐ **Yes** ☐ **No**

Comment.....

.....
.....

53. Do you agree with the proposal to specify new criteria that may indicate that a person is not fit and proper to possess firearms if:

- (a) the applicant has spent time outside New Zealand in the last 10 years and Police has sought reasonable information about this to inform a decision as to whether the person is fit and proper to possess firearms and has been unable to obtain it

☐ **Yes** ☐ **No**

Comment.....

.....
.....

- (b) referees are found to be insufficient to enable Police to be satisfied that a person is fit and proper to possess firearms

☐ **Yes** ☐ **No**

Comment.....

.....
.....

- (c) the identity of any overseas referee cannot be confirmed

☐ **Yes** ☐ **No**

Comment.....

.....

.....

Pistol Carbine Conversion Kits

54. Do you agree with the proposal that the current regulations reflect the changes to the Arms Act 1983 relating to the import and possession of pistol carbine conversion kits?

☐ **Yes** ☐ **No**

Comment.....

.....

.....

55. Are there other options for regulating the changes to the import and possession of pistol carbine conversion kits? If so, what also should be considered?

Comment.....

.....

.....

Other matters

Amendment to regulation 9

56. Do you have any comments on the proposal to amend regulation 9 to correct a wrong reference to regulation 7?

☐ **Yes** ☐ **No**

Comment.....

.....

.....

Amendment to regulation 10

57. Do you have any comments on the proposal to amend regulation 10 to provide that the requirements for applications for permits to import include:

- (a) references to blank-firing guns, pistol carbine conversion kits, air pistol carbine conversion kits, and ammunition

☐ **Yes** ☐ **No**

Comment.....

.....

.....

(b) a requirement that the description of any firearm to be imported include its make, model, calibre, and serial number

☐ **Yes** ☐ **No**

Comment.....

.....

.....

(c) a requirement to provide the reason for the application and, in the case of a pistol, prohibited item, prohibited part, restricted airgun, pistol carbine conversion kit or restricted weapon, a special reason why the item should be allowed into New Zealand.

☐ **Yes** ☐ **No**

Comment.....

.....

.....

(d) a requirement to provide any other relevant information required by the Commissioner

☐ **Yes** ☐ **No**

Comment.....

.....

.....

Amendment to regulation 13

58. Do you have any comments on the proposal to amend regulation 13 to also require notifications of the imports of blank-firing guns, pistol carbine conversion kits, air pistol carbine conversion kits, and ammunition?

☐ **Yes** ☐ **No**

Comment.....

.....

.....

Amendment to regulation 20B

59. Do you have any comments on the proposal to amend regulation 20B concerning applications for endorsements to include a reference to a prohibited magazine?

☐ **Yes** ☐ **No**

Comment.....

.....

.....

Amendment to regulation 28C

60. Do you agree with the proposal to amend regulation 28C to provide that the Commissioner may make directions in respect of who may issue improvement notices and temporary suspension notices?

☐ **Yes** ☐ **No**

Comment.....

.....

.....

Amendment to regulation 28Y

61. Do you agree with the proposal to make amendments to regulation 28Y to clarify that a person who possesses prohibited ammunition needs to be recognised by Police as being in the categories of persons who can be in possession under the regulation, have a firearms licence, and be able to securely store the prohibited ammunition in an approved manner?

☐ **Yes** ☐ **No**

Comment.....

.....

.....

New regulation – clarify that Police may record details of firearms when conducting inspection under section 24B of the Arms Act 1983

62. Do you agree with the proposal that regulations provide that Police may, when conducting an inspection of a licence holder's firearms under section 24B, record the numbers and types of those firearms?

☐ **Yes** ☐ **No**

Comment.....

.....

.....

New regulation – clarify legal options for dealing with firearms delivered to Police under section 59A of the Arms Act 1983

63. Do you agree with the proposal that regulations provide that Police may, after receiving any firearms, pistols, restricted weapons or pistol carbine conversion kits from dealers under section 59A, and establishing that there are no lawful owners of these items, return them to the dealer, provided in the case of pistols, restricted weapons and prohibited firearms that the dealer has the necessary permit and subject to any conditions that Police places on the permit?

☐ **Yes** ☐ **No**

Comment.....

.....

.....

64. Do you agree with the proposal that the regulations provide that no compensation is payable for prohibited items handed in to Police by either dealers or other persons?

☐ **Yes** ☐ **No**

Comment.....

.....

.....

65. Are there other options for regulating how Police may deal with the receipt of firearms, pistols, restricted weapons, and pistol carbine conversion kits from dealers under section 59A?

Comment.....
.....
.....

66. Do you agree with the proposal that regulations provide that whenever a firearm, pistol, prohibited magazine, prohibited part or restricted weapon has been ordered by a firearms licence holder and that item has not been delivered, the licence holder shall, as soon as they have established that the item has gone missing, notify a member of Police of this occurrence; and a person commits an offence and is liable on conviction to a fine not exceeding \$500 if they contravene this?

☐ **Yes** ☐ **No**

Comment.....
.....
.....

67. Are there other options for regulating for situations when firearms that have been ordered go missing in transit?

Comment.....
.....
.....

Monitoring, evaluation and review

68. Do you have any additional suggestions on how Police could monitor, evaluate and / or review the performance of the proposed regulatory changes?

Comment.....
.....
.....

APPENDIX: EXTRACTS FROM ARMS ACT AND ARMS REGULATIONS

ARMS ACT 1983

In section 2

ammunition seller –

- (a) means a person who is responsible for the day-to-day management of a business that includes selling or supplying ammunition; but
- (b) does not include—
 - (i) a licensed dealer; and
 - (ii) a member of a shooting club, if the member sells ammunition —
 - (A) to a club member, or on club premises, with the approval of the management committee of the club or a majority vote of club members; and
 - (B) the sales revenue is used for the benefit of the club

theatrical armourer means a person who holds a firearms licence or dealer's licence that bears a current endorsement under section 30(1)(c) or 30B(3) allowing them to possess, use, or supervise the use of any of the following items in making a broadcast or in theatrical, cinematic, television film, or video recording productions:

- (a) firearms
- (b) prohibited magazines
- (c) restricted weapons

Section 5 Dealers to be licensed [In force 24 June 2021]

- (1) A person other than a body corporate must not carry on any of the following activities in relation to a class of arms items without a dealer's licence that authorises the person to carry on the activity in relation to that class of arms items:
 - (a) the business of selling, hiring, lending, or otherwise supplying a class of arms items:
 - (b) possessing, for the purposes of an auction, a class of arms items:
 - (c) the business of repairing or modifying a class of arms items:
 - (d) displaying, as the director or curator of a bona fide museum, a class of arms items:
 - (e) the business of manufacturing for sale, hire, lending, or other supply a class of arms items:
 - (f) manufacturing (for the purposes of permitted supply (as defined in section 4A(3))) prohibited parts and using prohibited items to test and demonstrate those prohibited parts.
- (2) A body corporate must not carry on any of the activities specified in subsection (1) in relation to a class of arms items unless a senior manager of the body corporate has a dealer's licence authorising the senior manager to carry on the activities in relation to the class of arms items on behalf of the body corporate.
- (3) Despite subsections (1) and (2), a dealer's licence is not required for the following activities:
 - (a) commercial hunting guide services by a firearms licence holder who during the provision of those services supplies no more than 6 firearms to 1 or more clients:
 - (b) the selling, hiring, lending, or supplying of firearms by a member of a shooting club, if the member—
 - (i) sells, hires, lends, or supplies firearms to a club member, or on club premises, with the approval of the management committee of the club or a majority vote of club members; and

- (ii) the revenue from the sale, hire, lending, or supply of the firearms is used for the benefit of the club.

Section 5C Theatrical armourers to supervise firearms use in certain cases

- (1) This section applies if a holder of a dealer's licence hires out firearms for use by a bona fide theatre company or society or cinematic or television film production company or video recording production company.
- (2) The use of those firearms by members of the company or society must be supervised by an on-site theatrical armourer.

Section 6A Conditions of dealer's licence

- (1) Every dealer's licence is issued subject to the conditions that any person who is in possession of a pistol, pistol carbine conversion kit, restricted weapon (other than an air pistol), prohibited firearm, or prohibited magazine by virtue of that licence must—
 - (a) produce that pistol, pistol carbine conversion kit, restricted weapon (other than an air pistol), prohibited firearm, or prohibited magazine to any member of the Police on demand; and
 - (b) permit the member of the Police to inspect the pistol, pistol carbine conversion kit, restricted weapon (other than an air pistol), prohibited firearm, or prohibited magazine and the place where it is kept, and, for that purpose, to enter at all reasonable times upon the premises where the place is situated.
- (2) It is the duty of every member of the Police exercising any power conferred by subsection (1)—
 - (a) to identify themselves to the person in possession of the pistol, pistol carbine conversion kit, restricted weapon, prohibited firearm, or prohibited magazine; and
 - (b) to tell the person in possession of the pistol, pistol carbine conversion kit, restricted weapon, prohibited firearm, or prohibited magazine that the power is being exercised under subsection (1); and
 - (c) if they are not in uniform, to produce on initial entry, and, if requested, at any subsequent time, evidence that they are a member of the Police.

Section 7 Place of business

- (1) A dealer's licence may be issued in respect of 1 place of business only, and that place of business must be specified in the licence
- (2) Subsection (1) is subject to subsections (3) to (5)
- (3) A dealer may be issued with a dealer's licence authorising the dealer to operate from more than 1 place of business if, at each of those places of business, there is a manager holding a dealer's licence.
- (4) Any firearms, prohibited magazines, and restricted weapons in the possession of a dealer may be handled at any site in addition to the place of business specified in the dealer's licence if the dealer hires out those items for use by a broadcaster, bona fide theatre company or society or cinematic or television film production company or video recording production company and —
 - (a) the handling and secure storage of the items at that site are supervised by

- a theatrical armourer; and
 - (b) the armourer has a firearms licence endorsed under section 30(1)(c) or 30B(3) and the endorsement specifies—
 - (i) that the items may be handled at sites other than the dealer's place of business; and
 - (ii) that the armourer must hold written consent from a member of the Police that specifies the location of the site and the duration and description of the theatrical production at that site.
- (5) A dealer may, on an occasional basis, carry on dealer activities from places additional to the place of business specified in their dealer's licence if a condition to which their licence is subject permits them to do so.
- (6) For the

Section 11 Employees of licensed dealer to hold firearms licence bearing appropriate endorsements

- (1) An employee of a licensed dealer must not assist with carrying on any dealer activity unless the employee holds a firearms licence.
- (2) If the employee's duties include the carrying on of a dealer activity in respect of pistols, pistol carbine conversion kits, restricted weapons, prohibited firearms, or prohibited magazines, the employee's firearms licence must also bear appropriate endorsements made under section 30 or 30B that authorise the employee to possess any such items in connection with their duties as an employee of the licensed dealer.

Section 12 Record of dealings by licensed dealers

- (1) A licensed dealer must keep at the place of business referred to in their licence a book that records the particulars prescribed by regulations made under this Act relating to—
 - (a) the transactions conducted in the course of carrying on a dealer activity; and
 - (b) the arms items and ammunition received, sold, supplied, or manufactured in the course of carrying on their business.
- (1A) A licensed dealer who keeps their book under subsection (1) in hard copy form must retain the book for at least 10 years from the date of the last entry in the book.
- (1B) A licensed dealer who keeps their book under subsection (1) electronically must retain each electronic record for at least 10 years from the date on which the record is entered.
- (2) Every dealer must supply on demand by Police any further information in his possession with respect to dealings relating to arms items

Section 18AA Issue of Permit to import pistol carbine conversion kit

- (1) A member of the Police to whom an application is made for a permit to import a pistol carbine conversion kit may require the applicant to produce for examination and testing samples of any pistol carbine conversion kit of the kind referred to in the application.
- (2) The Commissioner may grant an application for the issue of a permit to bring or cause to be brought or sent into New Zealand a pistol carbine conversion kit only if—
 - (a) the Commissioner is satisfied that—

- (i) there are special reasons why the pistol carbine conversion kit should be allowed into New Zealand; and
- (ii) the pistol carbine conversion kit specifically enables a pistol that has an overall length of no more than 400 millimetres and is capable of firing specified ammunition only at a muzzle velocity of 1,600 feet per second or less to be fired from the shoulder; and
- (iii) the pistol carbine conversion kit does not modify the pistol in any way other than as specified in sub parag (ii)

Section 22C –Restrictions on possession of pistol carbine conversion kits

- (1) A person must not have in their possession a pistol carbine conversion kit unless the person is—
 - (a) the holder of a dealer's licence that bears an endorsement made under section 30 permitting the holder to possess a pistol and has been issued with—
 - (i) a permit to import issued under section 18AA; or
 - (ii) a permit to possess issued under section 35AAA; or
 - (b) the holder of a firearms licence—
 - (i) whose licence bears an endorsement made under section 30 permitting the holder to possess a pistol; and
 - (ii) who has been issued with—
 - (A) a permit, under section 18, to import a pistol; or
 - (B) a permit, under section 35, to possess a pistol; and
 - (iii) who has been issued with—
 - (A) a permit, under section 18AA, to import a pistol carbine conversion kit; or
 - (B) a permit, under section 35AAA, to possess a pistol carbine conversion kit.
 - (2) This section does not apply to an employee of a licensed dealer when—
 - (a) acting in their capacity as an employee; and
 - (b) assisting with the carrying on of a dealer activity (if they are qualified under section 11 to do so).

Section 22E Ammunition seller to keep record of ammunition sales

- (1) An ammunition seller must keep at their place of business a book that records the following details in respect of all ammunition (other than projectiles for airguns) sold or supplied in the course of their business:
 - (a) the name of the person to whom the ammunition was sold or supplied; and
 - (b) the quantity and type of ammunition sold or supplied to the person; and
 - (c) the person's firearms licence number, or, if the ammunition was sold or supplied to the person for use under the immediate supervision of another person who holds a firearms licence, the name and firearms licence number of that other person.
- (3) An ammunition seller must, at all reasonable times, permit any member of the Police to inspect and make copies of any entries in the book referred to in subsection (1) if the ammunition seller has received at least 7 days' prior notice of the member's intention to do so.
- (4) An ammunition seller who keeps their book under subsection (1) in hard copy form must retain the book for at least 10 years from the date of the last entry in the book.
- (5) An ammunition seller who keeps their book under subsection (1) electronically must retain each electronic record for at least 10 years from the date on which the record is entered.

Section 24C Special condition of firearms licence relating to sale or supply of ammunition

A firearms licence held by an ammunition seller is subject to the condition that the ammunition seller has appropriate facilities to ensure the secure storage of all ammunition that, at any time, they possess.

Section 29(2)(f) A person who is the holder of a firearms licence may apply for an endorsement on their licence to possess a pistol or restricted weapon in their capacity as an employee of a licensed dealer.

Section 30A(3) A person who is of or over the age of 18 years, and who is the employee of a

licensed dealer, may apply for an endorsement on their firearms licence permitting them to possess a prohibited firearm or prohibited magazine in their capacity as an employee of the licensed dealer.

Section 33C(1) An endorsement made under section 30 or 30B on a firearms licence held by an employee of a licensed dealer for the purposes of their employment with the dealer continues in force for 1 year after the date on which the endorsement was made, unless one of the following first occurs:

- (a) the employee's firearms licence expires:
- (b) the employee's firearms licence is surrendered or revoked:
- (c) the licensed dealer's licence expires:
- (d) the licensed dealer's licence is surrendered or revoked:
- (e) the relevant endorsement made under section 30 or 30B on the

licensed

- dealer's licence is revoked:
- (f) the employee ceases to be employed by the licensed dealer.

Section 41A Marking of firearms

- (1) This section applies to all firearms, parts, pistol carbine conversion kits, and magazines possessed by firearms licence holders, including those manufactured in or imported into New Zealand, but does not apply to antique firearms.
- (2) Firearms, parts, pistol carbine conversion kits, and magazines to which this section applies must be marked to the extent provided in, and in accordance with, requirements set out in regulations made under section 74.
- (3) The Crown is not liable to pay compensation in respect of —
 - (a) the loss of value in the case of any firearm, part, pistol carbine conversion kit, or magazine that results from it being marked in accordance with the regulations; or
 - (b) the cost of marking the firearm, part, pistol carbine conversion kit, or magazine.

Section 59A Surrender by licensed dealer of firearms, etc

- (1) A licensed dealer does not contravene section 10 [requirements for lawful possession] if, on obtaining possession of any of the following items from any person, the licensed dealer surrenders the item within 5 working days to the nearest Police station for inspection and inquiries:
 - (a) a pistol:
 - (b) a pistol carbine conversion kit:
 - (c) a restricted weapon:

- (d) a prohibited item.
- (2) A licensed dealer does not contravene section 12 if the licensed dealer does not record the particulars of any of the following items that is received by that dealer and, within 5 working days, surrenders the item to the nearest Police station for inspection and inquiries:
 - (a) a firearm:
 - (b) an airgun:
 - (c) a pistol:
 - (d) a pistol carbine conversion kit:
 - (e) a prohibited item:
 - (f) a restricted weapon.

Section 74 Regulations

- (1) The Governor-General may, from time to time, by Order in Council, make regulations for all or any of the following purposes:
 - (jb) providing for 1 or more of the following in relation to notices given by health practitioners for the purposes of section 92:
 - (i) the information that the Police must provide to a licence holder when notifying the holder that a report has been received from a health practitioner:
 - (ii) the period within which a licence holder must undergo a further assessment or surrender their licence, for the purposes of section 92(3):
 - (iii) the kinds or classes of health practitioners who may make a further assessment under section 92 and any time limits or other requirements that apply to the assessment:
 - (iv) the responsibilities of a health practitioner who makes a further assessment.

Section 87 Guidance notices

- (1) The Commissioner may issue notices that provide guidance or details of an administrative nature that relate to:
 - (a) the requirements of regulations relating to the security of licensed dealer premises:
 - (b) the requirements of regulations relating to the security of premises where firearms are kept:
 - (c) the issuing of identifying markings for firearms and magazines manufactured in or imported into New Zealand:
 - (d) the approval of any shooting club or certification of any shooting range:
 - (e) how to demonstrate the positive behaviours, skills, and knowledge that are expected of a fit and proper person:
 - (f) how to manage specific situations where non-licensed persons come into possession of a firearm:
 - (g) matters that health practitioners consider when determining whether to notify the Police under section 92:

(h) generally, about any aspect of the Act or regulations made under this Act where the Commissioner thinks further guidance or detail is useful.

(2) The Commissioner must—

- (a) publish the notice in the *Gazette*; or
- (b) notify in the *Gazette* the fact that the notice has been made and state in that notification where members of the public can access a copy of the notice in electronic form.

Section 92 Health practitioners may give Police medical reports of persons unfit to use firearm

(1) This section applies if a health practitioner who has attended or been consulted in respect of a person who the practitioner knows or has reason to believe is a firearms licence holder considers that the health condition of the licence holder is such that, in the interests of the safety of individuals or the public, the licence holder—

- (a) should not be permitted to use or possess a firearm; or
- (b) should only be permitted to use or possess a firearm subject to any limitations that may be warranted by the health condition of the licence holder.

(2) If this section applies, the health practitioner must consider notifying the Police as soon as practicable—

- (a) of the opinion under subsection (1); and
- (b) the grounds on which it is based; and
- (c) whether the practitioner believes the licence holder poses an immediate or imminent danger of self-harm or harm to others.

(3) If the Police have been notified by a health practitioner under subsection (2), the Commissioner may require a licence holder to undergo a further medical assessment by a health practitioner who is independent from the practitioner who made the initial assessment and, in that case, the licence holder must either—

- (a) undergo the further assessment; or
- (b) surrender their licence under section 27(1).

(4) Regulations made under section 74(1)(jb) (if any) apply in relation to any notice given for the purpose of this section and to any action required under subsection (3).

(5) A health practitioner is not liable to criminal, civil, or disciplinary proceedings by disclosing personal information in the course of performing any function or responsibility under this section, as long as the practitioner acts in good faith.

ARMS REGULATIONS

Regulation 8 sets out the security precautions that dealers must have for their stock.

8 Conditions relating to security precautions

Every dealer's licence shall be subject to the following conditions:

- (a) the building in which the dealer's place of business is located shall be, and be maintained, in a structurally sound condition:
- (b) the doors that can give access to the dealer's place of business, and their locks, bolts, hinges, and other fastenings, shall be strong and stout and shall be maintained in good condition:

- (c) the windows, skylights, or other things intended to cover openings to the dealer's place of business, and their locks, bolts, hinges, and other fastenings, shall be maintained in good condition:
- (d) all such doors and all such windows, skylights, and other things shall be capable of being secured against unlawful entry:
- (e) whenever the dealer's place of business is left unattended or unoccupied, the dealer shall ensure that all reasonable steps are taken to secure the place of business from unlawful entry:
- (f) the dealer shall ensure that all firearms (other than airguns and miniature replica cannon) at the dealer's place of business, which are not in the physical possession of the dealer or of a member of the dealer's staff or which are not being displayed to a customer under the immediate continuous personal supervision of the dealer or of a member of the dealer's staff, are either—
 - (i) dismantled, rendered inoperable, or immobilised (which includes securing them in a display cabinet or rack so that they cannot be readily removed), in a manner approved for the time being either generally or in the particular case by a member of the Police, so that none of them can be fired; or
 - (ii) locked up in a steel box or a steel cabinet (being a box or cabinet secured to the building) or in a steel safe or in a steel and concrete strongroom, which such box, cabinet, safe, or strongroom shall be of sound construction and of a type approved for the time being either generally or in the particular case by a member of the Police:
- (g) where vital parts are removed from a firearm for the purpose of complying with paragraph (f)(i), those parts shall be locked up in a box, cabinet, safe, or strongroom complying with paragraph (f)(ii) or in a secure place in premises separate from the premises in which the firearm is stored:
- (h) all pistols (other than air pistols or miniature replica cannon) and prohibited items at the dealer's place of business which are not in the physical possession of the dealer or of a member of the dealer's staff or which are not being displayed to a customer under the immediate and continuous personal supervision of the dealer or a member of the dealer's staff shall be locked up in a box, cabinet, safe, or strongroom complying with paragraph (f)(ii):
- (i) all airguns at the dealer's place of business which are not in the physical possession of the dealer or of a member of the dealer's staff or which are not being displayed to a customer under the immediate and personal supervision of the dealer or a member of the dealer's staff shall be secured in a manner so that they cannot be readily removed.

19 Conditions relating to security precautions

- (1) Every firearms licence shall be subject to the following conditions:
 - (a) the holder shall not put a firearm in such a place that a young child has ready access to it:
 - (b) the holder, where he or she has both a firearm and ammunition for it in his or her possession, either—

- (i) shall take reasonable steps to ensure that the ammunition is not stored in such a way that a person who obtains access to the firearm also obtains access to the ammunition; or
 - (ii) shall ensure that, where the ammunition is stored with the firearm, the firearm is not capable of being discharged:
 - (c) the holder shall take reasonable steps to ensure that any firearm in the holder's possession is secured against theft:
 - (d) the holder shall, where he or she has possession of a firearm that is—
 - (i) a flare pistol; or
 - (ii) a humane killer; or
 - (iii) a stock marking pistol,—keep it in a locked container, except where it is under the holder's immediate and personal supervision.
- (2) On and after 1 July 1993 the reasonable steps required by subclause (1)(c) shall include—
- (a) keeping on the holder's premises—
 - (i) a lockable cabinet, container, or receptacle of stout construction in which firearms may be stored; or
 - (ii) a lockable steel and concrete strongroom in which firearms may be stored; or
 - (iii) a display cabinet or rack in which firearms may be immobilised and locked so that none of them may be fired; and
 - (b) keeping locked or immobilised and locked in the cabinet, container, receptacle, strongroom, display cabinet, or rack required by paragraph (a) every firearm which is on the holder's premises and which is not under immediate and personal supervision of the holder or some other holder of a firearms licence; and
 - (c) ensuring that no firearm in the holder's possession is left in a vehicle that is unattended.

12 Identification numbers

- (1) Every person who imports into New Zealand a firearm, pistol, prohibited firearm, restricted airgun, or restricted weapon (other than a firearm, pistol, prohibited firearm, restricted airgun, or restricted weapon that is an antique firearm) that does not bear a serial number must stamp or engrave, or cause to be stamped or engraved, in clear view on the frame of that firearm, pistol, prohibited firearm, restricted airgun, or restricted weapon, within 30 days after the day on which it is imported, a number by which that firearm, pistol, prohibited firearm, restricted airgun, or restricted weapon may be identified.
- (1A) Every person who imports into New Zealand a prohibited magazine that does not bear a serial number must, within 30 days after the day on which it is imported, stamp or engrave, or cause to be stamped or engraved, in clear view on that magazine, a number by which the magazine may be identified.
- (1B) Every person who manufactures or assembles a firearm, pistol, prohibited firearm, restricted airgun, or restricted weapon (other than a pistol, prohibited firearm, restricted airgun, or restricted weapon that is an antique firearm) must stamp or engrave identifying markings on it at the time of manufacture (if it does not already bear one).
- (1) Every person commits an offence and is liable on conviction to a fine not exceeding \$400 who contravenes subclause (1) or (1A).

27 Identification numbers

- (1) This regulation applies in respect of an item that is a pistol, prohibited firearm, prohibited magazine, or restricted weapon and that—
 - (a) is not an antique firearm; and
 - (b) does not bear a serial number.
- (2) A person who is handing over possession of the item to a person who holds a permit to possess the item must, before handing over the item,—
 - (a) in the case of an item that is a pistol, prohibited firearm, or restricted weapon, stamp or engrave, or cause to be stamped or engraved, in clear view on the frame of the item, a number by which it may be identified:
 - (b) in the case of an item that is a prohibited magazine, stamp or engrave, or cause to be stamped or engraved, in clear view on the item, a number by which it may be identified.
- (3) A person who obtains a permit to possess an item in the circumstances set out in regulation 23A(1B) or (1C) must, within 7 days of the issue of the permit —
 - (a) in the case of an item that is a pistol, prohibited firearm, or restricted weapon, stamp or engrave, or cause to be stamped or engraved, in clear view on the frame of the item, a number by which it may be identified:
 - (b) in the case of an item that is a prohibited magazine, stamp or engrave, or cause to be stamped or engraved, in clear view on the item, a number by which it may be identified.
- (4) A person commits an offence and is liable on conviction to a fine not exceeding \$400 who contravenes subclause (2) or (3).