

Arms (Licence Holders' Applications for New Licences) Amendment Bill

Government Bill

Explanatory note

General policy statement

This Bill amends the Arms Act 1983 to address concerns raised by the firearms community about the current delays in processing licence holders' applications for new firearms licences. These delays have been caused by the change to the requirements and processes for licence applications imposed following the findings of the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain, and also by the post-Covid tight labour market. These delays are resulting in licence holders having expired licences and being unable to comply with the Arms Act 1983 through no fault of their own.

This Bill provides that if the holder of a current firearms licence applies for a new licence before the expiry of their current licence, their current licence will continue in force until they are notified of the outcome of their application. This is so even if their licence expires in the interim. If the application is granted before the holder's current licence expires, the new licence will take effect from the date the holder's current licence expires. If, however, the application is granted after the holder's current licence expires, the new licence will take effect from the date the new licence is issued.

The Bill also—

- provides that if the renewal of a dealer's licence is issued after the expiry of the licence, the renewal takes effect from the date of its issue and not from the expiry of the previous licence, as is currently the case:
- makes a minor technical change to enable the Police to arrange a visit for inspection or issue an improvement notice through electronic means.

Departmental disclosure statement

The Police are required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2022&no=183>

Regulatory impact statement

A regulatory impact statement is not required for this Bill.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. It provides that the Bill comes into force on the day after the date on which it receives the Royal assent.

Clause 3 provides that the Bill amends the Arms Act 1983 (the **principal Act**).

Part 1

Applications for new licences

Clause 4 amends section 8A of the principal Act, which relates to the renewal of dealers' licences. Section 8A of the principal Act is amended to provide that if the renewal of a dealer's licence is issued after the expiry of the dealer's licence, the renewal takes effect from the date of its issue.

Clause 5 inserts *new section 25A* into the principal Act. *New section 25A* provides that the holder of a current firearms licence may apply for a new licence before the expiry of their current licence. If the application is not determined before the holder's current licence expires, their licence continues in force (unless it is sooner surrendered or revoked) until the licence holder is notified of the outcome of the application and any new licence issued takes effect from the date of its issue. If the application is determined before the holder's current licence expires, any new licence issued takes effect from the date of expiry of their current licence.

Clause 6 amends Schedule 1 of the principal Act to insert *new Part 3*. *New Part 3* of Schedule 1 provides that if, before the commencement of this Bill, the holder of a firearms licence had applied for a new licence and that application has not been determined, *new section 25A(2) and (3)* applies so that the holder's firearms licence continues in force until the holder receives notice of the outcome of the application (unless the licence is sooner surrendered or revoked). It does not matter if the holder's firearms licence expires in the interim.

Part 2

Other amendments

Clause 7 amends section 72A of the principal Act to provide that any notice or document required to be served or given to a person may be transmitted to that person's electronic address.

Hon Chris Hipkins

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Contents

	Page
1 Title	1
2 Commencement	2
3 Principal Act	2

Part 1

Applications for new licences

4 Section 8A amended (Renewal of dealer's licence)	2
5 New section 25A inserted (Application for new firearms licence made by holder of current licence)	2
25A Application for new firearms licence made by holder of current licence	2
6 Schedule 1 amended	2

Part 2

Other amendments

7 Section 72A amended (Service of documents)	3
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Schedule

New Part 3 of Schedule 1 inserted

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Arms (Licence Holders' Applications for New Licences) Amendment Act **2022**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Arms Act 1983.

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Part 1

Applications for new licences

4 Section 8A amended (Renewal of dealer's licence)

Replace section 8A(5) with:

- (5) The renewal of a dealer's licence takes effect from— 10
- (a) the date on which the licence expires, if the renewal is issued before the licence expires; or
 - (b) the date on which the renewal is issued, if the renewal is issued after the licence expires.

5 New section 25A inserted (Application for new firearms licence made by holder of current licence) 15

After section 25, insert:

25A Application for new firearms licence made by holder of current licence

- (1) The holder of a current firearms licence (**licence A**) may, before the expiry of licence A, apply for a new firearms licence. 20
- (2) If an application for a new firearms licence is made but not determined before the expiry of licence A, licence A continues in force, unless it is sooner surrendered or revoked, until the date on which the licence holder is notified of the determination of the application.
- (3) A new licence issued on an application made under this section takes effect from— 25
- (a) the date on which licence A expires, if the new licence is issued before licence A expires; or
 - (b) the date on which the new licence is issued, if the new licence is issued after licence A expires. 30

6 Schedule 1 amended

In Schedule 1,—

- (a) insert the Part set out in the **Schedule** of this Act as the last Part; and
- (b) make all necessary consequential amendments.

Part 2
Other amendments

7 Section 72A amended (Service of documents)

After section 72A(1)(c), insert:

(ca) transmitted to the person's electronic address; or

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Schedule
New Part 3 of Schedule 1 inserted

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Part 3		
Provisions relating to Arms (Licence Holders' Applications for New Licences) Amendment Act 2022		5
20	Application made by firearms licence holder for new licence pending on commencement date	
(1)	This clause applies in respect of an application for a new firearms licence that—	10
	(a) was made before the commencement date by an applicant—	
	(i) who at the time of making the application held a current firearms licence; and	
	(ii) whose firearms licence was not revoked or surrendered before the commencement date; and	15
	(b) was not determined before the commencement date.	
(2)	Section 25A(2) and (3) (as inserted by the Amendment Act) applies in respect of the application and it does not matter if the firearms licence held by the applicant at the time of making the application expired before the commencement date, or expires after the commencement date.	20
(3)	In this clause,—	
	Amendment Act means the Arms (Licence Holders' Applications for New Licences) Amendment Act 2022	
	commencement date means the date on which the Amendment Act commences.	25