

21 September 2026

IR-01-26-30186

s 9(2)(a) Privacy

Tēnā koe s 9(2)(a) OIA

Thank you for your Official Information Act 1982 (OIA) request dated 20 August 2026. I have answered each of your questions below:

*My supplementary OIA refers to IR-01-26-20585
I wish to request the entirety of Document 3 unredacted to its maximum extent, the document is titled "Arms Act Submission" and dated 27 February 2025. If there have been subsequent revisions or different versions for different recipients of this document can you please provide them as well, and also confirm who/what entities received this submission and what dates this occurred.*

Please see the attached document titled "Arms Act review documents".

There were no subsequent revisions of this document or different versions for different recipients. This document was provided to Ministry of Justice on 27 February 2025.

The submissions contained in this document should be considered in the context set out below.

Through the work they do every day, the staff of Te Tari Pūreke – the Firearms Safety Authority, individually and collectively, have significant insights into the firearms regulatory system in New Zealand and those areas of the Arms Act that could potentially be improved. The Ministry of Justice consultation enabled staff to share their professional experience as employees of the firearms regulator.

For the consultation we invited all our staff to contribute insights and ideas for reforms of the Arms Act, that we would collectively submit as a Te Tari Pūreke submission.

As all staff had a voice, our submission contains many ideas across a range of subjects. However, it is important to note that for many of the issues raised, we as the firearms regulator have not done deep policy analysis or consulted the wider community or firearms licence holders about the benefits or costs, or even practicality of implementing these ideas.

We fully expected Parliament to look further into these suggestions and determine if they held merit; to what extent they might contribute to making New Zealand safer; and how – should they be seen as beneficial changes - they might be implemented.



Can you also please provide the document titled "Table of proposed wording changes" if it is not already included in the above document, unredacted to its maximum extent. If this is part of a separate document please provide the base document that this appendix is associated with, also unredacted to the maximum extent available.

Please refer to the attached document which also contains this document titled *Additional ideas for the review of the Arms Act 1983*.

You have the right to ask the Ombudsman to review this decision if you are not satisfied with the response to your request. Information about how to make a complaint is available at: www.ombudsman.parliament.nz.

For your information, Police has developed a process for proactive release of information, so the anonymised response to your request may be publicly released on the New Zealand Police website.

Nāku noa, nā



Richard Wilson
Director - Business Transformation
Firearms Safety Authority



Firearms Safety Authority / Te Tari Pūreke

Arms Act Submission

Contents

Introduction	5
Background to our thinking	6
Perspectives for the rewrite of the Arms Act.....	8
Purpose and principles of the Arms Act.....	9
Futureproofing	10
Keeping up with technology and how people interact	10
Keeping up with new firearms and weapons trends	10
Institutional arrangements.....	11
Licensing.....	12
Overview	12
Licence classes	13
Determining an individual's fit and proper status.....	14
Offences	15
Health practitioners	15
Medical assessment	16
Residence of the licence applicant.....	17
Minimum age requirement.....	19
Enabling more proactive engagement of licence holders.....	19
Temporary licence suspensions for health reasons	20
Revocation of a firearms licence	20
Search and seizure of arms items during suspension or revocation.....	21
Modifying firearms.....	21
Manufacturing.....	22
Standard firearms licence	22
3D printing and digital firearm design files	23
Dealer manufacturing	24
Dealer's licensing	25
Overview	25
Duration of a dealer's licence	25
Dealer employees	26
Airsoft, paintball and gel blaster airgun clubs and venues	26
Directors or curators of museums.....	27
Exemption to requiring a dealer's licence.....	28
Initial sale or transfer	28
Temporary transfers of pistols and prohibited firearms	28
Endorsements and permits.....	29



Endorsements	29
Moving arms items between endorsements	29
Theatrical activities	30
Permits to possess.....	30
Appropriate reasons for obtaining a pistol or restricted weapon (permits to possess)	31
Permits to import	32
Ammunition sellers	32
Private sales of firearms	33
Amnesty and buy-back.....	33
Enhancing safety outcomes	35
Overview	35
The number of firearms held by licence holders	35
Conditions relating to security	36
Physical security	36
Additional security measures for endorsed items	38
Restricted weapons – storage of vital parts	39
Inspections	39
Temporary transfer of firearms	40
Airguns	41
Airguns	41
Specially dangerous airgun	42
Compliance, offences and penalties	43
Overview	43
Loss of a firearms licence card	44
Infringement fines.....	44
Selling or supplying to an unlicensed person.....	45
Guidance and education	45
Education	45
Guidance	46
Definitions within the Act	47
Overview	47
Additional feature of a firearm	47
When is a firearm not a firearm?	47
Exempt firearms	47
Pistols	48
Pistol Carbine Conversion Kits (PCCKs)	48
Prohibited firearms and prohibited magazines.....	48



Imitation firearms	49
Blank-firing guns.....	49
Restricted Weapons	50
Ammunition	50
Prohibited ammunition.....	51
Major firearm parts and firearm parts.....	51
Magazine extensions and magazines couplers or links.....	51
Antique firearms	52
Prescribed pests	52
Conclusion.....	53



Introduction

Thank you for the opportunity to provide a submission on the rewrite of the Arms Act 1983 (Act) and Arms Regulations 1992. This submission is provided by Firearms Safety Authority / Te Tari Pūreke (the regulator) in its role as the firearms regulator¹. We are supportive of the intent of the rewrite as outlined in the discussion document:

- Reforming New Zealand's firearms regulatory system to provide for greater protection of public safety and simplify regulatory requirements to improve compliance for legitimate firearms users.
- Ensuring the Act is a fit-for-purpose, future-proofed regime to mitigate the risks of misuse of firearms to public safety, keep firearms out of the wrong hands, and provide a transparent regulatory system that improves and supports compliance.
- Acknowledging that all members of the public need to have confidence in how firearms are controlled. Safety of our communities is what is at the heart of an effective regime.

We believe that the **current legislation provides a strong foundation** for managing the risks associated with the legitimate possession and use of firearms in New Zealand and supporting public safety. However, through fine-tuning the existing legislation there is an **opportunity to enhance public safety and reduce the regulatory burden of licence holders**, making it easier for them to comply whilst enabling us as the regulator to operate in a more effective and efficient manner. Our key themes for the rewrite of the Arms Act are:

- **maintain public safety** by retaining the existing purpose and principles of the Act, and the criteria for determining whether an individual is fit and proper;
- **enhance public safety** by tightening regulatory controls around manufacturing and storage of firearms, and the use of airguns, including 'specially dangerous airguns';
- **reduce the regulatory burden** by tailoring dealer licence requirements to the activity being undertaken by the individual; and
- **reduce the regulatory burden** by undertaking a review of the permit to possess and transfer requirements.

¹ This submission focusses on the regulatory space and it is not intended to cover all of the improvements that could be made to support Police in its law enforcement role.



Background to our thinking

In considering how to respond to the discussion document, we were cautious not to perpetuate some of the social attitudes of the past to the reality of today. The Act was written in a time where New Zealand was broadly tolerant of firearms as they were mainly viewed as a “tool”, particularly in rural communities.

Whilst this view may still be the case to an extent, attitudes have changed. It would be inappropriate to compare the availability of firearms, ammunition, and other arms items to the social context of the past. Injuries and deaths caused by firearms, reflected in media reporting, have highlighted the negative impact when they are misused or in the hands of unauthorised individuals. Advances in technology, the availability of firearms, arms items and ammunition (including online), video gaming and social media, were not commonplace in 1983 and have vastly changed the regulatory environment.

Most community members, particularly those from the non-firearm owning community, which are the vast majority, **expect to see a reasoned and reasonable approach that weighs up an individual’s desire to have and use firearms or other arms items, with the community’s right to be and feel safe.**

Firearm Safety Authority / Te Tari Pūreke has been established for two years and our goal is to continue to grow and develop as an effective modern regulator. We interpret a modern regulator to mean that we seek to achieve our outcomes in the most effective way. We aim to do this by prioritising our effort and resources on areas of highest risk; having fewer, or minimal burdens on regulated parties as possible; and using a broad suite of regulatory and non-regulatory tools.

Underpinning our approach to achieving our vision that ‘the possession and use of firearms in Aotearoa New Zealand is the safest in the world’ are our three guiding principles:

- **Public safety is our priority.** We want the possession and use of firearms in Aotearoa New Zealand to be the safest in the world. This means we must achieve a balance between keeping our communities safe from firearms-related harm, while still enabling the safe and legitimate use of firearms in our communities.



- **The safe possession and use of firearms is a shared responsibility.** The possession and use of arms in Aotearoa New Zealand is a privilege that comes with a responsibility to act in the interests of personal and public safety. We will actively engage with stakeholders and partners in our pursuit of a safe and effective regulatory system.
- **When we engage with regulated parties, we are consistent and fair.** If we are required to intervene to ensure a regulated party meets their obligations, we will do it in a way that is respectful, proportionate, and easily understood.

In our work as the regulator, we take these principles and apply them to the stewardship of the firearms system. To enhance the outcomes of the system we need to build the trust and confidence with both the firearms and non-firearms communities. We do this by:

- Actively engaging, educating and encouraging licence holders on their obligations and supporting them to achieve compliance. We acknowledge that many licence holders are law abiding, and therefore seek to use appropriate controls over the use of firearms to mitigate risks and the potential for harm, both to the individual and wider community.
- Engaging the non-firearms community to understand their perception of the risks and harms associated with firearms and grow their understanding of the controls in place to ensure safety.
- Viewing the firearms system in New Zealand as a closed regulatory system. That is, we control both the entry and exit points. For example, we determine who meets the standards required to be considered fit and proper and therefore eligible to legitimately possess and use a firearm. Taking this system level approach, we not only continually look at how to reduce the potential for unlawful and/or harmful activity to occur, but also the perception of risk and harm associated with firearms. Taking a system approach means understanding how everything is connected and how attitudes and behaviours drive trust and confidence, and ultimately safety outcomes.

By increasing the effectiveness of the regulatory regime, we can make it difficult for individuals or groups to access, possess or use firearms, parts and ammunition in ways that were not intended. Achieving our system objectives means where appropriate closing gaps in the firearms system.



Perspectives for the rewrite of the Arms Act

In reviewing the Act and envisaging potential future changes that may occur within the firearm's regulatory environment, we looked at how we could:

- enhance both individual and public safety;
- make it easier for licence holders to understand and achieve compliance with their obligations;
- enable the regulator and wider regulatory system to operate in a more effective and efficient manner; and
- futureproof the Act and Regulations as much as possible to enable it to adapt and respond to both changes in licence holder behaviour and the wider firearms environment.

Given the nature of the Act there are a range of topics that cut across different areas. Therefore, in our response we have attempted to group our suggestions in a manner that enables you to see how it may affect the whole area, for example, changes that impact on those individuals that hold a dealer's licence.

Note in this submission, the word 'firearms' is used broadly to encompass both firearms, firearms parts, ammunition and any other items that require a firearms licence.



Purpose and principles of the Arms Act

The current legislation **provides a strong foundation for managing the risks associated with the legitimate possession and use of firearms** in New Zealand and supporting public safety.

The purpose section of the Act is the foundation of our decision-making. It emphasises that **the possession and use of arms is a privilege** rather than a right, and that all those who possess or use arms have a personal responsibility for safety.

The emphasis on both individual and wider public safety is paramount as members of the community have the right to be and feel safe.

The purpose section guides our decisions and interpretations made under the Act. For example, whether a person is fit and proper to hold a firearms licence or an endorsement, or whether a firearms licence should be revoked. We refer to the purpose section of the Act in our decision-making and Court appeals.

Retain: the existing purpose and principles outlined in the Act.



Futureproofing

Keeping up with technology and how people interact

Technology and how people conduct business and interact is continually changing. To ensure that the Act effectively controls the safe possession and use of firearms, it should not be overly prescriptive on how an activity needs to be achieved, such as in person, hard copy, or online. This would provide more flexibility to deliver services to licence holders in a manner that is convenient to them but also cost effective without compromising public safety.

Remove: any references to how an activity is done in the Act and allow for an agnostic approach.

Keeping up with new firearms and weapons trends

Innovative firearms technology, **such as 3D printed firearms and parts**, are an ongoing challenge that the Act will need to address. The Act needs to be broad enough to capture future innovations and provide the regulator with the ability to adapt and respond.

A current trend emerging overseas is the adaptation or manufacture of conventional military weapons for civilian use. An example is submachine guns that are designed for combat, which are conventionally fully automatic, larger, and heavier, but are under 762mm in length. They are designed to be used with two hands, not one-handed like conventional pistols. Whilst conventional submachine guns are restricted weapons, there is an emerging trend where they are being manufactured as semi-automatic and for sale to the civilian market.

To provide the regulator the time to fully evaluate the risks and impact of new technologies, there should be a clause in the Act to allow the regulator to declare some arms items as being unsuitable for use or possession in New Zealand.

Add: a clause in the Act to allow the regulator to declare some arms items to be unsuitable for possession or use in New Zealand.



Institutional arrangements

As there are discussions about where the regulator could be located, it would seem prudent for the current Act to enable non-sworn Police employees that conduct regulatory activities to make decisions in relation to matters such as: licensing, permits, endorsements, disposal, and other matters.

Amend: where Commissioned Officer is specified, add “or employee of equal or higher position” and define this in section 2 of the Act.



Licensing

Overview

The key regulatory intervention point in the firearms system is licensing. It provides control over who can possess and use firearms lawfully. Consideration around the appropriate period for a firearms licence needs to incorporate how the regulator can objectively and accurately understand an individual's fit and proper status at any point in time. We feel **the current five-years (first-time) and 10-years (renewal) licence durations are appropriate.**

The challenge over the next few years is that the demand for licensing services (renewals) is expected to almost double. This is because of changes made to the Act after the Aramoana mass shooting, when licence holders transitioned from a lifetime licence to a 10-year renewal period. This cyclical effect is called the licensing bell-curve.

The volume of the licensing bell-curve will present a challenge to us, as we seek to **balance public safety, while providing timely licensing decisions.** Currently our main avenue for managing this situation with our limited resources is to use section 25A, which states if an existing licence holder applies for a new licence (commonly called a renewal) prior to the expiry date of the current licence, the licence continues in force until the renewal application process is completed. Using this clause, we would focus our resources on first-time applications and those renewals of higher complexity, while other licence holders could continue to use their firearms.

While this is a potential solution to the bell-curve situation it is not without its challenges:

- Licence holders, upon submitting their renewal application, will sit in a holding phase, which could require them to undertake additional work to update their application at a later date, until the process is completed. There is also no certainty for licence holders when their application may be completed.
- Licence holders waiting for the renewal application to be processed will have an expired licence card, which may impact on activities such as their ability to travel with firearms (domestically or internationally). There is no ability under the legislation to issue them with a temporary licence card.



- This approach will eventually enable an evening out of the bell-curve but could take up to two ten-year cycles before this occurs.

We feel a more pragmatic and quicker solution to addressing the licensing bell-curve is to enable the regulator to select licence holders, based on a set of criteria, and extend their current licence period, by up to three years. This change would enable demand for licensing services to be spread over the next seven to eight years without impacting public safety. This approach would be beneficial to licence holders in that they would have certainty around when their application would be reviewed and reduce any need to update their information. It would also enable the regulator to operate in a more effective and efficient manner relating to licensing services, and engagement and compliance activities (such as safety inspections) would not be compromised during peak licensing demand periods.

Retain: section 25A to enable us to effectively manage peaks in licensing renewals.

Implement: a clause within the Act that enables the regulator to extend the existing licence period for up to three years, for selected licence holders to smooth out the licensing bell-curve.

Consider: enabling the regulator to issue a new licence card for this extension so that licence holders are not unduly burdened by this change.

Licence classes

We feel there is an opportunity to **simplify the requirements for licence holders by creating different licence classes and removing the need for additional endorsements**. Currently a standard firearm licence holder needs to request an endorsement to undertake activities with pistols, restricted weapons and prohibited items, such as: collecting; pistol target shooting; or historical re-enactment. New and specific licence classes could operate in a similar manner to how dealer licensing currently operates in that an individual would get a licence for a specified activity. This licence could then be approved for the possession of certain arms items (like with dealer licensing).

For example, an individual on a collector only licence could be approved to possess non-prohibited firearms or pistols (for example) in their collection, but would not be able to purchase or possess live ammunition, restricted weapons or other unapproved arms items. Comparatively, an individual with a hunting licence would be approved to possess non-prohibited firearms for the purpose of hunting and would be able to



purchase ammunition but no other arms item types.

Add: new and individual licence classes.

Determining an individual's fit and proper status

Fit and proper is not a point in time requirement but an on-going status that the individual must meet.

The fit and proper criteria is intentionally legislated as a “may find” and not a “must”. It allows the regulator to focus and tailor interventions on licence holders in line with the levels of risk, the actual or potential consequences, and the behaviour, attitude, and capability of licence holders or applicants.

If the Act was to become more prescriptive it may have unattended consequences of automatically excluding people who the regulator may have found not fit and proper under the current criteria, or by automatically capturing people who the regulator may have found fit and proper under the current criteria and leaving no room to apply any discretion.

Our view is that **the current criteria is specific enough to provide the regulator with guidance, but broad enough to be non-restrictive, and therefore should not be changed**. Further to this, our view is that section 24A(2)(c) is critical as it provides the regulator with the flexibility in considering what elements are relevant to the individual applicant.

An addition principle to consider for section 24A is whether a licence holder is actively and willingly engaging with the regulator in relation to compliance with the Act. For example, if a licence holder has been regularly communicated to about a compliance issue but has not responded or addressed the issue, this should impact their fit and proper status, especially where the regulator is trying to address a safety issue and maintain public safety. A requirement to engage could be a more explicit requirement for maintaining their fit and proper status.

Retain: the current criteria for determining whether an individual is fit and proper.

Consider: how a licence holder is engaging or not engaging with the regulator affects their fit and proper status.



Offences

To ensure that the legislation for determining an individual's fit and proper status is futureproofed, we looked at whether section 24A provided sufficient coverage. While we feel section 24A achieves this, the introduction of an Order in Council process to update the list of offence types would futureproof this section and readily enable amendments as new or relevant offences are brought to our attention.

Introduce: an Order in Council process for additional offences to be considered when determining an individual's fit and proper status.

With the introduction of the Gangs Act 2024, there is an opportunity to include convictions made under the Gangs Act in section 22H of the Arms Act (Person disqualified from holding firearms licence). Our view is that a person convicted of breaching a non-consorting order under the Gangs Act should be disqualified from holding a firearms licence.

Add: relevant offences under the Gangs Act 2024 to section 22H of the Act.

Health practitioners

Health practitioners play an important role in supporting the regulator in understanding any issues that may impact a licence holder's fit and proper status.

Under section 92 of the Arms Act, a health practitioner must consider notifying Police if they have reason to believe a patient who is a firearms licence holder has a health condition that may impact their safety or the safety of the public, if they continue to have access to firearms. We have been engaging with health practitioners to support their understanding of their critical role in the safe use of firearms. We have been doing this through a variety of channels including articles (NZ Doctor) and podcasts (Goodfellow Unit), as well as attending team meetings within the health sector and undertaking community presentations. We have also updated the health practitioner webpage and reporting form on our website, as well as engaging with health organisations to ensure that the firearms-related information on their website is up to date.

However, **there is a gap within the Act that makes it difficult to determine a person's fit and proper status during the application phase**. That gap is that we only notify the nominated health practitioner after an applicant has been granted a firearms licence. From that point forward, the existing legislation states a health practitioner must



consider notifying us if they think their patient's health may impact on their ability to safely possess and use firearms. The current process raises two issues:

- at times, we are finding that on advising the nominated health practitioner, that they respond advising that they do not know the individual (and therefore cannot comment on suitability health wise for continued use of firearms), or in some cases provide us with information that may have impacted our decision to issue the licence; and
- anecdotally, some health practitioners have indicated that they may be reluctant to provide information post the initial licensing decision, because if we then decide to revoke the licence, the licence holder will be aware that the new information must have come from the health practitioner.

Enable: the regulator to inform the applicant's health practitioner that the applicant has nominated them as their health practitioner and that their patient has **applied** for a firearms licence. This would provide the opportunity for us to confirm that the applicant is known to the health practitioner. It would also provide the health practitioner with the opportunity to relay any relevant information to the licensing decision to us (along with providing them with the requisite protections in a similar way current to section 92(5)).

We acknowledge that the original process was negotiated with the Privacy Commissioner and any proposed changes would need to be worked through their Office at an early stage.

Medical assessment

Over the past three years, health practitioner reports were principally split between those that reflected a concern over the mental health of a licence holder (62 percent), and those that concerned the deterioration of a licence holder's cognitive state (38 percent). Significantly, 52 percent of all firearms licence holders against whom a health report of concern was made ultimately retained their licence.

There is a perceived elevated risk of harm attributable to increased fragility and medical conditions that come with age. With driver licensing, older drivers need to obtain a medical certificate as part of the driver licence renewal process. The assessments are primarily carried out by the person's health practitioner and guidelines are provided to the health practitioner for this.



Consideration should be given to whether the Act should have similar requirements to that of driver licence renewals. It would need to balance the individual and public safety element with any perception of discrimination based on age, access to a health practitioner, or exclusion of people from participation in community activities (i.e., gun clubs). It should also consider that some older licence holders may hold a licence solely for maintaining a collection and are not actively shooting.

If a medical assessment was required, then it could include: a physical and eyesight examination; memory and concentration test; review of current medications; and mobility, coordination and reaction checks.

Require: applicants over the age of 70 to attend and pass the firearms safety course upon application and then every two years thereafter.

Require: applicants over the age of 70 to provide a medical assessment upon application and then every two years thereafter.

Residence of the licence applicant

There is no express requirement in the Act or Regulations that an applicant or licence holder must be a New Zealand citizen or permanently reside in New Zealand. Therefore, we cannot refuse any application (or renewal) for a firearms licence solely on the basis that the individual does not permanently reside in New Zealand. However, permanently residing in New Zealand provides a level of assurance for the regulator and the public that the individual has, and can continue to maintain, relationships within New Zealand and has connections to communities within New Zealand.

For applicants and licence holders living full-time in New Zealand we can access their criminal convictions and Police interactions in real time and be notified by their health practitioner of any relevant health conditions that may affect them.

For individuals living outside of New Zealand for an extended period, we can only undertake an initial assessment of their status by conducting an in-person interview while they are in New Zealand and reviewing their overseas criminal record check from each country they have stayed in for a certain period in the previous 10 years. Once they are licensed and return to their home overseas, we have limited, or no oversight of their ongoing overseas activities and fit and proper status compared to those who reside in New Zealand.



This creates a concerning gap in our regulatory oversight of the licence holder and presents a risk should they return to New Zealand and still hold a firearms licence despite engaging in conduct overseas that means they are no longer fit and proper.

Our view is therefore that anyone who wants to apply for a firearms licence, or retain in the case of current licence holders, must reside in New Zealand for a defined amount of time each year. To effectively support this change, the Act would need to provide a clear definition for what the term 'resides in NZ' means and a defined amount of time that is fair and reasonable.

Further to this, we recommend that first-time applicants must have spent a set amount of time residing in New Zealand prior to them being able to apply for a firearms licence (for example, two years).

If this proposed change was adopted, consideration would need to be made around how 'visitor licences' should continue to be issued. For example, an individual from jurisdictions with similar firearm legislation (Australia or United Kingdom) could be issued a visitor licence, whereas any other overseas individuals wanting to use a firearm in New Zealand could be required to use a firearm under supervision from a firearms licence holder and in accordance with existing rules for non-licence holders.

We feel there is a further gap in our controls when a licence holder moves permanently overseas, in that they do not need to inform us, and therefore we are unaware of how and where their firearms are being securely managed. Any licence holder should be required to inform the regulator if they are moving permanently overseas but are not exporting their firearms, and about how they have ensured their firearms are held securely. They should also inform the regulator what their intentions are with respect to their firearms licence.

A final reflection when considering overseas based applicants is our limited knowledge relating to any family members or next of kin who may have travelled with applicants and subsequently moved to New Zealand with the applicant to reside with them. There is no provision under Regulation 15(2) to require an overseas criminal record check to be provided by the family member or next of kin.

Require: first-time applicants to spend a set amount of time residing in New Zealand prior to them being able to obtain a firearms licence.

Require: anyone who wants to apply for a firearms licence, or retain in the case of current licence holders, must reside in New Zealand for a defined amount of time each year.



Require: family members or the next of kin who have also been overseas with the applicant, and who reside with the applicant in New Zealand, to provide an overseas criminal record check.

Require: licence holders who move permanently overseas to advise the regulator and surrender their firearms licence.

Minimum age requirement

In considering the age requirements of the Act, we explored a range of possible changes, such as whether to raise the age requirement or prevent people under 16 using a firearm, even under supervision. However, this was weighed up against the risk that young people, especially within Māori and rural communities in which firearms are used as essential tools for hunting, pest control and farming, may lose the opportunity to develop safety skills, or connect with their own culture and land.

Upon this reflection, we feel that the current age requirements for firearm licensing is appropriate.

Maintain: the current minimum age requirement.

Enabling more proactive engagement of licence holders

With the current licensing system, our formal assessments with licence holders occur every 10 years (or 5 years for first time licence holders) through the application process.

The formal application process is an important engagement opportunity enabling us to build a relationship with the individual and relevant family members and referees, while assessing how their firearms will be securely stored. The caveat is that it is limited to a single point in time. After the application assessment and issuing of a firearms licence, we primarily rely on information from sources such as the Police or the individual's health practitioner to **reactively** respond to situations and undertake a further assessment of their fit and proper status. If a licence holder has an activating circumstance for the Registry this may also provide an additional engagement opportunity.

Given that most licence holders are law-abiding this light touch approach would seem appropriate. However, we believe that the rewrite provides an opportunity to



investigate ways to enable more proactive engagement with licence holders, their family and their nominated referees throughout the licence period. This could have the dual benefit of enhancing our understanding of an individual's fit and proper status prior to an event and supporting them to understand their obligations and remain compliant. It also allows the regulator to have ongoing relationships with nominated referees.

Consider: how the Act could enable more proactive engagement opportunities with licence holders, their families, and nominated referees throughout the licence period to support both a better understanding of an individual's fit and proper status and their ability to remain compliant.

Temporary licence suspensions for health reasons

The Act only enables the regulator to issue a temporary suspension of a licence for a period of up to three months. In some cases relating to health conditions, three months is an insufficient amount of time to receive appropriate or comprehensive medical reports or enable mitigations to be undertaken to address the condition. Without the relevant information to assess the health condition, we may have no option but to revoke the individual's licence, which can impact on how and when that individual can re-apply for a new licence (there is a five-year standdown period after a revocation).

Enable: the issuing of a temporary suspension of a firearms licence for a period of up to 12 months, when the only concern is health related. If this proposed change was adopted, consideration would need to be given to whether the licence holder could apply to end the suspension early and the appeal mechanisms that would be available.

Revocation of a firearms licence

Currently if an individual is subject to a revocation, they are unable to apply for a firearms licence for a period of five years. In some cases, this period could be seen as overly punitive. In addition, removing a person from the regulatory system for that length of time may result in an increase of unlicensed use thereby increasing the risk to public safety.

Therefore, consideration should be made to enabling the regulator to have discretionary powers to apply a graduated revocation time period. For example, a first revocation could be for two years and the second for five years and so on. We feel this would provide a more effective control mechanism for managing behaviour as it



would enable individuals to prove their commitment to fit and proper, and regain their licence and be managed within the controls of the firearms system.

Consider: the introduction of graduated revocation periods.

Search and seizure of arms items during suspension or revocation

The 2020 amendments to the Arms Act enabled the issuing of temporary suspension notices, but there are no accompanying powers within the Arms Act for **search** and seizure in accordance with the Temporary Suspension Notice or Revocation Notice.

If the serving of Temporary Suspension and Revocation notices stays with Constabulary members of Police, the Search and Surveillance Act 2012 will continue to allow for Constabulary members to search and seize in accordance with the Search and Surveillance Act 2012. To improve the current Arms Act and/or futureproof it, it would be clearer and cleaner for there to be search and seizure powers within the Arms Act so that whatever agency is responsible for suspending and revoking licence holders can search for and uplift firearms at the time of suspension or revocation.

Enable: search and seizure powers within the Arms Act.

Modifying firearms

The classification of firearms is informed by the protocols adopted by the United Nations body that monitors the trade and transfer of small arms and light weapons throughout the world. In 2001, countries adopted the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. In 2005, a global instrument for cooperation in weapons tracing was also introduced. Together, both instruments constitute the normative framework on small arms and light weapons, which all UN Member States have agreed upon.

One of our long-standing **principles is that a firearms class is for its lifetime**. In other words, the classification of the firearm remains the same as what it was when it left the factory. We do not allow the action or overall length of firearms to be altered to change the firearms class.

You will note in the temporary regulations about modifying a prohibited firearm to anon-prohibited firearm that the only modification permitted was a permanent reduction in the integral magazine size. Police were careful to ensure that this was the case when drafting the regulations as the foundation for the classification of firearms



is the view that a firearm cannot have its action or overall length altered to effect a change in class. In more recent times this has been referred to in cases as the “born as” argument and flows from the definition of firearm in the Arms Act 1983. More precisely, from what has been called the “extended definition of a firearm” by the Courts.

For example, we would not permit any semi-automatic or automatic firearm to be altered to re-classify it as a bolt-action or other non-prohibited firearm, or any fully automatic capable firearm to become a semi-automatic one.

Maintain: the long-standing principle of classification and do not allow the modification of arms items in the Act.

Manufacturing

Standard firearms licence

The private manufacturing and assembly of firearms or arms items is not prohibited in New Zealand, except in the case of prohibited items under section 22G.

Licence holders wanting to manufacture pistols, pistol carbine conversion kits, or restricted weapons for personal use must hold the necessary endorsement for, and obtain a permit to possess for the pistol, pistol carbine conversion kit or restricted weapon. However, an individual manufacturing such an item does not legislatively require prior approval to start obtaining parts for the manufacturing, though a permit to possess will be required when the item is near completion.

There are also no permissions required for a firearms licence holder to manufacture a non-prohibited firearm, magazine or part. The only requirement is that the person holds a firearms licence to lawfully possess the item.

The current provisions of the Act limit the oversight and ability to control the type and volume of non-prohibited firearms in New Zealand. With the rapid advancement in technology, especially in relation to **3D printing and access to firearm digital design files**, it has become easier for individuals to manufacture their own firearms, parts and other arms items. As the Registry is populated and tightens the controls relating to legitimate purchases, criminals could turn more towards the manufacture of firearms.

An additional risk associated with the private manufacturing of firearms is ensuring there is sufficient controls in place to ensure quality and to prevent unnecessary stockpiling of arms items. There is no requirement for privately manufactured firearms



to be inspected and/or tested. This potentially creates a risk of harm to the user or a by-stander.

To ensure the safety in relation to firearms being manufactured within New Zealand, consideration could be made around the introduction of a standard and/or qualification that ensures an individual has the appropriate currency and competency to undertake the activity, therefore provide greater assurances on the quality and oversight of production.

We acknowledge that establishing a standard or qualification for the manufacture of firearms or firearm parts would take time to implement. We would therefore recommend that in the interim the legislation should make it unlawful for an individual to import or possess firearm digital design files without prior approval from Police.

Oversight and control over the manufacturing of any arms item in New Zealand is something we strongly recommend is addressed.

Review and clarify: the definition of manufacturing to capture more of the activities that comprise the manufacturing process of firearms, firearm parts and other arms items.

Add: restrictions on the private manufacture of firearms or firearms parts by:

- requiring approved self-manufacturers for personal use to notify or apply to the regulator prior to production, to enable oversight and ensure there is a valid reason for creating the arms item; and
- tying the ability to possess and use firearms digital design files to individuals that have achieved the approved standard/qualification for manufacturing.

Consider: introduction of a standard and/or qualification that ensures an individual has the appropriate currency and competency to manufacture firearms.

3D printing and digital firearm design files

The suggestions regarding private manufacture above would automatically capture 3D printing. However, if controls around private manufacturing of firearms, parts and other arms items are not adopted, we **strongly recommend ensuring the Act addresses the ever-growing availability of 3D printing and digital design files for firearms and parts.**



The current legislation provides a gap for enforcement of criminals, organised criminal groups and terrorists who have in their possession digital design files for the purpose of privately manufacturing firearms and parts. Privately manufactured firearms are a significant cause for concern in New Zealand and other international jurisdictions. Adding an offence for possession of digital design files for firearms and parts, like in Australia, will greatly support the management and enforcement of the emerging risk.

We recommend a new offence to make it unlawful to be in possession of digital design files for firearms and parts without having the appropriate licence and associated endorsement to undertake manufacturing of that firearm or part. A strong penalty, like that in Arms Act 1983 Section 55D(1)(a) of 10 years would be appropriate. This will provide greater ability for Police to trace, search and seize equipment used for the purpose of illegally manufacturing privately manufactured firearms.

Add: an offence for unlawful possession of digital design files for firearms and parts without a lawful reason.

Dealer manufacturing

The manufacturing of non-prohibited firearms, parts and magazines as part of a dealer business does not require pre-approval. This means dealers approved for the business of manufacturing can manufacture as many non-prohibited items as they wish without approval from Police first. This leaves a gap in which non-prohibited items could be unnecessarily created and stockpiled.

Require: dealers who have been approved for the business of manufacturing to apply for approval to manufacture any arms item types before manufacturing.



Dealer's licensing

Overview

We support simplifying the existing requirements for dealers, and the readability and useability of the Act and Regulations.

To **make it easier for dealer's licence holders to understand and meet their obligations, we believe additional and individual licence classes should be created** within the Act to enable the requirements to be tailored to the activity being undertaken. For example:

- for museum employees who may only hold a firearms licence for their profession, and not for personal reasons, their requirements for application and ongoing obligations can be tailored for their work purpose.

Through creation of different dealer licence classes, the regulator will be better able to **tailor our application processes, education, engagement and support individuals with their safety and compliance.**

Currently, there are complex requirements around what data is required to be recorded by dealers in their record book versus the Registry. Dealers must record additional details in their dealer record book compared to the Registry. To reduce double up and additional work for both dealers and the regulator, a dealer should be able to fulfil their obligations for their dealer book if they enter all details into the Registry instead. This highlights just one aspect of the Act that could be tidied up or simplified for dealers.

Duration of a dealer's licence

There is an opportunity to consider a new approach to the duration of dealer's licences based on the dealer's history of compliance, activity, stock holdings in the Registry (when this is enabled) and other risk factors.

The one-year dealer's licence period is appropriate for new dealers or existing dealers who may not be compliant (or have given the regulator cause for concern) as it provides for an appropriate period in which to review their competencies as a



dealer and their activity. However, it would be **beneficial to reduce the burden on both dealers who demonstrate consistent compliance and the regulator** for the licence period to be extended to five years upon renewal. This change would allow the regulator to focus resources building relationships with dealers and supporting them around auditing and ongoing compliance. If implemented it would need to be **undertaken in a manner that does not create a dealer licensing bell curve**.

Enable: for every new dealer's licence, keep the one-year duration and for every renewal thereafter the licence duration should be 5 years, but allow the regulator to use discretion in adopting a shorter licensing period for dealers (but no less than one year) who have had compliance issues.

Dealer employees

We support the requirement for an employee of a licensed dealer, who handles, possesses or manages arms items, to be licensed (or endorsed, when required).

However, the Act may benefit from having an employee firearms licence class (as outlined in *Overview* above) that has clear differentiation to a standard firearms licence. Currently, some people may hold a firearms licence purely for their professional work and not for their personal use, yet the current form of firearm licence would allow them to purchase non-prohibited firearms should they wish to do so. A new employee firearms licence class could be a standalone licence class that does not allow the personal purchase or use of firearms but allows the holder to undertake their duties with firearms at work.

Consider: creating an employee licence class that does not require a standard firearms licence as well, but that has restrictions on personal possession, use and purchase.

Airsoft, paintball and gel blaster airgun clubs and venues

Airsoft, paintball and gel blaster sport clubs and venues require a dealer's licence if they are in the business of hiring or supplying airguns. These venues and clubs have expressed discontent with being subject to similar requirements to a firearms retailer.

Consider creating a new part in the Act for these activities/sports. This part could include a special licence for the hiring or supplying of airguns for sports at a club or



venue, where the items are then returned to the club or venue when finished. The licence could include:

- a 5-year licence period
- bespoke security and record keeping requirements
- bespoke permit requirements
- establishing an approved list of airsoft, paintball and gel blaster guns for use at the club or venue; and
- specific conditions to differentiate the licence from dealer licences.

Create: a new licence class for airsoft, paintball and gel blaster gun venues and clubs to allow for a more effective and tailored regulatory oversight.

Directors or curators of museums

From June 2021 directors and curators of museums that display arms items were required to obtain a dealer's licence. This put them in the dealer licensing regime and gave them responsibilities with respect to yearly renewals, security of arms items and record keeping.

Directors and curators of museums have expressed discontent with the requirement to obtain a dealer's licence every year and being regulated like dealer retailers².

There is an opportunity to further differentiate museums from other dealers by removing the requirement to renew yearly and focus on an appropriate level of control depending on the risk(s) the museum poses. This would reduce the regulatory burden for most museums and allow the regulator to tailor its focus depending on the museum.

If the dealer's licence duration is not changed across the whole regime, then **extend** the dealer's licence period for museums to at least five years and/or create a new 'part' in the Act for a 'museum' licence, with its own licensing period, record keeping requirements and other provisions to set them apart from the current dealer licensing regime.

² In 2022 Police consulted on a proposal to lessen the licence fee for museums, recognising they were different to retailers. However, this proposal did not progress.



Exemption to requiring a dealer's licence

A dealer's licence is required for the supply of firearms by way of business, and this may unintentionally capture firearms safety training providers. As firearm safety training is the responsibility of the regulator, training providers will be vetted by the regulator. We feel that once approved that they should not require a dealer's licence.

Enable: the regulator to issue an exemption from requiring a dealer's licence or permits for firearm safety training providers.

Initial sale or transfer

Major Firearm Parts

As major firearms parts are recorded in the Registry it will be necessary at times to undertake an audit or inspection with licence holders to ensure there has not been any theft or diversion. We believe the Act should be clear that a licence holder must allow Police to inspect major firearm parts in their possession, as with other arms items. We suggest the below addition to section 55B or 55C.

Add: an offence to section 55B or 55C to provide the regulator with the power to see major firearm parts to enable auditing against the Registry.

Temporary transfers of pistols and prohibited firearms

The Registry provides important point in time information about the whereabouts of firearms that is useful to front-line officer safety. But there is an unintended consequence in relation to certain dealer activities and pest controllers, which is **creating a high level of burden on them and the regulator.**

Currently dealers and pest controllers require a permit to possess to transfer possession of an endorsed item, even if that transfer is temporary. There is no ability to temporarily transfer pistols and prohibited firearms, which means dealers who are repairing pistols or prohibited firearms need to obtain a permit to possess and the transfer must be recorded in the Registry at the time of transfer.

The owner of the item must then obtain a permit to possess and transfer possession in the Registry before receiving their item back from the dealer. This is required in



legislation even if the repair is done within a few hours or on the same day. This is creating an additional burden for both dealers and the regulator.

Further to this, pest control employees, are required to record the transfer of a prohibited firearm to themselves every time they take the firearm out of their employer's safe and use it in the course of their work. This has created a legal obligation that pest controllers engage with the Registry every time they use a prohibited firearm in their professional capacity. However, in reality, this is difficult to comply with and burdensome.

A review of these obligations is needed, however a full risk assessment would be required to ensure the ability for the regulator and Police to know where an arms item is at any point in time is not undermined.

Review: the permit to possess and Registry transfer process with respect to temporary transfers.

Endorsements and permits

Endorsements

In addition to transforming endorsements into licence classes (as outlined under *Licence Classes*), there are four other endorsement aspects that we feel are appropriate to include in our submission.

Moving arms items between endorsements

Regulation 23A(1B) enables some endorsement holders to apply for an endorsed arms item to be transferred between different endorsements that they hold. The most common transfer request comes from pistol target shooting endorsement holders who wish to transfer one of their pistols that they were using for target shooting to their bona fide collector or memento/heirloom endorsement. We are comfortable for this to occur, on a case by case basis, however, **we consider that there is a risk in allowing an arms item on a bona fide collector, heirloom/memento or theatrical endorsement to be transferred to a target pistol shooting endorsement.** A key condition for items held on a bona fide collector, heirloom/memento or theatrical endorsement is that any item held on that condition must not be fired with live ammunition. We consider that obtaining a pistol for the purpose of collection and holding it as a collection piece, then wanting to shoot it under a target pistol shooting endorsement, contradicts the purpose



for which the item was first acquired. Further to this, we would not know if the collection piece is safe to shoot without it being checked and tested by an appropriately skilled person.

Require: that when an arms item has been attached to a bona fide collector, heirloom/memento, or theatrical endorsement that it cannot be transferred to another type of endorsement that enables it to be fired with live ammunition.

Theatrical activities

We believe the Act could be clearer as to requirements for theatrical activities. The Act should enable the regulator to regulate the use of non-prohibited firearms in theatrical productions, theatrical events or theatrical activities. The provisions around theatrical activities, which mainly sit alongside endorsements, should be extended to include non-prohibited firearms and require licence holders to obtain consent before conducting theatrical activities with any arms items.

With the rise in social media and creation of online content, coupled with individuals not requiring pre-approval for some theatrical activities, there is a risk of more Police callouts due to the public not being able to distinguish between a staged performance and a real threat. Without an approval process, emergency services may be unnecessarily deployed.

Enable: the regulator to better regulate the capacity and conditions relating to use of any firearm or arms item for theatrical productions. For example, extend the provisions around theatrical activities to include non-prohibited firearms and require licence holders to obtain consent before conducting theatrical activities with arms items.

Section 29(2)(e) could also be made clearer in its intent by updating the wording to better reflect the various theatrical related societies, organisations and companies that exist.

Add: to the interpretation under section 29(2)(e), "a bona fide theatre company or **bona fide theatre** society or cinematic or television film production company or video recording production company;" and **add** "(iii) a bona fide historical re-enactment company or bona fide historical re-enactment society".

Permits to possess

We support the requirement for an endorsement holder to obtain a permit to possess for a pistol, restricted weapon, prohibited item, or pistol carbine conversion kit.



The permit system is an important control point in which to assess whether it is necessary or appropriate for the person to possess the item within the capacity in which they obtained the endorsement. **To lose this system would reduce the ability to prevent stockpiling of high-risk weapons** without good cause and would reduce public confidence in the controls within the Act.

Retain: the requirement within the Act to obtain a permit to possess for certain arms items.

Further to this, some club armourers, and pistol shooters or collectors within the same household share responsibility, use or ownership of pistols or restricted weapons. A permit to possess is required each time an endorsed item changes hands and this is a burden for endorsement holders and the regulator. We feel there is an opportunity to make the permit process more efficient, without introducing risk.

Enable: under certain and limited circumstances, it will be beneficial to have a mechanism in the Act that recognises that, in certain and limited circumstances, there is shared use of some arms items.

Appropriate reasons for obtaining a pistol or restricted weapon (permits to possess)

Section 35A provides for Police to only issue a permit to possess for a prohibited firearm or prohibited magazine, if the member of the Police is satisfied that it is **appropriate** for the applicant to possess the prohibited firearm or prohibited magazine. Section 35, which covers the issuing of permits to possess for pistols and restricted weapons, should have the same provision. This will ensure consistency in requiring **a person to provide an appropriate reason for obtaining any arms items that requires an endorsement.** The regulator will continue to determine that it is appropriate for the person to add the additional item to their existing holdings of firearms or arms items.

Require: licence holders to provide an appropriate reason for obtaining a permit to possess a pistol or restricted weapon.

Add: to section 35(2) “and; that it is appropriate for the applicant to possess the pistol or restricted weapon” so that it is better aligned with the provisions of section 35A.



Permits to import

Section 18 states that Police “must” issue a permit to import for: a non-prohibited firearm; a blank-firing gun; any part of a non-prohibited firearm or a blank-firing gun; and any non-prohibited ammunition, if Police are satisfied that:

- the applicant is lawfully able to possess the item; and
- the applicant has complied with any previous requirement to provide a sample of the item for examination and testing; and
- the sample was approved by a member of the Police or a sample of the item is not required to be produced for examination and testing.

The word “must” replaced the word “may” on 25 June 2020, which removed the previous discretion Police had. If the regulator is not satisfied with a very narrow scope of criteria regarding samples and lawful possession, it has no discretion to refuse permits to import such arms items. We believe that with emerging technology and advances to firearms, Police requires discretion to refuse a permit to import for non-prohibited firearms, blank-firing guns, parts and non-prohibited ammunition.

Consider: changing the word “must” to “may” under section 18(2) and add “any other relevant matters that the member of Police thinks appropriate” to section 18(3).

Ammunition sellers

From December 2020, licence holders who sell ammunition by way of business became “ammunition sellers” under the Act and were required to notify Police that they are an ammunition seller.

As this notification is not an application, there is no formal refusal or appeal process for a notification (like for licences, endorsements and permits). Therefore, as a regulator we have no mechanism to refuse (or revoke) a person’s notification, even if we believe they are not competent or capable of selling ammunition by way of business.

Consider: creating a new endorsement (or licence class) for ammunition sellers and a formal application process in which a licence holder can be approved or refused for such an activity and have appeal rights.



Private sales of firearms

In relation to the transfer of ownership of firearms between licence holders we discussed a range of options such as maintaining the status quo, via a dealer model and enhanced private sales. In reviewing these options, we sought to achieve two outcomes:

- to enhance safety by ensuring that any transfer was to a licence holder and that the Registry was maintained to ensure we knew who held the firearms and where they were located; and
- to ensure that the approach was practical for licence holders to undertake and achieve compliance with.

We do not recommend following Australia's model of requiring private sales via a dealer model. The rationale for our approach is that our firearms licence checker can provide a safeguard that Australia does not have. Therefore, our recommended approach is **to continue to enable private sales of firearms, but tighten the regulatory regime by requiring the seller/supplier to verify the purchaser/receiver** is a licence holder by checking their details via the firearms licence checker or when available via the Registry. This enforces the accountability of the licence holder to check who the purchaser/receiver is to prior to the transfer of the firearm.

To futureproof this aspect of the regime, the legislation would need be written in a manner that will enable the seller to use the Registry (when transactions are enabled) to verify the purchaser.

Add: a requirement that the licence holder (seller/supplier) must verify that the purchaser/receiver is a licence holder with a valid licence by verifying their licence through an approved manner (either the firearms licence checker or Registry) prior to the transaction being undertaken.

Amnesty and buy-back

We support the concept of an open-ended amnesty. The purpose of the amnesty would be to enhance safety outcomes by reducing the number of firearms held in both the grey and black markets.

For this purpose, we are defining the 'grey market' as only relating to firearms licence holders. We want to provide them with an avenue to easily hand in any firearms they



no longer wish to own or that they are not legally entitled to possess. To enable this amnesty, we feel that it should be supported by a short-term buy-back period through till 30 June 2030, which is two-years post all firearms needing to be recorded in the Registry³.

In relation to an amnesty for firearms held in the black market consideration would need to be made around the surrender of firearms from non-firearm licence holders would be handled.

Support: an open-ended amnesty that enables licence holders to surrender arms items. How this would take effect and the parameters would need to be carefully considered.

Support: the amnesty with the introduction of a short-term buy-back period.

Consider: how an amnesty could be applied to firearms held in the black market.

³ The amnesty and buy-back should be considered alongside the number of firearms held by licence holders, outlined on the next page.



Enhancing safety outcomes

Overview

Our primary objective is to improve the safety outcomes for individual licence holder, their whanau and the wider public. Therefore, we are recommending changes in the Act relating to areas such as: the number of non-prohibited firearms held, physical security, temporary transfers, and inspections.

The number of firearms held by licence holders

New Zealand has an international obligation with the United Nations to prevent attacks directed against civilian objects and/or civilians. Therefore, we should not permit the stockpiling of arms items. The purpose of a firearms licence is not to accumulate firearms but to enable an individual to conduct a set activity, such as hunting.

Currently 75,688 licence holders have registered their firearms, with an average of 5 firearms per licence holder. Based on this, we believe that the number of non-prohibited firearms should be capped at 5, with anymore requiring approval from the regulator prior to purchase⁴. The number of endorsed items will continue to be controlled through the permit to possess process.

Requiring approval for non-prohibited firearms would enable us to confirm there was a valid reason for any additional firearm, to reduce the potential for stockpiling, and that the security arrangements are appropriate. This approach to ensuring that the physical security is appropriate for the amount and type of firearms held is outlined further in the section on physical security.

To support the capping of non-prohibited firearms, a buy-back should be implemented to provide licence holders with the ability to sell any surplus firearms to the government.

Create: a cap on the number of non-prohibited firearms that can be held and support the introduction of the cap with a firearms buy-back.

⁴ If an individual wants to possess more this could be managed under a different licence class with specific conditions as we have outlined in the paper.



Conditions relating to security

To make it easier for licence holders to understand their obligations, Regulation 19 could be enhanced by:

Improving: the understanding of the term 'premises' through adding an explanation of what is meant by premises. Any interpretation of premises will affect overseas based applicants and residential requirements.

Specifying: that firearms must not be put in a place where any unlicensed person has ready access. Licence holders must take steps to ensure any unlicensed person living at an address or visiting do not have access to firearms (i.e., during cleaning of the firearm). Regulation 19(1)(a) could be expanded and strengthened by adding "or any person who does not hold a firearms licence".

Physical security

As the Registry becomes more populated the importance of firearms security and storage will increase.

Firearm theft from licence holders is a common way that individuals seeking to use firearms for unlawful purposes can bypass the regulatory regime. As the ability for criminal gangs to access firearms through other avenues becomes harder, it is likely that they will look to target firearm owners through burglaries.

Recent research and compliance activities indicate there is room for improvement by licence holders in relation to how firearms are secured. Our figures between 2022-2023 show that the majority of reported thefts were attributed to a breach of the licence holder's gun safe. Three prevalent methods used for breaching the safe were: access to the safe was made possible due to poor key security; removal of the entire safe; and the use of some type of cutting or prying equipment.

To help prevent firearms theft and support the safe storage of firearms, we have provided a comprehensive physical security guide in the form of the 'Secure storage and transportation guide for firearms and ammunition' (v4.0 released 30 November 2022). We will continue to engage and educate licence holders around the threat to public safety by firearms theft and provide best practice advice on physical security.

We believe adopting new physical security controls will enhance the effectiveness of the regulatory regime. Our view that the level of firearm security needs to be enhanced



further and eventually **all firearms should be stored in an appropriate and approved safe.**

A fair and proportionate approach is to draw a correlation between the quantity of non-prohibited firearms held by the licence holder and the physical security controls to mitigate the potential risk of theft, and therefore potential harm to the wider public. Put simply, the greater the risk to public safety from the large holdings of firearms, the more stringent and upgraded the security should be. This approach offers the following advantages:

- public safety is prioritised through an evidence-based understanding of the correlation between the quantity of firearms held and the potential for harm if they are diverted for unlawful activity and;
- licence holders can freely adjust their holdings of non-prohibited firearms in relation to a determined threshold, thus retaining an element of choice; and
- the control reflects the spirit of shared responsibility for the safe firearms regime.

Below the set threshold (potentially aligned with the cap limit), the licence holder would continue to adhere to the security precautions detailed in regulation 19 of the Regulations. Once a licence holder exceeded the threshold, they could be required to apply a higher level of physical security as directed by the regulator. Our thinking is to align these security controls with those currently applied to pistols, prohibited firearms, prohibited magazines and restricted weapons, which are outlined in regulation 28 and 28AAA, or have enhanced security such as a requirement to distribute their firearms across multiple sites.

Implement: a threshold for non-prohibited firearms, that upon reaching the threshold the licence holder would be required to meet a higher level of security.

In addition to the above, consideration should be given to a phased approach to ensuring all firearms are stored in an approved safe. The phasing would provide licence holders time to upgrade their security.

Consider: implementing a phased approach to requiring all firearms to be stored in an approved safe.



Additional security measures for endorsed items

We believe that public safety needs to be enhanced further by implementing new controls to govern security precautions relating to prohibited firearms, prohibited magazines and restricted weapons, for the following:

- bona fide collectors of firearms
- persons to whom the prohibited item has special significance as an heirloom or a memento; and
- approved employees or approved members of any body, being:
 - a broadcaster within the meaning of the Broadcasting Act 1989; or
 - a bona fide theatre company or society or cinematic or television film production company or recording production company.

Currently the Act under section 33A(1)(c) requires:

- the holder of the firearms licence who is an exempt person under section 4A(1)(b), (c), (d), or (e) must:
 - not use live ammunition in the prohibited firearm in their possession; and
 - ensure that the prohibited firearm is rendered inoperable by removal of a vital part; and maintained, by reason of the removal of the vital part, in an inoperable condition; and
 - ensure that the removed vital part is kept at a separate address from the prohibited firearm.

Simply removing the vital part and storing it somewhere else is not a sufficient safeguard considering the potential harm these firearms can cause if reunited with their vital part. We therefore recommend that vital parts of prohibited firearms are held in an 'authorised hub', such as a dealer's strong room. The purpose of this control is to reduce the likelihood, and therefore potential harm, if one of these categories of firearms is united with its vital part. Once surrendered to the hub, the vital parts would not be accessible by the owner unless for export. For sale to another licence holder within New Zealand, the authorised hub would confirm they hold the vital parts.

Require: all vital parts, in relation to the licence categories outlined, be stored at an authorised hub and not easily accessible by the owner.



In addition to the above, consideration could also be given to:

- eliminating the collection of modern firearms⁵. The concept of a collection is to retain historical items of value based on the history of New Zealand. This would mean banning the importation of prohibited firearms, prohibited magazines and restricted weapons, except for approved pest controllers.
- rendering all prohibited and restricted weapons held in the above capacities more permanently inoperable, thereby reducing the risk to public safety in the event of theft or misuse. Rendering inoperable would need to more beyond the removal of a vital part, but instead require additional measures to make them extremely difficult to repair or beyond the point of repair. Performed sympathetically, there would be limited impact on the aesthetic quality of the arms item but would have the impact of devaluing it.

Restricted weapons – storage of vital parts

Currently restricted weapons require the removal of the vital parts, unlike prohibited firearms, the vital parts can be stored at the endorsement holder's address. This seems like an inconsistency and may confuse licence holders. We would recommend the same approach be adopted for both prohibited firearms and restricted weapons.

If not included within the changes recommended above, then **require** the vital parts of restricted weapons to be removed and stored at a separate address and not the address where the restricted weapon is located.

Inspections

Supporting and reinforcing the storage and security of firearms is the regulator's ability to inspect.

Under section 24B there is a requirement to provide licence holders with at least 7 days' notice of a proposed inspection relating to section 24B(1)(c) or (d). We consider the 7-day period appropriate for undertaking standard regulatory activities such as a random auditing of licence holders' possession and transport of firearms to determine general compliance with the Act.

⁵ What constitutes a 'modern firearm' would need to be defined in the Act.



In relation to information that indicates an immediate threat or danger to an individual or the wider public, we would support and draw on the wider powers provided to Police to appropriately intervene when necessary.

However, we consider that the legislation could be strengthened in relation to how we can appropriately manage low-level diversion events, such as a licence holder lending their firearm to a non-authorized individual. If we were provided with information indicating this was occurring, we would want to quickly respond to remove any risk to public safety. Providing 7-days' notice not only has an in-built delay but could provide too much time for the licence holder to have the firearm returned. However, requiring Police to respond to an event where we do not know if there is immediate threat or harm may not be in the interests of public safety.

Enable: a reduction in the notice period to enable the regulator, in circumstances based on information relating to diversion or unsafe storage, to inspect all firearms in the licence holder's possession.

Temporary transfer of firearms

Licence holders can temporarily transfer non-prohibited firearms to another licence holder for up to 30 days without being required to update the Registry. A core element of safety within the firearms regulatory regime is knowing where firearms are located. Having an extended period where they have been moved creates a risk.

Some licence holders have been attempting to avoid an activating circumstance by passing firearms back and forth between themselves every 30 days, thereby bypassing the requirement to report to the Registry.

Reduce: the temporary transfer timeframe for non-prohibited firearms to be updated in the Registry from 30 days to 14 days.



Airguns

Airguns were introduced into the Arms Act 1983 when the types available were mainly break open or single shot pellet airguns. Two changes to the Arms Act 1983 in 2010 and 2012 recognised that airgun technology had advanced to become more powerful and realistic, being the introduction of:

- specified pre-charged pneumatic (PCP) air rifles, in October 2010;
- the definition of a restricted airgun in December 2012.

Airgun technology has continued to advance with more airgun types being as powerful as rimfire rifles. In addition, some airguns are now manufactured from materials that could withstand a conversion to live fire, this includes some airsoft, paintball and gel blaster guns.

This raises the question about whether to possess and use an airgun as an individual should require a licence, and registration. This would require the introduction of a new licence class for airguns and the different types of airguns to be assessed for risk.

Consider: how the Act treats the possession and use airguns, especially those that are high powered and/or that are not airsoft, paintball or gel blaster guns used in airsoft, paintball, or gel blaster sports.

Airguns

Airgun is well defined as it encapsulates a wide range of weapons, and not just conventional or typical airguns. The current definition reflects that public safety and future proofing take precedence over technical descriptions or narrow thinking. We strongly recommended retaining the current definition to ensure there is no exploitation of gaps that come with narrow or technical descriptions in legislation.

There is room to consider having an “exempt airguns” list, similar to exempt firearms, as the definition may inadvertently capture medical, surgical, veterinary, scientific, agricultural, industrial, or other similar items that are powered by air (for example, powder actuated nail guns and fishing bait cannons).

We recommend adding “gel blaster sports” alongside any references to airsoft or paintball sports. Gel blaster guns are similar to airsoft and paintball guns in terms of their appearance, function and sporting use.

Maintain: the current definition but consider having an “exempt airgun” list.



Specially dangerous airgun

The current definition of 'specially dangerous airgun' is too narrow as it only captures pre-charged pneumatic (PCP) powered air rifles. This definition means that other PCP powered arms items are not captured, thereby enabling them to be held by people over the age of 18 outside of the regulatory licensing regime (i.e. no licence required). The power of PCP items and the potential for harm was recognised in 2010, and since then technology has further improved.

Expand: the definition to "pre-charged pneumatic arms items" and to include all types of arms items that are PCP powered.



Compliance, offences and penalties

Overview

Achieving public safety is primarily about influencing an individual's behaviour, providing incentives for the right behaviour, while having appropriate disincentives for non-compliant behaviour.

In common with other regulators in New Zealand, we use the voluntary, assisted, directed and enforced (VADE) model to describe our approach to compliance. We believe the most effective and efficient way of assisting regulated parties to be compliant is by helping them to understand their obligations. We use an approach called the 4Es (Engage, Educate, Encourage, Enforce) to reinforce our preference for voluntary compliance, and this approach complements our VADE model in the following ways:

- actively supporting regulated parties to achieve voluntary compliance by engaging with them to provide information and advice about compliance obligations, and when and how to engage with us. We use a combination of engagement methods to reach the widest possible audience.
- assisting regulated parties to achieve compliance by educating them about how to stay legally compliant and safe when using, storing and transporting firearms and, in conjunction with other stakeholders, promoting best practice behaviours and guidance.
- using our regulatory tools proportionately and in ways that encourage compliance. This means that, at the lowest end of the risk spectrum, where we assess there is a low risk of harm and there is evidence of a reasonable attempt to comply on behalf of the individual, our interventions may extend no further than personal engagement with the licence holder. Where we assess there is a need to mitigate a particular area of concern, we may request that a licence holder complies with a specific set of conditions relating to their possession and use of firearms.
- moving into scenarios that we perceive to carry more risk, or where evidence shows there may be an emerging pattern of non-compliance, we will consider directing regulated parties to achieve compliance with more focused forms of encouragement, such as warning letters and improvement notices. It is



important to note that, even at this stage, we will do all we can to support parties into compliance and avoid further escalation.

- At the highest end of the risk spectrum, where we see behaviour that presents a high probability of actual or potential harm, or where the behaviour of a licence holder demonstrates a persistent pattern of non-compliance, we will enforce compliance with the law by suspending, and possibly revoking, a firearms licence.

Our strong preference is to maximise opportunities for shared success by proactively informing regulated parties what their obligations are, and where they can find support to assist them in achieving compliance. In cases where the potential for harm is sufficiently serious, or there is persistent or significant non-compliance, we have a duty to consider an enforcement intervention.

Loss of a firearms licence card

There is no requirement for a licence holder to report the loss or theft of their licence card. This creates an opportunity for fraudulent behaviour from an unauthorised person to possess or use a firearm.

Require: licence holders to report if their licence card is lost or stolen. We recommend the licence holder be required to notify the regulator as soon as reasonably practicable after becoming aware the licence card has been lost or stolen.

Infringement fines

In looking at our regulatory intervention suite there is an opportunity to expand this further and provide another option towards the enforcement end. If a licence holder is demonstrating consistent non-compliance in an area, we'll issue a warning or improvement letters. If these are not influencing the behaviour, then our options are to move towards revocation, or rely on Police charging and convicting the licence holder.

The ability to issue infringement fines for certain types of non-compliance would provide us with another tool, while still maintaining the licence holder within the regulatory regime. For example, under section 34 failure to notify a change of address could be dealt with by way of infringement fine, as opposed to charge and conviction dealt with by Police.

Implement: the ability for the regulator to issue infringement fines for certain types of non-compliance.



Selling or supplying to an unlicensed person

There is no offence for selling or supplying a non-prohibited part or non-prohibited magazine to an unlicensed person. Whilst it is an offence to possess these items without a licence, a seller or supplier commits no offence in the transaction. An offence for this would help deter this behaviour and the illegal trafficking of parts and magazines.

Create: an offence to sell or supply a non-prohibited part or non-prohibited magazine to an unlicensed person.

Guidance and education

Education

Ensuring that an individual has a sound knowledge of the safe possession and use of firearms is a consideration when determining an individual's fit and proper status. Therefore, we see the provision of guidance and education as a core function of the regulator.

Currently the Regulations state that a new applicant must:

- undergo a course of training which is conducted by a member of the Police, or a person approved for the purpose by a member of the Police and which is designed to teach the applicant to handle firearms safely; and
- pass such tests as may be required to determine the applicant's ability to handle firearms safely (being tests conducted by a member of the Police or a person approved for the purpose by a member of the Police).

We are currently implementing a project with a focus on modernising the firearm safety training provided to new applicants. This project will also take a long-term outlook around how firearm safety knowledge is integrated into a licence holders' life-long learning journey and in future may incorporate live-fire practice. It is our intent to develop criteria and approve firearms community groups and individuals to deliver firearms safety training courses, including a live fire component. We'll also use the opportunity to investigate the development and delivery of education material relating to the use of airguns with an aim of reducing the harm occurring through their use.



Retain: the design and delivery of the firearms safety course is the responsibility of Police/regulator.

Enable: approved community-based firearms safety providers to deliver firearms safety training including live-fire at ranges approved by the regulator.

Guidance

We see the provision of guidance on topics such as safe storage and transportation as key to assisting licence holders understand and achieve the level of compliance required. We do not feel that the Act restricts us in developing and publication of guidance, therefore we are not suggesting any changes. However, we are interested in the views of licence holders and the wider community around the types of guidance and information they believe would be beneficial to enhancing safety.



Definitions within the Act

Overview

The Act provides a comprehensive framework for defining firearms, firearms parts and other weapons or arms items. It enables necessary changes to the definition of such items through Regulations and Orders in Council. It also ensures that all weapon types, even those that are not “mainstream”, can be properly controlled when required. We strongly recommend keeping the current framework as is, to ensure there is no potential for exploitation of gaps that come with a narrower or technical description.

Having stated our view, it is not to say that there are sections within the Act that would not benefit from being clarified in plain language to ensure that both the intent and requirement are easily understood.

Our thoughts outlined below are premised on retaining the status quo within the Act and aim to close identified gaps and remove ambiguities.

Additional feature of a firearm

To enhance security for locations such as airports, prisons, and courts there should be a requirement that every firearm contains sufficient level of metal that enables it to be detectable by security equipment such as x-rays or metal detectors.

When is a firearm not a firearm?

The Act should provide a clear precedent and reduce ambiguity as to when a firearm is no longer a firearm. Our suggestion to achieve this is to add the below to the interpretation of firearm under section 2:

Excludes any firearm that has been sectionalised (cut in half) lengthways and cannot be repaired, corrected or restored to discharge any shot, bullet, missile or other projectile by force of explosive.

Exempt firearms

We suggest adding “exempt firearms” as an interpretation to section 2 with the following definition to provide a distinct term for reference throughout the Act:

“Means any firearm listed under section 22 and Regulation 20”.



Pistols

The definition of pistol, including semi-automatic pistol and small semi-automatic pistol is currently fit for purpose. However, there is a gap with respect to pistol magazines that can be used with target shooting pistols. Pistol magazines are exempt from the definition of a prohibited magazine (unless it is a pistol drum magazine) and there is currently no pistol magazine capacity limit in the Act.

Consider: a numerical limit to pistol magazine capacity, one that is suitable for pistol target shooting. Anything beyond the specified limit would then be a prohibited magazine.

Add: to interpretation of prohibited magazine that, for pistols, the magazine cannot extend beyond the grip of the firearm or impact the ability to shoot with only one hand.

Pistol Carbine Conversion Kits (PCCKs)

Pistol Carbine Conversion Kits allow a pistol to be temporarily converted into a firearm that can be fired from the shoulder. When considered alongside the fact that:

- centrefire semi-automatic pistols are not prohibited in the same way as other centrefire semi-automatic rifles
- pistol magazines are not regulated in the same way as prohibited magazines,
- pistol magazines can have a capacity of up to 32 rounds.

A PCCK with a high-capacity magazine essentially replicates military style semi-automatic (MSSA) firearms. We believe this is a gap that needs considering.

Remove: the ability for Pistol Carbine Conversion Kits to be sold or used in New Zealand.

Prohibited firearms and prohibited magazines

We strongly recommend avoiding a reduction in the current definitions of prohibited firearms and prohibited magazines. However, we believe the definition of prohibited firearms and prohibited magazines could remove ambiguity by:

Add: centrefire straight pull rifles to the definition of prohibited firearm and including any firearm that has a prohibited magazine (whether detachable or fixed).



Imitation firearms

The term 'imitation' is important for Police's law enforcement function as it captures items that look like firearms and that are exposed or used in public inappropriately. However, by definition, imitation firearms are not "real" firearms, yet the term imitation and 'replica' are used interchangeably across the world due to variations in firearms laws. Consideration should be made to:

Define: 'replica firearm' in section 2 under firearm, to make it clear that replica firearms are firearms and are not to be confused with imitation firearms. A suggested definition is: an exact working copy of the original firearm that is capable of firing live ammunition.

Blank-firing guns

Blank-firing guns are regulated only at the point of importation into New Zealand under section 18, that states that Police must issue a permit to import for blank-firing guns, if the applicant meets a narrow scope of criteria.

After importation there are no restrictions on possession, meaning a person of any age or 'fit and proper' status can purchase them, and the transaction is not recorded in the Registry. This represents a long-standing gap in firearms control, which was highlighted in 2019 and 2020 during the Arms Legislation Bill. This lack of regulation post importation means that blank-firing guns have the potential to move across the scale from being a legal item to an illegal item.

This is concerning given that some blank-firing guns can be converted to live fire. For example, the Ekol Jackal Dual Compact semi-automatic blank firing pistol was imported as a sample in 2018 and examined by a New Zealand Police Armourer, who successfully converted it to fire live rounds. The conversion of these guns is a concern on an international scale.

Consideration should be made to capturing blank-firing guns including graduated licensing requirements for possession, dealer licence requirements for sale or supply, and entry into the Registry. This could also make fully automatic blank firing guns a restricted weapon.

Make: blank-firing gun an "arms item" under section 2 of the Act and Regulation 37 of the Arms Regulations 1992.



Exempt: starting pistols that use caps and that are used only for athletic or sporting events as inadvertently capturing these would greatly affect the sports and athletic communities.

Change: the wording in section 18 from 'must' to 'may' issue a permit to import a blank-firing gun.

Restricted Weapons

Whilst there is the ability for items to be declared restricted weapons by Order in Council under section 4 of the Act, we believe the rewrite is a good opportunity to consider whether the schedule of restricted weapons has been able to keep up with advances in technology. For example, coil guns and rail guns can expel a hard projectile by using electromagnetic force and should be considered for inclusion as restricted weapons.

Consider: coil guns and rail guns that can expel a hard projectile by using electromagnetic force for inclusion as restricted weapons.

Consider: how the Act can be rewritten to provide a mechanism for addressing technological advances

Ammunition

Currently, individuals can purchase the components (cartridge, primer, propellant and projectile) required for the manufacture of ammunition without requiring a firearms licence. When ammunition sales are recorded in the Registry, individuals without a licence may consider the private manufacture of ammunition as a method to avoid regulatory oversight.

To close this control gap, consideration should be made to restricting the purchase of ammunition components to individuals that hold a firearms licence and clarify how blank ammunition fits into the Act and regulatory regime. The United Nations definition on ammunition could be used as a starting point for this consideration.

Restrict: the purchase of ammunition components to only firearms licence holders.

Consider: how the Act should define and treat ammunition and blanking firing ammunition



Prohibited ammunition

We believe that the current definition of prohibited ammunition is sufficient as are the regulations relating to prohibited ammunition.

Retain: current definition of prohibited ammunition.

Major firearm parts and firearm parts

The Act requires major firearm parts to be entered into the Registry, but it should also explicitly require a permit to possess for major firearm parts of pistols, restricted weapons and prohibited firearms so that domestic movement and stockpiling can be controlled. This will contribute to preventing illegal manufacturing of firearms and other arms items.

We believe that the best way to manage this situation, while limiting the burden on licence holders would be to consider adding major firearm parts to the definition of arms item under section 2 of the Act.

Add: major firearm parts to the definition of arms item under section 2.

Magazine extensions and magazines couplers or links

We feel there is control gap that enables a firearms licence holder to purchase a magazine extension and extend the magazine capacity of their firearm, even though the extension may make the magazine a prohibited magazine.

Restrict: the possession, use and sale of magazine extensions.

Further to this magazine links and magazine couplers can be purchased within New Zealand with a firearms licence, yet their main purpose is to make for quicker reloading of a firearm. These have legitimate use in sport shooting and so their sale should be restricted to sport shooters.

Restrict: the possession, use and sale of magazine links and couplers.



Antique firearms

We consider the current definition of antique firearms to be fit for purpose but could be enhanced by changing reference to “rimfire or centrefire cartridge ammunition” to “cartridge ammunition”. This would therefore capture all types of cartridge ammunition, such as pinfire cartridge ammunition.

Consider: changing reference to “rimfire or centrefire cartridge ammunition” to “cartridge ammunition”.

Prescribed pests

Feral dogs are an increasing threat to biodiversity (kiwi) and agriculture (attacking livestock), they generally live in packs, are extremely cunning and fast moving and pest controllers often only have a limited window to shoot multiple moving targets at long range.

Add: Feral Dog (*Canis*) to the list of prescribed pests in the Arms Regulations 1992 so they can be controlled with prohibited firearms.



Conclusion

The **current legislation provides a strong foundation** for managing the risks associated with the legitimate possession and use of firearms in New Zealand and supporting public safety. However, through fine-tuning the existing legislation there is an **opportunity to enhance public safety and reduce the regulatory burden of licence holders**, making it easier for them to comply whilst enabling us as the regulator to operate in a more effective and efficient manner. Our top recommendations for the Arms Act rewrite are:

Enhance safety for licence holders, their whanau and the wider public:

1. Maintain the current purpose and principles and criteria for fit and proper.
2. Maintain the principles for classification.
3. Create restrictions on the private manufacture of firearms, including 3D printed.
4. Remove firearms from the grey and black markets by implementing an amnesty for firearm surrender that is supported by a limited buy-back.
5. Require first-time applicants or those seeking to renew their licence to spend a set amount of time residing in New Zealand.
6. Implement a threshold for non-prohibited firearms and elevated security requirements.
7. Require all vital parts for outlined licence categories, to be stored at an authorised hub and not accessible by the owner.
8. Expand the definition of specially dangerous airguns to 'pre-charge pneumatic arms items' include all types of arms items that are PCP powered.
9. Restrict the purchase of ammunition components to only firearm licence holders.

Reduce the regulatory burden

10. Create new licence classes with tailored requirements and remove the need for additional endorsements.
11. Extend the temporary suspension of a licence for health reasons for up to a year.
12. Enable dealer licence renewals to be for a period of five years.
13. Undertake a review of the permit to possess and transfer requirements.
14. Maintain private sales of firearms with tighten verification requirements.

Enable the regulator to be more effective and efficient

15. Enable the regulator to extend existing licence for a period of up to three years to manage the licensing bell-curve.
16. Enable the regulator to issue infringement fines.





Date: 5 February 2025
To: Minister's Arms Advisory Group
From: Angela Brazier, Executive Director, Te Tari Pūreke
Re: Additional ideas for the review of the Arms Act 1983

Introduction

1. This paper follows on from a paper provided to the Minister's Arms Advisory Group (the MAAG) in November 2024. In the previous paper, Te Tari Pūreke provided ideas and thoughts on how safety could be improved during the rewrite of the Arms Act 1983 (the Act) and Arms Regulations 1992 (the Regulations).
2. In this paper we have broadened the focus to provide ideas on:
 - futureproofing the Act and Regulations,
 - enabling the regulator to operate more effectively and efficiently,
 - tightening controls around specified firearms and arms items, and
 - clarifying wording to make it easier for licence holders to understand their obligations.
3. Please note that the papers presented to MAAG represent our core thoughts and ideas, however, we are continuing to work through further ideas that may be included in our submission on the rewrite to the Act.

Background to our thinking

4. In considering the ideas to present to the MAAG in this paper, we were cautious not to perpetuate some of the social attitudes of the past to the reality of today. The Act was written in a time where New Zealand was broadly tolerant of firearms as they were mainly viewed as a "tool", particularly in rural communities.
5. Whilst this view may still be the case to an extent, attitudes have changed. It would be inappropriate to compare the availability of firearms, ammunition and parts in the social context of the past. Injuries and deaths caused using firearms, reflected in media reporting, have highlighted the negative impact when they are misused or in the hands of unauthorised individuals. Advancements in technology, the availability of firearms, arms items and ammunition through retailers (including online), video gaming and social media, were not commonplace in 1983 and have vastly changed the regulatory environment.
6. Most community members, particularly those from the non-firearm owning community, which are the vast majority, expect to see a reasoned and reasonable approach that weighs up an individual's desire to have and use firearms or other weapons, with the community's right to be and feel safe.

Setting out this paper

7. The current legislation provides a strong foundation for managing the risks associated with the legitimate possession and use of firearms in New Zealand and supporting public safety. The ideas we have provided in this paper are in conjunction with the existing Act and Regulations and are reliant on not reducing the existing provisions available to us as the regulator.
8. We identified a significant number of potential changes to the Act and the ideas presented in this paper cannot, in our opinion, be fully addressed through tertiary guidance or operational policy. Whilst some of the proposed changes appear specific, the broader topic it falls within (e.g. airguns) should be considered for an overall review as well.
9. The investment in the arms control system, which included the establishment of Te Tari Pūreke in November 2022, allows for more effective regulatory oversight over licence holders, firearms and activities. It also allows Te Tari Pūreke to create a more focused approach in meeting the purposes of the Act. The ideas captured in this paper are from the perspective of Te Tari Pūreke as the regulator only.
10. To reflect the shift into the regulatory space, this paper is structured around three themes:
 - putting the Act into today's social context and futureproofing it for changes in technology or the firearms environment.
 - enabling more effective and efficient ways of regulating certain categories of licence holders to reflect their usage of firearms and weapons.
 - reducing the regulatory burden for licence holders without introducing new public safety risks and providing clarity and consistency with respect to exemptions and penalties.

Theme one: social context and futureproofing

11. The Registry is a key control point in the management of firearms. As it populates, the Registry will provide oversight of who is in lawful possession of firearms, who is in control of these firearms and where they are located. It will become more difficult to illegally divert firearms and arms items. This may make it more appealing for criminals and organised crime groups to acquire or illegally manufacture firearms or other items such as blank firing guns and airguns, as these appear similar to firearms, and some can be converted to live fire.

Blank-firing guns

12. Blank-firing guns are defined in the section 2 of the Act as:

(a) means anything that—

(i) has the shape of a firearm or restricted weapon, or otherwise resembles a firearm or restricted weapon; and

(ii) is capable of firing blank cartridges, but incapable of discharging any shot, bullet, missile, or other projectile; and

(b) includes a starting pistol that fires a blank cartridge or a cap

13. They are regulated only¹ at the point of importation into New Zealand under section 18, which states that Police must issue a permit to import for blank-firing guns, if the requestor meets a narrow scope of criteria. After importation there are no restrictions on possession, meaning a person of any age or 'fit and proper' status can purchase them, and the transaction is not recorded in the Registry.
14. This issue was highlighted in 2019 and 2020 during the writing of Arms Legislation Bill and so there have been long standing gaps in the controls.
15. This lack of regulation post importation means that blank-firing guns have the potential to move across the scale from being a legal item to an illegal item. This is concerning given that some blank-firing guns can be converted to live fire. For example, the Ekol Jackal Dual Compact semi-automatic blank firing pistol was imported as a sample in 2018 and examined by a Police Armourer, who successfully converted it to fire live rounds. The Armourer has also converted other blank-firing guns (see Appendix C) and the conversion of these guns exists on an international scale.

Proposed change 1: Make a blank-firing gun an "arms item" under section 2 of the Act and Regulation 37 of the Arms Regulations 1992. This means that they would be captured by other aspects of the Act including graduated licensing requirements for possession, dealer licence requirements for sale or supply, and entry into the Registry.

This will also make it an offence to possess if a person has their licence suspended or revoked.

We would seek a definition that does not unintentionally capture starting pistols, which use caps, that are used for sporting or athletic purposes. These should be exempt from the definition.

Proposed change 2: As outlined in our first submission, we would like the word 'must' in relation to issuing a permit replaced to provide for more discretion to decline the importation of a blank-firing gun.

Airguns

16. Airguns were introduced into the Arms Act 1983 when the types available were mainly break open or single shot pellet airguns. Two changes to the Arms Act 1983 in 2010 and 2012 recognised that airgun technology had advanced to become more powerful and realistic, being the introduction of:
 - specified pre-charged pneumatic (PCP) air rifles, in October 2010;
 - the definition of a restricted airgun in December 2012.
17. Airgun technology has continued to advance with more and more airgun types being as powerful as rimfire rifles, and without the need to be PCP powered. In addition, some airguns are now manufactured from materials that could withstand a conversion to live fire. This includes some airsoft, paintball and gel blaster guns.

¹ Although they would be considered imitation firearms for the purposes of some offences.

18. The current definition of ‘specially dangerous airgun’ is too narrow as it only captures PCP powered air rifles. This means that powerful non-PCP airguns, PCP powered air pistols or shotguns are not captured under this definition, therefore can be held by people over the age of 18 without the need for a licence or endorsement.

Proposed change 3: Require a firearms licence to lawfully possess or use airguns that are not airsoft, paintball or gel blaster guns used in airsoft, paintball, or gel blaster sports and that have been classified as such by Te Tari Pūreke.

Proposed change 4: Add “pre-charged pneumatic powered arms items” to the definition of specially dangerous airguns. Consider designating other high powered airguns to be ‘specially dangerous airguns’ or differentiating them from lower powered airguns.

Futureproofing how activities are undertaken

19. Technology and how people conduct business and interact is continually changing. To ensure that the Act effectively controls the safe possession and use of firearms it should not prescribe how the activity needs to be achieved, such as in person, hard copy, or online. This would provide Te Tari Pūreke with more flexibility to deliver services to licence holder in a manner that is convenient but also cost effective without compromising public safety.

Proposed change 5: To not have any reference to how an activity is done in the Act and allow for an agnostic approach (i.e. not specified whether it is done in person or hard copy or electronically).

20. Certain provisions under the Act require a Commissioned Officer to be the decision maker. With the establishment of Te Tari Pūreke within Police and the use of more non-sworn Police employees, it would be beneficial to allow for non-sworn managers of similar position to Commissioned Officers to make decisions with respect to permits, endorsements, disposal, and other matters.
21. Given the government has indicated it may transfer Te Tari Pūreke out of Police as part of the Firearms Work Programme, we expect that the Ministry of Justice is already aware that these references to Police will need to be changed and made generic to the public service.

Proposed change 6: Where Commissioned Officer is specified, add “or employee of equal or higher position” and define this in section 2 of the Act, or consider either replacing and/or removing the reference to Commissioned Officer completely.

This would require a review of the Act and defining of roles and functions between Police and Te Tari Pūreke. Some references to Commissioned Officer relate to law enforcement (Police) functions, and not regulatory functions (Te Tari Pūreke). This distinction will be vital for this idea to be implemented properly.

Theme 2: Effective and efficient ways of regulating certain categories of licence holders

22. There are two categories of licences in the Act: firearms licence and dealer licence². The implication is that there are a wide range of business activities that are captured under the dealer licence. Establishing more specific categories of dealer licences and changing the duration of the licence may reduce regulatory burden for certain dealers, whilst clarifying what they can and cannot do within their specific licence. It would also allow Te Tari Pūreke to further tailor its approach to dealers, rather than retrofitting all categories into one dealer licence.

Review dealer licence periods and requirements.

23. There is an opportunity to consider a new approach to the duration of dealer licences based on the dealer's history of compliance, activity, stock holdings in the registry (when this is enabled) and other risk factors.
24. The one year dealer licence period is appropriate for new dealers or existing dealers who may not be compliant (or have given Te Tari Pūreke cause for concern) as it provides for an appropriate period in which to review the dealer and their activity. However, it would be beneficial to compliant dealers and Te Tari Pūreke for every renewal to have a five year duration unless the dealer has given Te Tari Pūreke cause for concern in their previous licence period.
25. This change would allow Te Tari Pūreke to focus resources on auditing and ensuring ongoing compliance.

Proposed change 7: For every new dealer licence, keep the one year duration and for every renewal thereafter the licence duration should be 5 years unless in the licence has been surrendered, revoked, expired.

Further to the above, allow Te Tari Pūreke to use discretion in adopting a shorter licencing period for dealers (but no less than one year) who have had compliance issues.

This would need to be implemented in a manner that does not create a bell curve.

Approved firearms safety training providers

26. It is important that we ensure that firearm safety training providers who have been approved by Te Tari Pūreke do not require a dealer licence. A dealer licence is required for the supply of firearms by way of business and this may unintentionally capture firearms safety training providers.

Proposed change 8: Exempt firearms safety training providers, which have been vetted and approved by Te Tari Pūreke, from the dealer licensing requirements.

Airsoft, paintball and gel blaster airgun clubs and venues

27. Airsoft, paintball and gel blaster sport clubs and venues require a dealer licence if they are in the business of hiring or supplying airguns. Again, these businesses and clubs have expressed discontent with being subject to similar requirements to a firearms retailer.

² A visitor licence is a firearms licence

Proposed change 9: Create a special licence for airsoft, paintball and gel blaster gun venues and clubs to allow for a more efficient and tailored regulatory oversight and remove them from the dealer licensing regime. Instead, create a new part in the Act for these sports. This part could include a special licence for the hiring or supplying of airguns for sports at a club or venue, where the items are then returned to the club or venue when finished. Considerations could include a licence period of 5 years, bespoke security and record keeping requirements, permit requirements and an approved list of airsoft, paintball and gel blaster guns for use at the club or venue, and conditions to differentiate them from other dealers.

Ammunition sellers

28. From December 2020, licence holders who sell ammunition by way of business became “ammunition sellers” under the Act and were required to notify Police that they are an ammunition seller.
29. As this notification is not an application, there is no formal refusal or appeal process for a notification (like for licences, endorsements and permits). Therefore, as a regulator we have no mechanism to refuse (or revoke) a person’s notification (rather than revoke their licence) even if we believe they are not competent or capable of selling ammunition by way of business.

Proposed change 9: Create a new licence class for ammunition sellers and a formal application process in which a licence holder can be approved or refused for such an activity and have appeal rights.

Simplifying the dealer licence record keeping and Registry requirements and other matters

30. There are complex requirements around what data is required to be recorded by dealers in their record book versus the Registry. Dealers must record additional details in their dealer record book compared to the Registry. To reduce double up and additional work for both dealers and Te Tari Pūreke, a dealer should be able to fulfil their obligations for their dealer book if they enter all details into the Registry instead. This would also assist Te Tari Pūreke in committing to a chosen digital solution for dealers.

Theme three: exemptions, offences and wording changes

Exemptions

31. The Registry provides important point in time information about the whereabouts of firearms that is useful to front-line officer safety. But there is an unintended consequence in relation to certain dealers and pest controllers.
32. Currently dealers and pest controllers require a permit to possess to transfer possession of an endorsed item, even if that transfer is temporary. There is no ability to temporarily transfer pistols and prohibited firearms, which means dealers who are repairing pistols or prohibited firearms need to obtain a permit to possess and the transfer must be recorded in the Registry at the time of transfer. The owner of the item must then obtain a permit to possess and transfer possession in the Registry before receiving their item back from the dealer. This

is required in legislation even if the repair is done within a few hours or on the same day. This is creating an additional burden for both dealers and Te Tari Pūreke.

33. Further to this, pest control employees, are required to record the transfer of the firearm to them every time they take it out of their employer's safe and use it. This has created an unrealistic expectation that pest controllers engage with the Registry every day or every time they use a firearm in their professional capacity.

Proposed change 10: Review the permit to possess and Registry transfer requirements and seek to simplify the requirements for certain situations.

Penalties

34. In our first paper we outlined that as we mature as a regulator and grow our intelligence to enhance our understanding of the behaviours within the firearms environment, there is a need to ensure that the regulatory suite of interventions available to us is sufficient to incentivise and/or disincentivise licence holder behaviours to achieve the desired outcomes.
35. There is an opportunity to add additional offences to the Act and tidy up offences or penalties to address inconsistencies, close vulnerability gaps in the regime, deter unacceptable behaviour and decision-making, and enhance frontline officer and public safety.
36. Te Tari Pūreke are aware that the Ministry of Justice are already reviewing penalties and offences, however our suggested changes have still been included in Appendix B.

Wording changes to improve the understanding of the Act

37. We have identified wording changes that would benefit both the administration of the Act and licence holders' understanding of how the Act applies to them, which should support compliance. The suggested changes are outlined in Appendix A.

In conclusion

38. These recommended changes aim to strike a balance between maintaining public safety, anticipating future issues, and reducing regulatory burden for licence holders and Te Tari Pūreke.
39. It was not possible to present every possible idea and its impacts in a single paper. However, the overall themes should highlight that addressing known issues, improving the language and structure of the Act, streamlining administrative process, and reducing unnecessary burdens without introducing new public safety risks will ensure that the Act serves its purpose and remains practical.
40. By doing so, the regulator can improve its effective regulation of the Act and uphold its purpose, whilst supporting the privilege and responsibilities of the licence community.

APPENDIX A: Table of proposed wording changes (“*” denotes a change that could be considered significant)

Section or Regulations	Current wording	Proposed wording	Reason
2 – antique firearm	<i>Means any firearm that is held in the possession of any person solely as an antique...and is not designed for firing, and is not capable of firing, rimfire or centrefire cartridge ammunition...</i>	Means any firearm that is held in the possession of any person solely as an antique...and is not designed for firing, and is not capable of firing, cartridge ammunition...	There are other types of cartridge ammunition that are not rimfire or centrefire, for example. By changing "rimfire or centrefire cartridge ammunition" to a generic "cartridge ammunition" other cartridge type firearms can also be left out of the definition of antique firearm so must be held on a licence.
2 – exempt arms items	Not available	Exempt arms item means any arms item listed under section 22 and Regulation 20	More explicit reference to arms items that do not require a firearms licence for possession. Provides a term to use throughout the Act for such items. Better readability and useability whilst keeping ability to add new exempt items under the Regulations.
2- replica firearm	Not available	Replica firearm means an exact working copy of the original firearm and is capable of firing live ammunition	The term 'imitation' exists in Act but not replica and they are two different things with different meanings. To use them interchangeably brings risk of misclassification. Adding a definition will make it clear that a replica firearm is a real, working firearm.
2 – restricted airgun	<i>Means an airgun that,— (a) without any of the attachments with which it is customarily used, has the appearance of being a pistol, prohibited firearm, or restricted weapon; or (b) with some or all of the attachments with which it is customarily used, has the appearance of being a pistol, prohibited firearm, or restricted weapon; or</i>	Add “or gel blaster sports” where it also references airsoft or paintball	To capture gel blaster sports in the same way as airsoft and paintball sports.

	<i>(c) is designed for use in airsoft or paintball sports and,—</i> <i>(i) without any of the attachments with which it is customarily used, has the appearance of being a firearm capable of full automatic fire; or</i> <i>(ii) with some or all of the attachments with which it is customarily used, has the appearance of being a firearm capable of full automatic fire</i>		
2A prohibited firearm*	<i>..... (iv) a centrefire pump-action rifle that is capable of being used with a detachable magazine:</i> <i>(v) a centrefire pump-action rifle that has 1 or more non-detachable magazines (tubular or otherwise) that are capable of holding more than 10 cartridges commensurate with that firearm's chamber size;</i>	Revisit and review the definition of prohibited firearm. For example, add "means any pump action or straight pull rifle"	Centrefire straight pull rifles are non-prohibited firearms, but were designed to be faster than bolt action rifles. This matter would need researching carefully and expert technical opinions. When prohibited firearms came into legislation, we saw an increased interest in straight pull rifles. Demonstration videos: https://www.youtube.com/watch?v=a5Naw3RVsRI https://www.youtube.com/watch?v=VhnQV_NGwIE Start video at 4:00
2B – prohibited magazines*	<i>...in relation to any other firearm (except a pistol described in section 2A(1)(a)(i)(C) or (D)),—</i> <i>(i) means any detachable magazine—</i> <i>(A) that is capable of holding 0.22 calibre or lower rimfire cartridges and that is capable of holding more than 10 of those cartridges:</i> <i>(B) that is capable of holding more than 10 cartridges and being used with a semi-automatic or fully automatic firearm:</i>	Add pistol drum magazines (from Arms (Prohibited Magazine) Order 2019) to s2B. Add to interpretation of prohibited magazine that for pistols the magazine cannot extend beyond the grip of the firearm or impact the ability to shoot with only one hand.	A more explicit reference in the Act that a pistol drum magazine is a prohibited magazine makes for clearer and easier reading and identification. This aligns with original intent that pistol magazines should not affect the ability for the endorsement holder to shoot the pistol with one hand.

	<i>(ii) means any other magazine, whether or not detachable, that is capable of holding more than 10 cartridges:</i> <i>(c) includes any other magazine declared by Order in Council made under section 74A to be a prohibited magazine for the purposes of this Act.</i>		
	He/him and she/her	They/them	More inclusive language per section 97 of Legislation Act
22	<i>It is a good defence to a prosecution for an offence against section 20 or section 21 if the defendant proves,—</i> <i>(a) in the case of a prosecution relating to the possession of a firearm (not being a pistol, prohibited firearm, or restricted weapon) by any person,—</i> <i>(i) that the firearm was in the possession of that person for use under the immediate supervision of the holder of a firearms licence; and</i> <i>(ii) that at all times while that person was in possession of the firearm, that person was under the immediate supervision of the holder of a firearms licence;</i>	add to 22(2) "except in the case of a revoked person"	To make is abundantly clear that a revoked licence holder cannot use firearms or airguns under any circumstance.
29(2)(d)	<i>the Director or Curator of a bona fide museum;</i> <i>(2A) An applicant for a dealer's licence or the holder of a dealer's licence may apply to a member of the Police for an endorsement on their dealer's licence permitting them to possess a pistol or restricted weapon (other than an anti-personnel</i>	Remove directors and curators of bona-fide museums from 29(2)(d)	They are already covered under 29(2A) as a dealer. However, if museums are granted special licences (see para. 22) then this would need to further change.

	<i>mine or a cluster munition) in their capacity as a licensed dealer.</i>		
29(2)(e)	<i>an approved employee or approved member of any body, being—</i> (i) <i>a broadcaster within the meaning of the Broadcasting Act 1989; or</i> (ii) <i>a bona fide theatre company or society or cinematic or television film production company or video recording production company;</i>	Amend to "a bona fide theatre company or bona fide theatre society or cinematic or television film production company or video recording production company;" (iii) a bona fide historical re-enactment company or bona fide historical re-enactment society	Updated wording would better reflect the various theatrical related societies. Currently, "bona fide theatre company or society" is read by some as two separate things when the intention was for a society to be a <i>bona fide theatre society</i> , not just any society.
70 – destruction of firearms etc	<i>that has been detained for not less than 12 months may be disposed of in such manner as the Commissioner may direct.</i>	Amend to 6 months	12 months seems too long and creates physical storage issues and backlogs. This is from the Te Tari Pūreke perspective, noting that Police may have a different view with respect to illicit and non-regulated arms items.
Regulation 19-premises*	Not available	Consider adding explanation of what "premises" means	There is a wide ranging and inconsistent understanding and use of the term premises and what it means.

APPENDIX B: Table of proposed changes to offences and penalties

Gap or inconsistency identified	Proposed change
There is no offence for selling or supplying a non-prohibited part or non-prohibited magazine to a non-licence holder. Whilst it is an offence to possess these items without a firearms licence, a seller or supplier commits no offence if selling or supplying to a person without a firearms licence.	Create an offence for selling or supplying a non-prohibited part or non-prohibited magazine to an unlicensed person.
Failure to adhere to security precautions and conditions under the Act and Regulations is a breach of licence conditions only and is not an offence.	Create an "offence against security provisions" or offence for "careless storage of firearm, ammunition and parts".
It is not an offence for a licence holder to fail to provide Police with their licence card upon temporary suspension or revocation nor to continue to be in possession of the card.	Create an offence for a licence holder to knowingly fail to surrender their licence card when suspended or revoked
There is also no power of search and seizure in the Act when temporarily suspended. There is a seizure provision (s60B(3)) but this does not grant Police the power to enter the premises where firearms are in order to seize. Frontline officer safety is severely compromised in the absence of such a warrantless power of entry, search and seizure.	Create an offence for failing to comply with section 60B(2) in the same way there is an offence of failing to comply with s 28(1) and (3) on revocation (see s 28(7)).
There is no offence to assemble a restricted weapon like a prohibited firearm	Amend section 55A to include restricted weapons.
Penalty for operating as a dealer whilst expired is inconsistent with other offences in the Act such as possession of a firearm whilst unlicensed.	Amend penalty to 2 years imprisonment and or \$50,000 fine
"Firearm" does not appear under s54 offence "Use or attempted use of airgun, etc, to resist or prevent arrest or commit". It is instead covered under 198A of the Crimes Act. However. section 54 is a disqualifying offence under s22H yet s198A is not.	Add section 198A Crimes Act to s22H Arms Act, or add "firearm" to s54 Arms Act offence

Appendix C: Table from NZ Police Armoury as of 31 July 2020 – blank firing gun conversions

Brand	Model	Fully Converted	Partially Converted	Total
Bruni	84		5	5
	85	1	1	2
	92	3	6	9
	92F	1		1
	92 Auto	2	1	3
	96	1		1
	315 Auto	1		1
	1911A1		1	1
	Desert Eagle		1	1
	GAP	6	2	8
	P4	1	2	3
	Olympic 6	15	4	19
	New Police		1	
Ekol	Unknown	1		1
	Tuna	7		7
	P29	1		1
	Special 99	2		2
	Major	1		1
Kimar	Revolver	1		1
	911	1		1
Umarex	PPQ		1	
	Colt Commander		1	1

	343	1		1
	1911	1		1
	Smith & Wesson revolver		2	2
Pandora	88	1		1
Reck	Miami 92	1		1
Zoraki	914 TD	1		1
Rohm Gesellschaft	RG-6	1		1
Unknown	Unknown	1		1
	Ruger P22	1		1
Total		53	28	81