

PROACTIVE INFORMATION	
Providing for the buy-back scheme in the Arms (Prohibited Firearms, Magazines and Parts) Bill	
Deadline: 4 April 2019	Date of Response: 3 April 2019

Purpose

1. The purpose of this briefing is to seek agreement to a measure that would both provide certainty about the ownership of property surrendered under the buy-back scheme in the Arms (Prohibited Firearms, Magazines and Parts) Bill (the Bill), and clearly signal the Government's intent to provide buy-back payments.

The Bill provides for surrendering prohibited firearms and other items

2. In setting up an amnesty, the Bill currently provides that there is no offence of unlawfully possessing a prohibited firearm, prohibited magazine, or prohibited part until 30 September 2019 (unless that date is extended by Order in Council).
3. This protection applies irrespective of whether the prohibited item was held lawfully at commencement, and no steps need to be taken prior to 30 September in order to receive protection.

s 9(2)(h)

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7.1 s 9(2)(h)

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11. The Bill could expressly provide:

11.1. that upon surrender of the prohibited item, the property will become the property of the Crown;

11.2. the Government will pay for that item which has become the property of the Crown;

11.3. for a regulation-making power by which the level of such payments would be determined.

12. As the Government has not yet decided how payments to businesses may be managed, it will likely be desirable to signal in the Bill that different methods for determining payment may be applied to individual firearms owners and licensed dealers. Such details can then be set by regulations under the Act.
13. In line with our previously provided buy-back advice, we recommend that payments are only made for lawfully obtained items.
14. The existing appeal provision in section 63 of the Arms Act, which allows for disputes to be determined by the District Court, could be extended to include items surrendered under the buy-back or applied in modified form.
15. s 9(2)(h)

Recommendations

- a) Agree that the Departmental Report to the Finance and Expenditure Committee on the Bill recommend that the Bill include a provision that:
 - a. upon surrender of the prohibited item, the property will become the property of the Crown;
 - b. the Government will pay for that item which has become the property of the Crown, providing it is lawfully obtained; and
 - c. creates a regulation-making power by which the level of such payments would be determined.

Prepared by	s 9(2)(a)	
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