

Submission form

Proposals for new regulations under the Arms Act 1983

Phase Three: Consultation on the Firearms
Registry

31 August – 12 October



Te Kāwanatanga o Aotearoa
New Zealand Government

Making a submission

This form is designed to help submitters responding to the discussion points in *Proposals for new regulations under the Arms Act 1983*. The template is not intended to limit or constrain submissions. Submitters may wish to raise other matters or address the questions in this document in other ways. Also, submitters using this document do not have to provide responses to all questions.

All written submissions that fall within the scope of this consultation and are received before the closing date will be considered. The closing date for submissions is **5 pm, 12 October 2022**.

The preferred method of receiving submissions is either by email, at:

consultation@police.govt.nz

or our online consultation platform

<https://consultation.police.govt.nz/policy/consultation-on-the-firearms-registry>

Alternatively, submissions can be mailed to:

**Policy Group
New Zealand Police Headquarters
P O Box 3017**

Wellington

Report

New Zealand Police may publish a summary report on the submissions once the Government has made its decisions about the Regulations. No information identifying a person or an organisation will be released in this report.

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Submitter details

Privacy: Your submission, or a summary of your submission, may be made publicly available on Police's website. If you are submitting as an individual (not on behalf of a group or organisation, nor in your professional capacity) your personal details and identifiable information will be removed. Please indicate in the following box if you do not want your submission published on Police's website.

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Requests for a copy of your submission may be made under the Official Information Act 1982. Please indicate in the following below if you want your personal details removed from your submission.

I want my personal details removed from my submission

Name	Michael Dowling
Email	chair@colfo.org.nz
Age group	<input type="checkbox"/> under 20 <input type="checkbox"/> 20 – 29 <input type="checkbox"/> 30 – 39 <input type="checkbox"/> 40 – 49 <input type="checkbox"/> 50 – 59 <input type="checkbox"/> 60 – 69 <input type="checkbox"/> 70 – 79 <input type="checkbox"/> 80+
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other
Ethnicity	<input type="checkbox"/> Māori <input type="checkbox"/> NZ European <input type="checkbox"/> Other (please write)
Group / organisation	<input checked="" type="checkbox"/> I'm making this submission on behalf of a group or organisation <input type="checkbox"/> I'm making this submission on behalf of myself as an individual
If yes, which group/organisation?	Council of Licensed Firearm Owners (COLFO)
Do you hold a current firearms licence?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Consultation questions

Particulars concerning licence holders

1. Do you agree that regulations require the following information to be provided or confirmed for the registry?
 - a. In the case of a firearms licence holder:
 - i. full name, date of birth, residential address, postal address (if different), contact phone number and email address (if any)
 - ii. the number and date of expiry of the licence held
 - iii. every endorsement on the licence
 - iv. every condition on the licence or on any endorsement that is additional to conditions imposed by the Act or regulations
 - v. 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
 - vi. 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, details of these homes/units, and the total number of firearms that each unit has the capacity to hold
 - vii. whether they are an ammunition seller, and if so, the address where the ammunition they intend to sell is stored
 - viii. confirmation that they have separate storage for ammunition at the places where firearms are stored
 - ix. 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).
 - b. In the case of a dealer's licence holder
 - i. full name, date of birth, residential address, postal address (if different), contact phone number and email address
 - ii. the number and date of expiry of the licence
 - iii. the registered name of the business (if any), the trading name (the name by which the business's customers know it) (if any), and the New Zealand Business Number (if any)
 - iv. 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

- v. 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
- vi. every endorsement on the licence
- vii. every condition on the licence or an endorsement that is additional to conditions imposed by this Act or regulations made under section 74
- viii. 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.

- I agree to the above proposal
- I generally agree to the above proposal, but don't support requiring information on all the above details
- I do not agree to the above proposal

2. If you do not fully agree, why not?

COLFO continues to oppose a firearms registry. There is no evidence that a registry will make the community safer, and it is likely to put licensed firearm owners (LFOs) in danger. The recent security breach of firearm owner information at the former Auckland Central police station highlights the danger of Police holding this information.

We note that our 'agreement' on many of the proposed regulations in this proposal does not denote support of the registry but our agreement that the proposed regulations are supported by legislation.

Based on experience of Police record-keeping in regard to firearms, COLFO remains concerned about the ability for Police to maintain an accurate database. Therefore, we submit that the defence of 'reasonable excuse' in s58A in relation to failing to update the registry, include where Police have failed to keep adequate records and / or cannot prove that they have not maintained the registry.

Additionally, as referenced throughout our submission (and previous submissions on firearm reform over the last few years), we strongly urge Police to use consistent definitions across legislation, regulation and guidelines. There have been a significant number of changes for LFOs to be across in recent years and the different terms (often without legislative reference) create barriers to ensuring obligations are met.

Police are required to follow the Privacy Act 2020 information privacy principles. The first of these principles is that personal information should not be collected unless the information is collected for a lawful purpose connected with a function or activity of the agency, and the information must be necessary for that purpose.

On this basis, we object to the collection of storage capacity. This is largely subjective as most locked cabinets and secure facilities have the ability to hold additional items beyond what they were manufactured for without diminishing the security. Therefore, it does not provide any insight in to whether a LFO has appropriate storage facilities. Police have stated a core purpose of the registry is understanding before they arrive at a property whether firearms could be present. This does not assist with this.

3. Do you have any other suggestions or ideas?

The proposals do not provide guidance or scope for dealing with firearms when they are common property. It is not unusual for multiple members of a household to hold a firearms licence and hold firearms as common property. Additionally, where firearms are owned by a business (such as the farm) is not addressed. This needs to be allowed for in the regulation and clear guidance provided to LFOs.

A definition of ammunition must be provided. This is an issue we have raised a number of times since Parliament determined that ammunition could only be possessed by a LFO. Failure to provide a definition makes it difficult for LFOs to meet their obligations as they it is unclear when parts of ammunition may become an item that requires registration. It is also difficult to determine the secure storage capacity as ammunition components will be stored differently to assembled ammunition.

4. Do you agree that regulations 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.

- I agree to the above proposal
- I generally agree to the above proposal, but don't support requiring information on all the above details
- I do not agree to the above proposal

5. If you do not fully agree, why not?

We note the use of "safe storage address". The language used in the legislation (s24) and the Firearms and Ammunition Secure Storage Guidance is "secure storage". We strongly recommend the use of consistent language.

6. Do you have any other suggestions or ideas?

Arms items to be recorded in registry

7. Do you agree that the regulations require the registry to record particulars about the following arms items possessed by each firearms licence holder and each dealer's licence holder?
- 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
 - e. restricted weapons
 - f. pistol carbine conversion kits.
- I agree to the above proposal
- I generally agree to the above proposal, but don't support requiring information on all the above items
- I do not agree to the above proposal

8. If you do not fully agree, why not?

The definition of Major Firearm Parts should align with what is currently in the Arms Amendment Regulations 1992 -
major firearm parts [the action **body** (the frame, receiver, or upper and lower receiver **into which other components are fitted**) of a firearm, the frame of a pistol, and a calibre conversion component or kit of a pistol

9. Do you have any other suggestions or ideas?

Particulars of items to be recorded in the registry

- 10.** Do you agree that regulations require licence holders to provide the following information for the registry?
- a. If the item is a firearm, the:
 - i. make (manufacturer's name)
 - ii. model
 - iii. identification marking (serial number), 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, the:
 - i. make (manufacturer's name)
 - ii. model
 - iii. identification marking (serial number), 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, the:
 - i. make (manufacturer's name)
 - ii. model
 - iii. identification marking (serial number), according to guidelines
 - iv. type
 - v. if requested, a photo of the item, according to guidelines.
- d. If the item is a prohibited magazine, the:
 - i. make (manufacturer's name)
 - ii. calibre/gauge
 - iii. type (box, rotary, stick, other)
 - iv. capacity (number of rounds)
 - v. identification marking (serial number), according to guidelines
 - vi. identifying features, if any.
- e. If the item is a restricted weapon, the:
 - i. make (manufacturer's name)
 - ii. model
 - iii. type (mortar, mine, cannon, grenade or missile launcher, artillery, or other)
 - iv. identification marking (serial number), 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 (serial number), according to guidelines
- g. for all items, the address of the location where they are stored.

I agree to the above proposal

- I generally agree to the above proposal, but don't support requiring information on all the above details
- I do not agree to the above proposal

11. If you do not fully agree, why not?

We cannot provide agreement on a proposal that will significantly rely on what is in guidelines. Identification markings can be broad and we recommend minimising standardisation as it will increase the barriers to undertaking the markings. If, as we assume, Police wish to incentivise people to register all firearms, existing common markings should be allowed, and any new markings should be minimal.

Additionally we note that ID markings are often of limited value in the tracking of firearms as criminals will remove them before use or sale.

We are concerned that much of this information is asked for without reason. The Police should only be seeking information that will have a clear reason for collection that goes to enhancing public safety. Anything beyond this puts LFOs further at risk.

The list of particulars are significantly more than what is necessary to identify a firearm. The type, make, model, calibre and serial number are sufficient for identification. The more information, particularly without definition, that is required increases the inaccuracy of the registry.

We note that all of this information must be recorded in a way that it is clear who, when and why a particular person has accessed this information. This record should be provided as per the Privacy Act to any individual that then requests it. This is particularly important for those accessing information on the location of firearms and/or ammunition. We strongly suggest that accessibility and the reasons for access are tightly controlled. Only the most basic information – whether someone is a licensed firearm owner – should be accessible by any officer. For more detailed information, there must be an event number or warrant attached to the enquiry.

The definitions used in these proposals is different to the legislation and existing regulation as outlined below. This must be consistent.

Restricted weapons

Missile launcher – The Arms (Restricted Weapons and Specially Dangerous Airguns) Order specifies "rocket launcher" which is a different term.

Grenade – The Order specifies certain types of grenade such as those which are explosive or incendiary, or weapons/devices "designed for the purpose of discharging any lachrymatory [tear gas, etc.], deleterious, or toxic gas, smoke, or other stupefying or overpowering thing capable of rendering any person either wholly or partially incapable of resistance". Grenades which do not meet this threshold might include paint, pellet or innocuous smoke/noise grenades used for paintball or airsoft. Therefore it would be inconsistent with the legislation to require registration of all grenades.

Cannon and Artillery – Neither have a definition under the Act or any regulations. Section 22 provides an exemption for a person to be in possession of "a miniature cannon". The inclusion of these items in the registration requirements is likely to cause confusion and wider implications. For example, there is no requirement currently for cannons to be safely secured and how you would apply the current guidelines to cannons on public display (such as outside the Auckland Museum) is impractical.

12. Do you have any other suggestions or ideas?

Guidelines for marking on prohibited items should not exclude what has previously been done by owners. If Police wish to change requirements now, they should be responsible for the cost of doing so.

Dealers' recording requirements

- 13.** Do you agree that regulation 7 (which sets out the particulars of arms items that dealers must record when they receive, manufacture, or deliver these items) should be amended to align with the particulars of arms items that are proposed above to be recorded in the registry?

- I agree to the above proposal
 I do not agree to the above proposal

- 14.** If you do not agree, why not?

- 15.** Do you have any other suggestions or ideas?

Identification marking

16. Do you agree that regulation 12(4) (which currently applies only to dealers) should be amended 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 markings to conform with guidelines issued by Police?

- I agree to the above proposal the above proposal
- I do not agree to the above proposal

17. If you do not agree, why not?

Without seeing the guidelines, it is difficult to provide a fulsome answer.

Identification markings are of limited benefit to public safety. As noted above, criminals will remove any markings before use or sale. There is no benefit to increasing the regulatory burden on LFOs.

We do agree that such guidelines should only apply where there are no markings.

18. Do you have any other suggestions or ideas?

19. Do you agree that the terminology in the regulations referring to "identification numbers" would be amended to "identifying marking (for example, a serial number) according to guidelines"?

- I agree to the above proposal
- I do not agree to the above proposal

20. If you do not agree, why not?

We agree that there needs to be a consistency of language used and 'identifying markings' provides for a wider range of markings, including existing markings.

The guidelines for markings should accommodate the current markings provided by manufacturers..

21. Do you have any other suggestions or ideas?

Transfers of arms items by firearms licence holders

22. Do you agree that regulations require firearms licence holders to provide the following details to Police on transfers of arms items for inclusion in the registry?

- a. In the case of items received (other than temporary transfers):
 - 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.
- b. In the case of items supplied (other than temporary transfers):
 - i. the date the item was delivered
 - ii. the name of the person to whom the item was delivered

- 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.

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

- I agree to the above proposal
- I generally agree to the above proposal, but don't support requiring information on all the above details
- I do not agree to the above proposal

23. If you do not fully agree, why not?

There is no benefit to public safety of requiring the particulars of the item to the level of detail in Section C. Parliament has already determined what they believe are the 'most dangerous' firearms and the appropriate level of restriction to be placed on such items. There is no benefit to Police to know more detail beyond the legislative functions. Additionally as many of the terms are not legally defined, it has the potential to create more confusion and a higher chance of inaccurate information in the registry. Additionally, the increased detail increases the risk of criminals using the registry as a shopping list.

Section C also uses inconsistent language – "identifying features". The above question looked to refine this to "identification markings" and this should be sufficient. A different and wider term is likely to cause confusion about what is required. For example, is damage to the firearm also an identification marking?

The date of transaction should be sufficient. The change in possession is inconsistent with other legal transactions and is likely to create confusion with multiple dates. For example, when registering a change in ownership of a car, you state the date it changed ownership, as this is assumed to be the date the transaction took place. There is no benefit to public safety by asking for different records that are all likely to be same.

This proposal also relies, without detail, on guidelines. It is not possible to properly submit without detail on the proposed guidelines.

24. Do you have any other suggestions or ideas?

Transfers of items by dealers

25. Do you agree that regulations require dealers to provide Police with the following details on transfers of arms items for inclusion in the registry?

- a. In the case of items received:
 - 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:
 - (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 question 10.
- b. In the case of items delivered:
 - i. the date any item was delivered
 - ii. the name of the person to whom an item is delivered
 - 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 question 10.

Note: the arms items referred to are those set out in the proposal in question 10.

- I agree to the above proposal
- I generally agree to the above proposal, but don't support requiring information on all the above details
- I do not agree to the above proposal

26. If you do not fully agree, why not?

27. Do you have any other suggestions or ideas?

Section 59A(2) uses different terms to the proposed regulations. For consistency, we recommend amending the use of 5 days (rather than working days) and surrender to a Police Station (rather than a member of the Police)

Transfers by mail order and internet sales

28. Do you agree that regulations would provide that:

1. where the transfer of an arms item is by mail order or internet sale, the following details need to be provided for inclusion in the registry?
 - 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.
2. the above requirement does not apply to an arms item if:
 - 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 Police online for inclusion in the registry.

- I agree to the above proposal
- I generally agree to the above proposal, but don't agree with some aspects of it
- I do not agree to the above proposal

29. If you do not fully agree, why not?

30. Do you have any other suggestions or ideas?

Sales of ammunition by ammunition sellers

- 31.** Do you agree that regulations require that ammunition sellers provide the following details for inclusion in the registry?
- a. The name of the person to whom any ammunition is sold, and their licence number
 - b. The quantity and type of ammunition sold
 - c. The date on which the seller hands over or dispatches the ammunition.

If, as proposed, 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).

- I agree to the above proposal
- I generally agree to the above proposal, but don't support requiring information on all the above details
- I do not agree to the above proposal

32. If you do not fully agree, why not?

The proposed regulations are not consistent with the legislation and existing regulation. Section 22E(1)(c) includes, "the person's firearms licence number, or, if the ammunition was sold or supplied to the person for use under the immediate supervision of another person who holds a firearms licence, the name and firearms licence number of that other person." These proposals do not deal with the situation where the ammunition is sold under supervision.

Additionally, Regulation 9I requires the date on which the seller "delivers" ammunition sold by the seller. The proposal uses hand over and dispatch. They all have potentially different legal meanings.

33. Do you have any other suggestions or ideas?

Imports

- 34.** Do you agree that the following details need to be provided to Police for inclusion in the registry when an arms item or ammunition is being imported?
- a. full name of the import permit holder
 - b. address and occupation of the permit holder
 - c. number of the permit issued under section 18 or 18AA of the Act

- d. name and licence number of the dealer if a dealer has acted as agent for the importer
- e. licence number of the import permit holder, unless the item is an airgun
- f. description and country of origin of the item imported, including the identification number of the item
- g. 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
- 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 in two stages:

1. first, when the importer has been advised by the supplier that the item has been dispatched (to confirm the items and the quantities and to record the serial numbers). This will be before it arrives in NZ; and
2. on arrival in New Zealand, within 5 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).

An example of how this would work in practice is:

A dealer receives a permit from Police to import 50 firearms. The dealer contacts the manufacturer who produces them four to nine months later. At this time the serial numbers are provided to the dealer by the manufacturer. The dealer then enters the registry, finds the relevant import permit and is able to insert serial numbers. There is no ability to change anything else. On arrival the firearms and the quantities of them are checked by Customs against the import permit and Customs releases the firearms when satisfied that what has arrived meets what was approved for import. The dealer receives the firearms and checks the serial numbers. If there are no discrepancies, they confirm receipt with the registry. If there is any issue with the serial number (eg an 'O' was recorded incorrectly as a zero) they can contact the registry to resolve and update the information.

I agree to the above proposal

- I generally agree to the above proposal, but don't support requiring information on all the details at the stages set out above
- I do not agree to the above proposal

35. If you do not fully agree, why not?

It is unclear from this proposal whether information will have to be entered twice in the system. The number of entries in the system increases the chances of inaccurate information and double up. We recommend that at no stage in the process should this have to occur. Once a permit is applied for, this information should be in the system, and should not have to be recorded again.

The consistency of language is very important in this process. There is a confusion with other proposals that use identification markings. We note many imports come from countries that may not use the same alphabet therefore the potential for confusion and inaccuracies (as the item moves through the registry) is high.

Commented [BM1]: Michael – I believe this reflects the practicalities of the import process but it is worthwhile testing with someone who has significant import experience.

36. Do you have any other suggestions or ideas?

We recommend that any 'contact with the registry' is possible through the actual registry itself, rather than requiring a separate phone call or visit.

Exports

37. Do you agree that the regulations should set out the following particulars that need to be provided when an arms item is being exported?

- 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 MFAT).

This is in addition to the requirement in section 38 (notifying Police at least 4 days ahead of the intended export).

- I agree to the above proposal
- I generally agree to the above proposal, but don't support requiring information on all the above details
- I do not agree to the above proposal

38. If you do not fully agree, why not?

More information on the 'details of the item' need to be provided. We recommend that is applied consistently with the 'identification markings' proposal and uses only terms legally defined in the Act or regulation, to minimise confusion.

We understand that 'export' is the colloquial term for taking an item overseas but we recommend consistency with section 38. This section uses the term "removal", not "export". Export can be understood as removal from a country for the purposes of sale. Such a narrow definition would not align with the stated purposes of the Act.

39. Do you have any other suggestions or ideas?

Manufacture

- 40.** Do you agree 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 in part 4.1 section C, and the date on which the item's manufacture is completed.? (Question 10)

- I agree to the above proposal
- I do not agree to the above proposal

41. If you do not agree, why not?

Section C, as noted above, uses inconsistent and undefined terms to the legislation and existing regulation. It will increase confusion. As the manufactured item moves through the registry, many of these details will no longer be required and therefore the potential for confusion about exact items referred to increases. This level of detail does not serve any purpose to increase public safety but increases the risk to LFOs.

42. Do you have any other suggestions or ideas?

Loss, theft or destruction

- 43.** Do you agree that in the event of loss, theft, or destruction of a firearm, the following particulars need to be provided to Police for inclusion in the registry?
- a. the date on which the firearm was lost, stolen, or destroyed
 - b. the circumstances in which it was lost, stolen, or destroyed, including the last known location of the firearm
 - c. such other particulars as may be required by the member of Police to whom the loss, theft or destruction is notified.
- I agree to the above proposal
 - I generally agree to the above proposal, but don't support requiring information on all of the above details

I do not agree to the above proposal

44. If you do not fully agree, why not?

The Arms Act only requires that the loss, theft or destruction is reported. Not details on how and there is no benefit to public safety of doing so. Requiring such detail could incentivise people from reporting if they perceive such detail could be used against them. For example, if it could be perceived they had not followed all secure storage guidelines. It has the potential to create an unfair evidential basis for suspension or denial or licence renewal.

For the registry to be of benefit to LFOs, it should be made clear that such an update is sufficient (and adequate records are produced) that LFOs can rely upon it to make insurance claims. .

45. Do you have any other suggestions or ideas?

We suggest that the officer and event number is attached to each lodgement and this is automatically sent to the LFO. This provides a useful follow up point for other matters such as insurance.

The transfer of ammunition

46. Do you agree that a licence holder importing ammunition or a dealer importing or supplying ammunition must provide the following details to Police?

- a. If a firearms licence holder:
 - i. the date of the import
 - ii. the type and quantity of ammunition imported
 - iii. the number of the permit issued under section 18.
- b. If a dealer:
 - 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, it is proposed that dealers must provide details of ammunition sales to Police for inclusion in the registry, then those need not be recorded in a record book.

- I agree to the above proposal
- I generally agree to the above proposal, but don't support requiring information on all of the above details
- I do not agree to the above proposal

47. If you do not fully agree, why not?

A record of ammunition bought in by a LFO is likely to be out of date as soon as it is put in. Ammunition is a consumable; it is bought to be used. This information is particularly irrelevant given the timeframe Police propose to hold this information for – it will increase the amount of inaccurate information in the system and mean Police cannot rely upon it.

48. Do you have any other suggestions or ideas?

Consents to conduct business at a gun show

49. Do you agree 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?

- 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

- I agree to the above proposal
- I generally agree to the above proposal, but don't support requiring information on all of the above details
- I do not agree to the above proposal

50. If you do not fully agree, why not?

All additional information recorded in the registry increases the risk to LFOs. Consent has already been gained to participate in the gun show therefore the requirements to demonstrate adequate secure storage will have been met. Recording them in the register (for a long period), particularly for a short term event, increases risk to the dealers without any balance in safety. .

51. Do you have any other suggestions or ideas?

The modification of a firearm

52. Do you agree that a person who modifies a non-prohibited firearm to a prohibited firearm and vice-versa would need to provide the following information to Police?

- 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:
 - i. details of the non-prohibited firearm
 - ii. details of the new prohibited firearm
 - 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.

- I agree to the above proposal
- I generally agree to the above proposal, but don't support requiring information on all of the above details
- I do not agree to the above proposal

53. If you do not fully agree, why not?

This proposal uses the ambiguous "details". There must be consistency of terms and requirements so arms items move through the system without confusion.

It should be made clear in the regulations that this does not apply for restricted weapons. We note that many now prohibited firearms were 'borne' as a restricted weapon. It is just a process that is required. A visit to the Police armourer and the attached fee would be discriminatory and discourage people from applying the process.

54. Do you have any other suggestions or ideas?

How firearms licence holders will provide details for the registry

55. Do you agree to the methods for firearm licence holders to provide information to Police for inclusion in the registry would 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 also available from Police stations?

- I agree to the above proposal
- I do not agree to the above proposal

56. If not, why not?

57. Do you have any other suggestions or ideas?

How transfers by dealers and ammunition sellers will be entered into the registry

58. Do you agree that from 24 June 2023, dealers and ammunition sellers would need to provide details of their transfers online to Police for inclusion in the registry?

- I agree to the above proposal
- I do not agree to the above proposal

59. If not, why not?

Dealers should have the option of maintaining a record book if they so choose.

60. Do you have any other suggestions or ideas?

Timing

61. Do you agree that the relevant details of any event needing to be recorded in the registry must be provided to Police within the following timeframes?

- 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 as soon as practicable but no later than five days after the transfer occurring.
- b. within five days for an item being manufactured.
- c. for notifications of import, within five days after the date on which the item is released to the importer by Customs.
- d. for exporting, within five days after the date on which the item is exported.

- I agree to the above proposal
- I generally agree to the above proposal, but don't support all of the above timeframes
- I do not agree to the above proposal

62. If you do not fully agree, why not?

"Immediate" is a difficult term to define and significantly relies on adequate internet coverage. 5 days should be working days, and provision must be allowed for valid attempts. For example, if an importer needs to confirm identification markings or correct something in the system, this should not be treated as exceeding the 5 day timeframe.

63. Do you have any other suggestions or ideas?

We recommend 30 days is allowed for. We note that many imports, due to current supply chain issues are taking 20 working days to receive, and then they need to be serialised.

Prescribed persons

64. Do you agree that the definition for a prescribed person would include any person in possession of a firearm who may temporarily be unlicensed while their application for renewal of their licence is being processed?

I agree to the above proposal

I do not agree to the above proposal

65. If you do not agree, why not?

COLFO understands it is pragmatic to make provision for people in these circumstances. However, to allow for LFOs to be certain about their obligations it should be directly related to legislation. For example, it should be explicit that this would be a defence to Section 20 of the Arms Act.

66. Do you have any other suggestions or ideas?

67. Do you agree that the that the definition for a prescribed person would include a person who is an executor/ administrator of the property of, and a person with power of attorney for, individuals who were or are in possession of firearms?

- I agree to the above proposal
- I do not agree to the above proposal

68. If you do not agree, why not?

69. Do you have any other suggestions or ideas?

Events activating provision of information

70. Do you agree that each of the following circumstances will require firearm licence holders to provide information on all prescribed items they possess in the following circumstances?

- 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.

- I agree to the above proposal
- I generally agree to the above proposal, but don't support all of the above circumstances requiring licence holders to provide information on all prescribed arms items they possess
- I do not agree to the above proposal

71. If you do not fully agree, why not?

There are a number of LFOs who have significant collections which may or may not have the required identification markings at this time. Parliament allowed time for the establishment of the register to take issues like this in to account. LFOs should be allowed the full five years to update from a triggering event.

Based on the wide range of triggering events, we estimate a majority of firearm owners would need to update their records in the first 6 months of the registry. Based on the current capacity of the firearms team it seems implausible that Police and the registry will be able to handle this. Parliament understood this and allowed additional time.

72. Do you have any other suggestions or ideas?

Items to be recorded

73. Do you agree that when a specified circumstance takes place (clause 14), the licence holder must provide information on the following list of specified items:

- 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
- f. Pistol carbine conversion kits.

- I agree to the above proposal
- I generally agree to the above proposal, but don't support requiring information on all the above items

I do not agree to the above proposal

74. If you do not fully agree, why not?

The requirement for the registration of Major Firearm Parts overcomplicate the system and increase the chances of inaccuracies. It should be limited to complete firearms as it is only in the complete form that they are useable.

It is unclear from the proposals by when these items must be updated. We strongly submit that the full five year timeline should be allowed.

75. Do you have any other suggestions or ideas?

Particulars to be recorded

76. Do you agree that when the licence holder is involved in any of the circumstances in the proposal 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?

- a. For each of the arms items the particulars set out in Proposal C in part 4.1 (Question 10)
- b. The location address or addresses where they are stored at the time of notification to Police.

This information is over and above the information required on the actual transactions and events themselves (elsewhere in the regulations).

I agree to the above proposal

- I generally agree to the above proposal, but don't support requiring all of the detailed information in Question 10
- I do not agree to the above proposal

77. If you do not fully agree, why not?

There is no public safety benefit to this proposal and the level of detail. LFOs already have a legal duty to report theft, loss or destruction and this would be a double handling of that information.

78. Do you have any other suggestions or ideas?

Time after a relevant event in which to provide information

79. Do you agree that the details of specified arms items possessed by the licence holder must be provided to Police within 14 days of occurrences set out in Question 70 taking place.

This means that following the date of a transaction such as the transfer of a firearm taking place (which will be either recorded live in the registry or recorded in hard copy at the time and sent to Police for inclusion in the registry) there is a further 14 days in which the licence holder must enter the arms items they already possess – over and above the items in the transaction – into the registry).

- I agree to the above proposal
- I do not agree to the above proposal

80. If you do not agree, why not?

As stated above, Parliament specifically allowed for an implementation period. 14 days is impractical and will be a disincentive to LFOs from reporting.
This is particularly an issue for large collections or those that do not already have identification markings.

81. Do you have any other suggestions or ideas?

Final date for the provision of information by licence holders on all specified arms items they possess

82. Do you agree 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 30 August 2028 to provide Police with particulars on those items for inclusion in the registry?

- I agree to the above proposal
- I do not agree to the above proposal

83. If you do not agree, why not?

84. Do you have any other suggestions or ideas?

Shooting clubs

85. Do you agree to regulations providing that information required under the Act or Regulations to be provided to Police by or on behalf of shooting clubs or by individuals participating in shooting club activities may instead be entered online into the registry when the Commissioner allows it?

The information could include:

- a. details of the club, its operation and activities
- b. membership
- c. participation in the shooting activities of a pistol shooting club
- d. records related to the sale or supply of ammunition or firearms to club members or on club premises, where the revenue is for the benefit of the club.

I agree to the above proposal

I do not agree to the above proposal

86. If you do not agree, why not?

We agree it is practical that that shooting clubs should have the option of either providing the information through the registry or through forms submitted to the Police.

87. Do you have any other suggestions or ideas?

Shooting ranges

88. Do you agree 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?

This information could include details of the range, its operation and shooting activities conducted on it.

- I agree to the above proposal
 I do not agree to the above proposal

89. If you do not agree, why not?

90. Do you have any other suggestions or ideas?

Executors/administrators of deceased persons and power of attorney

91. Do you agree that specified information should be provided to Police for inclusion in the registry by:

- a. any executor/administrator of the property of a deceased person who was in possession of firearms
- b. any person who has power of attorney for a person who is in possession of firearms?

And do you agree that this information would need to include the following?

- a. a photocopy or electronically scanned copy or photograph 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 person with power of attorney
- b. a photograph of the firearm
- c. any identification marking (e.g. serial number)
- d. any transfer of that firearm to a licensed dealer or firearms licence holder.

- I agree to the above proposal
- I generally agree to the above proposal, but don't support requiring information on all of the above details
- I do not agree to the above proposal

92. If you do not fully agree, why not?

93. Do you have any other suggestions or ideas?

Accessing information in the registry

- 94.** Do you agree that the Commissioner must ensure the registry or any part of the registry is only accessed by the following persons or class of persons?
- a. 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 firearms
 - b. firearms licence holders to indirectly verify (through an online tool) the firearms licence status of a person to whom they are selling or supplying or from whom they are acquiring arms items or ammunition
 - c. firearms licence holders selling a pistol, restricted weapon, prohibited firearms or prohibited magazine to indirectly verify the purchaser's endorsement and permit to possess
 - d. dealer's licence holders to indirectly 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

- e. licence holders selling through mail order or internet site non-prohibited firearms or non-prohibited magazines to indirectly verify the purchaser's authorisation to take possession
- f. shooting clubs to indirectly 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 indirectly 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' firearm 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.
- I agree to the above proposal
- I generally agree to the above proposal, but don't support all of the persons listed above having access to the registry or all of the information listed above being made available
- I do not agree to the above proposal

95. If you do not fully agree, why not?

The risk of improper use of the registry increases as the number of people allowed access increases.

94(f) above appears to pre-empt the outcome of the shooting club and ranges regulations that are yet to be made public. COLFO strongly objected to any requirements in that consultation for members or committee members of clubs to hold a firearms licence. Additionally, legislation is clear that firearm use may occur under the direct supervision of a licence holder. There should be no need for a shooting club or range to verify online the status of a licence holder.

Additionally, the physical firearms licence currently has a status of a primary identification document across the New Zealand government. Similar to the status held by a passport. Where a physical licence can be sighted (i.e. in person) there should be no need to be able to access the registry.

If a club or range determined they wanted to verify status (i.e. someone seeking to use a range unsupervised), they should be able to rely on the physical licence.

96. Do you have any other suggestions or ideas?

Duration of records in the registry

97. Do you agree that regulations require the registry to hold records relating to firearms licence holders for the lifetime of those licence holders plus 5 years?

- I agree to the above proposal
- I do not agree to the above proposal

98. If you do not agree, why not?

Information Privacy Principle 8 holds that personal information must not be kept for longer than is required for the purposes for which the information may be lawfully obtained. Holding this information for the lifetime of licence holders plus 5 years would not adhere to this principle.

Police promoted the registry as a means of knowing who held firearms now. Recording information on transactions is not necessary to meet this purpose. The only information that should be held for a longer duration is what is held by an existing LFO.

99. Do you have any other suggestions or ideas?

Application of regulations to the Department of Conservation

100. Do you agree that the regulations should set out the requirements to provide information to Police for inclusion in the registry should apply to relevant arms items that are owned by the Department of Conservation?

- I agree to the above proposal
 I do not agree to the above proposal

101. If you do not agree, why not?

102. Do you have any other suggestions or ideas?

Privacy of information in the registry

103. Do you think there are any particular privacy issues with any of the proposals listed?

- Yes
 No

If yes, what are they and how do you think they can be mitigated?

As outlined in our answers to the above questions, the requirements to seek information beyond what is required in legislation, and without evidence of benefit to public safety would create significant privacy issues.

Final comments

104. Is there anything else you'd like to add? Do you have any other suggestions or ideas?

Thank you for your submission.