

***Government Response to the
Report of the Law and Order Committee
on its
Inquiry into issues relating to the illegal possession of firearms in New Zealand***

Presented to the House of Representatives

In accordance with Standing Order 252

Government Response to the Report of the Law and Order Committee on its Inquiry into issues relating to the illegal possession of firearms in New Zealand

Introduction

1. The Government has carefully considered the Report of the Law and Order Committee (the Committee) following its Inquiry into issues relating to the illegal possession of firearms in New Zealand.
2. The Government responds to the Committee's Report in accordance with Standing Order 252.

Overview

3. In March 2016, the Committee unanimously resolved to inquire into issues relating to the illegal possession of firearms in New Zealand.
4. In announcing this decision, the Committee Chair noted that New Zealand Police had recently seized 14 illegally owned firearms from a home in Takanini among which were military-style semi-automatic firearms (MSSAs). The Committee decided on the following terms of reference to guide the inquiry:
 - how widespread firearms possession is among criminals, including gangs;
 - how criminals, gangs, and those who do not have a licence come into possession of firearms; and
 - what changes, if any, to the current situation might further restrict the flow of firearms to criminals, gangs, and those who do not have a licence?
5. The Committee undertook its Inquiry in the knowledge that:
 - New Zealand has a very low crime rate with firearms (about 1.4 percent of all violent crime).
 - Most firearms have entered the illicit market through theft from legal owners or dealers, or illegal transfer from licensed owners to an unlicensed owner, or illegal importation into New Zealand.
 - In 2014/15, there were 242,056 licensed firearms holders in New Zealand and the majority of these are law abiding.
 - There are three broad categories of firearms in the New Zealand market (civilian armoury): (i) those lawfully possessed by licence holders (with correct endorsement); (ii) those possessed by unlicensed people but not held for criminal purposes ('grey' firearms); and (iii) those used by criminals and gangs (unlicensed) in the commission of offences.
6. NZ Police officials were invited to act as advisers to the Committee. The Committee also invited particular comment from the New Zealand Customs Service and the New Zealand Police Association.
7. Public submissions were invited. The Committee received a total of 99 submissions. Submissions were received from a range of submitters, including

non-government organisations, professional and sports associations, and individual firearms owners.

8. The Committee's report, which is a majority report, has made twenty recommendations which it considers will reduce the flow of firearms to criminals, gangs, and those who do not have a licence, without unfairly impinging on law-abiding firearm users.
9. The Committee's twenty recommendations are grouped into 6 areas relating to :
 - Sale and supply of firearms and ammunition (5 recommendations)
 - Definition of military-style semi-automatics (1 recommendation)
 - Effectiveness of licensing, training and registering firearms (5 recommendations)
 - Criminal offending with firearms (6 recommendations)
 - Reducing the number of grey firearms (2 recommendations)
 - Importing firearms into New Zealand (1 recommendation).
10. New Zealand First presented a minority view which supported only those recommendations relating to prohibiting gang members and their prospects from being granted a firearms licence, and to increasing sentences for crimes committed by gang members.

Committee's recommendations and Government response

Sale and supply of firearms and ammunition

Committee Recommendation 1: That the law be amended so that a firearms licence is required to possess ammunition, unless the person in possession of the ammunition is under the immediate supervision of a firearms licence holder.

Comment

11. The Government acknowledges the Committee's concern about the ability of those who do not have a firearms licence to possess ammunition even though it may have been obtained illegally through theft or using a licensed person to purchase on their behalf.
12. It is already an offence under section 43B of the Arms Act 1983 (the Act) to supply ammunition to a person who does not hold a valid firearms licence (unless for use by a person under immediate supervision of a licence holder). For this reason sellers or suppliers must check that the person to whom the ammunition was sold or supplied is either a holder of a firearms licence or a licensed dealer.
13. The Government must consider consequential negative effects of this recommendation on law abiding gun owners. These include the potential to capture innocent third parties, and to disrupt normal business and sporting activity, particularly in rural and more remote areas where the licence holder may purchase through placing an order for ammunition at the store, or order online or through mail order, and arrange for employees or family members to pick up.

Response to Recommendation 1

14. The Government does not intend to act on this recommendation as the possible benefit of limiting criminals' access to ammunition is insufficient to outweigh the inconvenience, possible compliance costs and the risk of inadvertent capture of members of the law-abiding, gun owning community.

Committee Recommendation 2: That the law be amended so that a firearms dealer's licence be required to sell or supply ammunition by way of a business.

Comment

15. While acknowledging the Committee's wish to stop unlicensed people illegally acquiring ammunition, the Government does not support this recommendation. It would require stores that do not sell firearms or firearm parts but sell ammunition to have a dealer's licence which would need to be renewed annually. This would be additional to meeting the regulatory requirements for handling hazardous substances. Requiring an additional dealer's licence would add compliance costs to sellers of farm and hunting supplies, disadvantage the rural community and create additional work for Police with no clear additional public safety benefit.

Committee Recommendation 3: That the law be amended so that dealers be required to keep records of sales of ammunition.

Comment

16. The Government acknowledges there is a weakness in the system in that those selling ammunition are not required to record the firearms licence of the purchaser. Farmlands, a large farm supplier, advises that their sales system requires a licence number to be entered before a sale can be completed. Other retailers have indicated an intention to move to a sales recording system similar to that being operated by Farmlands. Police is working towards an improved and 'IT- friendly' format for the firearms licence. At that time it would be beneficial to re-consider the introduction of a requirement for sellers of ammunition to record the firearms licence number at point of sale. At the moment, however, the Government is taking no action on this Recommendation.

Committee Recommendation 4: That the Government create a Police registration process for websites that wish to facilitate the buying, selling, or trading of firearms, parts of firearms, or ammunition online. It would be an offence to operate such a website without current registration.

Comment

17. The Committee has noted the public concern over online sales and a number of submitters discussed the possibility of banning or restricting the online sale of firearms. The Committee is concerned that there is no requirement for sellers to enter their licence number before selling. It is also concerned that it is relatively easy to advertise online but to complete the transaction offline to avoid the 'mail order' requirements.
18. The Government notes that Police has worked with TradeMe and it now has a responsible platform for selling and buying firearms. This suggests that an approach based on mutually supportive arrangements can be effective and should be considered rather than adopting the legislative fix proposed by the Committee which can be readily circumvented by completing transactions offline.
19. Prior to the Inquiry a media reporter demonstrated the relative ease of illegally acquiring a firearm online. Since then, the Police has applied a policy of applying the 'mail-order' process to transactions that are completed online. This requires the buyer to complete a purchase form which is then provided to the Police for Police to supply to the seller. The Government recognises that the legislation is silent about whether this 'mail order' process applies to 'online' sales and agrees this should be clarified in the Act.
20. Therefore, the Government does not intend to progress this Recommendation but will take steps to clarify that the mail order process applies to online sales.

Committee Recommendation 5: That the permit to procure process be extended to cover the sale or transfer of all firearms.

Comment

21. The Committee has noted that pistols, MSSAs and restricted weapons can only be supplied to a purchaser who has a permit to procure issued by Police.

However, a permit to procure is not required for the transfer of A category firearms.

22. The Government acknowledges the Committee's concern around the relative ease of illegally transferring A category firearms¹ from a licensed holder to a non-licensed holder.
23. Introducing a permit to procure process would place an additional load on the administration of the Act. Considerable improvements in the efficiency and effectiveness of the overall administration of the licensing and permitting regime is needed before consideration can be given to expanding the permit to procure requirements to the sales/transfers of A category firearms. The Government's focus will therefore be on Police delivering these improvements rather than supporting this Recommendation.

Definition of military-style semi-automatics (MSSAs)

Committee Recommendation 6: That the Police investigate the creation of a category of restricted semi-automatic firearm (rifle and shotgun) to replace the MSSA firearm endorsement category.

Comment

24. The Committee expressed concerns about whether the current classification of MSSAs, including the distinction made with other semi-automatic firearms, is sustainable or enforceable. It also noted that it is difficult for legislation to take into account the interchangeability of parts and the wide variety of grips.
25. The Government acknowledges the strong agreement in the firearms community that: there are major issues with how the Arms Act categorises certain firearms as MSSAs, and recognises that this part of the Act is difficult for the Police to administer and, consequently, has led to court challenges.
26. An amendment was enacted in 2012 (Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012), mainly to address difficulties over determining what was "a military pattern free-standing pistol grip". However, the 2012 amendment has not addressed the difficulty of administration.
27. The Government recognises that the legislation remains complex but, at this stage, is not convinced that a simple solution that meets the needs of both the firearms community and Police is readily available. Therefore we will not progress this recommendation. Priority needs to be given to other areas of the administration of the Arms Act.
28. Having said that, we are aware that experts in the firearms community have suggested alternative approaches. The Government remains open to hearing any such suggestions.

¹ There are a number of categories of firearms licence. A category firearms are shotguns and rifles. Persons with a licence without endorsement can have and use any number of A category firearms but cannot use, possess, collect, MSSAs, pistols or other restricted weapons.

Effectiveness of licensing, training, and registering firearms

Committee Recommendation 7: That firearms prohibition orders be implemented in New Zealand.

Comment

29. The Committee noted and endorsed the basis of the current firearms regime that focuses on people being fit and proper to possess firearms. In its report the Committee noted that several submitters felt that more stringent restrictions should be applied. Suggestions included applying a more onerous vetting process, the introduction of a firearms prohibition order, and prohibiting gang members from legally owning firearms.
30. The Government welcomes the Committee's recommendation as a measure to limit access to firearms by criminals, and, in particular, gang members. New Zealand's current firearms regime does not apply sufficiently tight controls for high-risk offenders. These offenders do not comply with firearms laws and use firearms to facilitate their criminal activity.
31. A Firearm Prohibition Order regime can assist the active management of the risk presented by high-risk individuals and their illegal possession and use of firearms.
32. As it is too early to work out the full implications, Government intends to take a cautious approach to implementing FPOs in New Zealand through targeting the highest-risk gang members, following the development of an options paper and Regulatory Impact Statement. The regime could be expanded to include all high-risk offenders with convictions for firearms offences, including gang members.
33. This will require changes to the Arms Act which the Government has already advised it intends to progress.

Committee Recommendation 8: That the Police Arms Manual guidelines on criteria to consider when determining who is fit and proper to possess firearms be codified within the Arms Act 1983, with any necessary modifications, to improve the overall certainty and consistency of the licensing process.

Comment

34. The Committee recognised that there is no right to own or possess firearms under New Zealand law. The basis of the current firearms regime focuses on people being deemed as fit and proper to possess firearms. Police can issue a firearms licence under section 24 of the Arms Act if satisfied that the applicant is of, or over, the age of 16 years and is a fit and proper person to be in possession of a firearm or airgun. Police can also decline an application if concerned that any firearm held by the applicant is likely to be accessed by a person who is not fit and proper to have firearms.
35. Police, as the administrator of the legislation, has developed a process and standards to assist implementation of, and ensure compliance with, these provisions.
36. The Police Arms Manual 2002 advises staff that a fit and proper person is a person of good character who will abide by the laws of New Zealand and the provisions of the Arms Act 1983, the Arms Amendment Act 1992 and the Arms

Regulations 1992 (paragraph 1.2). Elsewhere in the Manual (paragraph 2.29) it advises that a person could be considered not fit and proper if he or she has:

- been the subject of a protection order under domestic violence legislation; or
- shown no regard for the Arms Act or Arms Regulations; or
- been involved in substance abuse; or
- committed a serious offence against the Arms Act; or
- committed any serious offence against any other Act; or
- committed a series of minor offences against the Arms Act; or
- committed crimes involving violence or drugs; or
- affiliations with a gang involved in committing violent offences or in conflict with another gang; or
- been or is involved in matrimonial discord involving violence or threats of violence; or
- exhibited signs of mental ill health; or
- attempted to commit suicide or other self-injurious behaviour; or
- not complied with security conditions; or
- for some other reason been considered not fit and proper.

37. The Committee has recommended codifying the above criteria in the Act.

38. The Government will not be progressing this recommendation as codifying in legislation will not materially impact on criminals' ability to source firearms. In addition, there are other more effective mechanisms for raising public awareness of the fit and proper criteria.

Committee Recommendation 9: That Government implement a stand-down period after revocation of a licence, before a new application for a firearms licence can be made.

Comment

39. The Committee reported that some submitters, including the New Zealand Police Association, expressed concern about the revocation of firearms licences. In particular, it expressed concern over the absence of a stand-down period.

40. When police revoke a licence, for reasons of due process, they usually first give notice of their intention to revoke and the reasons for this. The licensee is given the opportunity to make a submission on this matter in writing or in person. If revocation then proceeds, notice of this is served on the licensee. There is a right of appeal to the District Court under section 62 of the Arms Act.

41. On receiving an application for a firearms licence from a previously revoked person, full vetting procedures need to be undertaken to ascertain their fit and proper status.

42. Currently, a person can apply for a firearms licence as soon after their previous licence was revoked as they like. Police receives numerous applications within relatively short time frames. While Police does not issue new licences in these cases, the process is resource intensive and not a good use of Police time.
43. The Committee did not recommend a particular stand-down time.
44. The Government agrees that the Committee has identified a weakness in the Act and, while firm data is not available, the absence of a minimum stand-down period is leading to unnecessary demands upon Police's time and resources. Providing for a stand-down period, which we are proposing to be 12 months, could be progressed through the legislation that addresses firearms prohibition orders and firearm licensing issues referred to in the discussion under Recommendation 7.

Committee Recommendation 10: That the Arms Act 1983 be amended to clearly state that a gang member or prospect must not be considered a fit and proper person to possess firearms and therefore must not hold a firearms licence.

Comment

45. The Committee commented on the evidence indicating that the unlawful possession and use of firearms is an integral aspect of gang culture. Work undertaken by Police in 2014 showed that 44% of gang members and prospects had been charged with an offence involving a firearm with 9% being charged five or more times. The Committee also noted that in 2014, Cabinet had approved the "Whole-of-Government Action Plan to Reduce the Harm Caused by New Zealand Adult Gangs and Transnational Crime Groups". The Committee supported this initiative. They noted also that the current law creates difficulty in refusing to issue or renew a firearms licence solely on the basis that a person is a member of a gang.
46. The Government agrees that it is not clear that the courts would be satisfied that criminal gang membership on its own would provide police with sufficient grounds to determine that a person is not fit and proper to possess firearms. We agree that the law should enable police to make that determination.
47. This matter is one that will be picked up in the development of the legislation referred to in the discussion relating to Recommendation 7.

Committee Recommendation 11: That the law be amended to require the Police to record the serial numbers of all firearms possessed by licence holders upon renewal of their licence or inspection of their premises.

Comment

48. The Committee received the second highest number of submissions commenting on the issue of registration (33) with 17 supporting registration and 16 opposed.
49. The Committee acknowledged that New Zealand Police does not maintain a record of all standard sporting firearms owned by firearm licence holders. Information provided to the Committee, based on the Thorp² methodology, an

² The Thorp Report was a Review of Firearms in New Zealand released in June 1997.

estimate of the number of lawfully held A category firearms to be around 1 million but there is no information to indicate the margin of error with this estimate. There is no legislative requirement, nor is there a current system, for individual firearms, to be 'registered'. Police has encouraged A Category (standard sporting firearms and rifles) owners to provide the serial number of their firearms at the time the applicant is vetted. Additionally owners are provided information about a free website called SNAP for identification and tracking purposes; however, this is not a legal requirement and is not enforceable.

50. The Government recognises the inherent attraction in having a 'system' by which all firearms are recorded. However, it is well recognised that the registration of all firearms owned by firearm licence holders would be resource intensive, expensive, and likely to be inaccurate.
51. As the number of submissions to the Committee, both for and against registration, shows, there is strong feeling in the firearms community on this matter with many considering it would impose restrictions on fit and proper firearms owners while having no impact on criminals or criminal activity. Some in the community consider any move towards registration could erode the trust the community has with Police.
52. On balance the Government considers that this recommendation would not deliver advantages over that which is already provided through the current voluntary process, and would be very expensive so this recommendation will not be progressed.

Criminal offending with firearms

Committee Recommendation 12: That the Government review the penalties in the Arms Act 1983.

Comment

53. The Committee reported that several submitters expressed concern that the current penalties under the Arms Act have very little deterrent effect. This point received the highest number of submissions (40) calling for tougher penalties and sentencing. It was noted that many of the current penalties under the Arms Act are out of date and do not reflect the seriousness of the offences.
54. The current penalties singled out by the Committee for attention are those that apply to: (i) importing firearms without a permit (section 16); possession of firearms without a licence (section 20); (iii) selling or supplying a firearm to an unlicensed person (section 43); and (iv) carrying or possession of firearms, airguns, pistols, restricted weapons or explosives except for lawful, proper and sufficient purpose (section 45).
55. It is agreed that many of the penalties do not reflect the seriousness of the offences, and are overdue for review. Financial penalties have been considerably devalued through inflation. The financial hardship imposed on offenders has been accordingly reduced. The Arms Act penalties are more in line with administrative breaches rather than with offences that can have serious criminal consequences for which an offender should be held accountable.

56. The Government considers that changes would need to be progressed after further consideration and consultation. Any review would necessarily involve comprehensive consultation with the Ministry of Justice and be subject to a full Regulatory Impact Statement.

Committee Recommendation 13: That the law be amended so that where a dealer has committed an offence under the Arms Act 1983, the court must treat this as an aggravating factor at sentencing.

Comment

57. The Committee considered the role of dealers, noting that their offending can have greater consequences than a private owner's non-compliance with the Arms Act.
58. The Government considers it is not clear that introducing this aggravating factor is necessary. The prosecutor of a person charged with an offence against the Arms Act would be likely to argue (in appropriate cases) that being an arms dealer was an aggravating factor, under the generic provision in s 9(4)(a) of the Sentencing Act:
- (4) Nothing in subsection (1) or subsection (2)—
 - (a) prevents the court from taking into account any other aggravating or mitigating factor that the court thinks fit;
59. The Government does not intend to progress this Recommendation.

Committee Recommendation 14: That the Police undertake further work to determine appropriate security standards for "A" category firearms.

60. The Committee received a number of submissions around secure storage with 17 submitters calling for improvements. The Committee has responded to those concerns by asking for more work to be done, while not expecting the level of secure storage for current A category firearms to be increased to that for MSSAs and restricted firearms.
61. The Government notes that Regulation 19 of the Arms Regulations makes every firearms licence subject to security precautions. It outlines the reasonable steps a licence holder must take which include keeping on the holder's premises one of the following:
- a lockable cabinet, container, or receptacle of stout construction in which firearms may be stored
 - a lockable steel and concrete strong room in which firearms may be stored
 - a display cabinet or rack in which firearms may be immobilised and locked so that none of them may be fired.
62. The Government supports work on ensuring robust and workable requirements that limit the ability for criminals to gain access to secured firearms by theft or burglary.

63. The Government notes that Police, as part of its wider review of Firearms Administration and Management, is undertaking a review of security in collaboration with a subcommittee of the Firearms Community Advisory Forum. This review will be underway in early June 2017 and it is expected that the recommendations coming from that work will give a clear direction on the extent the current standard is being met and whether any changes are required. Therefore, the Government does not intend to take any specific action on this recommendation until after that subcommittee has reported back, and with the clear expectation that any proposed changes will be well consulted on and communicated to the firearms owning community.

Committee Recommendation 15: That the law be amended to make it clear that the secure storage requirements must be met to the satisfaction of the Police, before a licence or endorsement can be issued.

Comment

64. The Committee focussed on this aspect as theft and burglary is recognised as one of the pathways that firearms are obtained by criminals and was concerned to make it clear that complying with security conditions was critical to being considered fit and proper to hold a licence or endorsement.
65. The Government recognises that the intent of this recommendation is to enable police to be satisfied that the security is in place before the applicant takes possession of the firearm thus reducing the risk of insecure storage or no storage and unsafe outcome.
66. However, the Government considers the amendment proposed by the Committee is unnecessary as, before issuing a firearms licence, a member of Police must, under section 24 of the Act, be satisfied the applicant is 16 years old or over and a fit and proper person to be in possession of a firearm. In practice, police take into account the security arrangements the person has in place when assessing whether the applicant is fit and proper, and can exercise their discretion on a case by case basis.

Committee Recommendation 16: That Government extend the power under regulation 29 to allow the Police to enter premises to inspect the security of “A” category firearms.

Comment

67. As part of its consideration of theft and burglary as one of the pathways that criminals obtained firearms, the Committee considered the inability for Police to more regularly inspect the security of A category firearms. The Committee noted that endorsements provided under Arms Regulation 1992 are subject to two conditions (i) to produce the pistol/restricted weapon/MSSA on demand; and (ii) permit inspection of where their pistol/restricted weapon/MSSA is kept. These conditions do not extend to A Category firearms.
68. The Government agrees that the number of firearms recorded by Police as stolen has steadily increased and that many stolen firearms are A category. It is possible that enabling police to more regularly inspect the secure storage of all firearm would be a useful tool. On the other hand, more frequent inspection by

police would place unnecessary additional demand on lawful A category firearm owners, most of whom hold their firearms in their homes.

69. The Government will not progress this Recommendation as it considers other actions including greater investment in communication and education are a better approach to achieving improved security at this time.

Committee Recommendation 17: That the Arms Act 1983 be amended so that failure to comply with the storage regulations must result in revocation of a firearms licence.

Comment

70. The Government notes the Committee's concerns about criminals acquiring firearms through theft and burglary and that firearms need to be stored responsibly and in facilities of a sufficient standard.
71. Government supports the intent of this recommendation but prefers an alternative put forward by my external advisors. This is to amend the Act so as to give Police a new power to suspend a firearms licence where the holder has committed a minor or technical breach which needs to be rectified, or in cases where circumstances have led to Police needing to assess if the licence holder continues to be fit and proper to possess firearms.
72. This approach is discussed in the additional Government recommendations below.

Reducing the number of grey firearms

Committee Recommendation 18: That Government clarify the amnesty in section 10 of the Arms Act 1983 and extend it to include MSSAs, "A" category firearms, and the handing-in of firearms to the Police.

Comment

73. The Committee considered that sharper management of 'grey' firearms will reduce this avenue of supply to the illicit market. It recognised the risk that the theft of 'grey' firearms may not be reported as those who may have been holding these firearms for non-criminal purposes are afraid of being charged for unlawful possession. The Committee also noted that Police needed to improve its follow-up of licences that expire to satisfy itself that the firearms continue to be held lawfully.
74. The current Arms Act 1983, section 10, outlines the handing over of restricted weapons and or pistols to dealers, and clearly states that a dealer is exempt from prosecution if the item is handed to the Arms Office immediately. It does not explicitly cover the handing in of military style semi-automatics or A Category firearms.

Section 10 Restriction on possession of pistol or restricted weapon by licensed dealer

(1) No licensed dealer shall take a pistol or restricted weapon into his possession for sale unless he obtains it—

(a) pursuant to a permit issued for the purposes of [section 16\(1\)](#) or under [section 35](#); and

(b) either—

(i) from a holder of a firearms licence that bears an endorsement made under [section 30](#); or

(ii) from a licensed dealer.

(2) Notwithstanding anything in subsection (1), a licensed dealer does not contravene that subsection if, on obtaining possession of any pistol or restricted weapon from any person, the licensed dealer immediately surrenders the pistol or restricted weapon to the nearest Arms Office for inspection and inquiries.

(3) Every person commits an offence against this Act and is liable on conviction to a fine not exceeding \$2,000 who contravenes subsection (1).

75. The Government agrees with the Committee that the legislation should make it explicit that the provisions for handing-in extend to all firearms and to their handing into Police.

Committee Recommendation 19: That the Police develop policy guidance so that, under the amnesty, when people hand in firearms that are unlawfully in their possession, or report firearms lost, stolen, or destroyed, the Police will have the discretion not to prosecute for the possession offence, subject to police inquiries not revealing offending other than breach of lawful possession of firearms(s) under the Arms Act 1983.

Comment

76. The Government acknowledges the intent of this recommendation which is to encourage holders of “grey” firearms to surrender these without the fear of prosecution. However, the Government considers such guidelines are unnecessary because, as a matter of course, police will exercise their discretion whether to investigate or prosecute on a case by case basis.

Importing firearms into New Zealand

Committee Recommendation 20: That it ensure that visitors who have imported firearms and have been in the country for up to twelve months for a sporting holiday or competition should have the export of the firearms checked by the Police when they leave New Zealand.

Comment

77. The Committee has considered the gap in the administration of the New Zealand firearms regime that allows for visitors to possess firearms for hunting for up to one year, and to apply for a visitor’s firearms licence and a permit to import if they bring in their own firearm(s), but does not require any evidence that the firearm(s)

are taken out when they leave New Zealand, or alternatively legally sold in New Zealand.

78. Government supports this recommendation and encourages Police to work closely with New Zealand Customs and Aviation Security to determine guidelines and policy to cover visitors leaving NZ with firearms.

Additional Government Recommendations

New Government Recommendation - One: Amend the Arms Act so that in all situations where Police has the power to revoke a firearms licence, Police should also have the power to suspend a licence, for a specified period of time or pending possible revocation.

79. The Committee's recommendation 17 relates to failure to comply with the security regulations and draws attention to just one of the situations in the Act where Police has the power to revoke a licence.
80. In responding to recommendation 17, the Government recognises that a power to suspend a licence would be useful in responding to minor or technical breaches which need to be rectified, or in cases where a breach has led to Police needing to assess if the licence holder continues to be fit and proper³ to possess firearms. Consequently, the Government is looking to develop such a proposal.

New Government Recommendation – Two: Improve the consultation processes with the firearms community

81. There were a number of submissions that referred to lack of trust in Police's administration of the Act and the need for better communication and consultation with the firearms community.
82. The Government agrees that trust and confidence in Police's administration of the Act is an important part to incentivising fit and proper people to continue to act in accordance with the provisions of the Act and to not take 'unlawful' actions to avoid what they consider to be unnecessary and expensive compliance conditions.
83. The Government, Police, members of the firearms community, and the general public, have a common objective of allowing those who need firearms for their business, or choose firearms for sporting or recreational purposes, to do so safely and securely without endangering themselves, their families or the general public.
84. Achieving the right balance between management of risk and unnecessary compliance is a challenge to all regulatory regimes and arriving at an agreed balance relies on a good communication process. To that end, the Government is proposing that the Minister of Police issues a direction to the New Zealand Police to consult with representatives of the firearms community and, where appropriate, the general public on all proposed changes to policy relating to

³ Situations where Police has the power to revoke includes situations where another person who is considered non-fit and proper is able to access the licensed person's firearms.

administration of the Arms Act 1983. The outcome of that consultation will need to be included in any advice to the Minister of Police.