

Annex One: Proposed regulations without options

These are the proposals in the public consultation paper that do not have options, specifically those requesting lists of information or data. For these proposals, New Zealand Police (Police) has identified the minimum amount of information necessary to inform the registry. The public consultation paper provides some rationale for their inclusion as a minimum standard. For example, in the proposal detailing which arms items should be included in the registry, Police has excluded antiques and only asked for major parts to be registered and we have also excluded most airguns. However, to support this, we have provided an assessment for why we are unable to provide options for each proposal.

Particulars concerning licence holders	
Proposed regulation	Assessment
<p>Proposal 4.1.A</p> <p>In the case of a firearms licence holder:</p> <ol style="list-style-type: none"> full name, date of birth, residential address, postal address (if different), contact phone number and email address the number and date of expiry of the licence held every endorsement on the licence every condition on the licence or on any endorsement that is additional to conditions imposed by the Act or regulations the addresses of all locations where they store specified arms items and ammunition in their possession, and the capacity of each of those storage locations whether any specified arms items are being stored in a mobile home, campervan or caravan unit that is being used as the licence holder's temporary or permanent home, and details of these homes/units, and the total number of firearms that each unit has the capacity to hold whether they are an ammunition seller, and if so the address where the ammunition they intend to sell is stored confirmation that they have separate storage for ammunition at the places where firearms are stored the name and contact details of the licence holder's health practitioner (if they applied for a licence on or after 24 December 2020, when this became a legislated requirement). 	<p>No possible alternative options as this is a list of information considered by operational staff to be necessary to make the registry complete and functional and enable the effective delivery of the full suite of regulatory outputs required under the Act.</p> <p>Any options here would require either making the list longer, which would include information not required by the regulator to make the registry functional and would breach the Privacy Act or making the list shorter which would exclude information pertinent to a functioning registry.</p>
<p>In the case of a dealer's licence holder:</p> <ol style="list-style-type: none"> full name, date of birth, residential address, postal address (if different), contact phone number and email address the number and date of expiry of the licence 	<p>No possible alternative options as this is a list of information considered by operational staff to be necessary to make the registry complete and functional and enable the effective delivery of the full suite of regulatory outputs required under the Act.</p> <p>Any options here would require either making the list longer, which would include information not required by the regulator to make the registry functional and would breach the Privacy Act or making the list shorter which would exclude information pertinent to a functioning registry.</p>

- c. the registered name of the business (if any), the trading name (the name by which the business' customers know it) if any, and the New Zealand Business Number, if any
- d. the current business address and, where the dealer is operating from more than one place of business, the addresses of those other places of business, the names of the managers of those places of business holding a dealer's licence specific to that place of business, and the number of firearms that each place has the capacity to store
- e. the address of any separate warehousing/storage facilities they operate and the total number of firearms that each such place has the capacity to store
- f. every endorsement on the licence
- g. every condition on the licence or an endorsement that is additional to conditions imposed by this Act or regulations made under section 74
- h. the names of employees handling arms items or ammunition at the dealer's place of business, their firearms licence numbers and any endorsements on those licences that they have in their capacity as an employee.

The regulations would require the registry to record the following details:

- a. For licence holders – any change of personal details (i.e. name, residential address, postal address, contact details, safe storage address, or health practitioner)
- b. For dealers – any change of business address.

No possible alternative options as this is a list of information considered by operational staff to be necessary to make the registry complete and functional and enable the effective delivery of the full suite of regulatory outputs required under the Act.

Any options here would require either making the list longer, which would include information not required by the regulator to make the registry functional and would breach the Privacy Act or making the list shorter which would exclude information pertinent to a functioning registry.

Arms items to be recorded in the registry

Proposed regulation	Assessment
<p>Proposal 4.1.B</p> <p>The regulations would require the registry to record particulars about the following arms items possessed by each holder of a firearms licence or dealer's licence:</p> <ul style="list-style-type: none"> a. Firearms (including prohibited firearms) – excluding antique firearms b. Prohibited magazines c. Major firearm parts [the action (frame, receiver, or upper and lower receiver) of a firearm, the frame of a pistol, and a calibre conversion component or kit of a pistol] d. Restricted airguns 	<p>No possible alternative options as this is a list of key arms items considered by operational staff to be those the registry needs to record to enable the effective delivery of the functions of the registry required under the Act.</p> <p>Any options here would require either making the list longer, which would include information on arms items not required by the regulator to make the registry functional and would breach the Privacy Act or making the list shorter which would exclude information pertinent to a functioning registry.</p>

- e. Restricted weapons
- f. Pistol carbine conversion kits.

Particulars of items to be recorded in the registry

Proposed regulation	Assessment
<p>Proposal 4.1.C</p> <p>Regulations would require licence holders to provide the following information on the above arms items for the registry:</p> <ul style="list-style-type: none"> a. if the item is a firearm, the: <ul style="list-style-type: none"> i. make (manufacturer's name) ii. model iii. identification marking, according to guidelines iv. type (shotgun, rifle, pistol, rifle/shotgun combination, assault rifle, submachine gun, machine gun, or other) v. action (bolt, lever, single-shot, pump, break-open, full automatic, semi-automatic, select-fire, revolver, select-fire, rocket/missile, muzzle-loading, pre-charged pneumatic, or other) vi. calibre or gauge vii. for firearms with a non-detachable magazine, the magazine type (integral or tubular) and its capacity viii. identifying features if any (damage, repairs, marks, carvings, attachments, oddities, etc) ix. if requested, a photo of the item, according to guidelines. b. If the item is a restricted airgun: <ul style="list-style-type: none"> i. make (manufacturer's name) ii. model iii. identification marking, according to guidelines (unless it is a restricted airgun designed for use in airsoft or paintball sports) iv. type (replicas/look-alikes, pistol, prohibited firearm, or restricted weapon) v. if requested, a photo of the item, according to guidelines. c. If the item is a pistol carbine conversion kit: 	<p>No possible alternative options as this is a list of information considered by operational staff to be necessary to make the registry complete and functional and enable the effective delivery of the full suite of regulatory outputs required under the Act.</p> <p>Any options here would require either making the list longer, which would include information not required by the regulator to make the registry functional and would breach the Privacy Act or making the list shorter which would exclude information pertinent to a functioning registry.</p>

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- i. make (manufacturer's name)
 - ii. model
 - iii. identification marking
 - iv. type
 - v. if requested, a photo of the item, according to guidelines.
- d. If the item is a prohibited magazine its:
- i. make (manufacturer's name)
 - ii. calibre/gauge
 - iii. type (box, rotary, stick, other)
 - iv. capacity (number of rounds
 - v. identification marking, according to guidelines
 - vi. identifying features, if any.
- e. If the item is a restricted weapon its:
- i. make (manufacturer's name)
 - ii. model
 - iii. type (mortar, mine, cannon, grenade or missile launcher, artillery, or other)
 - iv. identification marking, according to guidelines
 - v. if requested, a photo of the item, according to guidelines.
- f. If the item is a major part, a description of the part, its make, model and (unless it is incorporated or integrated into a firearm) identification marking according to guidelines.
- g. For all items, their storage location.

Police will obtain this information when a licence holder is:

- a. involved in an event set out in section 95(2) as prescribed in regulations proposed below
- b. required to provide the information after the registry has been operating for five years in accordance with regulations proposed below.

Dealers' recording requirements	
Proposed regulation	Assessment

<p>Proposal 4.1.D</p> <p>Regulation 7 (which sets out the particulars that dealers must record when they receive, manufacture, or deliver arms items) would be amended to align with the particulars that are proposed to be recorded in the registry.</p>	<p>No possible alternative options as this is simply ensuring that there is consistency in the regulations.</p>
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Identification marking	
Proposed regulation	Assessment
<p>Proposal 4.1.E</p> <p>The regulations would be amended to extend marking requirements as follows:</p> <ol style="list-style-type: none"> a. Regulation 12(4) (which currently applies only to dealers) to require all firearms licence holders receiving specified arms items to place identifying markings on any items that don't already have such markings, these marking to conform with guidelines issued by Police. b. The terminology in the regulations would be amended from "identification numbers" to "identifying marking according to guidelines". 	<p>No possible options as this is simply extending regulation 12(4) to all firearms possessed by individuals, consistent with individuals having all their firearms recorded in the registry with adequate identifying information.</p>

Transfers of arms items by firearms licence holders	
Proposed regulation	Assessment
<p>Proposal 4.2.A</p> <p>Regulations would require firearms licence holders to provide the following details to Police on transfers of arms items for inclusion in the registry:</p> <ol style="list-style-type: none"> a. In the case of items received (other than temporary transfers): <ol style="list-style-type: none"> i. the date the item was received ii. the name of the person from whom the item was received iii. the number of the firearms licence of the person from whom the item is received except in the case of a restricted airgun received from a person who is of or over the age of 18 years iv. particulars of the item as set out in the proposal in part 4.1 section C above. b. In the case of items supplied (other than temporary transfers): <ol style="list-style-type: none"> i. the date the item was delivered ii. the name of the person to whom the item was delivered 	<p>No possible alternative options as this is a list of information considered by operational staff to be necessary to make the registry complete and functional and enable the effective delivery of the full suite of regulatory outputs required under the Act.</p> <p>Any options here would require either making the list longer, which would include information not required by the regulator to make the registry functional and would breach the Privacy Act or making the list shorter which would exclude information pertinent to a functioning registry.</p>

- iii. the number of the firearms licence of the person to whom the item is delivered except in the case of a restricted airgun received from a person who is of or over the age of 18 years
- iv. in the case of a pistol, prohibited firearm, prohibited magazine, pistol carbine conversion kit, or restricted weapon delivered to a person who requires a permit to possess it, the date and number of the permit
- v. particulars of the item as set out in the proposal in part 4.1 section C above.

Note: the arms items referred to are those set out in the proposal in part 4.1 section B.

Transfers of arms items by dealers	
Proposed regulation	Assessment
<p>Proposal 4.2.B</p> <p>Regulations would require dealers to provide Police with the following details on transfers of arms items for inclusion in the registry:</p> <ul style="list-style-type: none"> a. In the case of items received: <ul style="list-style-type: none"> i. the date the item was received ii. the name of the person from whom the item is received (unless the item is an airgun or a firearm, pistol, pistol carbine conversion kit, prohibited item, or restricted weapon and the item is surrendered within five days by the licensed dealer to a member of the Police, in accordance with section 59A(2)) iii. the number of the firearms licence of the person from whom the item is received, unless: <ul style="list-style-type: none"> (i) the item is a pistol, prohibited item, or restricted weapon and the item is immediately surrendered by the licensed dealer to a member of the Police within five days; or (ii) the item is a restricted airgun received from a person of or over the age of 18 years iv. particulars of the item as set out in the proposal in part 4.1 section C. b. In the case of items delivered: <ul style="list-style-type: none"> i. the date any item was delivered ii. the name of the person to whom an item is delivered 	<p>No possible alternative options as this is a list of information considered by operational staff to be necessary to make the registry complete and functional and enable the effective delivery of the full suite of regulatory outputs required under the Act.</p> <p>Any options here would require either making the list longer, which would include information not required by the regulator to make the registry functional and would breach the Privacy Act or making the list shorter which would exclude information pertinent to a functioning registry.</p>

- iii. except in the case of a restricted airgun delivered to a person who is of or over the age of 18 years, the number of the firearms licence of the person to whom an item is delivered
- iv. in the case of a pistol, prohibited firearm, prohibited magazine, pistol carbine conversion kit, or restricted weapon delivered to a person who requires a permit to possess it, the date and number of the permit
- v. particulars of the item as set out in the proposal in part 4.1 section C.

Note: the arms items referred to are those set out in the proposal in part 4.1 section B.

If this information must be provided online to Police for inclusion in the registry, dealers will not have to include that same information in a records book. See section 12(3).

Transfers by mail order and internet sales for non-prohibited firearms, non-prohibited magazines, non-prohibited parts, ammunition, and pistol carbine conversion kits	
Proposed regulation	Assessment
<p>Proposal 4.2.C</p> <p>Regulations would require that where the transfer of an arms item is by mail order or internet sale (not face-to-face transfer), the following details need to be provided for inclusion in the registry:</p> <ul style="list-style-type: none"> a. the details set out above for all transfers b. for the purchaser, the date of the authorisation form or authorisation confirmation from the registry c. for the seller the date of the authorisation form and the date of its receipt from Police or the authorisation from the registry. <p>Regulations would also state that the above requirement does not apply to an arms item if:</p> <ul style="list-style-type: none"> a. the purchaser has entered their details, the details of the seller, and details of the item into the registry online b. these details, including the licence status of the purchaser, or age of the purchaser if the item being sold is an airgun, are confirmed by the registry c. the final details of the sale and the particulars of the item sold (including a photo of the item, if requested) have been provided to the Police online for inclusion in the registry. 	<p>No possible alternative options as this is a list of information considered by operational staff to be necessary to make the registry complete and functional and enable the effective delivery of the full suite of regulatory outputs required under the Act.</p> <p>Any options here would require either making the list longer, which would include information not required by the regulator to make the registry functional and would breach the Privacy Act or making the list shorter which would exclude information pertinent to a functioning registry.</p>

This is proposed pursuant to section 74(1)(o) which enables regulations excluding any firearms or ammunition or parts of firearms or restricted weapons from any provisions of the Act.

Sales of ammunition by ammunition sellers

Proposed regulation	Assessment
<p>Proposal 4.2.D</p> <p>Regulations would require that ammunition sellers provide the following details for inclusion in the registry:</p> <ul style="list-style-type: none">a. The name of the person to whom the ammunition was sold, and their licence numberb. The quantity and type of ammunition soldc. The date on which the seller hands over or dispatches the ammunition. <p>If these details must be provided online to Police for inclusion in the registry, ammunition sellers will not have to include that same information in a records book. See section 22E(2).</p>	<p>No possible alternative options as this is a list of information considered by operational staff to be necessary to make the registry complete and functional and enable the effective delivery of the full suite of regulatory outputs required under the Act.</p> <p>Any options here would require either making the list longer, which would include information not required by the regulator to make the registry functional and would breach the Privacy Act or making the list shorter which would exclude information pertinent to a functioning registry.</p>

Imports

Proposed regulation	Assessment
<p>Proposal 4.2.E</p> <p>Regulations would require that where an arms item or ammunition has been imported, the following details need to be provided to Police for inclusion in the registry, to the extent that this information is not already held in the registry:</p> <ul style="list-style-type: none">a. Full name of the import permit holderb. Address and occupation of the permit holderc. Number of the permit issued under section 18 or 18AA of the Actd. Name and licence number of the dealer if a dealer has acted as agent for the importere. Licence number, unless the item is an airgunf. Description and country of origin of the item imported, including the identification number of the itemg. Name of the manufacturer of the firearm, pistol, pistol carbine conversion kit, air pistol carbine conversion kit, restricted airgun, blank-firing gun, restricted weapon, magazine, prohibited part, or ammunition	<p>No possible alternative options as this is a list of information considered by operational staff to be necessary to make the registry complete and functional and enable the effective delivery of the full suite of regulatory outputs required under the Act.</p> <p>Any options here would require either making the list longer, which would include information not required by the regulator to make the registry functional and would breach the Privacy Act or making the list shorter which would exclude information pertinent to a functioning registry.</p>

- h. Place at which the firearm, pistol, pistol carbine conversion kit, air pistol carbine conversion kit, restricted airgun, blank-firing gun, restricted weapon, magazine, prohibited part, or ammunition was landed in New Zealand
- i. Date of importation
- j. Date on which and the place at which the permit under section 18 or 18AA of the Act was issued
- k. Particulars of the item as set out in the proposal in part 4.1
- l. Quantity of each item imported.

This information is to be provided within five working days after the date on which the item is released by Customs to the importer or the importer's agent.

This proposed regulation would replace the current requirements in regulation 13 for persons to notify Police of arms items imported under a permit issued for the purposes of section 16(1).

Exports	
Proposed regulation	Assessment
<p>Proposal 4.2.F</p> <p>Regulations would require that the following particulars need to be provided by licence holders after an arms item is exported, to the extent that this information is not already held in the registry:</p> <ul style="list-style-type: none"> a. the name of the licence holder b. details of the items exported c. the licence number and in the case of pistols, restricted weapons, prohibited firearms or prohibited magazines, details of the endorsement and permit to which the item applies d. the name and address to which the items are being sent e. the date of export and proof of export f. the export controls permit number, where applicable (i.e. unless not needed by the Ministry of Foreign Affairs and Trade). <p>This is in addition to the requirements in section 38.</p> <p>If an export is exempt from getting an export control permit number, the export should be marked as temporary in the registry and reimport confirmed when the item is returned to New Zealand.</p>	<p>No possible alternative options as this is a list of information considered by operational staff to be necessary to make the registry complete and functional and enable the effective delivery of the full suite of regulatory outputs required under the Act.</p> <p>Any options here would require either making the list longer, which would include information not required by the regulator to make the registry functional and would breach the Privacy Act or making the list shorter which would exclude information pertinent to a functioning registry.</p>

The timing of when exports must be entered into the registry is dealt with in section 4.3.C.

Manufacture	
Proposed regulation	Assessment
<p>Proposal 4.2.G</p> <p>Regulations would require that where an arms item is manufactured for sale, hire, lending or other supply, or for personal use, the details that need to be provided by the dealer or firearms licence holder are the particulars of the item as set out by section 4.1.D</p>	<p>No possible alternative options as this is a list of information considered by operational staff to be necessary to make the registry complete and functional and enable the effective delivery of the full suite of regulatory outputs required under the Act.</p> <p>Any options here would require either making the list longer, which would include information not required by the regulator to make the registry functional and would breach the Privacy Act or making the list shorter which would exclude information pertinent to a functioning registry.</p>
Loss, theft or destruction	
Proposed regulation	Assessment
<p>Proposal 4.4.H</p> <p>Regulations would require that in the event of loss, theft, or destruction of a licence holder's firearm, the following particulars would need to be provided to Police for inclusion in the registry:</p> <ul style="list-style-type: none">a. the date on which the firearm was lost, stolen, or destroyedb. the circumstances in which it was lost, stolen, or destroyed, including the last known location of the firearmc. such other particulars as may be required by the member of police to whom the loss, theft or destruction is notified.	<p>No possible alternative options as this is a list of information considered by operational staff to be necessary to make the registry complete and functional and enable the effective delivery of the full suite of regulatory outputs required under the Act.</p> <p>Any options here would require either making the list longer, which would include information not required by the regulator to make the registry functional and would breach the Privacy Act or making the list shorter which would exclude information pertinent to a functioning registry.</p>
The transfer of ammunition (excluding sales of ammunition by ammunition sellers covered above)	
Proposed regulation	Assessment
<p>Proposal 4.2.I.1</p> <p>Regulations would require that a licence holder importing ammunition or a dealer importing or supplying ammunition must provide the following details to Police for inclusion in the registry:</p> <ul style="list-style-type: none">a. If a firearms licence holder:<ul style="list-style-type: none">i. the date of the importii. the type and quantity of ammunition importediii. the number of the permit issued under section 18.b. If a dealer:	<p>No possible alternative options as this is a list of information considered by operational staff to be necessary to make the registry complete and functional and enable the effective delivery of the full suite of regulatory outputs required under the Act.</p> <p>Any options here would require either making the list longer, which would include information not required by the regulator to make the registry functional and would breach the Privacy Act or making the list shorter which would exclude information pertinent to a functioning registry.</p>

- i. the date of the import or supply
- ii. the type and quantity of ammunition imported or supplied
- iii. for ammunition imported, the number of the permit issued under section 18
- iv. the name of the person to whom the ammunition was supplied by the dealer and their firearms licence number and expiry date.

As with arms items, as it is proposed that dealers must provide details of ammunition sales to Police for inclusion in the registry, then those same details will need not be recorded in a record book.

Consents to conduct business at a gun show under section 7A

Proposed regulation	Assessment
<p>Proposal 4.2.I.2</p> <p>Regulations would require that a dealer who obtains consent under section 7A to conduct business at a gun show must provide the following details to Police for inclusion in the registry:</p> <ol style="list-style-type: none"> a. Name, business address, dealer's licence number b. Address of gun show c. Dates of gun show d. Types and numbers of firearms and ammunition the dealer intends to have at the show e. How firearms and ammunition will be secured at the gun show in accordance with regulations f. Date of consent. 	<p>No possible alternative options as this is a list of information considered by operational staff to be necessary to make the registry complete and functional and enable the effective delivery of the full suite of regulatory outputs required under the Act.</p> <p>Any options here would require either making the list longer, which would include information not required by the regulator to make the registry functional and would breach the Privacy Act or making the list shorter which would exclude information pertinent to a functioning registry.</p>

The modification of a firearm from a non-prohibited firearm to a prohibited firearm or from a prohibited firearm to a non-prohibited firearm

Proposed regulation	Assessment
<p>Proposal 4.2.I.3</p> <p>Regulations would require that:</p> <ol style="list-style-type: none"> a. a person who modifies a non-prohibited firearm to a prohibited firearm would need to provide the following details to Police for inclusion in the registry: <ol style="list-style-type: none"> i. details of the non-prohibited firearm ii. details of the new prohibited firearm 	<p>No possible alternative options as this is a list of information considered by operational staff to be necessary to make the registry complete and functional and enable the effective delivery of the full suite of regulatory outputs required under the Act.</p> <p>Any options here would require either making the list longer, which would include information not required by the regulator to make the registry functional and would breach the Privacy Act or making the list shorter which would exclude information pertinent to a functioning registry.</p>

- iii. number of the permit to possess the prohibited firearm (this means that a person will need to have an endorsement to possess prohibited firearms – limited to those persons listed in section 4A) which must be granted before the modification is made
- iv. proof that the firearm has been appropriately modified.
- b. a person who modifies a firearm from a prohibited firearm to a non-prohibited firearm would need to provide the following details to Police for inclusion in the registry:
 - i. Details of the prohibited firearm and the permit to possess that prohibited firearm
 - ii. Details of the new non-prohibited firearm
 - iii. Proof that the firearm has been appropriately modified
 - iv. Date of modification.

Proof that the firearm has been appropriately modified will require a Police armourer to assess the modification. Therefore, it is proposed that the licence holder will need to pay a fee for this service, based on full cost recovery.

How firearms licence holders will provide details for the registry

Proposed regulation	Assessment
<p>Proposal 4.3.A</p> <p>Regulations would provide that provision of information to Police for inclusion in the registry may be online through an internet site provided by the Commissioner, or by entering the information in a form prescribed or approved by the Commissioner that can be downloaded from the Police website and is also available from Police stations.</p>	<p>No possible options as these are all the possible ways of entering information into the registry and we want to keep this as accessible as possible.</p>
<p>Proposal 4.3.B</p> <p>Regulations would provide that dealers and ammunition sellers must provide details of their transfers online to Police for inclusion in the registry</p>	<p>No possible options as information needs to be entered online into the registry by dealers if the registry is to be an up to date record of dealers' transactions.</p>

Timing

Proposed regulation	Assessment
<p>Proposal 4.3.C</p> <p>a. For transfers of arms items the supplier must provide details of supply immediately, during or following a transfer. The receiver must provide details of receipt no later than 5 days later.</p>	<p>We assessed an option for sellers to provide information <u>as soon as practicable during or following a transfer, but no later than five days after the transfer occurring</u>. By not requiring the seller to update the registry immediately following a transfer, this creates a window of risk where the seller of a firearm might end up selling a firearm to an unlicensed, suspended or revoked person.</p>

Treasury's regulatory impact assessment team has advised that this option does not need to be included in our regulatory impact assessment.

b. Within five days for an item being manufactured.

We have assessed options for immediately after an item is manufactured. By requiring a manufacturer to update the registry immediately after the manufacture of an item, there is insufficient time given for the item to be completed putting undue stress on the manufacturer.

Treasury's regulatory impact assessment team has advised that this option does not need to be included in our regulatory impact assessment.

c. For notifications of import, within five days after the date on which the item is released to the importer by Customs.

We have assessed options for within ten days after the date on which the item is released to the importer by Customs. By allowing for a longer period of time to update the registry, this creates a window where an item could be imported and on-sold without the registry being updated. This leaves the registry out of date and creates a risk of the seller of a firearm ending up selling a firearm to an unlicensed, suspended or revoked person.

Treasury's regulatory impact assessment team has advised that this option does not need to be included in our regulatory impact assessment.

d. For exporting, within five days after the date on which the item is exported.

We assessed an option of immediately after the date on which the item is exported. Either option is fine as once the arms item has left the country, in our view, it becomes the receiver's property. However, the compliance burden for updating the registry immediately is higher and therefore the less reasonable option.

Treasury's regulatory impact assessment team has advised that this option does not need to be included in our regulatory impact assessment.

Prescribed persons

Proposed regulation

Proposal 4.4.A

Regulations would declare that a 'prescribed person' who may have obligations relating to the registry applies to:

- a. any person in possession of a firearm who may temporarily be unlicensed while their application for a new licence is being processed
- b. a person described in proposals in section 4.5C below relating to executors/administrators of the property of, and persons with power of attorney for, individuals who were or are in possession of firearms.

Assessment

No possible options as this is a list of persons who possess firearms outside of those with licences and so those firearms need to be included in the registry for it to be complete and accurate.

Events activating provision of information

Proposed regulation

Assessment

Proposal 4.4.B

Regulations would prescribe the following list of circumstances that will require firearm licence holders to provide information on items they possess:

- a. Application for a licence or endorsement, or the issuing of a licence upon determination of an application
- b. Notifying any change of address, the occurrence of any of the circumstances described in section 24A(1), or a change in medical practitioner
- c. The sale, hire, loan or other supply of an arms item to either a licence holder or non-licence holder under immediate supervision (other than a temporary transfer)
- d. The purchase or receipt of an arms item (other than a temporary transfer)
- e. The importation of an arms item or ammunition
- f. The export of an arms item
- g. The manufacture of an arms item
- h. The purchase of ammunition
- i. The theft, loss or destruction of an arms item
- j. The surrender or expiry of a licence
- k. The licence holder being subject to any compliance or enforcement action under the Act, including warnings, improvement notices, temporary suspensions of licence, and criminal changes under the Act.

No possible options as this is a list of events, set out in the Act, that will activate a firearms licence holder's obligations to provide information for the registry, so that over time the registry can become fully populated with a complete record of firearms possessed by the civilian population.

Items to be recorded	
Proposed regulation	Assessment

Proposal 4.4.C.

Regulations would prescribe that when a specified circumstance takes place (Schedule 1, clause 14), the licence holder must provide information on any of the arms items they possess that need to be recorded in the registry, i.e.:

- a. Firearms (other than antique firearms)
- b. Prohibited magazines
- c. Major firearm parts [the action (frame, receiver, or upper and lower receiver) of a firearm, the frame of a pistol, and a calibre conversion component or kit of a pistol]
- d. Restricted airguns
- e. Restricted weapons

No possible options as this is the list of arms items set out in proposal 4.1.B.

f. Pistol carbine conversion kits.

Particulars to be recorded	
Proposed regulation	Assessment
<p>Proposal 4.4.D</p> <p>Regulations would prescribe that when the licence holder is involved in any of the circumstances in proposal C above, they will need to provide the following information to the Police for inclusion in the registry on each of the items possessed by them at the time, unless this information has already been provided:</p> <p>a. for each of the arms items the particulars set out in in Proposal 4.1.C above</p> <p>b. the location address or addresses where they are stored at the time of notification to Police.</p> <p>This information is over and above the information required on the actual transactions and events themselves (elsewhere in the regulations).</p>	<p>No possible options as this is the same list of information required under Proposal 4.1.C</p>

Final date for the provision of information by licence holders on all specified arms items they possess	
Proposed regulation	Assessment
<p>Proposal 4.4.F</p> <p>Regulations would require that if a firearms licence holder possesses specified arms items on 25 June 2028 that have yet to be recorded in the registry, they will have until <u>30 August 2028</u> to provide Police with particulars on those items for inclusion in the registry.</p>	<p>We have assessed options for a <u>shorter timeframe</u>: This would give Police less time to identify and in some cases locate the licence holders that this provision would apply to, followed by actively engaging and educating them.</p> <p>We have assessed options for a <u>longer timeframe</u>: Given the transitional period of 5-years, which should enable most of licence holders' information on their firearms to be recorded it seems unnecessary to give more than an additional 2 months for all firearms-licence holders to have updated their information in the registry.</p> <p>Treasury's regulatory impact assessment team has advised that this option does not need to be included in our regulatory impact assessment.</p>

Shooting clubs	
Proposed regulation	Assessment
<p>Proposal 4.5.A</p> <p>Regulations would provide that information required under the Act or Regulations to be provided to Police by or on half of shooting clubs, or by individuals about participation in shooting club activities, may instead be entered online into the registry when the Commissioner allows it.</p>	<p>No possible options as this is allowing information prescribed in regulations to be provided to Police to be entered online into the registry when the Commissioner allows it</p>

Shooting ranges	
Proposed regulation	Assessment

Proposal 4.5.B

Regulations would provide that information required under the Act or Regulations to be provided to Police by or on behalf of shooting range operators may instead be entered online into the registry when the Commissioner allows it.

No possible options as this is allowing information prescribed in regulations to be provided to Police to be entered online into the registry when the Commissioner allows it

Executors/administrators of the estate of a deceased person who was in possession of firearms or a person who has power of attorney for a person who is in possession of firearms

Proposed regulation	Assessment
<p>Proposal 4.5.C</p> <p>Regulations would require that specified information must be provided to Police for inclusion in the registry by:</p> <ol style="list-style-type: none">any executor/administrator of the estate of a deceased person who was in possession of firearmsany person who has power of attorney for a person who is in possession of firearms. <p>This information would need to include the following:</p> <ol style="list-style-type: none">A photocopy of the death certificate and name and bona fides of administrator, or name of person who is subject to power of attorney and name and bona fides of bona fides of person with power of attorneyA photograph of the firearmAny identification markingAny transfer of that firearm to a licensed dealer or firearms licence holder.	<p>No possible alternative options as this is a list of information to be provided by particular individuals in possession of firearms that is considered by operational staff to be necessary to make the registry complete and functional and enable the effective delivery of the full suite of regulatory outputs required under the Act.</p> <p>Any options here would require either making the list longer, which would include information not required by the regulator to make the registry functional and would breach the Privacy Act or making the list shorter which would exclude information pertinent to a functioning registry.</p>

Accessing information in the registry

Proposed regulation	Assessment
<p>Proposal 4.6.</p> <p>The regulations would prescribe that the Commissioner must ensure the registry or any part of it is accessed only by the following persons or class of persons:</p> <ol style="list-style-type: none">Licence holders to access and verify their own information, seek correction if they find it to be inaccurate and advise any updates. This includes personal information they submitted with their application and the list of their firearmsFirearms licence holders to verify the firearms licence status of a person to whom they are selling or supplying or from whom they are acquiring arms items or ammunitionFirearms licence holders selling a pistol, restricted weapon, prohibited firearms or prohibited magazine to verify the purchaser's endorsement and permit to possessDealer's licence holders to verify the firearms licence status of a person to whom they are selling or from whom they are acquiring arms items or ammunition, and the person's endorsement status and the number of their permit to possess if that person is acquiring from the dealer a pistol, restricted weapon, prohibited firearms or prohibited magazine	<p>No possible options as this is the list of persons considered by operational staff to be those needing access to the registry for particular reasons to enable the registry to fully deliver on all its expected purposes in respect of the regulation of firearms.</p>

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- e. Licence holders selling through mail order or internet site non-prohibited firearms or non-prohibited magazines to verify the purchaser's authorisation to take possession
 - f. Shooting clubs to verify the firearms licence status of a person who is seeking to become, or who is, a member of the club
 - g. Shooting range operators to verify the firearms licence status of range users
 - h. Members of Police to obtain the details of firearm holdings of licence holders and details of their addresses and contact details for the purposes of detecting, investigating, or prosecuting offences.

The information that could be accessed by persons described in (b), (d), (e), (f) with regard to the other persons' firearms licence would be:

- a. no licence
 - b. current licence
 - c. licence expired
 - d. current endorsement status
 - e. no endorsement
 - f. number of current permit to possess
 - g. no permit to possess.
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