

# Arms Amendment Bill: Q+As

22 July 2019

## 1. How will the register work?

It will have some similarities with the motor vehicle register operated by NZTA. The new firearms register will hold the licence holder's full name, date of birth and address. It will hold details of their licence number and any endorsements. It will hold details of the firearm including its serial number as well as some details of parts and ammunition, and how and where the firearm is stored. It will record all transfers, sales, purchases, imports and exports of firearms. Private sales will still be permitted. The register will be an online self-service model in order to minimise the administrative burden for Police and make compliance easy for gun owners. A paper-based option will continue for people without easy access to computers or good connectivity such as those in rural communities. Firearms owners will be shifted onto the register over five years as they touch various points in the system like renewing their licence or buying or selling a firearm. If an existing licence holder does none of these they will still be required to register by the end of the five year period. The register is expected to be operational by the end of 2020. Information on the register will be protected by the Privacy Act.

## 2. What changes are in store for individual licence holders?

The current ten year licence will be replaced by a five year licence. A stronger system of Police vetting will ensure only those people who are genuinely fit and proper can own a gun. They must demonstrate knowledge and skills about safe use of a firearm and about their legal obligations, and behave in a way that ensures personal and public safety. They will be disqualified from holding a gun licence if in the previous ten years they have convictions for a serious crimes such as violence; gang activity; misuse of drugs; firearms offences; or having a protection order made against them. Police will have a wider range of powers to intervene using a range of compliance and enforcement measures. They will have proportionate powers of response depending on the seriousness of the issue. They could issue Improvement Notices requiring licence holders to take remedial steps; issue a temporary suspension notice and immediately seize guns, or begin a more formal process to revoke a licence outright. A licence will be required to purchase magazines, parts and ammunition. Visitors to New Zealand, such as those on hunting trips, may be issued a short-term firearms licence but will not be able to buy a gun. They may bring their own and register it, or lease one.

## 3. How will dealers be affected?

The system of dealer's licences will be tightened. A dealer will have to meet a high test of being fit and proper, and demonstrate excellent character and sound technical capability. Examples include sound knowledge of their own legal obligations and the ability to communicate firearms law to other licence holders; scrupulous financial dealings and record-keeping systems; and the ability to prove business partners and close associates are also fit and proper persons. The definition of a dealer will cover a wider range of circumstances. It will include someone who buys, sells, manufactures, repairs, invests in or otherwise carries out commercial transactions involving firearms.

**4. What are the new warning flags being built into the licensing system?**

A new system of warning flags will allow Police to intervene to seek further information from an applicant or licence holder as part of their ongoing obligation to be a fit and proper person.

This is an extra layer of checks and balances to reinforce that gun owners must act responsibly and in the interests of personal and public safety.

Behaviour that will raise flags includes encouraging or promoting violence, hatred or extremism; serious mental ill-health or attempted suicide; showing disregard for others property or land; posing a risk to national security; being subject to a Protection Order; being involved in drug abuse; or committing crimes involving violence or alcohol.

**5. What new obligations are on licence holders to regularly update their details?**

A licence holder will be obliged to disclose significant changes in their personal circumstances which could have a bearing on the fit and proper status, such as a gambling addiction or serious changes to their health.

Health practitioners will have a new responsibility to notify Police if they believe a licence holder should not use a firearm.

Police will be able to inspect storage and security arrangements on an ongoing basis as long as it is at a reasonable time and they give notice.

Pest controllers who have an exemption which allows them to use newly-prohibited weapons will be required to renew that endorsement every two years.

**6. How will shooting clubs and ranges be brought into the system for the first time?**

There are at least 260 shooting and gun clubs which have no firearms licensing requirements or Police oversight. Some pistol clubs operate under written agreements with Police but it is not backed by law.

Gun clubs and ranges will be brought into the system in several ways. There will be a licensing system for the operator, owner or manager; a monitoring framework for members who must follow club rules; planning and reporting rules around risk management and public safety plans; training programmes; and an inspection regime. It is intended that the licensing system can be adjusted to accommodate clubs and ranges of varying sizes.

**7. Who will be on the new advisory group for Police?**

A new independent advisory group of up to nine people will be appointed to make recommendations and advise the Commissioner of Police on matters of public interest around firearms.

It will include people both from within and outside the firearms community.

It could make recommendations relating to research or for further reform, and must produce a public report every year.

**8. What is the thinking behind the new Purpose Statement in the legislation?**

The law will confirm that owning a firearm is a privilege.

In order for a person to be given that privilege, they must take responsibility to protect and promote personal and public safety.

**9. Are there any other changes in store?**

- Police and Justice officials are finalising the penalties and new offences and these will be included in the legislation when introduced.
- Licence fees will change to better reflect the cost of administering the firearms system. However this requires substantial further consultation. A public discussion document will be issued with options around the type of activity where Police may charge a fee and how to set that fee.
- It currently costs Police more than \$13 million a year to administer the firearms licensing system, yet they receive only \$4 million in fees. A 10-year firearms licence costs \$126.50.

- The government has asked Police to do more work to design a system of firearms prohibition orders to restrict access to firearms by serious violent offenders. Cabinet will discuss options later this year and the public will be asked for feedback on the potential shape of such a regime.
- There are currently no controls on the advertising of firearms or ammunition. These will be established through regulations which will follow the final passage of the legislation.
- In order to ensure firearms laws remains fit for purpose a wholesale review of the entire Arms Act will be undertaken five years after the latest changes are passed. It is expected this could take 18 months to complete. It will result in a formal report to Parliament with recommendations.

**ENDS**