

REVIEW OF FIREARMS CONTROL IN NEW ZEALAND

Summary and Conclusions of the Report of an Independent Inquiry
Commissioned by the Minister of Police. June, 1997

FOREWORD

On 22 August 1996 the Minister of Police asked me to make an independent review of our arms control arrangements, and such recommendations for their improvement as seemed appropriate. At the same time he invited interested persons to make written submissions. In the result some 2,880 submissions were received, signed by more than 3,500 people, and conveying the views of a much greater number if account is taken of the membership of the organisations which made submissions on their members' behalf.

The breadth of public interest in arms control displayed by those submissions, which proved to mirror a world-wide upsurge of interest in improving methods of arms control over recent years, showed the need for a document setting out the central findings and conclusions of the Review in more digestible and less expensive form than the full report, which runs to around 300 pages. This summary attempts to fill that need.

Gun control is a complex business. Those whose interests go beyond the material in the summary should seek the justification for its assertions in the report itself. The relevant sections of the report are identified in square brackets throughout the summary.

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Auckland
30 June 1997

WHERE WE ARE NOW

Our Present System of Firearms Control

New Zealand's gun laws are contained in the Arms Act 1983, which was amended in 1992 after the Aramoana killings. In essence the Act provides:

- A system for the licensing of users every ten years. This is intended to screen out unsuitable persons and reduce their access to firearms. Few restrictions are placed on licensed shooters.
- Registration of about 4 percent of guns -- namely automatic weapons, military style semi-automatics (MSSAs) and handguns. No records are maintained of the remaining 96 percent of firearms. [Part 2.2]

Essentially the system is a "Licensing/No registration" system. Although this system provides useful control of shooters, even at that level it has definite limitations:

- There is no foolproof mechanism to prevent dangerous people from obtaining licenses, and unsuitable persons can and do get access to firearms even though they are unlicensed.
- The system provides insufficient information about individual firearms to provide the basis for firearms control.

Those circumstances, plus deficiencies in administration, make the present system ineffective. At \$7.5M per annum for licensing activities in addition to \$3.6M per annum for investigations and prosecutions, it is also an expensive system for what it provides. [Part 5]

How We Chose That System

Throughout most of our history firearms have been regarded as familiar and useful tools which caused few social problems, so firearms controls were not a high priority. That relaxed view began to change in the 1960s when the increases in crime which had occurred throughout the Western World arrived here:

(Figure: Total Reported Offences per 1,000 Population 1895-1995)

With those increases came increases in criminal violence, and in gun crime. The gun register accordingly gained new significance. However when attempts were made to use the register it was found that this was spread over 16 district offices, in loose paper form, and was very difficult to use. Instructions were given to get it in order on the basis that the work be done when time permitted. Other competing calls on police energies meant that the register continued to deteriorate. A search then took place for some new system which would provide a measure of control within the resources then being made available for such work, as it was considered further resources would not be made available. This resulted in the decision in 1982 to abandon records of firearms and to rely upon a more intensive screening of applicants for firearm licences. Those who passed that test would get lifetime licences and be free to acquire whatever number of firearms they wished.

There were mixed views about the wisdom of relying on controls over licensees and abandoning controls over firearms themselves. But there was little public opposition, and in senior police councils resource arguments, and the belief that any additional funds could be better used for more urgent needs, prevailed. Thus the "licensing but no registration" policy, which is still the basis of our arms control system, was introduced in the Arms Act 1983.

That policy was challenged after the shooting of 13 people at Aramoana by a young man who held a 1983-style licence. His licence entitled him to own as many firearms as he chose, and he used two MSSAs for the purpose. This raised calls for tighter controls. The parliamentary response was the 1992 Amendment Act. It added MSSAs to the list of weapons which had to be registered, revoked the 1983 lifetime licences and required shooters to apply for new ten-year licences, for which they had to pay additional fees. That last provision was considered by many shooters to breach assurances given them during the consultations which preceded the 1983 statute, and their dissatisfaction was one cause of poor compliance with the 1992 Relicensing Project. However the 1992 Amendment did not alter the licensing/no registration basis for arms control which had been introduced in 1983. [Part 2.2]

The Use and Misuse of Firearms in New Zealand

The abandonment of registration of firearms in 1983 persuaded the Police that collecting information about firearms was no longer a necessary part of firearms control. That decision has left no adequate base from which to calculate the number of firearms in this country, let alone the numbers which lie respectively within and without the law. Nor is it possible to achieve close definition of the numbers of shooters, or the volumes of and trends in gun misuse. Similar difficulties have been experienced overseas in countries which do not have close gun controls.

In the result, putting New Zealand into a comparative table is only possible on a "best fit" basis, as both our own and the overseas statistics are weak. However, proceeding on that basis, and applying the results of such surveys and sampling exercises as the Review was able to carry out in the time available, the Review's conclusions as to the New Zealand situation are as follows.

Numbers of Guns

There are probably between 700,000 and 1,000,000 firearms in New Zealand. On a population basis that puts our rate of gun ownership at about one-third of that in the United States, in the same general rank as Canada and Australia (at least before the latter's recent ban and buy-back of semi-automatics), and well ahead of the United Kingdom and most European countries.

Gun imports, at between 10,000 and 15,000 per annum, are unlikely to maintain the armoury at that level. Most classes of weapon will reduce in number unless there is a new enthusiasm for guns. The exception is handguns, which have increased in number with the growth in popularity of pistol shooting as a competitive sport.

In the nature of things it is impossible to get an accurate count of the numbers of guns held for criminal purposes. However, there is clear evidence of a substantial pool of

illegal guns which is periodically refreshed by purchases, theft and burglary, and (to a lesser extent) by illegal imports. It has been variously estimated at between 10,000 and 25,000, and could be higher, though that seems unlikely.

Other findings are that:

- the favoured weapon for robberies is the sawn-off shotgun;
- the cheapest illegal guns are shotguns, which have an average price of around \$100, whereas pistols usually fetch over \$1,000;
- handguns are used in crime to a greater extent than their proportion of the national armoury; and
- guns used in domestic violence are mostly owned by the offenders, but guns used for other criminal purposes are generally stolen by the offenders, or acquired from acquaintances and friends and probably stolen. [Part 2.3]

Numbers of Shooters

At the conclusion of the present licensing project there are likely to be about 210,000 licensed shooters, a substantial drop from the 327,000 licensed in 1991. Part of the difference represents those who have elected not to re-license. However, continuing reductions in the numbers of applicants for firearm licenses and of game licenses issued, and the continuing urbanisation of society, all point to a downward trend in the numbers of shooters which is not merely temporary. A 1985 estimate anticipated annual increases in the number of firearms licensees of around 3.6 percent. The picture today is rather one of a gradually ageing gun-user population which is unlikely to increase in numbers unless recent trends in public attitudes towards firearms are reversed.

The arms code permits the use of guns by unlicensed persons who are "under the immediate supervision" of a licensee. Attempts to determine how many persons do in fact use guns made only modest progress. However, an AGB McNair household survey found that there were 1.8 "users" of each firearm, which suggests that there are 350,000 to 400,000 people using firearms. The same survey found that one in five households has at least one firearm. That figure relates closely to Australian and Canadian estimates [Part 2.4]

Numbers of Firearms Offences

There are some 4,000 firearms offences each year, a level which is higher than was the case prior to 1980, but has not increased over the past six years.

In overall terms firearms play only a small part in inter-personal violence in New Zealand, being used in about 1.7 percent of all violent crime. It is, however, the most

serious offences in which firearms are most likely to be used, and the consequences of firearm offending may be particularly grave.

In assessing the significance of present levels of firearm crime it is useful to consider whether its increase has been out of proportion with other violent crime, or has merely followed the general trend. The best available information suggests the latter.

(Figure: Total Reported Offences and Reported Violent Offences, 1960-1996)

As can be seen on this graph, violent crime rose steeply from 1993 to 1995 during the time when overall offending levelled off. Part of the rise may have been caused by changes in the law and reporting of domestic violence, but once that and other known factors are taken into account, the picture is still one of violent crime rising steeply through to 1991. From 1991 to 1996 there continued to be an increase but at lesser and more uneven rates.

The homicide rate has fallen since 1991, but aggravated robbery is still increasing:

(Figure: Homicides per 1,000, 1980-1996)

(Figure: Aggravated Robbery per 1,000)

Over the past 15 years firearm crime has increased at a slightly lower rate but generally in sympathy with violence overall. The following graph shows firearm offending remaining a relatively stable proportion of all violence.

(Figure: Proportion of Violent Offences Involving Firearms)

In summary, increases in firearm crime have been less than in all violent crime but have followed its trend sufficiently closely to make it probable that firearm crime is a subset of violent crime, and that violence is leading firearm crime, not the reverse. The level of firearm crime is not increasing in such a way as to suggest a crisis, but it is sufficiently high to give grounds for concern and to require further endeavours to reduce it.

The two recent developments in firearm crime which give particular grounds for concern are the increased numbers of mass shootings, and evidence of increased readiness on the part of criminals to collect guns for use in criminal enterprises.

Mass Shootings

Although there is a deeply felt public abhorrence of mass killings and a great desire to do something about them, there is no consensus as to their causes, nor as to those measures which are likely to prevent their recurrence. [Part 3.1]

The report examines the roles of mental health, and of different types of firearms, especially military style firearms, in mass killings. It concludes that claims that mass killers typically have "a long history of mental health problems and violent behaviour" are not supported by the evidence. Rather, if there is any single characteristic which is common to most mass shooters, it is "social impotence", leading the person concerned to feel isolated from society and to respond with ever more bizarre and aggressive behaviour. [Part 6.1.5]

As to the types of weapons used, these have varied, but the report notes that the use of MSSAs for mass killings, although not a majority use, occurs in a much higher proportion of cases than those firearms have in the total gun population.

While on present information no realistic hope can be held out that action can be taken which will substantially affect the risk of further mass killings, the report does propose steps designed to reduce that risk to some degree. [Parts 6.1.1 and 6.1.5]

Relative Levels of Firearm Crime

In terms of relative levels of firearm crime, our gun crime rate is much less than the United States, but comparable with those in Canada and Australia, the Canadian figures for gun homicide being somewhat higher, probably because of its relatively high handgun population. [Part 3.4]

Gun Suicides

By far the majority of deaths from firearms are suicides. They make up 73 percent of firearms deaths, firearm crime 16 percent, and accidents 9 percent. Recent increases in suicides have given New Zealand one of the highest rates of suicide, and particularly of youth suicide. The increase in gun suicides has been less than the overall increase, but is still at an all-time high. The special hazard of firearm suicide is that firearms are one of the most lethal methods of suicide, ranking in lethality just below hanging. Again there is no clear remedy, but steps proposed to reduce the availability of guns in the home should help. [Part 3.2]

Accidental Deaths and Injuries Involving Firearms

Accidental deaths from firearms have averaged nine per year since 1980, less than 1 percent of total accidental deaths, most of which are motor vehicle fatalities. Although accidental deaths and injuries from firearms had declined over earlier decades, they have shown no consistent increase or decrease in recent years. Lately the rate of accidental deaths in New Zealand has been significantly higher than that in Australia,

where the accidental death rate has continued to fall. It is suggested we learn from Australian experience.[Part 3.3]

Degrees of Control of Firearms

A United Nations draft report released last month puts New Zealand towards the middle of the international scale of degrees of control save in the one respect of "a record keeping system for firearms", where our abandonment of that type of control puts us in the minority of countries without such systems. The report also shows that recent changes of attitude in New Zealand certainly do not run ahead of international concerns and desires to achieve closer control over firearms. [Part 4.4]

CHANGES IN ATTITUDE

Public Concerns

Submissions to this Review have shown a broadening and intensification of the concerns which had emerged in 1991 about the numbers of guns and the volume of gun crime. This was again expressed most strongly by women and women's organisations, but was broadly based.

The submissions also showed that there are still strong feelings on both sides of the argument. Most gun owners want to retain the limited restrictions and inexpensiveness of the present system. Most non-shooters express concerns about the level of violence within society and, perceiving firearms to be instrumental in this trend, argue for tighter gun controls. However, in the 1996 submissions, for the first time, a significant number of shooters declared their acceptance of the need to consider further controls. That change of view resembles those which preceded the major reforms of gun laws in Canada (1995) and Australia (1996).

Police Opinion

The internal review conducted by the Police in May 1996 described the present system as "effective" but in need of some amendment to ensure that it "maintains its high level of integrity".

It was an early and central conclusion by this Review that the present system is fundamentally defective, and that arms control work has suffered from being repeatedly put behind other apparently more urgent police duties. That view was communicated to the Police as early as November 1996. In April 1997 the Police advised that further consideration had convinced them that there was need for a radical change. Later a formal "Police Response" forwarded to the Review on 2 May 1997 confirmed a major

shift in the Police position, and that they accepted that the issues which had arisen during the Review, and "international trends in arms compliance", indicated the need for "a different category of control".

Overseas Opinion

Within the last two years Canada, Australia and Great Britain, have all legislated major reforms of their gun control systems, and the United Nations has set up a substantial committee structure dedicated to reducing arms trafficking and improving members' domestic arms controls.

In part this upsurge in interest has been a reaction to mass shootings, such as Dunblane and Port Arthur. In part it has come from the out-flow of surplus military equipment after the end of the cold war and the breakup of the USSR and the Warsaw Pact armies. Whatever the reason, there can be no doubt that such an upsurge has occurred, or that it shows no sign of abating, or that the signs of a movement towards closer gun controls observable here are at least as apparent in most other Western countries, and in such diverse societies as Germany, India and Japan which, with Australia and Canada, have been leading the charge at the United Nations.

THE WAY FORWARD

The Need for a New Approach

Standing back from the specific issues it is clear that there is a need for a totally new approach to firearms control. As this has now been accepted by the Police, the issues are the manner and timing of reform, not the need for it.

The Main Proposals for Reform

There are limits to the ability of statutes or regulations to reduce the misuse of firearms. In the long term, promoting responsible attitudes to gun use and ownership will undoubtedly play as important a part in reducing misuse as changing the formal system of gun controls. But a well-designed system can help to encourage responsible attitudes, and to achieve a number of other useful objectives which will ultimately have an effect on firearm misuse. The report proposes a considerable number of reforms designed to further three main objectives:

- Reducing the number of high-risk licensees;
- Increasing personal responsibility for firearms; and
- Reducing the availability of firearms for misuse.

Reducing the Number of High-Risk Licensees

This was the main thrust behind the 1983 Act, and remains a sound objective. The report recommends that the current process be improved by:

- disqualifying unsuitable persons from holding licenses for defined periods of time; [Part 6.1.4]
- improving the vetting of licence applicants; [Part 6.1.4] and
- giving health professionals power to report their concerns about individuals with poor mental health who may have access to firearms -- without fear of penalty. [Part 6.1.5]

Increasing Personal Responsibility for Firearms

Most shooters in New Zealand currently exhibit a responsible attitude to their firearms and their sport. This can be further encouraged by:

- a firearm-specific licensing system and the registration of all firearms; [Part 6.2.1]
- practical training of shooters; [Part 6.2.2]
- publicity and educational programmes to emphasise the responsibilities attached to firearms; and
- setting responsible patterns of use by children. [Part 6.3.1]

The most controversial of these measures is likely to be the registration of individual firearms and firearm-specific licensing. The latter is the system used in Western Australia which generally permits shooters to use only those firearms listed on their individual licenses.

Much time was spent investigating the practicality and benefits of registration, which received support from a wide range of people, including many shooters, but was hotly opposed by those who challenged the usefulness of closer controls. In the end the report concludes that the reasons which led to the abandonment of firearm registration in 1983 no longer present compelling obstacles in 1997. Not only have technology and methods of administration moved forward since then, but experience has shown that the alternative of total reliance on personal vetting does not meet the reasonable needs of our society.

In addition, the benefits of a well-run registration system should be sufficient to justify the estimated additional cost of \$2M per annum. The principal benefit would be greater personal responsibility for firearms. Each firearm owner would know that he or she was responsible and accountable for those firearms listed on his or her licence. If he or she wanted to allow others the use of those firearms, other than under direct supervision, this would require a joint registration or a temporary permit. Firearms stolen or used in crime, and later recovered, could be traced to their owners. Selling or lending a firearm

to an unlicensed person would carry with it a risk of detection much greater than under the present system.

Registration would also provide more information about firearm ownership for management and policy decision-making, assistance in solving crimes, and better protection for front-line police when attending incidents involving firearms.

If this new system is to succeed it will be essential that an adequate level of compliance is achieved -- and 90 percent should be the minimum target. Considerable energy and commitment will be needed to achieve this. Measures to that end should include:

- modern, efficient and user-friendly management; [Part 6.4];
- government funding of the establishment costs; [Part 6.2.1]
- the involvement of firearms users in the planning processes; [Parts 6.2.1 and 7]
- technical systems to enhance the integrity of the registration database; [Part 6.2.1] and
- effective publicity and educational programmes. [Part 6.3.7]

Reducing the Availability of Firearms for Misuse

The Review does not support broad programmes to reduce the numbers of firearms and shooters, but does support targeted measures to limit high-risk firearms. These include:

- banning MSSAs, with compensation for their owners; [Part 6.1.1]
- preventing major increases in the numbers of handguns; [Part 6.1.1]
- permanently deactivating restricted weapons; [Part 6.1.1]
- regular amnesties; [Part 6.1.2] and
- higher minimum standards of security in homes and dealers' premises. [Part 6.1.3]

The most high-profile of these measures is likely to be the ban and buy-back of military style firearms. The proposed ban is narrower in scope than that in Australia, and is estimated to cost \$21M. The Review concludes that, on balance, the Government's money would be better spent developing an efficient Authority to manage firearms control than on buying back a broader class of weapons.

The other measure which will affect many shooters directly is the proposal to revise security conditions to provide four grades of security, proportionate to the risk involved in the type and number of firearms being secured and the extent of public access. It is suggested that details of the new rules be worked out by a special committee of persons with appropriate expertise, after consulting user groups. The changes are likely to result in additional cost for many shooters. However the Review found that from the lowest to the highest areas of risk, there was an unacceptable laxity in the present arrangements, and has recommended higher standards of security, to be set

out in simple and clear terms, and regularly monitored. [Part 6.1.3]

Who Should Implement the Reforms?

Much of the business of firearms administration requires database management skills and other skills which are uncommon within the police. organisation and not part of core police business. This points clearly to contracting out registration, licensing and fees collection to people with expertise in these areas.

More fundamentally, the Review concludes that it would be difficult for the Police to change the attitudes which have time and again led them to defer arms work until other responsibilities were met, or to implement major changes with the energy and enthusiasm which successful implementation must require. The pressures of other work on the Police are at least as great today as on any of the previous occasions when competing pressures operated to displace the reasonable needs of arms control. For all these reasons, the report favours setting up a Firearms Authority, either on a permanent basis, or with a five-year sunset clause.

The long-term method of firearms administration is a matter for the Government. Whichever arrangement it may prefer, the reform process should be managed by a body which is not part of; nor controlled by, the Police. A special-purpose Authority with the sole objective of advancing firearms control should provide:

- informed management of firearms administration by persons with skills appropriate to that business;
- separate accountability for its performance;
- ongoing monitoring and research into firearms regulation;
- a customer-service orientation; and
- the better use of modern technology to improve effectiveness. [Parts 6.4 and 6.3.7]

Around the world concern about firearms is growing, and evolving. There is continuing discussion within the "public health" community on the subject of firearms control. The UN Commission on Crime Prevention and Criminal Justice is actively promoting measures to limit arms trafficking and to strengthen domestic gun control systems. The proposed Authority will need to keep abreast of those developments, and take advantage of the experience of others who are pursuing similar goals. In particular we should be able to get useful assistance from the reforms proceeding in all the Australian States, which involve changes to a wide variety of pre-Port Arthur systems.

Reform of firearms law must take time, and can best be advanced by a staged programme of reforms. As more base data become available, and as overseas developments unfold, it will be possible to refine and develop the options proposed in the Review.

First Steps Towards Comprehensive Reform

As the first steps towards comprehensive reform, the report recommends that the Government:

- establish a Firearms Authority as soon as practicable, and not later than 31 December 1997;
- allocate additional resources to complete current re-licensing and the follow up of non-responders by 30 June 1998;
- declare a general amnesty for a period of 12 months commencing at the earliest convenient date;
- determine the extent of any ban and buy-back, and authorise the new Authority to manage it over an appropriate period in 1998; and
- direct the new Authority to assist in the drafting of new firearms legislation based on the Review's recommendations by 31 December 1998, with the intention of bringing a new Act into force by 1 July 1999.

Longer-term developments

Longer-term development of effective controls will need:

- the collection of sound data about the numbers, use and misuse of firearms in this country, a task attempted, but only partly completed, by this Review;
- the definition of detailed reforms which relate to that information;
- the management of the reform process by an Authority having the reduction of misuse of firearms as its principal purpose and objective; and
- the citizens of New Zealand, shooters and non-shooters alike, being satisfied:
 - that the present level of misuse of firearms should not be accepted; and
 - that while there is no ground for expecting that closer controls will provide an immediate and major reduction in firearms misuse, they are a necessary step towards that goal. [Part 7]