

Rt Hon Jacinda Ardern, Prime Minister  
 Rt Hon Winston Peters, Deputy Prime Minister  
 Hon Grant Robertson, Minister of Finance  
 Hon Andrew Little, Minister of Justice  
 Hon Stuart Nash, Minister of Police  
 Hon Ron Mark, Minister of Defence

BRIEFING FOR MINISTERS WITH POWER TO ACT			
<b>Priority</b>	<input checked="" type="checkbox"/> Urgent <input type="checkbox"/> Time-Sensitive <input type="checkbox"/> Routine		
<b>Subject</b>	Providing modification of prohibited firearms as an option		
<b>Date</b>	11 June 2019	<b>Ref</b>	BR/19/65

### Executive Summary

Ministers with Power to Act agreed that compensation for prohibited firearms capable of being permanently modified to make them non-prohibited will not exceed the cost of modification (up to \$300). This would apply whether the firearm is modified or surrendered.

Regulations were considered at LEG on 11 June that provide:

- if a prohibited firearm is permanently modified to make it non-prohibited, compensation may be paid for the cost of the modification up to \$300, or
- if an owner of a prohibited firearm capable of being modified surrenders the firearm, they will receive compensation of \$300.

s 9(2)(h)

.....  
 Andrew Coster  
 Acting Deputy Commissioner, Strategy & Partnerships

<b>First contact</b>	s 9(2)(a)	
<b>Second contact</b>	Andrew Coster, Acting Deputy Commissioner: Strategy & Partnerships	s 9(2)(a)

## **Providing for modification of prohibited firearms in the Arms Amendment Regulations**

### **Purpose**

1. This paper seeks agreement to amend regulations to provide owners with the option of having their firearm modified if they choose to. The Minister of Police and the Minister of Finance have discussed this amendment and support this approach.

### **Background**

2. Ministers with Power to Act have agreed policy settings for the buy-back to be implemented in the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019. On 30 May 2019, Ministers agreed that if a firearm is capable of being permanently modified, then compensation for that firearm would not exceed the cost of modification (up to \$300).
3. Draft regulations were considered by the Cabinet Legislation Committee (LEG) on 11 June and are due to be considered by Cabinet on 17 June. These provide:
  - if an owner of a prohibited firearm capable of being modified has the firearm permanently modified to make it non-prohibited compensation may be paid for the cost of the modification up to \$300 or
  - if an owner of a prohibited firearm capable of being modified surrenders the firearm they will receive compensation of \$300.

s 9(2)(h)

s 9(2)(h)

we recommend offering owners of these firearms the choice of modification or handing in the firearm for the list price. Providing owners with the option of having their firearm modified or handing it in for the list price of the firearm would be more likely to be seen as a fair and reasonable value

s 9(2)(h)

7. This change will increase the overall cost of the buy-back scheme as higher compensation will be paid for firearms surrendered, rather than modified. The extent of this increase in cost is unclear as we have no reliable data on the numbers of firearms involved, nor on the numbers of owners that will choose to hand over, rather than modify their firearm(s).

## Recommendations

It is recommended that Ministers with Power to Act:

- a) **note** that some prohibited firearms with non-detachable tubular magazines and some non-prohibited firearms (eg. bolt action rifles) with prohibited non-detachable tubular magazines are capable of being modified to permanently reduce the magazine capacity to make the firearm or magazine non-prohibited
- b) **note** that Ministers agreed that compensation for firearms capable of being permanently modified would be no more than the cost of the modification of the firearm up to \$300
- c) **agree** that the regulations provide for permanent and safe modification as an option for owners of firearms in (a) if they choose to have their firearm modified Yes/No
- d) **agree** that the regulations provide that if owners of firearms in (a) do not choose to have their firearm permanently modified, they will receive compensation based on the price list and any condition based adjustment when they surrender the firearm Yes/No
- e) **agree** that compensation paid in relation to firearms which have been permanently modified will cover the cost of modification up to a maximum of \$300 Yes/No
- f) **note** that agreeing to recommendation d) will increase the overall cost of the buy back scheme but that the level of increase is not known due to a lack of reliable data
- g) **authorise** officials to issue drafting instructions to PCO to amend the regulations to implement decisions made in this paper Yes/No

- h) **note** decisions from Ministers are required by 13 June 2019 for the regulations to be approved by Cabinet on 17 June

**Ministers' comments and signature**

..... / / 2019  
Rt Hon Jacinda Ardern  
Prime Minister

**Ministers' comments and signature**

..... / / 2019  
Rt Hon Winston Peters  
Deputy Prime Minister

**Ministers' comments and signature**

..... / / 2019  
Hon Grant Robertson  
Minister of Finance

**Ministers' comments and signature**

..... / / 2019  
Hon Andrew Little  
Minister of Justice

**Ministers' comments and signature**

..... / / 2019  
Hon Stuart Nash  
Minister of Police

**Ministers' comments and signature**

..... / / 2019  
Hon Ron Mark  
Minister of Defence