

Arms Legislation Bill

Government Bill

As reported from the Finance and Expenditure Committee

Commentary

Recommendation

The Finance and Expenditure Committee has examined the Arms Legislation Bill and recommends by majority that it be passed with the amendments shown.

Introduction

The bill seeks to amend the Arms Act 1983 in order to improve public safety by imposing tighter controls on the use and possession of firearms. The intent of this bill is to provide a regulatory regime that enables the legitimate use of firearms for recreation and work purposes. This regime would minimise the likelihood of, and subsequent harm caused by, the misuse of firearms.

Supplementary Order Paper 408

The Minister of Police released Supplementary Order Paper 408 on 12 November 2019. The SOP proposes various changes to the bill designed to better meet the aims of the bill and the Arms (Prohibited Firearms, Magazines and Parts) Amendment Act 2019.

The Amendment Act sought to prohibit all centrefire semi-automatic firearms that have high harm potential. However, it unintentionally omitted from the prohibitions a small group of firearms that have the same potential to cause high harm as those prohibited. The SOP would expand the definition of prohibited firearms to include this group of firearms.

The SOP would also impose restrictions on the importation, sale, supply, possession, and use of pistol carbine conversion kits. They would be limited to persons holding a dealer's licence or firearms licence that permits them to legally possess a pistol.

We included the SOP in our consideration of the bill, and recommend that it be incorporated into the bill with some amendments, which we discuss below.

Proposed amendments

In this commentary we discuss the main changes we recommend to the bill and SOP 408. We have organised our comments by topic, rather than by following the order of the clauses as they appear in the bill. We do not cover minor or technical changes.

Our recommendations cover the following topics:

- Prohibited firearms and proposed amnesty
- The proposed registry
- The role of health practitioners
- The proposed licensing systems for:
 - individuals
 - dealers
- Shooting clubs and shooting ranges
- The definition of a firearm part
- Endorsements on a firearms licence
- Permits to import firearms
- Paintball and airsoft guns and ammunition
- Airgun magazines
- Mail order and internet sales of firearms
- Firearms Advisory Group
- Cost recovery
- Regulation-making powers
- Commencement of the bill's provisions.

Prohibited firearms and proposed amnesty

Supplementary Order Paper 408 proposes to:

- prohibit short-barrelled semi-automatic rifles
- prohibit firearms containing centrefire lower receivers
- enable the prohibition of centrefire pump-action rifles by Order in Council
- restrict the possession of pistol carbine conversion kits to those who can lawfully possess a pistol.

Amnesty and compensation scheme for additional firearms and parts

We recommend establishing an amnesty period and buy-back scheme for the firearms and pistol carbine conversion kits that the bill and SOP propose to prohibit or restrict. We believe this would be fair, as such a scheme was created for firearms prohibited under the Amendment Act. Under the amnesty, holders of these items would be

exempt from the offences that would otherwise apply for possessing them, and could obtain compensation for items delivered or surrendered to the Police.

To set up the amnesty and compensation scheme, we recommend amending Schedule 1 of the bill (which would insert new Part 2 of Schedule 1 of the Act) to amend clause 8 and insert new clauses 16C and 16E. New clause 16E provides for the making of regulations establishing compensation schemes.

The additional firearms to be prohibited or restricted

We support the SOP's proposed prohibition of short-barrelled semi-automatic rifles. At present these firearms are excluded from the Arms Act's prohibitions because they fall under the definition of pistols, which the Act does not ban. The SOP proposes to amend the definition of "prohibited firearm" in section 2A of the Act (via clauses 6 and 6A of the bill) so that only "small semi-automatic pistols" are excluded from prohibition, rather than all pistols. This would have the effect of prohibiting semi-automatic "rifles" of between 400mm and 762mm in length, as well as pistols not suitable for use on a certified pistol range.

We recommend expanding paragraph (a) in the definition of "small semi-automatic pistol" to make it clear that the 400mm length would exclude any silencer, conversion kit, or other muzzle-fitting attachment.

We propose to exclude from the definition of prohibited firearm pistols held by collectors or theatrical agencies (such as historic service pistols). We are satisfied that such firearms would not be a risk, as these people could not use any live ammunition in the pistol. We recommend making this exemption by inserting in the Arms Act new sections 2A(1)(a)(i)(D), 2A(3), 29(2B), and 44A(2), and a definition of "semi-automatic pistol" in section 2.

Centrefire lower receivers

We also support the SOP's proposal to prohibit firearms containing centrefire lower receivers. These parts can make a firearm a dangerous semi-automatic, but it was unclear whether the earlier Amendment Act prohibited certain firearms containing a centrefire lower receiver. The SOP would do this through the definition of "specified semi-automatic firearm" in clause 6A, new subsection 2A(2). For technical accuracy, we recommend some changes to the SOP's proposed wording of this provision.

Centrefire pump-action rifles

In addition to the regulation-making power in clause 82A that would enable pump action firearms to be prohibited by Order in Council, we recommend, for transparency, that the bill be amended to expressly identify centrefire pump-action rifles as prohibited firearms. This would also have the benefit of allowing the owners of such pump-action rifles to promptly access the amnesty and compensation scheme that we propose.

We therefore recommend amending clause 6A to insert new section 2A(1)(a)(iv) and (v).

Carbine conversion kits

The SOP proposes to restrict pistol carbine conversion kits to people who can lawfully possess a pistol, and to those pistols suitable for use on a range. Such kits enable the firing of pistols from the shoulder, and enhance the accuracy of a regular pistol. At present, anyone can legally purchase one.

Some air pistol kits can be used with bullet-firing pistols. Therefore, to reinforce the controls, the SOP also proposes to restrict the importation and manufacture of air pistol carbine conversion kits.

We note that shoulder stocks for historic firearms could fall within the definition of pistol carbine conversion kit. Because collectors holding these historic firearms are already subject to the tighter collector requirements, they would not need to be subject to the pistol carbine conversion kit import and possession restrictions.

The proposed registry

The bill would establish a registry and impose on every holder of a firearms or dealer's licence an obligation to provide information to this registry (clause 83, new sections 93 and 94).

Many submitters expressed concern that updating the registry would be too onerous. We have been assured that the registry would be sufficiently easy to use and that licence holders with access to the internet would be able to update the registry online.

Temporary transfers for less than 30 days of firearms not subject to endorsement would not need to be added to the registry

As introduced, the requirement to provide relevant information to the registry would apply to the temporary transfer of firearms (new section 94(2)). Some submitters were concerned that this requirement would be impractical. They pointed out that temporary transfers in activities involving the use of firearms, such as hunting trips, occur frequently and informally. An obligation to provide information about temporary transfers to the registry would be too onerous on those engaged in a legitimate use of firearms. We are not convinced that any possible benefits to public safety would justify such an intrusion on the legitimate use of firearms.

We recommend amending section 94 to define a temporary transfer as a transfer of possession of the firearm or other item for less than 30 days. This would apply to items other than those which require a permit to possess. It therefore would not include the temporary transfer of a pistol, restricted weapon, prohibited magazine, or prohibited firearm.

This would ensure that the vast majority of firearms owners who are engaged in activities that involve temporary transfers would not be burdened with an impractical obligation. We believe this strikes the right balance between protecting the legitimate use of firearms and minimising the likelihood of misuse and harm of high-risk firearms to the wider community.

We recommend that the proposed 30-day minimum period before possession must be registered should apply to temporary transfers for all purposes. This would include transfers made for the purpose of conducting work. For example, a temporary transfer of a firearm from a farmer to an employee for the purpose of pest control would not need to be registered if the transfer is for less than 30 days.

Related to the above change, we recommend amending clause 47 (amended section 34). The bill as introduced has some overlap between this section and the sections around transfer of possession. We recommend amending section 34 to remove the reference to notifying the Police if a person changes where any firearms in their possession are kept. Such notification is better addressed under the registry sections, as discussed above. The licence holder therefore only has to notify the Police within 30 days of changing their address, as required under the current Act.

Direct access to the registry by certain government agencies

The bill would allow the Department of Conservation, the Ministry of Foreign Affairs and Trade, and the New Zealand Customs Service to access information from the registry (clause 53, new Part 7).

In his submission, the Privacy Commissioner contended that the bill as introduced would grant the Ministry of Foreign Affairs and Trade and the New Zealand Customs Service access to the registry for too broad a purpose. Under new section 38Z(2) the purpose would be to assist these agencies in “performing their functions, duties, and powers more effectively or efficiently”.

The policy intent of the bill is to allow the Ministry of Foreign Affairs and Trade and the New Zealand Customs Service access to the registry to assist with their oversight of the movement of goods across the border. We believe the bill should grant these agencies access to the registry only for this specific reason.

We recommend amending proposed new section 38Z(2) to give these two agencies access to the registry only “in relation to the movement of lawfully permitted and lawfully possessed arms items”.

Additional privacy safeguards

We learned from the Privacy Commissioner that the bill as introduced is inconsistent with best practice for information retention by government agencies. We have taken note of recommendations submitted by the Privacy Commissioner.

New section 38ZD(i) in the bill as introduced would allow an agency accessing private information from the registry to further disclose it to another government agency. This would contradict our recommended change to new section 38Z(2) (see above under “Direct access to the registry by certain government agencies”). That is, we believe accessing agencies should only use this information for the specific purposes specified in this bill.

We therefore recommend restricting proposed section 38ZD(i) so that the accessing agency could use the information only in accordance with the purpose or purposes for which it was originally accessed.

We also recommend inserting new section 38ZD(k), stipulating a requirement to regularly audit access to the registry.

In addition, we recommend inserting clause 82(12), new section 74(3), to create a requirement to consult the Privacy Commissioner on the drafting of new registry-related regulations.

In our view, these changes would ensure that gun owners and dealers could be confident that the information they provide to the registry is treated in a way that respects their expectations of privacy.

Cost and funding of the registry

The bill as introduced includes an example of a fee being charged for the activity of updating the registry (clause 83, new section 81(b)). We recommend deleting this example from the bill. It was never the policy intention to charge users to update their own information on the registry. The cost and funding of the registry is yet to be determined. It has always been intended that day-to-day use of the registry would be free, although some activities that may be facilitated through the registry may have a charge, such as applying for a permit to possess.

The role of health practitioners

The bill would oblige health practitioners to consider notifying the Police if they think there are health grounds for preventing a patient from using or possessing a firearm (clause 83, new section 91). Currently, information privacy principle 11 in section 6 of the Privacy Act 1993 enables a health practitioner to disclose personal information to the Police if it is necessary to prevent or lessen a serious threat to public safety, or to the life or health of an individual. The bill proposes a lower threshold by which health practitioners may disclose a patient's personal information to the Police where it is in the interests of the safety of the individual or the public that the patient should not be permitted to use or possess a firearm, or where they should only be permitted to use or possess a firearm subject to particular limitations. This would enable the Police, as well as relevant mental health professionals, to take action before a crisis point is reached.

We have sought to balance a licence holder's right to privacy against the need to protect the safety of individuals and the public. In doing so we assessed different approaches to this issue. On balance, our recommendation is for the regime as proposed in clause 83, new section 91, to be largely retained. We recommend some changes to this regime, discussed below.

Onus would be on the Police to provide information to health practitioners

As introduced, the bill does not make it explicit that the Police would be expected to inform health practitioners that a patient has a firearms licence.

We recommend inserting subsection (3) in section 24 (clause 35) to make it explicit that, once a firearms licence is issued, the Police must notify the health practitioner

that their patient is a firearms licence holder. This was always the intent, but including this provision makes it clearer.

The definition of health practitioner is too broad

As introduced, the bill defines “health practitioner” by reference to the definition in the Health Practitioners Competence Assurance Act 2003. This includes professionals such as chiropractors, occupational therapists, and dietitians. We accept that there is limited value in this broad definition.

We recommend narrowing the definition in clause 6, section 2(1) to professionals who are most likely to encounter situations relevant for assessing the competence of a patient to hold a firearms licence. We believe that this would appropriately balance the objectives of privacy and safety.

Subsequent medical assessments

The bill as introduced gives discretion for the Police to require a licence holder to undergo subsequent medical assessments (clause 83, new section 91(3)).

We recommend amending this provision to expressly state that any subsequent medical assessment must be carried out by a different health practitioner, independent of the practitioner who made the initial assessment. Some submitters were concerned that it is difficult for a health practitioner to make an objective assessment about mental health. Except in the most extreme cases, it is a delicate and subjective judgement as to how someone’s mental health affects their suitability to possess firearms. If a subsequent medical assessment was done by a different and independent practitioner, this would provide more certainty for the Police.

We note that clause 82, new section 74(1)(jc), provides scope for regulations to be made that could provide guidance to health practitioners in this matter.

The proposed licensing system for individuals

The bill would introduce changes to the licensing system with the policy intent of filtering out high-risk people and behaviour. The aim is to ensure that firearms remain accessible only to appropriate people, thus enhancing public safety. Our recommended changes to these measures are as follows.

Fit and proper person

Under section 24 of the Arms Act, the Police may issue someone a firearms licence if they are satisfied that the applicant is a fit and proper person to be in possession of a firearm. The bill would set out specific discretionary criteria and disqualifying criteria to guide the Police in determining whether an applicant meets the standard or not.

Historic charges

As introduced, the fit and proper test includes whether the person has ever been charged with certain criminal offences (clause 36, new section 24A(1)(a),(b), and (c)). This provision prompted some concern, based on the fact that a charge is not evidence

of guilt. We understand that the policy intent is to help an assessor make an informed decision about an applicant. However, we consider that a historic charge (but not a historic offence) might be of limited relevance. Moreover, if a historic charge is used as a determining factor this is likely to be unfairly prejudicial against an applicant.

On the other hand, we understand that certain types of criminal activity could be highly relevant in determining whether an applicant should pass the fit and proper test. This is especially true for violent offending.

We think an appropriate solution is to amend the bill so that assessors are directed to consider any charges against an applicant that are currently active. This recognises that it would not be practical to wait until the outcome of a trial. This would ensure an assessor considered relevant information when determining whether an applicant is “fit and proper”. It would be inconsistent with the policy aim of the bill if an assessor was not directed to consider active charges.

Family violence or harassment

The bill would allow an assessor, when applying the fit and proper test, to consider whether an applicant has ever had a temporary protection order made against them (clause 36, new section 24A(1)(d)). Section 24A(1)(da) would carry over provisions from current section 27A (clause 38) that the Police may decide that a person is not fit and proper to possess firearms if there are grounds for a such a protection order to be made.

We recommend extending this provision so that an assessor may also consider whether a restraining order was ever made against an applicant. We propose doing so by adding new section 24A(1)(db).

Offences related to hunting and control of animals

As with the issue above, the policy intent of the bill is to include as relevant factors certain convictions an applicant may have. Evidence of convictions can provide an indication to the Police of an applicant’s likely behaviour and willingness to comply with the law. Clause 36, new section 24A(1)(c) as introduced includes charges or convictions under section 231A of the Crimes Act 1961 (entry onto agricultural land with intent to commit an imprisonable offence), and the Wildlife Act 1953 and the Wild Animal Control Act 1977 (which provide for the regulation of hunting). We recommend extending this provision so that an assessor may also consider similar offences under the Game Animal Council Act 2013, which manages herds of special interest.

Mental health considerations

Clause 36, new section 24A(1)(f) as introduced would enable an assessor to consider, when applying the fit and proper test, whether an applicant has “significant mental health issues”.

This provision prompted some concern. An assessor is being asked to consider an applicant’s mental health. The intention of the bill is to enable an assessor to consider a wide range of relevant behaviours that help to determine whether someone is suit-

able to possess a firearm. To do this, an assessor should be considering evidence of actual behaviours and cognitive functioning that indicate whether the person is or is not fit and proper to possess a firearm. The wording of this provision as introduced appears to associate mental illness with gun violence. We see this as stigmatising and potentially misleading. We believe that encouraging an assessor to consider mental illness is a step removed from what the assessor should actually be considering.

Also, by placing the focus on mental illness, New Zealand would be in breach of its obligations under the UN Convention on the Rights of Persons with Disabilities. This convention prevents laws that discriminate against people solely on the basis of disability, including those with long-term mental impairments.

We recommend that section 24A(1)(f) be amended so that the focus is on whether an applicant has actually shown symptoms of a mental or physical illness or injury that may adversely affect their ability to safely possess firearms.

Discretion to issue a firearms licence

As introduced, the bill would grant discretion to an assessing police officer even after an applicant had satisfied all of the criteria for a firearms licence. This is because it states (clause 35, new section 24) that a police officer “may” issue a licence if satisfied that the applicant is a fit and proper person and meets the age threshold. We are concerned that this would allow an assessor to refuse to grant a licence for no clear reason.

The fit and proper test as set out in clause 36, new section 24A would already provide police officers with sufficient discretion in determining the suitability of an applicant. We believe that this extra level of discretion is unnecessary, especially where there is no clear guidance on how that discretion should be exercised.

We recommend amending clause 35, new section 24(1) by changing the word “may” to “must”. This would ensure that an applicant, having satisfied all of the requirements for a firearms licence, will be entitled to obtain one.

Five- and ten-year licence periods

As introduced, clause 37, new section 25(1) would reduce the duration of a firearms licence from 10 years to 5. This provision prompted some concern among submitters, who assumed that it would essentially see a doubling of the costs of licensing.

At present, the fee for a firearms licence is \$126.50 for a 10-year licence.

Submitters expressed concern that the per annum cost would increase if licence holders need to reapply for a licence twice as often. A larger workload could also see a large backlog for licence processing. This would require the Police to dedicate more resources to processing licences, and in the process this could divert resources away from other policing work. It could also undermine some aspects of the licensing system.

We note that the thinking behind this provision is that the licensing process is an appropriate opportunity for individuals to be evaluated as to whether they are still fit and proper to be in possession of firearms.

We also note that the vast majority of licence holders who receive a criminal conviction do so within five years of being issued a licence. We accept that it would be valuable for the Police to have another opportunity to reassess someone's licence status after the first five years. However, reassessing every five years thereafter would impose an unnecessary administrative burden on both the Police and licence holders.

Balancing these considerations, we recommend a two-phase approach to the licence period. We propose that an applicant who has never had a licence before would initially receive a 5-year licence, but subsequent applications would see them issued with a licence that is valid for 10 years.

We believe that this approach would create an easy-to-use, efficient licensing regime, while giving the Police another opportunity to assess a licence holder's suitability to possess a firearm. The Police would have an opportunity to assess whether an individual has shown such changes as drug dependency or criminal offending. This approach recognises that the majority of substantial life changes for licence holders occur between the ages of 16 and 25. This is also when most firearms users receive their first licence.

To be clear, our amendment would mean that, if a licence holder had their licence revoked, or if they were to voluntarily surrender their licence, or let their licence expire without applying for a new licence, this would reset the 5-year/10-year sequence. That is, if they subsequently reapplied for a licence it would initially be for 5 years.

Applicants who have applied for a new firearms licence on or after 10 February 2020 would receive a 5-year licence

As noted above, applicants who have not had a licence before, or who have had their licence revoked, or let their licence expire without applying for a new licence, will receive a 5-year licence. In Schedule 1, new Part 2, clause 9, we recommend adding a provision that makes clear that if any of these applicants applied for a new firearms licence on or after 10 February 2020 (our report back date), but before the enactment date, they would receive a 5-year licence if their application was successful. This may prevent any rush of applicants trying to obtain a 10-year licence duration before the bill is enacted.

We note that the bill as introduced proposes licence durations with similar retrospective effect, dating from applications made after policy announcements on 22 July 2019. We consider that we have struck a good balance with the retrospectivity taking effect only from 10 February 2020. Anyone who applied for a firearms licence before 10 February 2020 would receive a firearms licence valid for 10 years. Again, this is obviously conditional on the application being successful.

Reasonable notice period for an inspection

The bill as introduced would permit the Police to inspect firearms and their storage and security arrangements (clause 36, new section 24B(1)(c)). The Police would be required to give reasonable notice of an inspection.

Submitters raised concerns about the subjective judgement required to determine a reasonable notice period. There was a desire from submitters for more specificity about what notice is reasonable.

To address these concerns, we recommend amending new section 24B(2)(a) to require a minimum notice period of 7 days. We believe this would provide more certainty to firearms owners.

The bill as introduced also obliges a licence holder to “produce any firearm within the licence holder’s possession to a member of the Police on demand” (clause 36, section 24B(1)(b)).

To allay concerns that this would allow police officers to enter a licence holder’s home without reasonable notice, which is not the policy intent, we recommend amending section 24B(1)(b). Our change would make it clear that the requirement to produce a firearm “on demand” would only apply when a person was actually carrying their firearm.

Temporary suspension of licences

As introduced, clause 75, new section 60A would enable the Police to suspend a licence (either for an individual or a dealer) pending its possible revocation. The suspension would last until a notice of the decision was given (section 60A(2)(d)). We were concerned that such a suspension could theoretically apply indefinitely if there were no decision given.

We recommend specifying a 90-day time limit on suspensions by means of section 60A(2)(d). We think this would be enough time for the licence holder to respond to the suspension notice and for the Police to make a decision on revocation.

Visitors to New Zealand

Clause 35 would require an applicant to have their storage facilities inspected by the Police before a licence was issued. A problem arises for visitors to New Zealand, who may not require storage facilities in New Zealand. Although this may be for legitimate reasons, the provision could prevent them from receiving a firearms licence.

We propose allowing the Police to evaluate visitors’ proposed storage arrangements. They could issue a licence provided they were satisfied with the arrangements made by the applicant for storing any firearms and ammunition while in New Zealand. We recommend amending clause 35, section 24(1) to add new paragraph (b)(ii) to this effect.

Changes to the types of activity that require a dealer's licence, and eligibility for a dealer's licence

The bill would broaden the activities that are covered by a dealer's licence. It also may prevent anyone who has been adjudicated bankrupt or a director of an unrelated business to be considered eligible for a dealer's licence.

We are satisfied that the bill would strengthen the licensing regime for dealers. However, our recommendations for changes are listed below.

Activities requiring a dealer's licence

The bill as introduced would classify someone as a dealer if they sold, lent, or supplied firearms in the course of carrying on business (clause 10, new section 5(1)(a)).

We are concerned that the reference to "carrying on business" is ambiguous. Unless better defined, there is a risk that activities which are incidental to a business (such as supplying a firearm to a farm employee to shoot an injured animal) would get captured by this new definition.

We recommend amending section 5(1) by introducing a threshold requirement to meet the definition of a dealer. For the threshold to be met, lending, selling, hiring, or otherwise supplying a firearm would need to be a commercial activity central to the business in question. This would exclude activities that are incidental to some other business, hobby, or recreational activity. Farmers would be able to provide firearms to their employees, and an experienced hunter could supply a firearm as part of occasionally acting as a hunting guide for a client, without being classified as a dealer.

We recommend inserting section 5(1C) to limit the definition of a dealer by specifically excluding the occasional commercial hunting guides who supply no more than 6 firearms for the use of clients. We are aware that it is common practice for a guide to provide firearms for their clients on a commercial guided hunting trip. Most of these trips occur with 1 or 2 clients.

Shooting clubs that sell firearms or ammunition

Submitters expressed concern that a not-for-profit shooting club involved with the sale or supply of firearms or ammunition for the benefit of the club would require a club member to become a dealer.

We recommend changing this to clarify that a dealer's licence is not required where the sale or supply is for the purposes of the club, the revenue is used for the benefit of the club, and the supply by a designated club member is with the approval of the managing committee of the club or the majority of club members.

A licensed dealer who sells both firearms and ammunition should not be classified as both a dealer and ammunition seller

Clause 6(1) as introduced would define an ammunition seller as "a person who is responsible for the day-to-day management of a business that includes selling or supplying ammunition". Although this definition is not incorrect, it would mean that an

ammunition seller who is also a bona fide licensed dealer would be subject to two different regimes.

We recommend changing the definition of ammunition seller so that it excludes licensed dealers.

This would ensure that firearms dealers who sell ammunition are only subject to one set of storage and record-keeping requirements.

Liquidation should not be considered in the fit and proper test

The bill as introduced would include, as part of the criteria for determining whether someone is fit and proper to hold a dealer's licence, whether they have ever been the director of a company that has gone into receivership or liquidation (clause 10, section 6(a)(ii)).

We believe such a consideration is not helpful in determining whether someone is suitable to be a licensed firearms dealer. There are many legitimate reasons why someone may have been put into receivership or liquidation. The fact that this has occurred does not offer an insight into someone's ability to sell arms items and ammunition responsibly and in accordance with the law.

We recognise that the behaviour exhibited while running a business can provide an indication of someone's fitness to be a responsible licensed dealer. If a person has committed fraud (or a similar offence) in their capacity as the owner of a business, this would be relevant. However, this would be covered under "character and reputation" (clause 10, new section 6(a)).

We therefore recommend deleting new section 6(a)(ii) of clause 10.

Police should not take into account whether the body corporate of a dealer has "suitable staff"

As introduced, the bill would require an assessor, when determining whether an applicant is fit and proper to hold a dealer's licence, to have regard to whether that applicant has "suitable staff" (clause 10, new section 6(b)(i)). This provision would apply when a senior manager of a body corporate applies for a dealer's licence.

Submitters expressed concern that this could enable the Police to have an undue influence over the business delivery methods of dealerships. To allay this concern we propose to delete new section 6(b)(i) of clause 10.

The policy intent of this provision is to enable the Police to ensure that the staff of dealerships are of a sufficient calibre to sell firearms. However, we note that any employee who handles or sells firearms must themselves have a firearms licence and the required endorsements. This means that they would have already been assessed as fit and proper to possess the firearms they are handling in their role as an employee. We believe this indicates that they would be suitable to sell and handle firearms in a dealership. We consider that this is sufficient to cover the stated policy intent.

What constitutes “appropriate oversight and control”?

The bill as introduced creates a requirement for a senior manager of a firearms-related dealership to have “appropriate oversight and control” of the dealer activity. For the avoidance of doubt when determining what is appropriate oversight and control, we recommend amending section 6(b)(ii) to make it clear that a manager with a dealer’s licence would be required in each place of business that carries out a dealer activity.

A dealer’s licence may apply for more than one place of business

The Arms Act currently specifies that a dealer’s licence can only be issued in respect of one place of business. This does not reflect current practice, where firearms are moved to separate sites on a temporary basis such as to a gun show or for use in a theatrical production. In these situations, firearms are moved between the different premises and the movement of arms between different sites is managed through specific conditions on a dealer’s licence.

This provision in the Act is a particular problem for businesses that rely on providing firearms for people at multiple locations. To address this, we recommend inserting clause 11A to amend section 7 of the Arms Act. Under this new provision the Police would be able to grant conditions on a dealer’s licence that would enable them to operate at places other than their usual place of business. We envisage this applying to businesses such as theatrical armourers or clay target shooting operators who operate from different sites.

The power to regulate advertising should be expressly limited

The bill as introduced would enable the Police to regulate the advertising of firearms by Order in Council (clause 82, new section 74(1)(ja)). However, the bill does not indicate what level of regulation is intended by this provision. We are aware of concern that this provision could be used to justify a prohibition on the advertising of firearms by dealers.

It is not the policy intent to prohibit the advertising of firearms. The main intended use of this provision is to require firearms sellers to take responsibility for promoting the safe possession and use of firearms. It is intended that this provision would be used to promote messages designed to inform firearms users of their responsibilities.

We believe several changes are warranted so that the limited intention behind this provision is realised. We recommend replacing proposed section 74(1)(ja) with a new section that clarifies the stated policy intent. We also recommend deleting paragraph (jb).

We also recommend amending clause 82(12) to insert section 74(5). This would prohibit any regulations made under section 74(1)(ja) from coming into force until three months after the regulation has first been notified in the *Gazette*, unless the Minister of Police was satisfied that there are reasons to justify an earlier commencement date.

Written approval from the Police would not be needed for the manufacture of non-prohibited firearms

As introduced, clause 11, new section 6B would require a manufacturer to obtain written approval from the Police before they manufacture a range of items. This includes non-prohibited firearms, magazines, and parts.

We are concerned that this would create a large administrative burden for the Police and for manufacturers. The policy intent behind this provision was to give the Police an opportunity to assess, on a case-by-case basis, the manufacture of pistols, restricted weapons, pistol carbine conversion kits, and air pistol carbine conversion kits. For approval to be given, the Police would need to be satisfied that there is a special reason why these items should be manufactured in New Zealand.

We consider it unnecessary that manufacturers must seek special approval to manufacture things that are clearly not an item listed above. These manufacturers would already hold a dealer's licence with permission to manufacture firearms and related parts. Requiring them to seek special permission, on top of the licence they already hold, to manufacture non-prohibited firearms and related parts creates an unnecessary administrative burden.

We recommend amending new section 6B(4) and inserting new section 6B(5) so that a special reason to manufacture is required only for such items as pistols, restricted weapons, pistol carbine conversion kits, and air pistol carbine conversion kits.

Limits to the manufacture of firearms

As introduced, clause 11, new section 6B(3), would allow the Police to stipulate a limit on the number of arms items that can be manufactured by a particular dealer.

We recommend removing subsection (3).

The new requirements for shooting clubs and ranges

The bill would create a requirement for shooting clubs and shooting ranges to be regulated. We recommend several changes to the bill in relation to the certification regime for shooting clubs and ranges.

Tightening the rules around the inspection of shooting clubs and shooting ranges

The bill as introduced does not specify the conditions under which the Police may carry out an inspection of a shooting club or range, or its documents (clause 53, new section 38T). This created some concern that the Police might use this provision to inspect clubs and ranges without notice. There was also concern that this provision could allow police officers to enter the homes of club officials while carrying out an inspection of club documents.

It is not the policy intent for police officers to enter private homes for inspections of club documents. Nor is it the intention to give powers to the Police that enable them to inspect clubs or ranges without notice.

We recommend clarifying section 38T and specifying that the Police would need to give at least 7 days' notice of an inspection. The Police would only inspect club venues that are actually part of the shooting range or where firearms or ammunition may be stored.

We believe these changes would ensure that the new inspection requirements could both satisfy the need for the Police to have oversight of shooting clubs, and avoid burdening clubs with undue inspection requirements. We believe this would be done in a way that promotes cooperation between the clubs and Police.

Creating safe storage requirements for clubs and ranges

As introduced, the bill lists various criteria that a shooting club must satisfy in order to be approved (clause 53, new section 38E). The list does not include a requirement for the satisfactory storage of firearms. We are aware that many clubs store firearms and ammunition on their premises.

We want to avoid creating a loophole whereby individuals who hold a firearms licence must demonstrate the safe storage of their firearms, but clubs would not need to. We therefore recommend inserting section 38E(e) so that clubs holding firearms on their premises or at a shooting range used by the club must demonstrate proper storage facilities. This would be consistent with the current regime for pistol clubs.

Clubs and ranges would have 12 months to file an application to be certified

We are concerned that the Police may not have the resources to certify all clubs and ranges within the 12 month transition period provided for in Schedule 1, clauses 14 and 15. This would not be a concern for the majority of clubs, where current management practices are already similar to the regime proposed by this bill. Certifying these clubs would be relatively quick, and mostly a matter of filling out paperwork.

However, for many smaller, often rural, clubs the 12 month period could create undue time pressure to ensure that they are certified.

To avoid this, we recommend amending clauses 14 and 15 in Schedule 1 so that clubs and shooting ranges need simply to apply to be certified within 12 months of the commencement date of the shooting clubs and shooting ranges provisions of Part 6. As long as an application had been filed, the date that the club was actually certified would not matter. We expect that this would avoid some concern about a potential bottleneck of clubs trying to get a certificate of approval or the range(s) they used certified once the bill commenced.

Clubs should have an extended timeframe for reporting

The bill would introduce a requirement for shooting clubs to file annual reports with the Police (clause 53, new section 38J). The annual report would need to include "prescribed particulars", which may possibly include such particulars as membership, safety information, relevant assets, income, and sales or hire of firearms and ammunition. Many of these particulars are consistent with existing reporting requirements for

incorporated societies, comprising the majority of clubs, so they would face little additional reporting.

Some concern was expressed that clubs would only have 3 months after the end of the financial year to prepare these reports. We believe this would be insufficient time. We recommend amending this provision to give clubs 5 months to file their annual report. This would be consistent with the current requirements for incorporated societies.

Shooting ranges would not need to reapply for certification every 5 years

The bill would require a shooting range to reapply for certification every 5 years (clause 53, section 38Q). We heard from some smaller shooting ranges that this would be unaffordable.

The policy intent of this provision is simply for a range's certification to be reviewed every 5 years. This would not require a fresh application. However, it provides the opportunity for a full renewal of certification if a range has experienced significant change.

To clarify this point, we recommend redrafting new section 38S to provide that a range may initiate a renewal by using an approved form rather than making a fresh application.

Clubs would have a right of appeal

The bill as introduced does not have an appeal mechanism for clubs that have been declined a certificate of approval or ranges that have been declined certification. This was an oversight. To correct it, we propose amending clause 76, new section 62B(1)(b)(viii) and (ix) to include an appeal mechanism.

Public liability insurance

As introduced, clause 53, section 38N(c) would require shooting ranges to have public liability insurance. We believe this would be an overly intrusive involvement in the day-to-day functioning of ranges. We recommend that this provision be deleted.

Range officers

As introduced, the bill would require a shooting range to have a duty manager present when the range is in use. We recommend amending clause 53, new section 38P(1), to refer to an "officer", rather than "manager", and to the management of range safety, rather than simply management of a range.

We believe that most target-shooting disciplines already have an established process for training range safety officers, and rules about how they operate. Our changes would better align with the terminology used by shooting ranges, and help make it clear that a safety officer is consistent with best practice. We expect that most shooting ranges will only need to make minor changes, if any, to the way they operate to be consistent with this provision.

Clubs that sell ammunition

We are aware some clubs sell ammunition to their members. This is a relatively normal and widespread practice, done either for fundraising reasons or to pass on bulk purchase savings to members.

The bill as introduced establishes obligations on ammunition sellers, such as a duty to keep records of ammunition sales. Under the bill, a club would not be considered an ammunition seller because the definition of an ammunition seller is designed to capture individuals who sell as part of their commercial business. However, this means that a club selling ammunition would not be covered by the new requirements for ammunition sellers introduced in this bill.

We recommend inserting new section 38BA to require any club that wishes to sell ammunition to become an incorporated society under the Incorporated Societies Act 1908. This would ensure that the sales are for the benefit of the club and also make them subject to the storage requirements and to reporting requirements through compulsory annual reports. The reports would have to include information about the ammunition bought and sold by a club. This would allow the Police to have oversight of the large amount of ammunition sold in this fashion.

Small and non-exclusive parts not integral to a firearm would not be defined as a “part” for the purposes of the Act

The Arms Act’s definition of a part includes the phrase “any thing”, followed by examples (section 2(1)). We are concerned that this does not provide sufficient certainty that it excludes very small parts which are not integral to a firearm nor exclusive to firearms, such as small screws.

The intention is to ensure that the rules that govern possession and manufacture of a firearm cannot be circumvented by having a person assemble or modify firearms with parts that there are no controls over.

However, submitters were concerned that a wide definition of “part” could have several unintended consequences for very small parts, and parts that are not exclusive to firearms. For example, the bill as introduced could potentially under regulations require all parts of a firearm to be registered and marked, including items such as screws.

We recommend replacing clause 6(4) to change the definition of “part” in section 2(1) of the Act. Our change would remove the current wording “including any thing such as” and instead be an exhaustive list.

The effect of this is that only parts that are exclusive to firearms or integral to their operation would come under the definition of a “part”.

We believe this would be more practical. It would allay fears of manufacturers and importers of firearms that small parts, such as a screw, would need to be entered into the registry or require a permit to import.

Endorsements on a firearms licence

Pest control endorsements

As introduced, the bill stipulates that pest control related endorsements would last for 2 years (clause 46, new section 33C). We propose amending this provision so that a pest control endorsement would last for 2.5 years. As the bill would change the licence period for a first-time licence holder to 5 years, a 2-year pest control endorsement might require some people to apply for this endorsement three times over the course of their 5-year licence. With a 2.5-year period, a person would only need to apply twice. This change would make the process for these endorsements easier to manage.

Endorsements for employees of firearms dealers

As introduced, clause 46, new section 33C provides that the duration of an endorsement held by an employee of a licensed dealer would continue in force for 1 year.

We recommend amending new section 33C to make it clear that the 1-year limit on endorsements refers exclusively to endorsements held in a licence holder's capacity as an employee.

With the exception of pest control endorsements (see above), all other endorsements held by an employee in a private capacity would remain on their licence until it expires.

We also recommend amending clause 49 to insert section 35(2A), and a related amendment to section 35(2)(b). The effect of these two changes would be to enable an employee of a licensed dealer to be issued a permit to possess a pistol or restricted weapon in their private capacity if they have a personal endorsement. However, it would prevent an employee being issued a permit to possess in their private capacity based solely on an employee endorsement.

Permits to import firearms and ammunition

The bill would make several changes related to the importation of firearms and ammunition. We recommend changes to some of these provisions, as follows.

Importation of prohibited ammunition

Section 16A of the Arms Act provides that a person is liable to a term of imprisonment for importing prohibited ammunition. However, regulation 28Y of the Arms Regulations 1992 allows the possession of prohibited ammunition in specific circumstances. The intent behind this regulation is that there would only ever be a small quantity of prohibited ammunition allowed into New Zealand. It would only be possessed by a small number of people, and the Police could be reasonably confident that they would hold the ammunition in a responsible manner.

We recommend amending clauses 21, 22, and 24, sections 16, 16A, and 18 of the Act, to allow for the importing of prohibited ammunition in certain limited circumstances. A permit could only be granted if the individual were able to possess prohibited

ammunition under regulation 28Y and was the holder of a firearms licence. They would also need to have a special reason why the ammunition should be allowed into New Zealand.

We consider that allowing the importation of prohibited ammunition under such limited circumstances would not hamper the policy intent of section 16A. The Police would still be able to maintain tight control over the possession of prohibited ammunition. The quantity of items would be very small and the risk of misuse very low. We believe it is appropriate that those individuals who are legally allowed to possess prohibited ammunition are also legally allowed to obtain this ammunition.

A permit to import would depend on the importer holding the appropriate licence

Under the Act at present, an importer of firearms is not required to hold a firearms licence. This means that a person could apply for an import permit for items that they cannot lawfully possess.

We recognise that such an application for a permit would likely be refused on the grounds that the applicant does not have a firearms licence. Nevertheless, for the avoidance of doubt, we recommend specifying in our proposed new section 18(4) that an importer of firearms must hold the corresponding firearms licence, complete with the relevant endorsements. This would ensure that importers are holding firearms in the same safe and responsible manner that is expected of gun owners.

Multiple consignments with a single import permit

Under clause 24, section 18 as introduced, an import permit would cover items brought into New Zealand in a single consignment. Items not included in that consignment would need an additional permit.

We accept that this does not take into account the day-to-day reality of importation. An order may arrive in different shipments that land in New Zealand at different times. This could be for various reasons, and be outside the importer's control. It would be impractical to require an importer to have multiple import permits for the single order in every case. It would create an administrative burden for importers without a corresponding increase in public safety.

We recommend amending new section 18AAD as inserted by the SOP so that an import permit could apply to multiple consignments, and would continue to apply for up to 30 days after the initial consignment arrives in New Zealand. Any consignment arriving after 30 days would need a new import permit.

Paintball and airsoft ammunition should not be considered ammunition for the purposes of the Act

We wish to allay some concern about how this bill would affect the legal standing of paintball and airsoft guns. Although the projectiles for these guns have very low potential for harm, submitters were concerned that they could be unintentionally subject to some of the new provisions aimed at tightening the rules around firearms.

Instead of amending a definition—since ammunition is not defined in the Arms Act—we propose clarifying this matter in the clauses dealing with ammunition restrictions and requirements. We recommend amending clause 31, new sections 22B, 22C, and 22D, by expressly excluding projectiles fired from paintball and airsoft guns from the ammunition provisions.

We also recommend amending clause 21, new section 16, so as to exclude paintball and airsoft ammunition from requiring an import permit.

The requirement to hold a licence to possess a magazine for an airgun

Clause 31, new section 22A(1) prohibits someone from possessing a magazine when they do not have a firearms licence. However airguns, which do not require a firearms licence, also use magazines. We are concerned that this provision would require someone to have a licence to possess an airgun magazine, when they would not require one to possess an airgun.

We recommend amending this provision to make it clear that someone would only need a licence to possess a magazine for a firearm.

We note that any airgun that has been deemed especially dangerous is classified as a firearm, so a licence would still be required to possess a magazine for one of these.

Offence provisions

Clauses 56 to 72 of the bill would create a new Part 8 in the Act dealing with offences. It would amend existing sections 42 to 59, and create a number of new offences for breaches of the new regime. The SOP would also create offences relating to the new restrictions on pistol carbine conversion kits (new sections 44AA and 50AA).

Certain offences would not apply to an agency of the Crown

Clause 7 of the bill would amend section 3 of the Act to exempt agents of the Crown from certain provisions in specified circumstances. For example, it would allow the use of prohibited firearms for Defence Force training purposes, and the Commissioner of Police to authorise the importation and possession of firearms by visiting law enforcement officers.

We recommend adding new subclauses (6) to (8) to provide immunity for members of the Police in situations where they undertake covert activities for law enforcement purposes. With our amendment, it would not be unlawful for members of the Police, in the course of undertaking covert activities, to commit any of the offences specified in proposed new sections 55D to 55G.

This provision would be similar to section 34A of the Misuse of Drugs Act 1975. It would protect undercover officers from liability if, as part of a covert investigation, they engaged in illegal trafficking or manufacturing of firearms.

However, some requirements should apply to the Crown

Clause 7, section 3(5), would exempt the Crown from certain requirements that would otherwise apply under the Act. They include recording information in the registry, marking firearms and other items with identifying markings, or reporting information to the Police. However, we believe it may in the future be appropriate for the Crown to do these things in some circumstances. We recommend amending clause 82(11) to insert section 74(1)(re). This would allow regulations to be made that impose such a requirement on the Crown.

Changes to the legal standard the bill would require for criminal offences

The bill contains a number of strict liability offences. Crown Law, in its advice to the Attorney-General on the bill's consistency with the New Zealand Bill of Rights Act 1990, noted that a defence of total absence of fault may be available to a defendant for some of these offences. However, we consider it would be better practice and consistent with similar offences in the Act for the words "without reasonable excuse" to be added to these offences.

We therefore recommend adding "without reasonable excuse" to the offence provisions in clause 19 (section 15), clause 21 (section 16), clause 29 (section 20), clause 30 (section 21), clause 51 (section 36), and clause 53 (sections 38B and 38K).

Mail order and internet sales of firearms

Section 43A of the Arms Act makes it an offence for a person to sell an arms item (other than an airgun for use in airsoft or paintball sports) or ammunition by mail order or over the internet without a special endorsement from the Police.

However, this provision does not apply to pistols, restricted weapons, prohibited items, or certain ammunition.

We believe it would be inconsistent with the policy intent for there not to be a specific restriction on the sale of pistols, restricted weapons, and prohibited items by mail order or over the internet. This is especially pertinent because these items have been deemed to have a higher potential for harm than regular firearms, which are subject to restrictions.

We recommend amending clause 59 to insert section 43A(3). This would create an offence regarding mail order or internet sales of pistols, restricted weapons, and prohibited items. Any such sale would require the purchaser to hold the appropriate endorsement and a permit to possess that item, and the courier delivering the item to be specified in the permit or, in the case of a prohibited part, a form specified by the Police.

Review of the Firearms Advisory Group membership

The bill as introduced does not expressly allow for the removal of a member of the Firearms Advisory Group. We recommend amending clause 83 to insert section 90A so that the Minister of Police or the Commissioner may remove a member they have

appointed, with just cause. Grounds for removal would include misconduct, inability to perform the functions of office, neglect of duty, or a breach of agreed procedures.

On the advice of the Regulations Review Committee, we recommend that section 74(1)(rb)(v) be deleted (clause 82(11)). This regulation-making power is unnecessary because new section 89(5) already provides that members of the advisory group would generally be immune from liability in civil proceedings.

Cost recovery

Clause 83 would insert sections 80 to 86 to enable the Police to recover costs in relation to certain activities under this legislation. Examples of such activities are set out in proposed section 80(2).

For clarity, we recommend some amendments in section 80.

We consider fees appropriate in instances such as these, where the person charged would receive a personal benefit from the service supplied. We consider that any fee should relate to the cost of providing the service.

As noted earlier in this commentary, it is not intended that users of the firearms registry would be charged for transactions. If it is decided that users are to contribute to the funding of the registry, then the cost recovery for this could possibly come from the firearms licensing fee. We therefore recommend amending proposed section 81(b) to delete the example of a charge on licence holders for updating the registry.

Regulation-making powers

We recommend a number of changes to the regulation-making provisions in the bill. Many have been discussed already throughout this report. One further change of note should be highlighted.

We recommend that clause 82 insert a new subsection 74(4) that provides that, before the Minister of Police recommends the making of any regulations, the Minister should be satisfied that the Commissioner of Police has done everything reasonable to consult persons or organisations that appear to the Commissioner to be affected or likely to be affected by the regulations. An exception is provided for cases where the Minister is satisfied that, in the circumstances, it was not practicable to consult to that extent or to carry out any consultation.

Commencement of the bill's provisions

As introduced, clause 2 of the bill provides that most provisions would come into force on a date or dates to be set by Order in Council, or 2 years after enactment, whichever was earlier. The Regulations Review Committee questioned the need for this approach. It noted that commencement by Order in Council should be rare, and the fall-back date should be no more than a year after enactment.

We have considered these points, and recommend replacing clause 2 with staged commencement dates for the bill's various provisions, ranging from the day after the date of Royal assent, to 2 years after.

National Party minority view

National Party members do not support this bill. We believe it is improperly targeted and that this firearms reform should be focused on genuine criminal activity and gangs.

This bill does not do that. Instead it places greater responsibility, regulation, and costs on individuals and groups who already obey the law.

To the National Party members, the general policy thrust of this bill appears to be predicated on the notion that applying some more rules to people who already follow the law will somehow make people safer. That flies in the face not only of evidence we received on this bill, but also the evidence received by the select committee inquiry into the illegal possession of firearms in 2016/17.

Evidence received by that committee included statistics from Australia that 87 percent of offenders in firearms-related offences were unlicensed and, of homicides involving firearms, 90 percent of those firearms were unregistered.

That evidences that more rules around licensing and a firearms register are neither going to reduce crime, nor keep guns out of the hands of criminals.

National Party members maintain that this bill should have been amended to include Firearms Prohibition Orders to keep firearms out of the hands of the most dangerous individuals, to have a much lighter regulatory touch on shooting clubs and ranges, and to have dialled back on the regulatory powers both in this bill and in the April 2019 reforms. Instead, those powers have been increased, particularly with SOP 408.

Instead of greater administrative burden and uncertainty on clubs and ranges, the bill should have looked to address accessibility to legitimate sports shooting, including prohibited-category firearms, based on the rules and practices of organisations widely acknowledged for their sound management, such as Pistol New Zealand.

It should also have addressed broader eligibility for prohibited-category firearms for pest control. Instead, this will be addressed via regulations and away from immediate parliamentary scrutiny, resulting in secondary legislation which encourages people to form company vehicles simply to get around primary legislation.

National Party members hold that insufficient justification has been provided to warrant lowering the threshold for proactive notification by a health practitioner from that in the Health Information Privacy Code. We are particularly concerned with provisions which will see the Police proactively advising health practitioners that their patient holds a firearms licence, a policy which will result in the private information of around 250,000 New Zealanders being disclosed.

There are alternative means to address proactive notification which do not require that extent of information disclosure.

SOP 408

National Party members hold that advisers were unable to demonstrate sufficiently that pump action rifles represent a public safety risk approaching that of semi-automatic firearms.

Similarly, we are not persuaded that short-barrelled rifles could not have been addressed through an alternative definition which addressed them directly.

Instead, SOP 408 results in a revised definition and regulation-making power which further increases the scope of that power. That is achieved by reducing the scope of what cannot be prohibited through regulations.

We do not support the increase in regulation-making power.

Summary

While we support most of the proposed amendments from the committee, in the context of the bill as it stands, they simply make a poor bill somewhat less poor. They do not fundamentally shift the focus, or the legislative changes, to where they should be.

National Party members recommend that the bill does not progress.

ACT Party minority view

Recommendation: the ACT Party member recommends that the legislation be abandoned.

Prelude

In the aftermath of our nation's tragedy in Christchurch, it was clear that there would be changes to the laws and administration of firearm laws in New Zealand. What could never have been predicted was the poor quality of response from the Government parties and even one Opposition party responsible for holding the Government accountable.

The April 2019 Arms Amendment Act that preceded the current legislation has led to a series of failures. The most obvious is that the Government openly accepts it does not know what proportion of prohibited firearms were handed in to the so-called buy-back. A subtler but perhaps more important failure is a precipitous measured decline in trust in the Police that was evident in many submissions. The Government's changes have significantly impacted law-abiding firearm owners, without actually impacting criminals or would-be terrorists.

Against that backdrop, the Minister of Police introduced this Arms Legislation Bill. Before reviewing the contents of the bill, and the submissions to it, it is worth making some remarks about the timing.

Timing of the bill and parliamentary procedure

The bill was first read on 24 September 2019. In the normal course of events, it would be referred to the Justice Committee with instructions to report back to the House within six months, on 24 March 2020. The Finance and Expenditure Committee was

given special instructions to report back by 10 February 2020. This has two effects. One is that the committee has had less time than usual to consider the bill, and far less time than usual considering the House has not sat from 18 December 2019 until 11 February 2020. The second effect is that it is difficult to avoid thinking that the Government has cynically sent the bill to a committee that usually deals with financial matters simply because it has a majority on this committee (but not the more logical Justice Committee), and asked for it to be reported back in time to pass third reading before the 15 March anniversary. It is difficult to avoid thinking the Government has prioritised political theatrics over public safety.

A more substantive concern is that the bill will be passed before the Royal Commission of Inquiry into the Christchurch tragedy has reported back. It is logical that the Government has an inquiry to find out what went wrong and legislation to fix it, but totally illogical that the legislation will be passed before the inquiry reports back.

Submissions

The ACT Party member acknowledges that the submissions made were overwhelmingly critical of the bill. Submitters seemed anxious to impress that firearms were a part of their life and often their work. They often had family activities centered on firearms. They displayed considerable knowledge of the practicalities of regulating firearm activities and gave practical reasons why they would not work.

The ACT Party member was saddened to see the Chair of the committee often attack submitters and argue with submitters; however, the member accepts that there was considerable tension around the legislation. Members of the New Zealand First Party and the New Zealand Labour Party do not accept this characterisation.

The ACT Party member was constantly underwhelmed by the Police. They frequently presented arguments that were easily undermined by basic enquiry. With great sadness, the ACT Party member concluded that the Police should not be the policy advice department in this area. The advice does not assist in making good policy, and the process of giving it erodes the Police's reputation, in the member's view.

Contents of the bill

Registration

The bill creates a requirement for all firearms to be registered. The committee heard extensive submissions about a firearm register. Overwhelmingly, submitters opposed a register. They cited that a register would be inaccurate. In particular, some submitters who had had E-Category firearms (which were registered) noted that that register was routinely incorrect. Others noted the cost of registers overseas. Others noted the adverse selection problem, that the most dangerous people would not register their firearms. Others noted that a register would create a security risk if details of where and what type of firearms were stored got leaked into criminal hands. We were told that modern technology would make it easier to store a safe and accurate register. However, we also heard from submitters well versed in database technology that this view was naïve. The latter submitters pointed out that while database technology has

indeed improved over the decades, the challenges with such registers occur at the human interface.

In particular, the bill as introduced required real-time up-to-date registration of firearms. Submitters pointed out the absurdity of this. Some submitters contended that following the law as written would require them to update the database from the bush if they handed a rifle to a mate. If the bill proceeds, relaxation of these requirements to something more practical would be welcome. However, the ACT Party member notes, and found in questioning, that if the requirements are relaxed long enough for, say, a firearm to spend a week at a friend's house, they are relaxed enough for a crime to be committed, giving the lie to the claim that registration makes anyone safer in the first place.

Club regulations

The bill imposes a new regulatory regime on clubs. We heard that this provision will have the opposite of its intended effect. New Zealand hunting and shooting clubs have long led the way in their promotion of, and provision of training for, safe firearms handling. Instead of ensuring more licensed firearm owners shoot with the supervision and support of a club, people will be less likely to form clubs and some existing clubs may even disband if their volunteer members are unable or afraid to meet this new burden of regulatory compliance.

Doctor-patient relationship

The doctor-patient relationship has long been a privileged one. The bill as introduced made a "suggestion" that doctors speak to Police if a person with a firearm licence faced mental health challenges. Proponents of this provision have been keen to claim that the provision was not mandatory. However, that being the case, it makes no difference from the status quo where doctors had the possibility of reporting a person in danger to other authorities but are not required to. Altogether, the introduction of this provision has needlessly stigmatised mental health challenges for no gain of any kind.

Manufacturing

The committee heard from submitters who manufacture firearms that their businesses will be severely impaired by the new regulations proposed for manufacturing. Given their business involved machining and fabricating high-value customised parts, it is unclear how regulating them further will prevent harm. The real harm comes from illicit manufacturing by unlicensed manufacturers, which of course is already illegal.

Licence period

There was some discussion of the licensing period. The bill as introduced proposed a 5-year licensing period. As the discussion progressed, it became clear to the ACT Party member that a more frequent relicensing period would simply become a perfunctory process. As the administrators sought to economise on resources, this process would be at the expense of ad hoc monitoring of reported threats about those in the middle of a licence period, and proper vetting of those at the end of a licence

period. Again, a well-intentioned but ultimately counterproductive proposal that characterises the bill.

Conclusion

Altogether this has been a flawed process. The parliamentary procedure and timing has been disappointing, although the ACT Party member has been impressed with many of the submissions made. The member believes that the submission process has shown the bill does more harm than good, and recommends that it be returned to the House with a recommendation that it not proceed.

Appendix

Committee process

The Arms Legislation Bill was referred to the committee on 24 September 2019. The closing date for submissions was 23 October 2019. We received and considered 3,527 submissions from interested groups and individuals. We heard oral evidence from 318 submitters at hearings in Auckland, Christchurch, Hamilton, Dunedin, and Wellington.

Supplementary Order Paper 408 was released to us on 12 November 2019. The closing date for submissions was 29 November 2019. We received and considered 685 submissions from interested groups and individuals. We heard oral evidence from 33 submitters at hearings in Wellington.

We received advice from the New Zealand Police.

The Regulations Review Committee reported to us on the powers contained in clauses 2, 7, 82, 83, and new Part 2 of Schedule 1, clause 17.

Committee membership

Dr Deborah Russell (Chairperson)

Kiritapu Allan

Andrew Bayly

Rt Hon David Carter

Tamati Coffey

Hon Judith Collins

Hon Paul Goldsmith

Ian McKelvie

Greg O'Connor

Willow-Jean Prime (until 11 December 2019)

David Seymour

Jamie Strange (from 11 December 2019)

Fletcher Tabuteau

Dr Duncan Webb

Brett Hudson participated in our consideration of this bill.

Key to symbols used in reprinted bill

As reported from a select committee

text inserted by a majority

text inserted unanimously

~~text deleted by a majority~~

~~text deleted unanimously~~

Hon Stuart Nash

Arms Legislation Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Arms Legislation Act **2019**.

2 Commencement

- (1) ~~Section 82 and clause 17 of Schedule 1~~ come into force on the day after the date on which this Act receives the Royal assent. 5
- (2) The rest of this Act comes into force on a date appointed by the Governor-General by Order in Council, and 1 or more orders may be made appointing different dates for different provisions and for different purposes.
- (3) Any provisions not previously brought into force under ~~subsection (1) or (2)~~ come into force on **1 December 2021**. 10
- (4) In this section, **provision** includes—
- (a) a new section or other provision inserted into the principal Act by a section of this Act:

(b) any item, or any part of an item, in any of the schedules.

2 Commencement

- (1) The following provisions come into force on the day after the date on which this Act receives the Royal assent:
- (a) sections 3 to 9, 10A, 11A to 15, 17 to 30, 37, 37A, 40, 41, 42(1), (2), and (4) to (6), 43 to 52, 54 to 59, 62 to 70, 72 to 74A, 76A, 77A, and 78 to 82C: 5
- (b) section 10, to the extent that it relates to new section 5C of the principal Act:
- (c) section 31, to the extent that it relates to new section 22E of the principal Act: 10
- (d) section 83, to the extent that it relates to new sections 79 to 90A and 95 of the principal Act:
- (e) section 84 and Schedule 1, to the extent that they relate to new clauses 8 to 10, 13, 16A to 16E, and 17 of Schedule 1 of the principal Act: 15
- (2) The following provisions come into force 6 months after the date on which this Act receives the Royal assent:
- (a) section 31, to the extent that it relates to new sections 22A to 22D and 22F of the principal Act: 20
- (b) sections 32 to 36, 38, and 39:
- (c) section 61:
- (d) sections 75 to 76 and 77:
- (e) section 83, to the extent that it relates to new section 91 of the principal Act: 25
- (f) section 84 and Schedule 1, to the extent that they relate to new clauses 11 and 12 of Schedule 1 of the principal Act:
- (g) section 86.
- (3) The following provisions come into force 12 months after the date on which this Act receives the Royal assent: 30
- (a) section 10, to the extent that it relates to new sections 5 to 5B and 6 of the principal Act:
- (b) section 11:
- (c) section 16.
- (4) The following provisions come into force 2 years after the date on which this Act receives the Royal assent: 35
- (a) section 42(3):

- (b) section 53, to the extent that it relates to new **sections 38A to 38V** of the principal Act;
- (c) section 84 and Schedule 1, to the extent that they relate to new **clauses 14 and 15 of Schedule 1** of the principal Act.
- (5) The following provisions come into force 2 years after the date on which this Act receives the Royal assent, unless brought into force earlier under subsection (6): 5
- (a) section 53, to the extent that it relates to new **sections 38W to 38ZF** of the principal Act;
- (b) section 71: 10
- (c) section 83, to the extent that it relates to new **sections 92 to 94** of the principal Act;
- (d) section 84 and Schedule 1, to the extent that they relate to new **clause 16 of Schedule 1** of the principal Act;
- (e) section 88: 15
- (f) any other provision whose commencement is not provided for by subsections (1) to (4).
- (6) Sections 85 and 87 come into force on a date appointed by the Governor-General by Order in Council.
- (7) The Governor-General may, by Order in Council, appoint commencement dates for the purposes of subsections (5) and (6), and 1 or more orders may be made appointing different dates for different provisions and for different purposes. 20

Part 1

Amendments to Arms Act 1983 25

3 Principal Act

This Part amends the Arms Act 1983 (the **principal Act**).

4 Long Title repealed

Repeal the Long Title.

5 New Part 1 heading and section 1A inserted 30

After section 1, insert:

Part 1 Preliminary provisions

1A Purposes of this Act

- (1) The purposes of this Act are to—
- (a) promote the safe possession and use of firearms and other weapons; and 5
 - (b) impose controls on the possession and use of firearms and other weapons.
- (2) The regulatory regime established by this Act to achieve those purposes reflects the following principles:
- (a) that the possession and use of arms is a privilege; and 10
 - (b) that persons authorised to import, manufacture, supply, sell, possess, or use arms have a responsibility to act in the interests of personal and public safety.

6 Section 2 amended (Interpretation)

- (1) In section 2(1), insert in their appropriate alphabetical order: 15
- air pistol carbine conversion kit**—
- (a) means a frame or kit that may be used to convert an air pistol that is designed or adapted to be held and fired with 1 hand into an airgun that may be fired from the shoulder; but
 - (b) does not include a pistol carbine conversion kit 20
- ~~**ammunition seller** means a person who is responsible for the day-to-day management of a business that includes selling or supplying ammunition~~
- ammunition seller**—
- (a) means a person who is responsible for the day-to-day management of a business that includes selling or supplying ammunition; but 25
 - (b) does not include—
 - (i) a licensed dealer; and
 - (ii) a member of a shooting club, if the member sells ammunition—
 - (A) to a club member, or on club premises, with the approval of the management committee of the club or a majority vote of club members; and 30
 - (B) the sales revenue is used for the benefit of the club
- arms item** means an item of any of the following classes of arms:
- (a) firearms (including prohibited firearms):
 - (b) magazines (including prohibited magazines): 35
 - (c) parts (including prohibited parts):

- (d) airguns:
- (e) pistols:
- (f) restricted weapons;
- (g) pistol carbine conversion kits
- blank-firing gun**— 5
- (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 10
- (b) includes a starting pistol that fires a blank cartridge or a cap
- Customs officer** has the meaning given in section 5(1) of the Customs and Excise Act 2018
- dealer activity** means any activity of a kind specified in **section 5(1)**
- health practitioner** ~~has the meaning given in section 5(1) of the Health Practitioners Competence Assurance Act 2003~~ means a health practitioner registered with the Medical Council of New Zealand, a nurse practitioner registered with the Nursing Council of New Zealand, a psychologist registered with the New Zealand Psychologists Board, or a duly authorised officer under the Mental Health (Compulsory Assessment and Treatment) Act 1992 15 20
- improvement notice** means a notice issued under **section 60**
- manufacture**, in relation to an item, includes the assembly of that item
- pistol carbine conversion kit**—
- (a) means a frame or kit that may be used to convert a pistol (not being an air pistol) that is designed or adapted to be held and fired with 1 hand and that has an overall length of no more than 400 millimetres into a firearm that may be fired from the shoulder; and 25
- (b) includes a frame or kit described in **paragraph (a)** that is also capable of being used as an air pistol carbine conversion kit
- registry** means the registry kept and operated under **section 92** 30
- semi-automatic pistol** means a firearm that is designed or adapted to be held and fired with 1 hand, including any firearm that is less than 762 millimetres in length and that when loaded, with each pull of the trigger,—
- (a) fires a cartridge and ejects the cartridge case; and
- (b) automatically loads another cartridge in the firearm’s chamber (unless all loaded cartridges have been fired) 35
- senior manager**, in relation to a body corporate, means a person who is ~~not a director but~~ occupies a position that allows the person to exercise significant

influence over the management or administration of the body corporate (for example, a chief executive)

shooting club has the meaning given in **section 38A**

small semi-automatic pistol means a semi-automatic pistol that—

- (a) has an overall length of 400 millimetres or less, excluding any silencer, pistol carbine conversion kit, or other muzzle-fitting attachment; and 5
- (b) has a barrel length of 101 millimetres or more; and
- (c) is capable of firing specified ammunition only at a muzzle velocity of 1,600 feet per second or less; and
- (d) is suitable for shooting on a certified pistol range 10

specified ammunition means ammunition of a type specified in the rules of the target pistol shooting disciplines approved by the Commissioner and administered by the national pistol target shooting controlling body known as Pistol New Zealand Incorporated

theatrical armourer means a person who holds a current endorsement under section 29(2)(e) and is recognised by the Police as having the required competence to supervise the use and secure storage of firearms and restricted weapons during theatrical, cinematic, television, film, or video productions 15

visitor means a visitor to New Zealand who intends to be in New Zealand for less than 1 year 20

- (2) In section 2(1), replace the definition of **antique firearm** with:

antique firearm—

- (a) means—
 - (i) any firearm that—
 - (A) is held in the possession of any person solely as an antique (but not as a copy or replica of an antique); and 25
 - (B) is not designed for firing, and is not capable of firing, rim-fire or centerfire cartridge ammunition; or
 - (ii) any firearm declared by regulations made under this Act to be an antique firearm for the purposes of this Act; but 30
- (b) does not include any firearm manufactured after 1899

- (3) In section 2(1), repeal the definition of **arms office**.

- (4) In section 2(1), definition of **part**, paragraph (d), after “folding or telescopic stock,”, insert “silencer.”

- (4) In section 2(1), replace the definition of **part** with: 35

part, in relation to any firearm or restricted weapon—

- (a) means—

- (i) any component that, of itself, is essential to the discharge of any shot, bullet, missile, or other projectile from the firearm or restricted weapon; and
- (ii) any component that is exclusively designed to be, or is intended to be, an integral part of the firearm or restricted weapon (for example, a butt, stock, magazine, or other component that feeds or contributes to feeding ammunition to the firearm or restricted weapon); and 5
- (b) includes the following components or accessories that can be fitted to, or adapted to fit, a firearm or restricted weapon: 10
- (i) grips:
- (ii) frames:
- (iii) chassis systems:
- (iv) conversion kits:
- (v) magazine couplers: 15
- (vi) magazine loaders:
- (vii) flash suppressors:
- (viii) silencers:
- (ix) folding or telescoping stocks
- (5) In section 2(1), replace the definition of **pistol** with: 20
- pistol** means a firearm (other than a prohibited firearm or restricted weapon) that is designed or adapted to be held and fired with 1 hand, and includes any firearm (other than a prohibited firearm or restricted weapon) that is less than 762 millimetres in length
- 6A** **Section 2A replaced (Meaning of prohibited firearm)** 25
- Replace section 2A with:
- 2A** **Meaning of prohibited firearm**
- (1) In this Act, unless the context otherwise requires, **prohibited firearm**—
- (a) means any of the following firearms:
- (i) a semi-automatic firearm, other than— 30
- (A) a specified semi-automatic firearm:
- (B) a semi-automatic shotgun with a non-detachable tubular magazine or magazines that are capable of holding no more than 5 cartridges commensurate with that firearm’s chamber size: 35
- (C) a small semi-automatic pistol:

- (D) a semi-automatic pistol (not being a small semi-automatic pistol) held by a person referred to in **subsection (3)**:
- (ii) a pump-action shotgun that is capable of being used with a detachable magazine:
- (iii) a pump-action shotgun that has a non-detachable tubular magazine or magazines that are capable of holding more than 5 cartridges commensurate with that firearm's chamber size: 5
- (iv) a centrefire pump-action rifle that is capable of being used with a detachable magazine:
- (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: 10
and
- (b) includes any other firearm declared by Order in Council made under section 74A to be a prohibited firearm for the purposes of this Act. 15
- (2) In **subsection (1)(a)(i)(A)**, **specified semi-automatic firearm** means a semi-automatic firearm—
- (a) that is capable of firing only 0.22 calibre or lower rimfire cartridges and that has a magazine, whether or not detachable or otherwise externally fed, that is capable of holding no more than 10 cartridges commensurate with the firearm's chamber size; and 20
- (b) if the firearm has a lower receiver, the lower receiver is not able to be attached to a centrefire upper receiver so that the resulting firearm is able to function.
- (3) For the purposes of **subsection (1)(a)(i)(D)**, the person is the holder of a firearms licence— 25
- (a) if the person's licence bears an endorsement made under section 30 permitting the holder to possess the semi-automatic pistol in the capacity referred to in section 29(2)(b), (c), (d), or (e); and
- (b) the person has been issued with a permit to import the pistol (under **section 18**) or a permit to possess the pistol (under section 35). 30

6B Section 2B amended (Meaning of prohibited magazine)

In section 2B(b), replace “(except a pistol)” with “(except a pistol described in **section 2A(1)(a)(i)(C) or (D)**)”.

7 Section 3 amended (Act to bind the Crown) 35

(1A) In section 3(2), replace “possession of firearms, airguns, pistols, magazines, parts, restricted weapons,” with “possession of arms items.”

(1) In section 3(2)(a)(ii)-, after “employed”, insert “or engaged”.

(2) Replace section 3(2)(a)(v) with:

- (v) a person authorised by the Commissioner or the Chief of Defence Force to provide training to members of their respective organisations referred to in this paragraph in the use of any ~~firearm, pistol, restricted weapon, ammunition, magazine, part, arms item, ammunition~~, or explosive; or 5
- (va) a civilian employee of the Ministry of Defence, so long as the person carries or possesses any firearms or other items regulated by or under this Act under the direct supervision of a member of the New Zealand Defence Force; or
- (vb) a Customs officer; or 10
- (2A) In section 3(2)(b), replace “firearms, airguns, pistols, magazines, parts, restricted weapons,” with “arms items.”
- (2B) In section 3(3)(a) and (b), replace “firearms, airguns, pistols, magazines, parts, restricted weapons,” with “arms items.”
- (3) After section 3(3)(a), insert: 15
- (ab) the importation or possession by any agent of the Crown of ~~firearms, airguns, pistols, magazines, parts, restricted weapons, arms items~~, ammunition, or explosives imported on behalf of the Crown, so long as the importation or possession is within the scope of the agent’s written authority; or 20
- (ac) the manufacture by the Crown, or on behalf of the Crown by any agent of the Crown, of any ~~firearms, airguns, pistols, magazines, parts, restricted weapons, arms items~~, ammunition, or explosives, so long as any assembly or manufacture by an agent is within the scope of the agent’s written authority; or 25
- (4) After section 3(3), insert:
- (4) Nothing in this Act makes unlawful the importation, carriage, or possession of any firearm or other item regulated by or under this Act by any person who is a visiting law enforcement officer from another country and is authorised by the Commissioner to import, ~~carry, the firearm or other item into New Zealand~~ or to carry or possess the firearm or other item while in New Zealand. 30
- (5) The following requirements of this Act do not apply in relation to any ~~firearms, airguns, pistols, magazines, parts, restricted weapons, arms items~~, ammunition, or explosives, or other items regulated by or under this Act that are owned by the Crown, except to the extent provided by regulations made under section 74: 35
- (a) any requirement to notify or report any event or circumstance to the Police:
- (b) any requirement to mark any firearm or other item with a ~~unique number~~ an identifying marking:
- (c) any requirement to provide any particulars to the Police for inclusion in the registry: 40

- (d) any requirement to record any particulars, whether in the registry or elsewhere.
- (6) No prosecution for an offence against any of **sections 55D, 55E, 55F, and 55G** may be commenced or continued against any constable in respect of any act committed by them at a time or during a period when they were acting as an undercover officer, except with the leave of the Attorney-General. 5
- (7) In **subsection (6)**, **undercover officer**—
- (a) means a constable whose identity is for the time being concealed for the purpose of a particular investigation of any suspected offence against any of **sections 55D, 55E, 55F, and 55G**; and 10
- (b) includes any other constable who is for the time being directing or assisting that constable in the course of that investigation.
- (8) A certificate signed by the Commissioner to the effect that, at any specified time or during any specified period, the constable named in the certificate was acting as an undercover officer is, for the purposes of **subsection (6)**, conclusive evidence of that fact. 15
- 8 Section 4A amended (Persons who may apply to import, sell, supply, possess, or use prohibited items)**
- (1) In the heading to section 4A, after “**import**,”, insert “**manufacture**,”.
- (2) In section 4A(1)(a), delete “or an employee or agent of a licensed dealer”. 20
- (3) After section 4A(1), insert:
- (1A) A person who before 12 April 2019 was in the business of manufacturing prohibited parts for the purposes of permitted supply is an exempt person in their capacity as a manufacturing business if the person continues, for the purposes of permitted supply, to manufacture prohibited parts. 25
- (1B) A person who before 12 April 2019 was in the business of permitted supply is an exempt person in their capacity as a permitted supply business if the person continues, for the purposes of carrying out permitted supply, to use prohibited items to test and demonstrate prohibited parts.
- (1C) A person employed or engaged by a person referred to in **subsection (1A) or (1B)** is an exempt person for the purpose of carrying out their duties in accordance with their contract of employment or engagement. 30
- (4) After section 4A(2), insert:
- (3) In this section, **permitted supply** means—
- (a) the supply of prohibited parts to the Crown that is permitted under section 3(2) or (3): 35
- (b) the export of prohibited parts to any person that is permitted or authorised under the Customs and Excise Act 2018:

- (c) the supply of prohibited parts to other persons expressly permitted or authorised under this Act to possess prohibited parts (other than by clause 5 of Schedule 1).

9 Cross-heading above section 5 replaced

Replace the cross-heading above section 5 with:

5

Part 2
Licensed dealers

10 Sections 5 and 6 replaced

Replace sections 5 and 6 with:

5 Dealers to be licensed

10

- (1) A person other than a body corporate must not carry on any of the following activities in relation to a class of arms items without a dealer's licence that authorises the person to carry on the activity in relation to that class of arms items:

- (a) ~~selling, hiring, lending, or otherwise supplying, in the course of carrying on business, carrying on the business of selling, hiring, lending, or otherwise supplying~~ a class of arms items: 15

- (b) possessing, for the purposes of an auction, a class of arms items:

- (c) ~~repairing or modifying, in the course of carrying on business, carrying on the business of repairing or modifying~~ a class of arms items: 20

- (d) displaying, as the director or curator of a bona fide museum, a class of arms items:

- (e) carrying on the business of manufacturing for sale, hire, lending, or other supply a class of arms items:

- (f) manufacturing (for the purposes of permitted supply (as defined in **section 4A(3)**)) prohibited parts and using prohibited items to test and demonstrate those prohibited parts. 25

- (1A) A body corporate must not carry on any of the activities specified in **subsection (1)** in relation to a class of arms items unless a senior manager of the body corporate has a dealer's licence authorising the senior manager to carry on the activities in relation to the class of arms items. 30

- (1B) A licensed dealer must not operate from 2 or more places of business carrying on any of the activities specified in **subsection (1)** in relation to a class of arms items unless the manager of each place of business has a dealer's licence authorising the manager to carry on the activity in relation to the class of arms items. 35

- (1C) Despite **subsections (1) and (1A)**, a dealer’s licence is not required for the following activities:
- (a) commercial hunting guide services by a firearms licence holder who during the provision of those services supplies no more than 6 firearms to 1 or more clients: 5
 - (b) the selling, hiring, lending, or supplying of firearms by a member of a shooting club, if the member—
 - (i) sells, hires, lends, or supplies firearms to a club member, or on club premises, with the approval of the management committee of the club or a majority vote of club members; and 10
 - (ii) the revenue from the sale, hire, lending, or supply of the firearms is used for the benefit of the club.
- (2) A dealer’s licence may not be issued for the carrying on of any of the activities specified in **subsection (1)** in relation to—
- (a) anti-personnel mines; or 15
 - (b) cluster munitions.
- (3) ~~Despite **subsection (1)**, a body corporate may carry on any of the activities specified in that subsection in relation to a class of arms items if a senior manager of the body corporate has a dealer’s licence authorising the senior manager to carry on the activities in relation to the class of arms items.~~ 20
- (4) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, contravenes **subsection (1)**.
- 5A Application for dealer’s licence**
- (1) An application for a dealer’s licence must— 25
- (a) be made on a form provided by a member of the Police, or in any way approved by a member of the Police; and
 - (b) specify—
 - (i) the dealer activities for which the dealer’s licence is sought; and
 - (ii) the class or classes of arms items in respect of which those activities will be carried on; and 30
 - (iii) if the dealer intends to operate from 2 or more places of business, the name of the manager of each place of business and the address of each place of business.
- (2) An application for a dealer’s licence to carry on or manage the dealer activity specified in **section 5(1)(e)** in relation to the manufacture of any prohibited items may only be made by a person described in **section 4A(1A)**. 35
- (3) An application for a dealer’s licence to carry on the dealer activity specified in **section 5(1)(f)** may only be made by a person described in **section 4A(1A)**.

5B Issue of dealer's licence

- (1) A commissioned officer of Police may issue a dealer's licence to an applicant authorising the applicant to carry on 1 or more dealer activities in respect of 1 or more classes of arms items if—
- (a) the applicant holds a firearms licence; and 5
 - (b) the commissioned officer of Police is satisfied that the applicant—
 - (i) is a fit and proper person to carry on the dealer activity or activities; and
 - (ii) has secure storage facilities appropriate for the class and number of arms items and any ammunition that may be possessed in the course of carrying out the activity or activities. 10
- (2) A dealer's licence that is issued to an applicant for the carrying on of a dealer activity in respect of any of the following classes of arms items must bear an appropriate endorsement made under section 30 or 30B:
- (a) prohibited firearms: 15
 - (b) prohibited magazines:
 - (c) pistols:
 - (d) restricted weapons;
 - (e) pistol carbine conversion kits.
- (3) A dealer's licence is personal to the person to whom it is issued, ~~and~~ may not be transferred to any other person, and must specify— 20
- (a) the dealer activity or activities the person may carry on; and
 - (b) the class or classes of arms items in respect of which that activity or those activities may be carried on.
- (4) However, if the person to whom a dealer's licence is issued is a senior manager of a body corporate, the senior manager may, on behalf of the body corporate, carry out the dealer activities specified in the dealer's licence in relation to the class or classes of arms items specified in the dealer's licence. 25

5C On-site theatrical armourers to supervise firearms use in certain cases

- (1) This section applies if a holder of a dealer's licence hires out firearms for use by a bona fide theatre company or society or cinematic or television film production company or video recording production company. 30
- (2) The use of those firearms by members of the company or society must be supervised by an on-site theatrical armourer.

6 Fit and proper person to hold dealer's licence 35

In deciding whether, for the purposes of **section 5B(1)(b)(i)**, an applicant is a fit and proper person to hold a dealer's licence, the commissioned officer of Police—

- (a) must take into account the character and reputation of the applicant, and whether the applicant—
- (i) has the competencies and resources to carry on the dealer activity or activities for which the dealer’s licence is sought; and
 - (ii) ~~has ever been adjudicated bankrupt, or been a director of a company that has been put into receivership or liquidation in New Zealand or overseas; and~~ 5
 - (iii) has any convictions; and
 - (iv) has a sound knowledge of firearms; and
 - (v) understands the legal obligations of a holder of a dealer’s licence; and 10
 - (vi) understands the legal obligations of a holder of a firearms licence, including an understanding of the endorsements that may be made on a firearms licence, and is able to provide advice on those obligations; and 15
- (b) in the case of an applicant who is a senior manager of a body corporate, and who, in reliance on **section 5(3) 5(1A)**, is applying for a dealer’s licence to enable the body corporate to carry on a dealer activity, the commissioned officer of Police must take into account whether—
- (i) ~~the body corporate has suitable staff; and~~ 20
 - (ii) the body corporate has appropriate record-keeping systems and other systems to comply with the requirements of this Act and any regulations made under this Act; and
 - (iii) ~~the applicant will have if the body corporate operates from 2 or more places of business, there will be, at each of those places, a manager who has appropriate oversight and control of the proposed dealer activity or activities for which the dealer’s licence is sought to be carried on at that place; and~~ 25
- (c) may take into account any other matters the commissioned officer of Police considers relevant. 30

10A Section 6A amended (Conditions of dealer’s licence)

- (1) In section 6A(1), replace “possession of a pistol,” with “possession of a pistol, pistol carbine conversion kit,”.
- (2) In section 6A(1)(a), replace “produce that pistol,” with “produce that pistol, pistol carbine conversion kit,”. 35
- (3) In section 6A(1)(b), replace “inspect the pistol,” with “inspect the pistol, pistol carbine conversion kit,”.
- (4) In section 6A(2)(a) and (b), replace “possession of the pistol,” with “possession of the pistol, pistol carbine conversion kit,”.

11 New section 6B inserted (Special condition of dealer's licence relating to manufacture of firearms, etc)

After section 6A, insert:

6B	Special condition of dealer's licence relating to manufacture of firearms, etc	5
(1)	Every dealer's licence issued for the purpose of carrying on a dealer activity relating to the manufacture for sale, hire, lending, or other supply of any of the following classes of arms items <u>items</u> is issued subject to the condition in subsection (2) :	
	(a) non-prohibited firearms:	10
	(b) non-prohibited magazines:	
	(c) non-prohibited parts:	
	(d) airguns:	
	(e) pistols:	
	(f) restricted weapons:	15
	(a) <u>pistols:</u>	
	(b) <u>restricted weapons:</u>	
	(c) <u>pistol carbine conversion kits:</u>	
	(d) <u>air pistol carbine conversion kits.</u>	
(2)	Before manufacturing of any class of arms items referred to in subsection (1), a dealer must obtain the Commissioner's written approval for the manufacture of that class of item.	20
	(a) <u>apply to the Commissioner for approval to manufacture that class of item, stating in the application the number of items intended to be manufactured; and</u>	25
	(b) <u>obtain the Commissioner's written approval for the manufacture of that class of item.</u>	
(3)	An approval may, for any class of arms items specified in subsection (1), specify the number, or maximum number, of arms items of that class that the dealer may manufacture.	30
(4)	The Commissioner, when considering whether to approve before approving the manufacture of any class of arms items <u>items</u> specified in subsection (1)(a), (b), or (c) , must be satisfied that there are special reasons why the arms items that are proposed to be manufactured should be in New Zealand.	
(5)	<u>The Commissioner must, before approving the manufacture of air pistol carbine conversion kits, also be satisfied that the kits are for the personal use of a member of an airsoft or paintball club that is affiliated with a national airsoft or paintball organisation.</u>	35

11A Section 7 replaced (Place of business)

Replace section 7 with:

7 Place of business

- (1) A dealer's licence may be issued in respect of a single place of business only.
- (2) However, any firearms belonging to the business may be handled at any other site if— 5
- (a) the dealer hires out the firearms for use by a bona fide theatre company or society or cinematic or television film production company or video recording production company, and—
- (i) the handling and secure storage of the firearms at that site is supervised by a theatrical armourer; and 10
- (ii) the armourer's endorsement under section 29(2)(e) specifies—
- (A) that the firearms may be handled at sites other than the dealer's place of business; and
- (B) that the armourer must hold written consent from a member of the Police that specifies the location of the site, and the duration and description of the theatrical production at that site: 15
- (b) in any other case, the dealer's licence contains a condition allowing the dealer to carry on activities on an occasional basis at places other than the dealer's place of business specified in the licence. 20
- (3) For the purpose of **subsection (2)(b)**, a dealer's licence may be issued with a condition described in that provision and other conditions necessary to provide for the safe use and secure storage of the firearms concerned.

12 Section 7A amended (Gun shows) 25

- (1) In section 7A(1), replace “sections 6 and 7” with “section 7”.
- (2) Replace section 7A(3) with:
- (3) Any consent given under subsection (1) may be given subject to any conditions specified by the commissioned officer of Police. 30
- (3) Repeal section 7A(4).

13 Section 9 amended (Revocation of dealer's licence)

In section 9, insert as subsection (2):

- (2) When a dealer's licence is revoked,—
- (a) the dealer must immediately surrender the licence to a member of the Police; and 35
- (b) an employee of the dealer may not carry on a dealer activity for the dealer.

14 Section 10 amended (Restriction on possession of pistol, prohibited items, or restricted weapon by licensed dealer)

- (1) In the heading to section 10, replace “~~prohibited items,~~” with “**prohibited firearm, prohibited magazine,**”.
- (1) Replace the heading to section 10 with “**Restriction on possession of prohibited firearms, prohibited magazines, pistols, restricted weapons, and pistol carbine conversion kits**”. 5
- (2) Replace section 10(1) with:
- (1) A licensed dealer may not take an arms item that is a pistol, restricted weapon, prohibited firearm, or prohibited magazine into their possession for the purpose of carrying on a dealer activity, unless the licensed dealer— 10
- (a) is the holder of a dealer’s licence that—
- (i) specifies that the dealer may carry on that activity in respect of a pistol, restricted weapon, prohibited firearm, or prohibited magazine; and 15
- (ii) bears an appropriate endorsement made under section 30 or 30B; and
- (b) obtains the arms item under—
- (i) a permit to import issued under section 18; or
- (ii) a permit to possess issued under section 35 or 35A from— 20
- (A) the holder of a firearms licence endorsed under section 30 or 30B; or
- (B) another licensed dealer.
- (2) Replace section 10(1) with:
- (1) A licensed dealer may not take an arms item that is a prohibited firearm, prohibited magazine, pistol, restricted weapon, or pistol carbine conversion kit into their possession for the purpose of carrying on a dealer activity unless the licensed dealer— 25
- (a) is the holder of a dealer’s licence that—
- (i) specifies that the dealer may carry on that activity in respect of a prohibited firearm, prohibited magazine, pistol, restricted weapon, or pistol carbine conversion kit; and 30
- (ii) bears an appropriate endorsement made under section 30 or 30B; and
- (b) either— 35
- (i) obtains the arms item under—
- (A) a permit to import issued under **section 18 or 18AA**; or

<p>(B) <u>a permit to possess issued under section 35, 35A, or 35AAA; or</u></p> <p>(ii) <u>manufactures it with the written approval of the Commissioner under section 6B(2).</u></p>	
<p>(2A) <u>In section 10(2)(c), after “dealer”, insert “whose dealer’s licence bears an endorsement made under section 30B to possess prohibited firearms”.</u></p>	5
<p>(3) Replace section 10(3) with:</p>	
<p>(3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, contravenes subsection (1) or (2).</p>	10
<p>15 Section 11 replaced (Dealers and their employees and agents to hold firearms licences)</p>	
<p>Replace section 11 with:</p>	
<p>11 Employees of licensed dealer to hold firearms licence bearing appropriate endorsements</p>	15
<p>(1) An employee of a licensed dealer must not perform any duties that include carrying on a dealer activity unless the employee holds a firearms licence.</p>	
<p>(2) If the employee’s duties include the carrying on of a dealer activity in respect of pistols, <u>pistol carbine conversion kits</u>, restricted weapons, prohibited firearms, or prohibited magazines, the employee’s firearms licence must also bear appropriate endorsements made under section 30 or 30B that authorise the employee to possess any such items in connection with their duties as an <u>employee of the licensed dealer</u>.</p>	20
<p>(3) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, contravenes this section.</p>	25
<p>16 Section 12 amended (Record of dealings by licensed dealers)</p>	
<p>(1) Replace section 12(1) with:</p>	
<p>(1) A licensed dealer must keep at the place of business referred to in their licence a book that records the particulars prescribed by regulations made under this Act relating to—</p>	30
<p>(a) the transactions conducted in the course of carrying on a dealer activity; and</p>	
<p>(b) the firearms, airguns, pistols, prohibited items, or restricted weapons <u>arms items and ammunition</u> received, sold, supplied, or manufactured in the course of carrying on their business.</p>	35
<p>(1A) A licensed dealer who keeps their book under subsection (1) in hard copy form must retain the book for at least 10 years from the date of the last entry in the book.</p>	

- (1B) A licensed dealer who keeps their book under **subsection (1)** electronically must retain each electronic record for at least 10 years from the date on which the record is entered.
- (1A) In section 12(2)(b) and (c), after “pistols,” insert “pistol carbine conversion kits,” in each place. 5
- (2) After section 12(2), insert:
- (2A) If a person’s dealer’s licence is revoked or surrendered under this Act, the person must immediately surrender to a member of the Police every book and associated document kept by the person for the purposes of this section all records they are required by this section to keep that have not been entered in the registry. 10
- (3) Replace section 12(3) with:
- (3) Every A licensed dealer commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, contravenes **subsection (1), (2) or (2A).** 15
- (4) After section 12(4), insert:
- (5) Despite **subsection (1)**, a licensed dealer need not record particulars under that subsection if—
- (a) the particulars are declared by regulations made under section 74 to be exempt from the requirement in that subsection; or
- (b) the dealer provides the particulars to the Police for inclusion in the registry in accordance with the regulations. 20
- 17 Section 13 amended (Seizure of firearms, ammunition, airguns, pistols, prohibited items, and restricted weapons held by licensed dealers)** 25
- (1) Replace the heading to section 13 with “**Seizure of items held by licensed dealer**”.
- (2) In section 13(1), (2), (4), and (5), after “firearms,” insert “magazines, parts,”.
- (3) In section 13(1), (2), (4), and (5), after “pistols,” insert “pistol carbine conversion kits,”. 30
- 18 Section 14 amended (Disposal of firearms, ammunition, airguns, pistols, prohibited items, and restricted weapons of dealer whose licence is revoked)**
- (1) Replace the heading to section 14 with “**Disposal of items of dealer whose licence is revoked**”.
- (1A) In section 14, delete “under section 9”.
- (2) In section 14, after “firearms,” insert “magazines,”.
- (3) In section 14, after “pistols,” insert “pistol carbine conversion kits,”.

19 Section 15 replaced (Offence for licensed dealer to carry on business following revocation of his licence)

Replace section 15 with:

- 15 Offence to carry on dealer activities following revocation of dealer's licence** 5
- (1) A licensed dealer whose dealer's licence is revoked under section 9 or **27C** may not—
- (a) carry on any dealer activity; or
 - (b) have any business interest in any of the kinds of items specified in section 14. 10
- (2) However, nothing in **subsection (1)** applies to a dealer who—
- (a) sells or otherwise disposes of any of the kinds of items specified in section 14 in accordance with that section; or
 - (b) after the revocation of their dealer's licence is, at any subsequent time, issued with another dealer's licence. 15
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year, or to a fine not exceeding \$15,000, if the person, without reasonable excuse, contravenes this section.

20 Cross-heading above section 16 replaced

Replace the cross-heading above section 16 with:

Part 3
Permits to import

21 Section 16 replaced (Offence to import firearms, etc, without permit)

Replace section 16 with:

- 16 Offence to import firearms, etc, without permit** 25
- (1) A person must have a permit to bring or cause to be brought ~~into~~ or sent ~~within~~ into New Zealand any of the following items:
- (a) a firearm (other than a prohibited firearm), pistol, restricted airgun, restricted weapon, or blank-firing gun;
 - (b) any part of a firearm (other than a prohibited firearm), pistol, restricted weapon, or blank-firing gun: 30
 - (c) non-prohibited ammunition (other than projectiles for airguns):
 - (ca) a pistol carbine conversion kit;
 - (cb) an air pistol carbine conversion kit;
 - (d) a prohibited item. 35

- (e) prohibited ammunition that is authorised or permitted expressly by or pursuant to this Act to be possessed.
- (2) In **subsection (1), New Zealand** does not include the harbours and other territorial waters of New Zealand.
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year, or to a fine not exceeding \$15,000, if the person, without reasonable excuse, contravenes **subsection (1)(a), (b), or (c), (ca), or (cb).** 5
- (4) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years if the person, without reasonable excuse, contravenes **subsection (1)(d) or (e).** 10
- 22 Section 16A replaced (Offence to import prohibited ammunition)**
Replace section 16A with:
- 16A Offence to import prohibited ammunition**
- (1) A person must not, without reasonable ~~cause~~ excuse, bring or cause to be brought or sent into New Zealand any prohibited ammunition that is not authorised or permitted expressly by or pursuant to this Act to be possessed. 15
- (2) In **subsection (1), New Zealand** does not include the harbours and other territorial waters of New Zealand.
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years if the person contravenes **subsection (1).** 20
- 23 Section 17 repealed (Burden of proof)**
Repeal section 17.
- 24 Section 18 amended (Issue of permit to import)**
- (1) In section 18(1), replace “starting pistols, restricted airguns, prohibited magazines, prohibited parts, or restricted weapons” with “restricted airguns, restricted weapons, blank-firing guns, prohibited magazines, prohibited parts, or non-prohibited ammunition”. 25
- (2) In section 18(2)(a), replace “starting pistol” with “blank-firing gun”.
- (3) After section 18(2)(b), insert: 30
- (e) any non-prohibited ammunition.
- (4) Replace section 18(4) with:
- (4) A permit issued for the purposes of **section 16(1)**—
- (a) may be revoked at any time by a commissioned officer of Police; and
- (b) is automatically revoked if— 35
- (i) the applicant’s firearms licence is revoked; or

- (ii) ~~the applicant's dealer's licence is revoked (if the applicant is a licensed dealer); or~~
- (iii) ~~the firearms licence of the person for whom a licensed dealer is acting as agent is revoked.~~
- (5) After section 18(5), insert: 5
- (6) ~~A permit may be issued under subsection (2) or (2A) in relation to items that are to be brought into or sent within New Zealand in a single consignment at the same time.~~
- (7) ~~If, subsequent to the issue of a permit referred to in **subsection (6)**, any item to which the permit relates is not included in the consignment (an **outstanding item**), the permit ceases to apply to that outstanding item.~~ 10

24 Section 18 replaced (Issue of permit to import)

Replace section 18 with:

18 Issue of permit to import firearms, etc

- (1) A member of the Police to whom an application is made for the issue of a permit to import any item described in **section 16(1)(a) to (e)** may require the applicant to produce for examination and testing samples of any item of the kind referred to in the application that the member of the Police considers necessary. 15
- (2) A member of the Police may grant an application for the issue of a permit to import any of the following items: 20
- (a) a non-prohibited firearm:
- (b) a blank-firing gun:
- (c) any part of an item described in **paragraph (a) or (b)**:
- (d) any non-prohibited ammunition. 25
- (3) The Commissioner may grant an application for the issue of a permit to import any of the following items:
- (a) a prohibited firearm:
- (b) a prohibited magazine:
- (c) a prohibited part: 30
- (d) a pistol:
- (e) a restricted airgun:
- (f) a restricted weapon:
- (g) any part of a pistol or restricted weapon:
- (h) any prohibited ammunition that is authorised or permitted expressly by or pursuant to this Act to be possessed. 35

- (4) The Commissioner may issue a permit under **subsection (3)** in respect of an item only if—
- (a) the Commissioner is satisfied that there are special reasons why the item should be allowed in New Zealand; and
 - (b) in the case of an application for the issue of a permit, under **subsection (3)(a), (b), (d), or (f)**, the application is made by—
 - (i) the holder of a dealer’s licence who is acting as an agent for a person who holds a firearms licence, and both the dealer’s licence and the person’s firearm licence bear an endorsement made under section 30 or 30B permitting the dealer and the person to possess the item; or
 - (ii) the holder of a firearms licence that bears an endorsement made under section 30 or 30B permitting the person to possess the item; and
 - (c) in the case of an application for the issue of a permit under **subsection (3)(h)**, the applicant—
 - (i) is a person permitted by regulations made under this Act to possess prohibited ammunition; and
 - (ii) is the holder of a firearms licence.
- (5) If an application for the issue of a permit is made under **subsection (3)(c)** in relation to a prohibited part that may be used by a licence holder on or with a non-prohibited firearm, the Commissioner—
- (a) must be satisfied that the part will only be used by the licence holder with or on a non-prohibited firearm; and
 - (b) may impose conditions on the permit that enables a member of the Police to verify the use of the part.
- (6) A permit issued under this section is personal to the person to whom it is issued and may not be transferred to any other person.
- (7) A permit may in no case be issued under this section in respect of an anti-personnel mine or cluster munition.

24A New sections 18AA to 18AAD inserted

After section 18, insert:

18AA Issue of permit to import pistol carbine conversion kits

- (1) A member of the Police to whom an application is made for the issue of a permit to import a pistol carbine conversion kit may require the applicant to produce for examination and testing samples of any pistol carbine conversion kit of the kind referred to in the application that the member of the Police considers necessary.

- (2) The Commissioner may grant an application for the issue of a permit to bring or cause to be brought or sent into New Zealand a pistol carbine conversion kit only if—
- (a) the Commissioner is satisfied that—
- (i) there are special reasons why the pistol carbine conversion kit should be allowed into New Zealand; and 5
- (ii) the pistol carbine conversion kit specifically enables a pistol that has an overall length of no more than 400 millimetres and is capable of firing specified ammunition only at a muzzle velocity of 1,600 feet per second or less to be fired from the shoulder; and 10
- (iii) the pistol carbine conversion kit does not modify the pistol in any way other than as specified in **subparagraph (ii)**; and
- (b) the application is made by—
- (i) the holder of a dealer’s licence who is acting as an agent for a person who holds a firearms licence that bears an endorsement made under section 30 permitting the person to possess a pistol, and— 15
- (A) the dealer’s licence bears an endorsement made under section 30 permitting the dealer to possess a pistol; and
- (B) the dealer has been issued with a permit to import a pistol (under **section 18**) or a permit to possess a pistol (under section 35); or 20
- (ii) the holder of a firearms licence—
- (A) whose licence bears an endorsement made under section 30 permitting the holder to possess a pistol; and
- (B) who has been issued with a permit to import a pistol (under **section 18**) or a permit to possess a pistol (under section 35). 25
- (3) However, if an application is made by an applicant in the applicant’s capacity referred to in section 29(2)(b), (c), (d), or (e), the Commissioner may grant the application without being satisfied of the matters in **subsection (2)(a)(ii) and (iii)**. 30
- (4) Any permit issued under this section is personal to the person to whom it is issued and may not be transferred to any other person.

18AAB Issue of permit to import air pistol carbine conversion kits

- (1) A member of the Police to whom an application is made for the issue of a permit to import an air pistol carbine conversion kit may require the applicant to produce for examination and testing samples of any air pistol carbine conversion kit of the kind referred to in the application that the member of the Police considers necessary. 35

- (2) The Commissioner may grant an application for the issue of a permit to bring or cause to be brought or sent into New Zealand an air pistol carbine conversion kit only if the Commissioner is satisfied that the application is made by—
- (a) the holder of a dealer’s licence who is acting as an agent for a person who intends to personally use the kit as a member of an airsoft or paintball club that is affiliated with a national airsoft or paintball organisation; 5
or
- (b) any other person who intends to personally use the kit as a member of an airsoft or paintball club that is affiliated with a national airsoft or paintball organisation. 10
- (3) Any permit issued under this section is personal to the person to whom it is issued and may not be transferred to any other person.

18AAC Revocation and validity of permit to import

- (1) A permit issued under **section 18, 18AA, or 18AAB** may be revoked at any time by a commissioned officer of Police. 15
- (2) A permit issued under **section 18 or 18AA** is automatically revoked if—
- (a) the permit was issued to a licensed dealer and the dealer’s licence, or any endorsement on the dealer’s licence required for the issue of the permit, is revoked or suspended or has expired or been surrendered; or
- (b) the permit was issued to any other person who, for the purposes of the issue of the permit, was required to hold a firearms licence, and that person’s firearms licence, or any endorsement on the firearms licence required for the issue of the permit, is revoked or suspended or has expired or been surrendered. 20
- (3) **Subsection (4)** applies if— 25
- (a) a permit is issued under **section 18 or 18AA** to a licensed dealer permitting the dealer to import items on behalf of 1 or more persons; and
- (b) any person referred to in **paragraph (a)** who is required to hold a firearms licence, or a firearms licence bearing an endorsement, to possess an item being imported on their behalf— 30
- (i) has their licence or endorsement revoked or suspended; or
- (ii) allows their licence or endorsement to expire; or
- (iii) surrenders their licence.
- (4) If this subsection applies, the permit issued to the licensed dealer is invalid to the extent that it permits the importation of an item on behalf of a person referred to in **subsection (3)(b)** in respect of which the person required the licence or endorsement. 35

18AAD Permit to import issued for items to be brought into or sent into New Zealand in single consignment or multiple consignments

- (1) A permit may be issued under **section 18, 18AA, or 18AAB** only in relation to items that are to be brought or sent into New Zealand—
- (a) in a single consignment at the same time; or 5
- (b) in multiple consignments, with a period of not more than 30 days between the arrival of the first and last consignments.
- (2) If, after to the issue of a permit referred to in **subsection (1)**, any item to which the permit relates is not included in a consignment referred to in **subsection (1)**, the permit ceases to apply to that item. 10

25 Section 18B replaced (Samples)

Replace section 18B with:

18B Production of samples

- (1) ~~If an applicant is required, under section 18(1), to produce for examination and testing a sample of a firearm, pistol, prohibited item, restricted airgun, restricted weapon, blank firing gun, or non-prohibited ammunition, the applicant must produce the sample as soon as practicable.~~ 15
- (1) If an applicant is required, under **section 18(1), 18AA(1), or 18AAB(1)**, to produce for examination and testing a sample, the applicant must produce the sample as soon as practicable. 20
- (2) Before producing a sample, an applicant must ensure it has not been modified in any way.
- (3) The Crown is not liable to pay compensation in respect of any damage caused to a sample resulting from the examination and testing of the sample.
- (4) If, following examination and testing, the sample is not approved, the applicant who produced it must, within 12 months after being informed in writing by a member of the Police that the sample is not approved,— 25
- (a) export the sample from New Zealand; or
- (b) cause the sample to be exported from New Zealand.
- (5) If the sample is not exported as required by **subsection (4)**, the sample must be disposed of or dealt with in the manner that the Commissioner directs. 30

18C Export of specified items not corresponding with sample or otherwise approved for importation

- (1) This section applies if—
- (a) a specified item is brought into New Zealand under a permit issued for the purposes of **section 16(1)**; and 35
- (b) the specified item—

- (i) does not correspond with a sample produced to a member of the Police as required by the description of the specified item in the permit; or
- (ii) is not otherwise approved for importation into New Zealand.
- (2) If this subsection applies, the person who brought the specified item into New Zealand or caused it to be brought or sent into New Zealand must, within 12 months after being informed in writing by a member of the Police that the specified item does not correspond with the sample or is not otherwise approved for importation into New Zealand, export or cause to be exported from New Zealand—
- (a) the specified item; and
- (b) the sample.
- (3) If a specified item or sample to which **subsection (2)** relates is not exported as required by that subsection, the specified item or sample must be disposed of or dealt with in the manner that the Commissioner directs.
- (4) In this section, **specified item** means any firearm, pistol, prohibited item, restricted airgun, restricted weapon, blank-firing gun, pistol carbine conversion kit, air pistol carbine conversion kit, or non-prohibited ammunition.

26 Section 19 amended-replaced (Seizure of illegally imported items)

Replace section 19(1) with:

- (1) **Subsection (1A)** applies if a member of the Police or a Customs officer suspects on reasonable grounds that an item that is a firearm, pistol, restricted airgun, restricted weapon, prohibited item, blank-firing gun, or non-prohibited ammunition (or a part of a firearm, pistol, restricted weapon, prohibited firearm, or blank-firing gun)—
- (a) has been brought into New Zealand in breach of **section 16(1)**; or
- (b) has been brought into the harbours or other territorial waters of New Zealand and is intended to be brought into New Zealand in breach of **section 16(1)**.
- (1A) If this subsection applies, the member of the Police or the Customs officer may—
- (a) seize and detain the item; and
- (b) use any reasonable necessary force to seize the item.
- (1B) If an item is seized and detained under **subsection (1A)**, sections 65 and 70 apply, with all necessary modifications, in respect of that item.

19 Seizure of illegally transported items

- (1) **Subsection (2)** applies if a member of the Police or a Customs officer suspects on reasonable grounds that an item referred to in **section 16**—

- (a) has been brought into New Zealand without a permit issued under **section 18, 18AA, or 18AB**; or
- (b) has been brought into the harbours or other territorial waters of New Zealand and is intended to be brought into New Zealand without a permit issued under **section 18, 18AA, or 18AB**. 5
- (2) If this subsection applies, the member of the Police or the Customs officer may—
- (a) seize and detain the item; and
- (b) use any reasonable necessary force to seize the item.
- (3) If an item is seized and detained under **subsection (1A)**, sections 65 and 70 apply, with all necessary modifications, in respect of that item. 10

- 27 **New Part 4 heading, cross-heading and sections 19A and 19B-C inserted**
After section 19, insert:

- Part 4**
- General restrictions** 15
- General restrictions on possession of firearms, airguns, magazines, parts, and ammunition*
- 19A Restriction on possession of prohibited firearms and prohibited magazines**
- (1) No person may have in their possession a prohibited firearm or prohibited magazine unless the person is— 20
- (a) ~~the holder of a dealer’s licence and has obtained that bears an endorsement made under section 30B and who obtains the prohibited firearm or prohibited magazine in any of the ways specified in **section 10(1)(b)**;~~
- or
- (b) ~~the holder of a firearms licence and—~~ 25
- (i) ~~has been issued, under section 35A, a permit to possess a prohibited firearm or prohibited magazine; and~~
- (ii) ~~the endorsement made on the person’s firearms licence under section 30B is made specific to the prohibited firearm or prohibited magazine in respect of which the permit referred to in **subparagraph (i)** was issued.~~ 30
- (b) the holder of a firearms licence that bears an endorsement that—
- (i) is made under section 30B permitting the holder to possess a prohibited firearm or prohibited magazine; and
- (ii) is made specific to the prohibited firearm or prohibited magazine by— 35

	(A) a permit to import issued under section 18 ; or	
	(B) a permit to possess issued under section 35A.	
(2)	This section does not apply to an employee of a licensed dealer when—	
	(a) acting in their capacity as an employee; and	
	(b) carrying on a dealer activity (if they are qualified under section 11 to do so).	5
(3)	A person who contravenes this section commits an offence under section 50A or 50B (as the case may be).	
19B	Restriction on possession of prohibited parts	
(1)	No person may have in their possession a prohibited part unless the person—	10
	(a) is an exempt person of or over the age of 18 years; and	
	(b) either—	
	(i) is the holder of a dealer’s licence that bears an endorsement made under section 30B permitting the holder to possess a prohibited firearm or prohibited magazine and the holder has obtained the prohibited part in any of the ways specified in section 10(2); or	15
	(ii) is the holder of a firearm’s licence that bears an endorsement made under section 30B that permits the holder to possess a prohibited firearm.	
(2)	This section does not apply to an employee of a licensed dealer when—	20
	(a) acting in their capacity as an employee; and	
	(b) carrying on a dealer activity (if they are qualified under section 11 to do so).	
(3)	A person who contravenes this section commits an offence under section 50C.	
19C	Restriction on possession of pistols and restricted weapons	25
(1)	<u>No person may have in their possession a pistol or restricted weapon unless the person is—</u>	
	(a) <u>the holder of a dealer’s licence that bears an endorsement that—</u>	
	(i) <u>is made under section 30 permitting the holder to possess a pistol or restricted weapon; and</u>	30
	(ii) <u>is made specific to the pistol or restricted weapon by—</u>	
	(A) a permit to import issued under section 18 ; or	
	(B) a permit to possess issued under section 35; or	
	(b) <u>the holder of a firearms licence that bears an endorsement that—</u>	
	(i) <u>is made under section 30 permitting the holder to possess a pistol or restricted weapon; and</u>	35

(ii)	is made specific to the pistol or restricted weapon by—	
(A)	a permit to import issued under section 18 ; or	
(B)	a permit to possess issued under <u>section 35</u> .	
(2)	<u>A person who contravenes this section commits an offence under section 50.</u>	
28	Cross-heading above section 20 repealed	5
	Repeal the cross-heading above section 20.	
29	Section 20 amended (Restrictions on possession of firearms)	
(1)	Replace the heading to section 20 with “ Restriction on possession of non-prohibited firearms ”.	
(2)	In section 20(1), replace “firearm” with “non-prohibited firearm”.	10
(3)	In section 20(2), delete “, prohibited item,”.	
(4)	Replace section 20(3) with:	
(3)	<u>A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year, or to a fine not exceeding \$15,000, if the person, without reasonable excuse, contravenes subsection (1).</u>	15
30	Section 21 amended (Restrictions on possession of airguns)	
	Replace section 21(2) with:	
(2)	<u>A person commits an offence and is liable on conviction to a fine not exceeding \$1,000 if the person, without reasonable excuse, contravenes subsection (1).</u>	20
31	New sections 22A to 22F and cross-headings inserted	
	After section 22, insert:	
22A	Restriction on possession of non-prohibited magazines and non-prohibited parts	
(1)	A person must not have in their possession either of the following unless the person is the holder of a firearms licence:	25
(a)	a magazine <u>for a firearm</u> that is not a prohibited magazine:	
(b)	a part that is not a prohibited part.	
(2)	A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, contravenes subsection (1) .	30
22B	Restriction on possession of ammunition	
(1)	A person must not have in their possession any ammunition (<u>other than projectiles for airguns</u>) unless the person—	
(a)	is the holder of a firearms licence; or	35

- (b) is not the holder of a firearms licence, but is under the immediate supervision of a person who is the holder of a firearms licence; or
- (c) is an employee of an ammunition seller who is performing their duties at their place of work under the immediate supervision of a person who is the holder of a firearms licence.
- (2) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, contravenes **subsection (1)**.

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Restrictions on possession of pistol carbine conversion kits

22BA Restrictions on possession of pistol carbine conversion kits

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A person must not have in their possession a pistol carbine conversion kit unless the person is—

- (a) the holder of a dealer's licence that bears an endorsement made under section 30 permitting the holder to possess a pistol and has been issued with—
- (i) a permit to import issued under **section 18AA**; or
- (ii) a permit to possess issued under **section 35AAA**; or
- (b) the holder of a firearms licence—
- (i) whose licence bears an endorsement made under section 30 permitting the holder to possess a pistol; and
- (ii) who has been issued with—
- (A) a permit, under **section 18**, to import a pistol; or
- (B) a permit, under section 35, to possess a pistol; and
- (iii) who has been issued with—
- (A) a permit, under **section 18AA**, to import a pistol carbine conversion kit; or
- (B) a permit, under **section 35AAA**, to possess a pistol carbine conversion kit.

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Restrictions on sale or supply of ammunition

22C Restrictions on selling or supplying ammunition

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- (1) A person who sells or supplies ammunition (other than projectiles for airguns) must hold a firearms licence.
- (2) A person may only sell or supply ammunition (other than projectiles for airguns) to a person who holds a firearms licence.

- (3) **Subsection (1)** does not apply to an employee of an ammunition seller performing their duties under the supervision of a person who is the holder of a firearms licence.
- (4) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, contravenes **subsection (1) or (2)**. 5
- (5) It is a defence to a prosecution for an offence against **subsection (1) or (2)** if—
- (a) the defendant proves that the defendant took reasonable steps to ascertain whether the person to whom the defendant sold or supplied the ammunition (**A**) was the holder of a firearms licence; or 10
- (b) the defendant proves that—
- (i) the ammunition was sold or supplied to A for use under the immediate supervision of another person who holds a firearms licence (**B**); and 15
- (ii) at all times while A was in possession of the ammunition, A was under the immediate supervision of B.
- (6) Nothing in **subsection (3)** applies in relation to any ammunition sold or supplied for a firearm of the kind described in section 22(1)(a), (b), or (c).
- 22D Ammunition seller to keep record of ammunition sales** 20
- (1) An ammunition seller must keep at their place of business a book that records the following details in respect of all ammunition (other than projectiles for air-guns) sold or supplied in the course of their business:
- (a) the name of the person to whom the ammunition was sold or supplied; and 25
- (b) the quantity and type of ammunition sold or supplied to the person; and
- (c) the person's firearms licence number, or, if the ammunition was sold or supplied to the person for use under the immediate supervision of another person who holds a firearms licence, the name and firearms licence number of that other person. 30
- (2) Despite **subsection (1)**, an ammunition seller need not record details under that subsection if—
- (a) the details are declared by regulations made under section 74 to be exempt from the requirement in that subsection; or
- (b) the dealer provides the details to the Police for inclusion in the registry in accordance with the regulations. 35
- (3) An ammunition seller must, at all reasonable times, permit any member of the Police to inspect and make copies of any entries in the book referred to in **sub-**

	section (1) if the ammunition seller has received at least 7 days' prior notice of the member's intention to do so.	
(4)	If an ammunition seller's firearms licence is revoked or cancelled under this Act, the ammunition seller must immediately surrender to a member of the Police the book referred to in subsection (1).	5
(5)	An ammunition seller who keeps their book under subsection (1) in hard copy form must retain the book for at least 10 years from the date of the last entry in the book.	
(6)	An ammunition seller who keeps their book under subsection (1) electronically must retain each electronic record for at least 10 years from the date on which the record is entered.	10
(6A)	<u>When an ammunition seller's firearms licence expires or is revoked or surrendered, or the ammunition seller ceases selling or supplying ammunition, the ammunition seller must immediately surrender to the Police all records they are required by this section to keep that have not been included in the registry.</u>	15
(7)	An ammunition seller commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the ammunition seller, without reasonable excuse, contravenes any of subsections (1) to (4) .	
	<i>Restriction on ownership of firearms, airguns, and restricted weapons by visitors</i>	20
22E	Visitors may not take ownership of firearm, airgun, or restricted weapon	
(1)	A visitor who holds a firearms licence may not, during their stay in New Zealand, acquire ownership of any firearm or restricted weapon for possession in New Zealand.	
(2)	If a person contravenes subsection (1) , that person's firearms licence is automatically revoked.	25
	<i>Restriction on manufacture of prohibited items</i>	
22F	Restriction on manufacture of prohibited items	
(1)	No person may manufacture a prohibited item.	
(2)	Subsection (1) does not apply to an exempt person described in section 4A(1A) .	30
(3)	A person who contravenes this section commits an offence under section 50A, 50B, or 50C (as the case may be).	
32	Cross-heading above section 23 replaced	
	Replace the cross-heading above section 23 with:	35

Part 5 Firearms licences, endorsements, and permits to possess

Firearms licences

- 33 New section 22G inserted (Persons disqualified from holding firearms licence)** 5
- Before section 23, insert:
- 22G Persons disqualified from holding a firearms licence**
- A person is disqualified from holding a firearms licence if—
- (a) the person has, within the previous 10 years, been convicted, or been released from custody after being convicted, of any of the following offences: 10
 - (i) an offence under section **16(4)**, **16A**, 44A, 50A, 50D, 51A, 53A, 54, 54A, 55, 55A, **55D**, **55E**, or **55F**;
 - (ii) a serious violent offence as defined in section 86A of the Sentencing Act 2002: 15
 - (iii) an offence under section 92, 98, 98A, 189A, 199, 202C, 238, 267(1), 269(1) and (3), or 306 of the Crimes Act 1961;
 - (iv) an offence under section 6, 9, 10, 11, 12, 12A, 12AB, or 12F of the Misuse of Drugs Act 1975; or
 - (b) the person has, or has had within the previous 10 years, a protection order, other than a temporary order, made against them under— 20
 - (i) section 79 of the Family Violence Act 2018; or
 - (ii) section 14 of the Domestic Violence Act 1995.
- 34 Section 23 amended (Application for firearms licence)**
- (1) Replace section 23(1) with: 25
- (1) A person may apply to a member of the Police for a firearms licence if the person—
- (a) is of or over the age of 16 years; and
 - (b) has not had a firearms licence revoked in the previous 5 years (or, if they have, the revocation was reversed by the District Court); and 30
 - (c) is not disqualified under **section 22G** from holding a firearms licence.
- (2) After section 23(2), insert:
- (2A) An applicant must, at the time of making an application for a firearms licence, provide to a member of the Police the name and contact details of their health practitioner. 35

35 Section 24 amended (Issue of firearms licence)

Replace section 24(1) with:

- (1) Subject to subsection (2), a firearms licence may be issued by a member of the Police who is satisfied that—
- (a) the applicant—
 - (i) is of or over the age of 16 years; and
 - (ii) is a fit and proper person to be in possession of a firearm or air-gun; and
 - (b) the applicant's storage facilities for their firearms and ammunition have been inspected by a member of the Police and are compliant with the requirements for the secure storage of firearms and ammunition.

35 Section 24 replaced (Issue of firearms licence)

Replace section 24 with:

24 Issue of firearms licence

- (1) Subject to **subsection (2)**, a firearms licence must be issued by a member of the Police to an applicant if the member of the Police is satisfied that—
- (a) the applicant—
 - (i) is of or over the age of 16 years; and
 - (ii) is a fit and proper person to be in possession of a firearm or an airgun; and
 - (b) either—
 - (i) the applicant's storage facilities for their firearms and ammunition have been inspected by a member of the Police and are compliant with the requirements for the secure storage of firearms and ammunition; or
 - (ii) if the applicant is a visitor to New Zealand, a member of the Police is satisfied with the arrangements made by the applicant for the storage of the firearms and ammunition they will possess while residing in New Zealand.
- (2) A firearms licence must not be issued to an applicant if, in the opinion of a commissioned officer of Police, access to any firearm or an airgun in possession of the applicant is reasonably likely to be obtained by any person who—
- (a) is disqualified from holding a firearms licence; or
 - (b) has had their firearms licence revoked on the ground that they are not a fit and proper person to be in possession of a firearm or an airgun; or
 - (c) is not a fit and proper person to be in possession of a firearm or an air-gun.

- (3) As soon as is reasonably practicable after issuing a firearms licence to a person, a member of the Police must notify the person's health practitioner that a firearms licence has been issued to the person.

36 New sections 24A to 24C inserted

After section 24, insert:

24A **Fit and proper person to ~~hold firearms licence~~ possess firearm or airgun**

- (1) ~~A~~ For the purposes of this Act, a member of the Police may, ~~for the purposes of section 24(1)(a)(ii),~~ find an applicant is not a fit and proper person to be in possession of a firearm or an airgun if the member of the Police is satisfied that 1 or more of the following circumstances exist:
- (a) the applicant ~~has been~~ is charged with or has been convicted of an offence in New Zealand or overseas that is punishable by a term of imprisonment (including, but not limited to, an offence involving violence, drugs, or alcohol):
- (b) the applicant ~~has been~~ is charged with or has been convicted of an offence under this Act:
- (c) the applicant ~~has been~~ is charged with or has been convicted of an offence against—
- (i) section 231A of the Crimes Act 1961; or
- (ia) the Game Animal Council Act 2013; or
- (ii) the Wildlife Act 1953; or
- (iii) the Wild Animal Control Act 1977:
- (d) the applicant has, or has had at any time, a temporary protection order made against them under—
- (i) section 79 of the Family Violence Act 2018; or
- (ii) section 14 of the Domestic Violence Act 1995:
- (da) the applicant has inflicted, or is inflicting, family violence against a person and that person has grounds under the Family Violence Act 2018 to apply for a protection order against the applicant:
- (db) the applicant has, or has had at any time, a restraining order made against them under the Harassment Act 1997:
- (e) the applicant has engaged in any conduct involving non-compliance with any requirements of—
- (i) this Act; or
- (ii) any regulations made under this Act; or
- (iii) any conditions to which a permit, licence, or endorsement previously issued to the applicant under this Act was subject:

- (f) ~~the applicant has exhibited significant mental health issues, including attempted suicide or other self-injurious behaviour, that might adversely affect their ability to safely possess firearms:~~
- (f) the applicant shows, or has recently shown, symptoms of a mental or physical illness or injury that may adversely affect their ability to safely possess firearms: 5
- (g) the applicant abuses alcohol, or is dependent on alcohol, to an extent that affects detrimentally their judgement or behaviour:
- (h) the applicant uses drugs (illegal or legal) in a way that affects detrimentally their judgement or behaviour: 10
- (i) the applicant is a member of, or has close affiliations with, a gang or an organised criminal group:
- (j) the applicant has shown patterns of behaviour demonstrating a tendency to exhibit, encourage, or promote violence, hatred, or extremism:
- (k) the applicant has been assessed as a risk to a State's national security: 15
- (l) the applicant satisfies any criteria prescribed in regulations made under **section 74(1)(bb).**
- (2) In determining whether, for the purposes of ~~**section 24(1)(a)(ii)**~~ this Act, an applicant is a fit and proper person to be in possession of a firearm or an airgun, the member of the Police may take into account— 20
- (a) whether the applicant—
- (i) has a sound knowledge of the safe possession and use of firearms:
- (ii) understands the legal obligations of a holder of a firearms licence, including the endorsements that may be made on a firearms licence; and 25
- (ab) any other criteria prescribed in regulations made under **section 74(1)(bc)**; and
- (b) any other relevant matters the member of the Police considers appropriate.
- (3) The member of the Police may, for the purpose of determining whether a person is a fit and proper person to be in possession of a firearm or an airgun,— 30
- (a) seek and receive any information that the member of the Police thinks appropriate; and
- (b) consider information obtained from any source.
- (4) If the member of the Police proposes to take into account any information that is or may be prejudicial to an applicant's application, the member of the Police must, subject to **subsection (5)**, disclose that information to the applicant and give the applicant a reasonable opportunity to refute or comment on it. 35

- (5) Nothing in **subsection (4)** requires the member of the Police to disclose any information to an applicant if that disclosure would be likely to—
- (a) endanger the safety of any person; or
 - (b) prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand; or 5
 - (c) prejudice the entrusting of information to the Police, the New Zealand Security Intelligence Service, or the Government Communications Security Bureau on a basis of confidence by—
 - (i) the government of any other country; or
 - (ii) any international organisation. 10
- (6) In this section,—
- gang** has the meaning given in section 4 of the Prohibition of Gang Insignia in Government Premises Act 2013
- organised criminal group** has the meaning given in section 98A of the Crimes Act 1961. 15
- 24B General conditions of firearms licence**
- (1) Every firearms licence is issued subject to the conditions that the holder of firearms licence must,—
- (a) when using a firearm, act in a way that does not pose a risk to themselves or others; and 20
 - (b) produce any firearm ~~within the licence holder's possession that the licence holder is carrying~~ to a member of the Police on demand; and
 - (c) permit a member of the Police to inspect all firearms in the licence holder's possession, and the place or places where the firearms are or will be kept and, for that purpose, to enter at all reasonable times upon the premises where that place or those places are situated; and 25
 - (d) permit a member of the Police to inspect the security arrangements in any vehicle used by the holder to transport the licence holder's firearms; and
 - (e) inform a member of the Police if, after the issue of the licence, any of the circumstances described in **section 24A(1)** apply to the licence holder; and 30
 - (f) inform a member of the Police if their health practitioner changes, and provide updated details of the name and contact details of their health practitioner. 35
- (2) It is the duty of every member of the Police exercising any power conferred by **subsection (1)(c) or (d)**—
- (a) to give at least 7 days' notice of the proposed inspection under **subsection (1)(c)**; and

<p>(b) to identify themselves to the holder of the firearms licence; and</p> <p>(c) to tell the holder of the firearms licence that the power is being exercised under subsection (1)(c) or (d), as the case may be; and</p> <p>(d) if they are not in uniform, to produce on initial entry, and, if requested, at any subsequent time, evidence that they are a member of the Police.</p> <p>(3) Subsections (1)(c) and (2) are subject to section 31A if the licence bears an endorsement made under section 30 or 30B.</p> <p>24C Special condition of firearms licence relating to sale or supply of ammunition</p> <p>Every <u>A</u> firearms licence issued to an ammunition seller relating to the sale or supply of ammunition is subject to the condition that the ammunition seller have <u>has</u> appropriate facilities to ensure the secure storage of all ammunition that, at any time, they possess.</p> <p>37 Section 25 amended (Duration of firearms licence)</p> <p>(1) Replace section 25(1) with:</p> <p>(1) A firearms licence comes into force on the date specified in the licence and, unless revoked or surrendered earlier, expires 5 years from that date.</p> <p>(1) <u>A firearms licence comes into force on the date specified in the licence and, unless revoked or surrendered earlier,—</u></p> <p style="padding-left: 2em;">(a) <u>expires 5 years from that date in the case of—</u></p> <p style="padding-left: 4em;">(i) <u>a licence issued to a person who has never previously held a firearms licence; or</u></p> <p style="padding-left: 4em;">(ii) <u>a licence issued to a person whose previous licence was revoked or surrendered; or</u></p> <p style="padding-left: 4em;">(iii) <u>a licence issued to a person who allowed their previous licence to expire without applying for a new licence prior to the expiry date:</u></p> <p style="padding-left: 2em;">(b) <u>expires 10 years from that date in any other case.</u></p> <p>(2) In section 25(2), delete “to New Zealand and intends to reside in New Zealand for 1 year or less”.</p> <p>37A Section 27 replaced (Revocation and surrender of firearms licence)</p> <p><u>Replace section 27 with:</u></p> <p>27 Revocation and surrender of firearms licence</p> <p>(1) <u>A commissioned officer of Police may, by written notice, revoke a firearms licence if, in the opinion of the officer,—</u></p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p>
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- (a) the holder of the licence is not a fit and proper person to be in possession of a firearm or an airgun; or
- (b) the holder of the licence has failed or refused to secure any arms item or ammunition in the person's possession, in accordance with regulations made under this Act; or 5
- (c) access to any firearm or airgun in the possession of the holder of the licence is reasonably likely to be obtained by any person—
- (i) whose firearms licence has been revoked on the ground that they are not a fit and proper person to be in possession of a firearm or airgun; or 10
- (ii) who, in the opinion of a commissioned officer of Police, is not a fit and proper person to be in possession of a firearm or airgun.
- (2) A person whose firearms licence is revoked must, on request, surrender the licence to a member of the Police.
- (3) A person may at any time surrender their firearms licence. 15

38 ~~Section 27A replaced~~ **repealed** (Family violence and firearms licences)

Replace section 27A with:

27A Family violence and firearms licences

~~Without limiting the generality of **section 24A** or 27, a commissioned officer of Police may decide that a person is not a fit and proper person to be in possession of a firearm or an airgun if that commissioned officer of Police is satisfied that there are grounds under the Family Violence Act 2018 for making an application for a protection order against that person.~~ 20

~~Repeal section 27A.~~

39 **New sections 27B and 27C inserted** 25

~~After section 27A, Before section 28, insert:~~

27B Revocation and surrender of licence if holder becomes disqualified

- (1) If the holder of a firearms licence becomes disqualified under **section 22G** from holding a firearms licence,—
- (a) the holder's licence is immediately revoked; and 30
- (b) the holder must, on request, surrender their licence to a member of the Police.
- (b) ~~section 28 applies.~~
- (2) Nothing in **sections 62 to 62C** applies to a revocation under this section.

27C Revocation of suspended firearms or dealer's licence

- (1) A member of the Police may, by notice in writing to the holder of a firearms or dealer's licence that is temporarily suspended under **section 60A**, revoke the licence if the officer—
- (a) has considered any submissions made by the holder before the day stated in the notice of suspension on whether the licence should be revoked on the ground stated in that notice; and 5
- (b) is satisfied that the licence should be revoked on that ground.
- (2) A member of the Police must give the holder written notice of a decision on whether to revoke a firearms or dealer's licence temporarily suspended under **section 60A** promptly after the decision is made. 10
- (3) ~~On the revocation of a firearms or dealer's licence, its holder ceases to be licensed to possess firearms, airguns, restricted weapons, magazines, parts, or ammunition by virtue of the licence or any endorsement on it.~~
- (4) ~~If a person's firearms licence is revoked, and the person holds a dealer's licence, the dealer's licence is automatically revoked.~~ 15

40 Section 28 amended (Effect of revocation or surrender of firearms licence)

- (1) Before section 28(1), insert:
- (1AAA) If a person whose firearms licence is revoked also holds a dealer's licence, the dealer's licence is automatically revoked and **section 9(2)** applies accordingly. 20
- (1AAB) If a person who surrenders their firearms licence also holds a dealer's licence, the person must surrender their dealer's licence with their firearms licence and **section 9(2)(b)** applies accordingly.
- (1AAC) If a licence is revoked or surrendered, the holder of the licence ceases to be licensed to possess any arms item or ammunition under the licence or any endorsement on it. 25
- (2) In section 28(1) and (2), after “pistol,”, insert “pistol carbine conversion kit.”
- (3) In section 28(3) and (4), after “pistols,”, insert “pistol carbine conversion kits.”
- (4) Replace section 28(5) with: 30
- (5) A person commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, contravenes subsection (1).
- (6) See **section 60B(2)(b)** for the application of this section where a licence is temporarily suspended under **section 60A**. 35

41 New cross-heading after section 28 inserted

After section 28, insert:

Endorsements

- 42 Section 29 amended (Application for endorsements in respect of pistol or restricted weapon)**
- (1) Repeal section 29(1).
 - (2) In section 29(2), replace “at an Arms Office to a member of the Police for an endorsement” with “to a member of the Police for an endorsement on their firearms licence”.
 - (3) Replace section 29(2)(a) with:
 - (a) a member of an incorporated pistol shooting club that holds a certificate of approval issued under **section 38F**; or
 - (4) Replace section 29(2)(f) with:
 - (f) an employee of a licensed dealer; or
 - (5) After section 29(2), insert:
 - (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 mine or a cluster munition) in their capacity as a licensed dealer.
 - (2B) A person described in subsection (2)(b), (c), (d), or (e) who is an applicant for a firearms licence or a holder of a firearms licence may apply to a member of the Police under this section for an endorsement permitting that person to have possession of a semi-automatic pistol.
 - (6) Replace section 29(4) with:
 - (4) An application under subsection (2) or **(2A)** must be made on a form provided by a member of the Police.
- 43 Section 30 amended (Power to make endorsement in respect of pistols or restricted weapons)**
- (1) In section 30(2), after “firearms licence”, insert “or dealer’s licence”.
 - (2) After section 30(2), insert:
 - (3) A person whose firearms licence or dealer’s licence bears an endorsement made under this section is not entitled to lawfully possess a pistol carbine conversion kit until—
 - (a) the person is issued with a permit under **section 18AA** for the purposes of **section 16(1)(e)** to bring or cause to be brought or sent into New Zealand a pistol carbine conversion kit; or
 - (b) the person holds a permit issued under **section 35AAA** to possess the pistol carbine conversion kit.
- 44 Section 30A replaced (Application for endorsement in respect of prohibited firearm or prohibited magazine)**
- Replace section 30A with:

30A Application for endorsement in respect of prohibited firearm or prohibited magazine

- (1) An exempt person described in any of paragraphs (b) to (i) of section 4A(1) who is of or over the age of 18 years, and who is the holder of a firearms licence or is applying for a firearms licence, may apply for an endorsement on their firearms licence permitting them to possess a prohibited firearm or prohibited magazine in their capacity as an exempt person. 5
- (2) A person who is of or over the age of 18 years, and who is the holder of a dealer's licence or is applying for a dealer's licence, may apply for an endorsement on their dealer's licence permitting them to possess a prohibited firearm or prohibited magazine in their capacity as a licensed dealer. 10
- (3) A person who is of or over the age of 18 years, and who is the employee of a licensed dealer, may apply for an endorsement on their firearms licence permitting them to possess a prohibited firearm or prohibited magazine in their capacity as an employee of the licensed dealer. 15
- (4) An application under this section must—
- (a) be made on a form provided by a member of the Police; and
 - (b) state in which capacity referred to in **subsection (1), (2), or (3)** the applicant is making the application.
- (5) An applicant must permit a member of the Police to take, or cause to be taken, for the purposes of the application, 1 or more photographs of the applicant. 20

45 Section 30B amended (Power to make endorsement in respect of prohibited firearm or prohibited magazine)

- (1) In section 30B(1), after “firearms licence”, insert “or dealer's licence”.
 (2) In section 30B(5), after “firearms licence”, insert “or dealer's licence”. 25

46 New section 33C inserted (Duration of endorsements)

After section 33B, insert:

33C Duration of endorsements

- (1) An endorsement made under section 30 or 30B on a firearms licence held by an employee of a licensed dealer for the purposes of their employment with the dealer continues in force for 1 year after the date on which the endorsement was made, unless one of the following first occurs: 30
- (aa) the employee's firearms licence expires:
 - (a) the employee's firearms licence is surrendered or revoked; ~~or~~
 - (b) the licensed dealer's licence expires; ~~or~~
 - (c) the licensed dealer's licence is surrendered or revoked; ~~or~~
 - (ca) the relevant endorsement made under section 30 or 30B on the licensed dealer's licence is revoked: 35

- (d) the employee ceases to be employed by the licensed dealer.
- (2) However, unless earlier revoked or surrendered, an endorsement made under section 30B at any time after 12 April 2019 on a firearms licence held by a person described in section 4A(1)(f), (g), (h), or (i) continues in force until the earlier of the following dates: 5
- (a) the date that is 2.5 years after the date on which the endorsement was made:
- (b) ~~the date on which the licence ceases to be valid or expires.~~
- (b) the date on which the licence—
- (i) is surrendered or revoked; or 10
- (ii) expires.
- (3) Unless earlier revoked or surrendered, an endorsement made under section 30 or 30B on a firearms licence held by any other person, or on a dealer’s licence, continues in force for so long as the licence continues in force.
- 47 Section 34 amended (Notification of change of address)** 15
- (1) Replace section 34(1) with:
- (1) ~~A holder of a firearms licence who changes their address or any address at which a firearm in their possession is kept (if a different address) must, within the time and in the manner prescribed by regulations made under section 74, give notice of the change to the Police.~~ 20
- (1) A holder of a firearms licence who changes their address must, within 30 days after doing so, give written notice of the change to a member of the Police.
- (2) ~~In section 34(2), replace “an Arms Office” with “the Police in the manner specified in **subsection (1)**”.~~
- (2) In section 34(2), replace “shall notify an Arms Office” with “must notify a member of the Police”. 25
- (3) Replace section 34(3) with:
- (3) A person commits an offence and is liable on conviction to a fine not exceeding \$2,000 if the person, without reasonable excuse, contravenes **subsection (1) or (2)**. 30
- 48 Section 34B amended (Effect of non-compliance with requirements in relation to photographs or to calling-in of licences)**
- In section 34B(b), replace “an Arms Office” with “a Police station”.
- 48A Cross-heading above section 35 replaced**
- Replace the cross-heading above section 35 with: 35
- Permits to possess pistols, restricted weapons, prohibited firearms, prohibited magazines, and pistol carbine conversion kits*

49 Section 35 amended (Issue of permit to possess pistol or restricted weapon)

Replace section 35(2) with:

- (2) A permit to possess a pistol or restricted weapon may be issued if the member of the Police to whom the application is made is satisfied—
- (a) that the applicant holds a dealer’s licence that bears an endorsement made under section 30; or 5
 - (b) that the applicant ~~(not being an employee of a licensed dealer)~~ holds a firearms licence that bears an endorsement made under section 30 and that, by virtue of that licence and endorsement, the applicant is permitted to have possession of the pistol or restricted weapon, as the case may be. 10
- (2A) A permit may not be issued under this section to an applicant acting in their capacity as an employee of a licensed dealer.

49A New section 35AAA inserted (Issue of permit to possess pistol carbine conversion kit)

After section 35, insert:

35AAA Issue of permit to possess pistol carbine conversion kit

- (1) A permit to possess a pistol carbine conversion kit may be issued to an applicant only by a member of the Police acting under a direction of the Commissioner.
- (2) A permit to possess a pistol carbine conversion kit may be issued if the member of the Police to whom the application is made is satisfied—
- (a) that the applicant—
 - (i) is the holder of a dealer’s licence that bears an endorsement made under section 30 permitting the holder to possess a pistol; and
 - (ii) has been issued with—
 - (A) a permit, under **section 18**, to import a pistol; or
 - (B) a permit, under section 35, to possess a pistol; or
 - (b) that the applicant (not being an employee of a licensed dealer)—
 - (i) is the holder of a firearms licence that bears an endorsement made under section 30 permitting the holder to possess a pistol; and
 - (ii) has been issued with—
 - (A) a permit, under **section 18**, to import a pistol; or
 - (B) a permit, under section 35, to possess a pistol.
- (3) The member of the Police to whom the application is made must also be satisfied that—
- (a) the pistol carbine conversion kit specifically enables a pistol that has an overall length of no more than 400 millimetres and is capable of firing

- specified ammunition at a muzzle velocity of 1,600 feet per second or less to be fired from the shoulder; and
- (b) the pistol carbine conversion kit does not modify the pistol in any way other than as specified in **paragraph (a)**.
- (4) However, if an application is made by an applicant in the applicant's capacity referred to in section 29(2)(b), (c), (d), or (e), the Commissioner may grant the application without being satisfied of the matters in **subsection (3)**. 5
- (5) Unless sooner revoked, a permit issued under this section remains in force for the period specified in the permit, which must not exceed 1 month.
- (6) A permit may at any time be revoked by a commissioned officer of Police. 10

50 Section 35A amended (Issue of permit to possess prohibited firearm or prohibited magazine)

Replace section 35A(2) with:

- (2) ~~A permit to possess a prohibited firearm or prohibited magazine may be issued if—~~ 15
- (a) ~~the applicant holds a dealer's licence that bears an endorsement made under section 30B; or~~
- (b) ~~the applicant (not being an employee of a licensed dealer) holds a firearms licence that bears an endorsement made under section 30B permitting the applicant to possess a prohibited firearm or prohibited magazine and the member of the Police is satisfied that it is appropriate for the applicant to possess the prohibited firearm or prohibited magazine.~~ 20
- (2) A permit to possess a prohibited firearm or prohibited magazine may be issued if the applicant holds a dealer's licence or firearms licence that bears an endorsement made under section 30B permitting the applicant to possess a prohibited firearm or prohibited magazine and the member of the Police is satisfied that it is appropriate for the applicant to possess the prohibited firearm or prohibited magazine. 25
- (2A) A permit may not be issued under this section to an applicant acting in their capacity as an employee of a licensed dealer. 30

51 Section 36 amended (Offence to carry pistol or restricted weapon without authority)

- (1) Replace the heading to section 36 with "**Offence to carry pistol, prohibited firearm, prohibited magazine, or restricted weapon without authority**".
- (2) In section 36(1), after "pistol", insert ", prohibited firearm, prohibited magazine,". 35
- (3) Replace section 36(3) with:

(3)	A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, <u>without reasonable excuse</u> , contravenes subsection (1).	
(4)	Repeal section 36(4).	
52	Section 38 amended (Removal of pistol, prohibited firearm, prohibited magazine, or restricted weapon out of New Zealand)	5
(1)	Replace section 38(1) with:	
(1)	A holder of a firearms licence who intends to remove any pistol, prohibited firearm, prohibited magazine, or restricted weapon from New Zealand must—	
(a)	give not less than 4 days' notice of the intended removal to a member of the Police; and	10
(b)	deliver to a Police station their firearms licence for amendment of the endorsement.	
(2)	Replace section 38(2) with:	
(2)	A person commits an offence and is liable on conviction to a fine not exceeding \$2,000 if the person, without reasonable excuse, contravenes subsection (1) .	15
53	New Parts 6 and 7 inserted	
	After section 38, insert:	
	Part 6	20
	Shooting clubs and shooting ranges	
38A	Interpretation	
	In this Part,—	
	application for approval means an application made under section 38C to have a shooting club approved	25
	application for certification means an application made under section 38K to have a shooting range certified	
	certified shooting range means a shooting range certified under section 38O	
	shooting activities —	
(a)	means activities that are carried out using a firearm or <u>an</u> airgun for the purpose of shooting at inanimate targets (whether fixed or moving); but	30
(b)	excludes—	
(i)	paintball shooting; and	
(ii)	airsoft shooting	

shooting club means a voluntary association of people who—

- (a) act in accordance with a set of written rules; and
- (b) participate in, or intend to participate in, shooting activities on a regular basis

shooting range—

- (a) means a facility (whether indoor or outdoor), or a designated area of land, used by a shooting club or members of the public for the primary purpose of carrying out shooting activities; and
- (b) includes any defence area (as that term is defined in section 2(1) of the Defence Act 1990) used by a shooting club.

Shooting clubs

38B Shooting club must have certificate of approval

- (1) A shooting club that uses a shooting range for its shooting activities must hold a certificate of approval issued by the Commissioner.
- (2) ~~A person who establishes or continues to operate a shooting club without the club holding a certificate of approval commits an offence and is liable on conviction to a fine not exceeding \$10,000.~~
- (2) A pistol club that applies for a certificate of approval must be registered under the Incorporated Societies Act 1908.
- (3) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, establishes or continues to operate a shooting club without the club holding a certificate of approval.

38BA Shooting club must be incorporated society if ammunition or firearms sold on its behalf

- (1) This section applies if ammunition or firearms are sold on behalf of a shooting club.
- (2) A shooting club to which this section applies may not hold a certificate of approval under **section 38F** unless it is registered under the Incorporated Societies Act 1908.

38C Application to have shooting club approved

- (1) An application for ~~a certificate of approval of a shooting club~~ must be made,—
 - (a) if the shooting club is a body corporate, by a person who is authorised to make the application; or
 - (b) if the shooting club is not a body corporate, by the club's representative who is authorised by the club to make the application.
- (2) An application for approval must be made to the Commissioner in the manner prescribed by regulations made under this Act, and must—

<ul style="list-style-type: none"> (a) be in a form approved by the Commissioner; and (b) be supported by any information and documents that are prescribed; and (c) be accompanied by the prescribed application fee (if any). 	5
38D Commissioner may make inquiries and request further information	
On receipt of an application for approval made under section 38C , the Commissioner—	
<ul style="list-style-type: none"> (a) may make whatever inquiries the Commissioner considers necessary to determine whether the application should be granted; and (b) may request the applicant to provide any further information or documents that the Commissioner considers necessary to determine whether the application should be granted. 	10
38E Decision on application for certificate of approval	
The Commissioner may grant an application for approval made under section 38C if the Commissioner is satisfied that the shooting club—	
<ul style="list-style-type: none"> (a) will be using a certified shooting range for its shooting activities; and (b) has rules relating to the safe operation of firearms and promotes the safe possession and use of firearms; and (c) is appropriately administered; and (d) is able to safely manage its shooting activities; and (e) <u>has proper storage for any firearm or ammunition held at any of the club's premises or at a shooting range used by the club.</u> 	15 20
38F Issue of certificate of approval	
<ul style="list-style-type: none"> (1) If the Commissioner grants an application for approval, the Commissioner must issue to the shooting club a certificate of approval. (2) A certificate of approval may be granted subject to any conditions that the Commissioner considers appropriate. 	25
38G Duration of certificate of approval	
A certificate of approval granted to a shooting club continues until—	
<ul style="list-style-type: none"> (a) surrendered by the shooting club; or (b) cancelled by the Commissioner. 	30
38H Cancellation of certificate of approval	
<ul style="list-style-type: none"> (1) The Commissioner must cancel a shooting club's certificate of approval if the Commissioner is satisfied that— <ul style="list-style-type: none"> (a) the shooting club is not using a certified shooting range for its shooting activities; or 	35

<ul style="list-style-type: none"> (b) the shooting club is no longer carrying on its operations; or (c) the shooting club no longer meets the requirements in section 38BA or 38E. 	5
<p>(2) The Commissioner may cancel a shooting club’s certificate of approval if the Commissioner is satisfied that—</p> <ul style="list-style-type: none"> (a) the shooting club has failed to comply with any conditions to which its certificate of approval is subject; or (b) the shooting club has failed to report any serious firearms-related safety incident; or (c) any activity of the shooting club has raised any reasonable concern about the safety of its members or the public. 	10
38I Renewal of certificate of approval	
<ul style="list-style-type: none"> (1) A certificate of approval may be renewed on 1 or more occasions. (2) Sections 38C to 38H apply to an application for renewal of a certificate of approval as if the application were an application for a certificate of approval. (3) A renewed certificate of approval is to be treated for all purposes as a new certificate issued under section 38F. 	15
38I Club may have to reapply for certificate of approval	
<ul style="list-style-type: none"> (1) <u>The Commissioner may require a shooting club to reapply for a certificate of approval if—</u> <ul style="list-style-type: none"> (a) <u>the club has amalgamated with another shooting club that has a different discipline; or</u> (b) <u>the club is an incorporated society that has ceased to be registered under the Incorporated Societies Act 1908 for at least 2 years.</u> (2) <u>Sections 38C to 38H apply to an application as if the application were an application for a certificate of approval.</u> 	20
38J Annual reports	
<ul style="list-style-type: none"> (1) A shooting club must, not later than <u>35</u> months after the end of its financial year, provide to the Commissioner an annual report on its operation. (2) The annual report must include the particulars prescribed in regulations made under this Act. 	30
<i>Shooting ranges</i>	
38K Shooting ranges must be certified	
<ul style="list-style-type: none"> (1) A person may not operate a shooting range unless the shooting range is a certified shooting range. 	35

- (2) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, ~~without reasonable excuse,~~ contravenes **subsection (1)**.

38L Application to have shooting range certified

- (1) An application for certification of a shooting range may be made,— 5
- (a) if the person who is proposing to operate the range is an individual, by that individual; or
 - (b) if the person who is proposing to operate the range is a body corporate, by a person who is authorised to make the application; or
 - (c) if the person who is proposing to operate the range is not an individual or a body corporate, by the person's representative who is authorised by the person to make the application. 10
- (2) An application for certification must be made to the Commissioner in the manner prescribed by regulations made under this Act, and must— 15
- (a) be in a form approved by the Commissioner; and
 - (b) be supported by any information and documents that are prescribed; and
 - (c) be accompanied by the prescribed application fee (if any).

38M Commissioner may make inquiries and request further information

- On receipt of an application for certification made under **section 38L**, the Commissioner— 20
- (a) may make whatever inquiries the Commissioner considers necessary to determine whether the application should be granted; and
 - (b) may request the applicant to provide any further information or documents that the Commissioner considers necessary to determine whether the application should be granted. 25

38N Decision on application to have shooting range certified

The Commissioner may grant an application for certification made under **section 38L** if the Commissioner is satisfied that—

- (a) the shooting range meets all required safety standards published by the Commissioner; and 30
- (b) all necessary ~~local council~~ territorial authority and regional council consents to operate the shooting range have been obtained; ~~and,~~
- (c) ~~the owner of the shooting range has appropriate public liability insurance.~~

38O Grant of certification

If the Commissioner grants an application for certification in respect of a shooting range, the Commissioner must issue a certificate to the applicant. 35

38P Certification granted subject to conditions

(1) A certificate granted under **section 38O** is subject to the condition that, at all times while the certified shooting range is in use, ~~a manager~~ an officer is on duty who—

- (a) holds a firearms licence; and 5
- (b) is appropriately trained in shooting range safety management.

(2) Certification granted under **section 38O** may be made subject to any other conditions that the Commissioner considers appropriate, which may include conditions relating to—

- (a) maintenance of the shooting range: 10
- (b) public access to the shooting range:
- (c) restrictions on the types of firearms and ammunition that may be used at the shooting range:
- (d) competitions that may be conducted at the shooting range.

(3) A certified shooting range must request the Commissioner to review its range certification if it is intended that the operation of the range will depart from the conditions imposed by or under this section. 15

38Q Duration of certification

A certificate issued in respect of a shooting range remains in force 5 years after the date it is issued unless the certificate is sooner surrendered or cancelled. 20

38R Cancellation of certification

The Commissioner may cancel certification in respect of a shooting range if the Commissioner is satisfied that—

- (a) the shooting range is no longer being operated as a shooting range; or
- (b) the shooting range is not being operated with proper regard to individual or public safety; or 25
- (c) the owner or operator of the shooting range is not complying with any conditions imposed under **section 38P**; or
- (d) having regard to the matters specified in **section 38N**, it is no longer appropriate that the shooting range be certified. 30

38S Renewal of certification

(1) A certificate granted under **section 38O** may be renewed on 1 or more occasions.

(2) **Sections 38L to 38R** apply to an application for renewal of certification as if the application were an application for certification, unless subsection (4) applies. 35

- (3) A renewed certificate is to be treated for all purposes as a new certification granted under **section 38O**.
- (4) If the circumstances of the shooting range have not changed significantly for 5 years, the applicant may initiate the renewal of the certification by using a form approved by the Commissioner instead of applying under **section 38L**. 5

Compliance

38T Inspections of shooting clubs and shooting ranges

- (1) For the purpose of ensuring that a shooting club or shooting range is operated in accordance with this Act, a person who is a member of the Police and authorised in writing by the Commissioner may— 10
- (a) ~~enter and inspect the shooting club or shooting range:~~
- (a) enter and inspect—
- (i) any venue of the shooting club that is part of a shooting range; or
- (ii) the shooting range or any designated area used for the primary purpose of shooting activities that is used by a shooting club or members of the public: 15
- (b) inspect, print, copy, or remove any documents that the person believes on reasonable grounds to be those of the shooting club or shooting range.
- (1A) A member of the Police must give at least 7 days' notice of their intention to enter and inspect a venue of a shooting club or a shooting range. 20
- (2) The provisions of Part 4 of the Search and Surveillance Act 2012 (apart from subpart 3) apply.

Compare: 1989 No 80 s 319; 2002 No 40 s 39

38U Improvement notices

 25

- (1) ~~This section applies if a person carrying out an inspection reasonably believes that a shooting club or shooting range is contravening, or is likely to contravene, a provision of this Act or regulations made under this Act.~~
- (2) ~~If this section applies, the person may issue an improvement notice to the shooting club or shooting range that requires the shooting club or shooting range, within a reasonable period of time specified in the notice, to—~~ 30
- (a) ~~remedy the contravention; or~~
- (b) ~~prevent a likely contravention from occurring.~~
- (1) This section applies if a member of the Police reasonably believes that a shooting club or shooting range— 35
- (a) is failing, is likely to fail, or has failed to comply with any conditions to which a certificate of approval or certification is subject; or

	(b) <u>is contravening, is likely to contravene, or has contravened a provision of this Act or regulations made under this Act.</u>	
(2)	<u>If this section applies, the member of the Police may issue an improvement notice to the shooting club or the operator of the shooting range requiring the shooting club or shooting range, within a reasonable period of time specified in the notice, to—</u>	5
	(a) <u>remedy the non-compliance or contravention; or</u>	
	(b) <u>prevent a likely non-compliance or contravention from occurring.</u>	
	Compare: 2015 No 70 s 101	
38V	Suspension	10
	If the shooting club or shooting range fails to comply with an improvement notice, it must suspend operations on the date <u>and for the period (not exceeding 90 days)</u> specified in the notice.	
	Part 7	
	Direct access by certain government agencies to registry	15
38W	Interpretation	
	In this Part,—	
	accessing agency means—	
	(a) the Department of Conservation; and	
	(b) the Ministry of Foreign Affairs and Trade; and	20
	(c) the New Zealand Customs Service	
	arms item has the meaning given in section 2(1) and includes, as an additional class of item, ammunition	
	direct access , in relation to the registry, means to do either or both of the following (whether remotely or otherwise):	25
	(a) search the registry:	
	(b) copy any information stored on the registry	
	import and export information , in relation to a licence holder, means details relating to—	
	(a) any permit to import issued to the licence holder under section 18(2) or (2A) :	30
	(b) any class or classes of arms items exported by the licence holder	
	licence holder means—	
	(a) a person who is the holder of a firearms licence; and	
	(b) a person who at any time held a firearms licence	35

licence information , in relation to a licence holder, means—	
(a) the licence holder's—	
(i) name; and	
(ii) date of birth; and	
(iii) residential address; and	5
(b) the following details about the licence holder's firearms licence:	
(i) the firearms licence number; and	
(ii) the date of expiry of the firearms licence; and	
(iii) any endorsements on the firearms licence.	
38X Relationship between this Part and other law	10
This Part does not prevent or limit the collection, use, or disclosure of information that—	
(a) is authorised or required by or under any enactment; or	
(b) is permitted under any enactment.	
38Y Direct access to licence information	15
(1) The Department of Conservation may have direct access to a licence holder's licence information recorded in the registry.	
(2) The purpose of the direct access is to provide administrative assistance to the Director-General of Conservation in relation to the issue, under section 38 of the Conservation Act 1987, of permits for hunting.	20
38Z Direct access to import and export information recorded in registry	
(1) The Ministry of Foreign Affairs and Trade and the New Zealand Customs Service may have direct access to a licence holder's import and export information recorded in the registry.	
(2) The purpose of the direct access is to assist the agencies in performing or exercising their functions, duties, and powers <u>more effectively or efficiently in relation to the movement of lawfully permitted and lawfully possessed arms items.</u>	25
38ZA Direct access must be in accordance with direct access agreement	
All direct access authorised by section 38Y or 38Z must be in accordance with a written direct access agreement entered into between—	30
(a) the Minister responsible for the accessing agency; and	
(b) the Minister of Police.	

38ZB Matters to which Ministers must have regard before entering into direct access agreement

Before entering into a direct access agreement, the Ministers referred to in **section 38ZA** must be satisfied—

- (a) that— 5
 - (i) in the case of direct access authorised by **section 38Y**, the direct access will enable the Director-General of Conservation to more effectively or efficiently issue permits for hunting; or
 - (ii) in the case of direct access authorised by **section 38Z**, the direct access will enable the Ministry of Foreign Affairs and Trade or the New Zealand Customs Service to perform and exercise their functions, duties, and powers more effectively or efficiently; and 10
- (b) that there are adequate safeguards to protect the privacy of individuals, including that the proposed compliance and audit requirements for the direct access, use, disclosure, and retention of the information are sufficient; and 15
- (c) that the agreement includes appropriate procedures for direct access, use, disclosure, and retention of the information.

38ZC Consultation before entering into direct access agreement

- (1) Before entering into a direct access agreement, the Ministers referred to in **section 38ZA** must consult and invite comment on the proposed agreement from— 20
 - (a) the Privacy Commissioner; and
 - (b) the advisory group established under **section 88**.
- (2) When consulted on a direct access agreement, the Privacy Commissioner must have particular regard to the matters that the Ministers need to be satisfied of before entering into the agreement that are specified in **section 38ZB(b) and (c)**. 25
- (3) The Ministers must have regard to any comment received from the Privacy Commissioner and the advisory group on the proposed agreement. 30

38ZD Content of direct access agreements

A direct access agreement must specify—

- (a) the particular information in relation to licence holders that may be accessed: 35
- (b) the particular purpose or purposes for which the information may be accessed:
- (c) the particular function, duty, or power being, or to be, performed or exercised by the accessing agency for which the information is required:

(d)	the mechanism by which the information is to be accessed:	
(e)	the position or designation of the person or persons in the accessing agency who may access the information:	
(f)	the records to be kept in relation to each occasion on which the registry is accessed:	5
(g)	the safeguards that are to be applied for protecting information:	
(h)	the requirements relating to storage, retention , and disposal of information obtained from the registry:	
(i)	the circumstances (if any) in which the information may be disclosed to another agency, and how that disclosure may be made:	10
(i)	<u>that the accessing agency may use the information only in accordance with the purposes for which it was accessed:</u>	
(j)	the requirements for reviewing the agreement:	
(k)	<u>the requirement to regularly audit access to the registry.</u>	
38ZE	Variation of direct access agreement	15
	Sections 38ZB and 38ZC apply with any necessary modifications in respect of a proposal to enter into an agreement varying a direct access agreement.	
38ZF	Publication of direct access agreements	
(1)	An agreement, and all variations to the agreement, must be published on—	
(a)	an Internet site maintained by or on behalf of the accessing agency; and	20
(b)	an Internet site maintained by or on behalf of the Police.	
(2)	However, subsection (1) does not apply to—	
(a)	an agreement or a variation of an agreement that may be withheld on a request made under the Official Information Act 1982:	
(b)	a provision of an agreement or a variation of an agreement that may be withheld on a request made under the Official Information Act 1982.	25
(3)	If, in reliance on subsection (2)(a) , an agreement or a variation of an agreement is not published, a summary of the agreement or variation of the agreement must be published on—	
(a)	an Internet site maintained by or on behalf of the accessing agency; and	30
(b)	an Internet site maintained by or on behalf of the Police.	
54	Sections 39 to 41 and cross-heading repealed	
	Repeal sections 39 to 41 and the cross-heading above section 39.	
55	New section 41A inserted (Marking of firearms)	
	After section 41, insert:	35

41A Marking of firearms

- (1) This section applies to all firearms, parts, pistol carbine conversion kits, and magazines possessed by firearm licence holders, including those manufactured in or imported into NZ, but does not apply to antique firearms.
- (2) Firearms, parts, pistol carbine conversion kits, and magazines to which this section applies must be marked to the extent provided in, and in accordance with, requirements set out in regulations made under section 74. 5
- (3) The Crown is not liable to pay compensation in respect of—
- (a) the loss of value in the case of any firearm, part, pistol carbine conversion kit, or magazine that results from it being marked in accordance with the regulations; or 10
- (b) the cost of marking the firearm, part, pistol carbine conversion kit, or magazine.

56 Cross-heading above section 42 replaced

Replace the cross-heading above section 42 with: 15

Part 8
Offences

57 Section 42 replaced (Offences in respect of licences)

Replace section 42 with:

42 Offences in respect of licences 20

A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years, or to a fine not exceeding \$20,000, if the person,—

- (a) with intent to deceive,—
- (i) adds to a licence any words or figures extraneous to the licence as issued; or 25
- (ii) alters on or erases from any licence any words or figures; or
- (iii) uses or retains any licence—
- (A) to which have been added any words or figures extraneous to the licence as issued; or
- (B) from which any words or figures have been erased from the licence as issued; or 30
- (C) on which any words or figures on the licence as issued have been altered; or
- (b) being the holder of a licence, wilfully parts with possession of that licence in order that it may be used by another person; or 35

- (c) uses or attempts to use a licence issued in the name of another person with the intention of procuring the possession of any firearm, airgun, pistol, restricted weapon, magazine, or ammunition; or
- (d) supplies particulars or answers in any application for a licence under this Act, knowing them to be incorrect or misleading.

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58 Section 43 replaced (Selling or supplying firearm or airgun to unlicensed person)

Replace section 43 with:

43 Selling or supplying firearm or airgun to unlicensed person

- (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$20,000, if the person—
 - (a) sells or supplies a firearm (other than a pistol, prohibited item, or restricted weapon) to any person who is not the holder of a firearms licence, a dealer's licence, or a permit issued for the purposes of **section 16(1)**; or
 - (b) sells or supplies an airgun to any individual who is under the age of 18 years and is not the holder of a firearms licence.
- (2) It is a defence to a prosecution for an offence against **subsection (1)(a)** if the defendant proves—
 - (a) that the defendant took reasonable steps to ascertain whether the person to whom they sold or supplied the firearm (**A**) was the holder of a firearms licence; or
 - (b) that—
 - (i) the firearm was sold or supplied to **A** for use under the immediate supervision of another person, not being a visitor to New Zealand, who holds a firearms licence (**B**); and
 - (ii) at all times, while **A** was in possession of the firearm, **A** was under the immediate supervision of **B**.
- (3) It is a defence to a prosecution for an offence against **subsection (1)(b)** if—
 - (a) the defendant proves that the defendant took reasonable steps to ascertain whether the individual to whom they sold or supplied the airgun (not being a specially dangerous airgun) (**C**) was the holder of a firearms licence and was a person of or over the age of 18 years; or
 - (b) the defendant proves—
 - (i) that the airgun was sold or supplied to **C** for use under the immediate supervision of another person (**D**) who holds a firearms licence and was a person of or over the age of 18 years; and
 - (ii) that at all times while **C** was in possession of the airgun, **C** was under the immediate supervision of **D**.

58A Section 43AA replaced (Possessing, selling, or supplying prohibited ammunition)

Replace section 43AA with:

43AA Selling or supplying prohibited ammunition

A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years if the person, without reasonable excuse, sells or supplies prohibited ammunition. 5

59 Section 43A replaced (Mail order sale of firearm or ammunition)

Replace section 43A with:

43A Mail order or Internet sale of arms items or ammunition

- 10
- (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, sells by mail order or a transaction on the Internet any arms item (other than an airgun for use in airsoft or paintball sports), or any ammunition for a firearm or restricted weapon, otherwise than under a written order— 15
- (a) signed by the purchaser; and
- (b) stating the ~~identification number~~ marked identifying markings on the arms item; and
- (c) bearing an endorsement signed by a member of the Police and stating that the member of the Police— 20
- (i) has inspected the purchaser's firearms licence; and
- (ii) is satisfied that the purchaser is a fit and proper person to purchase the arms item or ammunition.
- (2) Nothing in ~~this section~~ **subsection (1)** applies in relation to— 25
- (a) any pistol, restricted weapon, or prohibited item; or
- (b) any ammunition for a firearm of the kind described in section 22(1)(a), (b), or (c).
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, sells any pistol, restricted weapon, or prohibited item— 30
- (a) by mail order; or
- (b) by a transaction on the Internet, unless—
- (i) the purchaser has obtained an endorsement on their dealer's licence or firearms licence that authorises them to possess a pistol, restricted weapon, or prohibited item; and 35

(ii)	<u>the purchaser has, in the case of a pistol, restricted weapon, prohibited firearm, or prohibited magazine, obtained a permit to possess that pistol, restricted weapon, prohibited firearm, or prohibited magazine; and</u>	
(iii)	<u>the pistol, restricted weapon, or prohibited item is delivered by a courier specified in the permit or, in the case of a prohibited part, a form specified by the Police.</u>	5
60	Section 43A repealed (Mail order sale of firearm or ammunition) Repeal section 43A.	
61	Section 43B repealed (Restriction on sale of ammunition) Repeal section 43B.	10
62	Section 44 replaced (Selling or supplying pistol or restricted weapon to person who does not hold permit to possess) Replace section 44 with:	
44	Selling or supplying pistol or restricted weapon to person who does not hold permit to import or permit to possess	15
(1)	A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years, or to a fine not exceeding \$30,000, if the person sells or supplies a pistol or restricted weapon to any person other than a person who is authorised—	20
(a)	by a permit issued for the purposes of section 16(1) to bring or cause to be brought or sent into New Zealand that pistol or restricted weapon; or	
(b)	by a permit issued under section 35 to possess that pistol or restricted weapon.	25
(2)	It is a defence to a prosecution for an offence against subsection (1) if—	
(a)	the defendant proves that they took reasonable steps to ascertain whether the person to whom they sold or supplied the pistol or restricted weapon (A) was the holder of a permit of the kind described in subsection (1)(a) or (b) ; or	30
(b)	the defendant proves, in the case of a prosecution relating to the sale or supply of a pistol,—	
(i)	that the pistol was supplied to A for use—	
(A)	on a range of an incorporated pistol shooting club for the time being recognised by the Commissioner for the purposes of section 29; and	35

- (B) under the immediate supervision of another person (**B**) who holds a firearms licence bearing an endorsement permitting them to have that pistol or a pistol of that kind; and
- (ii) that, at all times while A was in possession of the pistol, A was—
 - (A) on a range of the kind described in **subparagraph (i)(A)**; and
 - (B) under the immediate supervision of B.

5

44AA Unlawful sale or supply of pistol carbine conversion kit

(1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years, or to a fine not exceeding \$30,000, if the person sells or supplies a pistol carbine conversion kit to any person other than a person who is authorised—

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(a) by a permit issued under **section 18AA** for the purposes of **section 16(1)(ca)** to bring or cause to be brought or sent into New Zealand that pistol carbine conversion kit; or

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(b) by a permit issued under **section 35AAA** to possess that pistol carbine conversion kit.

(2) It is a defence to a prosecution for an offence against **subsection (1)** if the defendant proves that they took reasonable steps to ascertain whether the person to whom they sold or supplied the pistol carbine conversion kit was the holder of a permit of the kind described in **subsection (1)(a) or (b)**.

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(3) It is also a defence to a prosecution for an offence against **subsection (1)** if the defendant proves—

(a) that the pistol carbine conversion kit was supplied to a person (**A**) for use—

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(i) on a certified pistol range; and

(ii) under the immediate supervision of another person (**B**) who holds a firearms licence that bears an endorsement made under section 30 permitting B to possess a pistol; and

(b) that at all times while A was in possession of the pistol carbine conversion kit A was—

30

(i) on a certified pistol range; and

(ii) under the immediate supervision of B.

62A Section 44A amended (Offence to sell or supply prohibited firearm or prohibited magazine)

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In section 44A, insert as subsection (2):

- (2) It is not an offence against this section to sell or supply a semi-automatic pistol to a person in the person's capacity referred to in section 29(2)(b), (c), (d), or (e), if that person has been issued with—
- (a) a permit, under **section 18**, to import a pistol; or
- (b) a permit, under section 35, to possess a pistol.

5

63 Section 46 replaced (Carrying of imitation firearm, except for lawful, proper, and sufficient purpose)

Replace section 46 with:

46 Carrying of imitation firearm, except for lawful, proper, and sufficient purpose

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- (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year, or to a fine not exceeding \$4,000, if the person, except for some lawful, proper, and sufficient purpose, carries an imitation firearm.
- (2) In any prosecution for an offence against **subsection (1)** in which it is proved that the defendant was carrying an imitation firearm, the defendant has the burden of proving the existence of some lawful, proper, and sufficient purpose.

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64 Section 48 replaced (Discharging firearm, airgun, pistol, or restricted weapon in or near dwellinghouse or public place)

Replace section 48 with:

20

48 Discharging firearm, airgun, pistol, or restricted weapon in or near dwellinghouse or public place

A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, discharges a firearm, airgun, pistol, or restricted weapon in or near a dwellinghouse or a public place so as to—

25

- (a) endanger property; or
- (b) endanger, annoy, or frighten any person.

64A New section 50AA inserted (Unlawful possession of pistol carbine conversion kit)

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After section 50, insert:

50AA Unlawful possession of pistol carbine conversion kit

- (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years or to a fine not exceeding \$4,000, or both, if the person—
- (a) is in possession of a pistol carbine conversion kit; and

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- (b) is not a person authorised or permitted, expressly or by implication, by or under this Act to be in possession of that pistol carbine conversion kit.
- (2) In any prosecution for an offence against **subsection (1)** in which it is proved that the defendant was in possession of a pistol carbine conversion kit, the defendant has the burden of proving that they were authorised or permitted, expressly or by implication, by or under this Act to be in possession of the pistol carbine conversion kit. 5
- (3) It is a defence to a prosecution for an offence against **subsection (1)** if the defendant proves that the pistol carbine conversion kit was in their possession for use— 10
- (a) on a certified range; and
- (b) under the immediate supervision of another person who holds a firearms licence bearing an endorsement made under section 30 permitting them to possess a pistol.
- 64B New section 50CA inserted (Unlawful possession of prohibited ammunition)** 15
- After section 50C, insert:
- 50CA Unlawful possession of prohibited ammunition**
- A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years if the person— 20
- (a) is in possession of prohibited ammunition; and
- (b) is not authorised or permitted expressly by or pursuant to this Act to be in possession of the prohibited ammunition.
- 65 Section 50D amended (Unlawfully carrying or possessing prohibited firearm in public place)** 25
- In section 50D, replace “7 years” with “5 years”.
- 66 Section 52 amended (Presenting firearm, airgun, pistol, or restricted weapon at other person)**
- In section 52(1) and (2), replace “3 months or to a fine not exceeding \$1,000 or to both” with “6 months, or to a fine not exceeding \$10,000,”. 30
- 67 Section 53A amended (Use or attempted use of prohibited firearm to resist or prevent arrest or commit offence)**
- In section 53A(2), replace “7 years” with “5 years”.
- 68 Section 54 amended (Use or attempted use of firearm, etc, to resist or prevent arrest or commit offence)** 35
- (1) In the heading to section 54, replace “firearm” with “airgun”.

(2) In section 54(1), before “restricted weapon”, insert “airgun,”.

69 Section 55B amended (Offence of failing to produce firearm, etc, on demand or to permit inspection of firearm, etc)

(1) In the heading to section 55B, replace “firearm” with “prohibited firearm”.

(2) In section 55B, replace “3 months” with “6 months”. 5

(3) In section 55B, replace “\$1,000” with “\$10,000”.

(4) In section 55B, replace “fails” with “fails without reasonable excuse”.

70 New sections 55C to 55I inserted

After section 55B, insert:

55C Offence of failing to produce firearm other than pistol, restricted weapon, or prohibited firearm on demand or to permit inspection of firearm 10

A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, fails to—

(a) produce a firearm (other than a pistol, restricted weapon, or prohibited firearm) in their possession to a member of the Police on demand; or 15

(b) permit a member of the Police to inspect a firearm (other than a pistol, restricted weapon, or prohibited firearm) or the place where it is kept, or to enter that place.

55D Offences relating to illegal manufacturing of certain arms items

(1) A person commits an offence if the person— 20

(a) intentionally manufactures or assembles a firearm using parts that have been illegally manufactured, imported, or trafficked; or

(b) intentionally enters into a contract or an arrangement, or arrives at an understanding, to manufacture or assemble a firearm using parts that have been illegally manufactured, imported, or trafficked; or 25

(c) does not hold a dealer’s licence, but intentionally manufactures for sale, transfer, rental, or other supply—

(i) a firearm, pistol, prohibited firearm, or restricted weapon; or

(ii) a part of a firearm, pistol, prohibited firearm, or restricted weapon; or 30

(iii) a pistol carbine conversion kit; or

(d) does not hold a dealer’s licence, but intentionally enters into a contract or an arrangement, or arrives at an understanding, to manufacture for sale, transfer, rental, or other supply—

(i) a firearm, pistol, prohibited firearm, or restricted weapon; or 35

- (ii) a part of a firearm, pistol, prohibited firearm, or restricted weapon; or
- (iii) a pistol carbine conversion kit; or
- (e) intentionally fails to mark a firearm, ~~or part of a firearm, part of a firearm,~~ or pistol carbine conversion kit manufactured by the person in accordance with this Act or regulations made under section 74. 5
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to imprisonment for a term not exceeding 10 years.
- (3) For the purposes of this section, anything that purports to be, or is intended to have the effect of, a contract, an arrangement, or an understanding must be treated as a contract, an arrangement, or an understanding (as the case may be). 10
- 55E Offences relating to illegal trafficking of firearms, parts, or ammunition**
- (1) A person commits an offence if the person intentionally—
- (a) moves, delivers, sends, or transfers any firearm, pistol, pistol carbine conversion kit, prohibited firearm, or restricted weapon, or any part or ammunition, into New Zealand without lawful authority, or if the item is not marked in accordance with this Act and regulations made under section 74, whether or not the person intends to export the item from New Zealand; or 15
- (b) moves, delivers, sends, or transfers any firearm, pistol, pistol carbine conversion kit, prohibited firearm, or restricted weapon, or any part or ammunition, from New Zealand to another country, without lawful authority, or if the item is not marked in accordance with this Act and regulations made under section 74; or 20
- (c) moves, delivers, sends, or transfers any firearm, pistol, pistol carbine conversion kit, prohibited firearm, or restricted weapon, or any part or ammunition, through or across New Zealand to another country without lawful authority; or 25
- (d) moves, delivers, sends, or transfers any firearm, pistol, pistol carbine conversion kit, prohibited firearm, or restricted weapon, or any part or ammunition, into another country from or through New Zealand without lawful authority. 30
- (2) A person commits an offence if the person intentionally enters into a contract or an arrangement, or arrives at an understanding, to do anything described in **subsection (1)(a) to (d)**. 35
- (3) A person who commits an offence against **subsection (1) or (2)** is liable on conviction to imprisonment for a term not exceeding 10 years.
- (4) For the purposes of this section, anything that purports to be, or is intended to have the effect of, a contract, an arrangement, or an understanding must be treated as a contract, an arrangement, or an understanding (as the case may be). 40

- (5) Any firearm, pistol, pistol carbine conversion kit, prohibited firearm, or restricted weapon, or any part or ammunition, that is imported within the meaning of the Customs and Excise Act 2018 and that arrives in New Zealand in any manner in contravention of this section, must be treated, on importation, as a prohibited good for the purposes of the Customs and Excise Act 2018, except sections 388 and 389 of that Act. 5
- 55F Offences relating to falsifying firearm markings**
- (1) A person commits an offence if the person intentionally—
- (a) marks a complete firearm, or a complete but unassembled firearm, with false any false identifying markings at the time of manufacture; or 10
- (b) marks an imported firearm with false any false identifying markings.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to imprisonment for a term not exceeding 10 years.
- 55G Offences relating to removing or altering firearm markings**
- (1) A person commits an offence if the person, without reasonable excuse, obliterates, removes, or alters a marking on a firearm or part. 15
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to imprisonment for a term not exceeding 3 years.
- (3) If any mark is removed for a lawful and proper purpose, the firearm or part must be re-marked in accordance with the marking requirements of this Act and regulations made under section 74. 20
- 55H Extraterritorial jurisdiction for offences against section 55D, 55E, 55F, or 55G**
- (1) Even if the acts or omissions alleged to constitute the offence occurred wholly outside New Zealand, proceedings may be brought for any offence against **section 55D, 55E, 55F, or 55G**— 25
- (a) if the person to be charged—
- (i) is a New Zealand citizen; or
- (ii) is ordinarily resident in New Zealand; or
- (iii) has been found in New Zealand and has not been extradited; or 30
- (iv) is an entity incorporated or registered under the law of New Zealand; or
- (b) if any of the acts or omissions are alleged to have occurred on board—
- (i) a ship registered, or required to be registered, under the Ship Registration Act 1992; or 35
- (ii) a ship used as a ship of the New Zealand Defence Force; or

- (iii) an aircraft registered, or required to be registered, in New Zealand under the Civil Aviation Act 1990; or
- (iv) an aircraft for the time being used as an aircraft of the New Zealand Defence Force; or
- (v) an aircraft that is leased to a lessee whose principal place of business is in New Zealand, or who is a New Zealand citizen or a person ordinarily resident in New Zealand. 5
- (2) The following sections do not apply to an offence against **section 55D, 55E, 55F, or 55G**:
- (a) section 8 of the Crimes Act 1961 (which relates to jurisdiction in respect of crimes on ships or aircraft beyond New Zealand): 10
- (b) section 400 of the Crimes Act 1961 (which requires the consent of the Attorney-General to proceedings in certain cases for offences on ships or aircraft).
- (3) Nothing in this section limits— 15
- (a) the application of **section 55D, 55E, 55F, or 55G** to acts or omissions that occurred wholly in New Zealand; or
- (b) the application of section 7 of the Crimes Act 1961 to the occurrence in New Zealand of— 20
- (i) an act or omission forming part of an offence; or
- (ii) an event necessary to the completion of an offence; or
- (c) the application of section 8A of the Crimes Act 1961.
- 55I Attorney-General’s consent required**
- (1) No charging document may be filed against any person in relation to an offence against **section 55D, 55E, 55F, or 55G** committed outside New Zealand unless the Attorney-General consents to the filing of the charging document. 25
- (2) A person alleged to have committed an offence against **section 55D, 55E, 55F, or 55G** may be arrested without a warrant or a warrant for their arrest may be issued and executed, and they may be remanded in custody or on bail, even though the consent of the Attorney-General has not yet been obtained under **subsection (1)**, but no further or other proceedings may be taken until the consent has been obtained. 30
- 71 New section 58A inserted (Offences relating to registry)**
- After section 58, insert:
- 58A Offences relating to registry** 35
- (1) A person commits an offence who, without reasonable excuse, fails to provide information to the Police in accordance with **section 94**.

- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding \$10,000.
- (3) A person commits an offence if the person intentionally fails to provide information to the Police in accordance with **section 94**.
- (4) A person commits an offence if the person provides information to the Police for inclusion in the registry, knowing the information to be false or misleading in a material respect. 5
- (5) A person who commits an offence against **subsection (3) or (4)** is liable on conviction to a term of imprisonment not exceeding 2 years, or to a fine not exceeding \$20,000. 10

72 Section 59 amended (Unsafe firearms or pistols)

Replace section 59(4) with:

- (4) An owner of a firearm or pistol commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the owner, without reasonable excuse, fails to comply with a notice given to them under subsection (2) in respect of that firearm or pistol. 15

73 New Part 9 heading inserted

After section 59, insert:

Part 9
Miscellaneous provisions

20

74 Section 59A amended (Surrender by licensed dealer of firearms, etc)

- (1) In section 59A(1) and (2), replace “Arms Office” with “Police station”.
- (2) In section 59A(1), replace “immediately” with “within 5 working days”.

74 Section 59A replaced (Surrender by licensed dealer of firearms, etc)

Replace section 59A with:

25

59A Surrender by licensed dealer of firearms, etc

- (1) A licensed dealer does not contravene section 10 if, on obtaining possession of any of the following items from any person, the licensed dealer surrenders the item within 5 working days to the nearest Police station for inspection and inquiries:
- (a) a pistol:
- (b) a pistol carbine conversion kit:
- (c) a restricted weapon:
- (d) a prohibited item.

30

- (2) A licensed dealer does not contravene section 12 if the licensed dealer does not record the particulars of any of the following items that is received by that dealer and, within 5 working days, surrenders the item to the nearest Police station for inspection and inquiries:
- (a) a firearm: 5
 - (b) an airgun:
 - (c) a pistol:
 - (d) a pistol carbine conversion kit:
 - (e) a prohibited item:
 - (f) a restricted weapon. 10

74A Section 59B replaced (Voluntary delivery to Police of firearms, etc)

Replace section 59B with:

59B Voluntary delivery to Police of firearms, etc

- (1) If any arms item or ammunition is delivered to the Police by a person who is not authorised to be in possession of the item or ammunition, it is affirmed that the Police have the discretion not to prosecute in any case where— 15
- (a) the offence is considered to be one of possession only; and
 - (b) there is no public interest in proceeding with the prosecution.
- (2) See also Parts 1 and 2 of Schedule 1 (which contain amnesty provisions).

75 New sections 60 to 60B inserted 20

After section 59B, insert:

60 Improvement notices

- (1) This section applies if a member of the Police reasonably believes that a person with a firearms or dealer's licence, or an ammunition seller, or a shooting range operator is failing, has failed, or is likely to fail to comply with— 25
- (a) 1 or more applicable provisions of this Act or regulations made under this Act; or
 - (b) any conditions on a licence, an endorsement, or a permit.
- (2) The member of the Police may issue an improvement notice that—
- (a) states the applicable provision or provisions, or condition or conditions, that the member of the Police reasonably believes the person is failing, has failed, or is likely to fail to comply with; and 30
 - (b) requires the person to remedy the failure or prevent a failure from occurring; and
 - (c) states the date by which the person is required to remedy the failure or prevent a failure from occurring. 35

- (3) An improvement notice must be in writing and be sent to the person by post or electronic means to their last known address.
- (4) The member of the Police may extend the time within which the person is required to remedy the failure or prevent a failure from occurring.
- (5) A person issued with an improvement notice must comply with the notice within the time specified in the notice (or within any extended time allowed by the ~~officer~~ member of the Police). See **sections 60A and 60B** for possible suspension and revocation of a licence if a person fails to comply with an improvement notice. 5
- 60A Temporary suspension of licence pending possible revocation** 10
- (1) A member of the Police may, by notice in writing to the holder of a firearms or dealer's licence, temporarily suspend the licence if satisfied that 1 or more of the following apply:
- (a) the holder is not a fit and proper person to be in possession of any firearm or airgun, which includes a case where— 15
- (i) the holder has failed or refused to secure any ~~firearms, parts, magazines, ammunition, airguns, or restricted weapons~~ arms items or ammunition in the person's possession, in accordance with regulations made under this Act; or
- (ii) the holder has failed to comply with any conditions imposed on their licence; or 20
- (iii) the holder has failed to comply with an improvement notice issued under **section 60**; or
- (iv) the member of the Police is so satisfied on the basis of a notice given under **section 91** by a health practitioner; or 25
- (v) the licence has been seized under section 18 of the Search and Surveillance Act 2012:
- (b) the holder, being the holder of a dealer's licence, is not a fit and proper person to hold a dealer's licence:
- (c) ~~the licence has been seized under **section 18** of the Search and Surveillance Act 2012:~~ 30
- (d) access to any firearm or airgun in the possession of the holder is reasonably likely to be obtained by—
- (i) a person whose application for a firearms licence has been refused; or 35
- (ii) a person whose firearms licence has been revoked; or
- (iii) a person who, in the opinion of a member of the Police, is not a fit and proper person to be in possession of a firearm or an airgun; or

- (iv) ~~a person whose application for a permit under section 7 of the Arms Act 1958, or for a certificate of registration under section 9 of that Act, was refused on the ground that the person was not a fit and proper person to be in possession of a firearm or an airgun; or~~
- (v) ~~a person whose certificate of registration as the owner of a firearm was revoked under section 10 of the Arms Act 1958 on the ground that the person was not a fit and proper person to be in possession of a firearm; or~~ 5
- (vi) a person, other than the holder, whose firearms licence has been temporarily suspended. 10
- (2) A notice of temporary suspension of a licence must state—
- (a) the ground on which the notice is given; and
- (b) that the suspension is to enable the Police to consider revoking the licence on that ground; and
- (c) that the holder may, at any time before a day stated in the notice, make oral or written submissions on whether the licence should be revoked in accordance with **section 27** on that ground; and 15
- (d) that the suspension lasts until notice of the decision as to whether the licence has been revoked is given to the holder, but if the notice is not given within 90 days after the suspension takes effect, the suspension ends with the close of that 90-day period; and 20
- (e) that the effect of the notice is that the holder is treated as not holding the licence for the purposes of this Act until a final determination on revocation of the licence is made (*see **section 60B***); and
- (f) that the holder may commit an offence if the holder carries on any activities that require the holder to be licensed under this Act; and 25
- (g) that the holder may be required immediately or before to a date specified by a member of the Police to surrender to Police the holder's licence and the firearms, parts, magazines, ammunition, airguns, and restricted weapons arms items and ammunition in the holder's possession. 30
- (3) The day stated under **subsection (2)(c)** must not be sooner than, in the opinion of the Police, is reasonable to enable the holder to prepare and make submissions.
- 60B Effect of temporary suspension of licence**
- (1) When, or at any time after, a temporary licence suspension notice is given to the holder, any member of the Police may require the holder (orally or in writing) to surrender the licence and, in that case, the holder must immediately do so. 35
- (2) ~~On and after the date on which the holder of a firearms licence is given a notice,—~~ 40

- (a) ~~this Act applies as if the holder is not licensed to possess firearms, parts, magazines, ammunition, airguns, or restricted weapons by virtue of the licence or any endorsement on it; and~~
- (b) ~~section 28 (except subsections (3) and (4)) applies if the suspended licence is a firearms licence as if the licence had been revoked.~~ 5
- (2) On and after the date on which the holder of a firearms licence is given a notice, this Act applies as if the holder were not licensed to possess any arms item or ammunition by virtue of the licence or any endorsement on it.
- (3) On and after the date on which the holder of a dealer's licence is given a notice,— 10
- (a) this Act applies as if the holder ~~is~~ were not authorised to carry on any dealer activity; and
- (b) an employee of the holder may not carry on a dealer activity for the holder.
- (4) On and after the date on which the holder is given a notice or if the holder fails to surrender the arms items concerned, as required by a notice given under **section 60A**, a member of the Police may seize and take possession of all or any firearms, parts, magazines, ammunition, airguns, or restricted weapons in the possession or under the control of the holder any arms item or ammunition in the possession or under the control of the holder. 15
- (5) If the suspended licence is a firearms licence, **subsection (4)** applies despite **subsection (2)(b)**. 20
- (6) If a person's firearms licence is suspended, and the person holds a dealer's licence, the dealer's licence is automatically suspended while the firearms licence remains suspended. 25

76 Section 62 replaced (Right of appeal from official decisions)

Replace section 62 with:

62 Right of review of official decisions

- (1) This section applies to a decision to refuse an application for, or to revoke, a firearms licence. 30
- (2) A person who is the subject of a decision to which this section applies may apply in the prescribed manner to the Commissioner for a review of the decision.
- (3) An application must state— 35
- (a) the decision that the applicant wishes to be reviewed; and
- (b) the reasons why the applicant thinks the decision should be reviewed; and
- (c) the outcome the applicant is seeking.

- (4) An application must, subject to **subsection (5)**, be made within 28 days after the date on which notice of the relevant decision is given to the person.
- (5) The Commissioner may accept a late application no later than 28 days after the closing date in **subsection (4)** if satisfied that there are extenuating circumstances that affected the ability of the claimant to make the application by the closing date. 5
- 62A How review to be conducted**
- (1) The Commissioner must delegate under section 72 the responsibility for reviewing a decision to which **section 62** applies to 1 or more persons other than the person who made the original decision. 10
- (2) The reviewer must review the decision on the papers within 28 days after the date on which the application for review was lodged.
- (3) The Commissioner must give the applicant a written or an electronic notice of the reviewer's decision, and that decision has effect according to its terms.
- (4) The original decision remains in force until the reviewer's decision is notified to the applicant. 15
- 62B Right of appeal to District Court**
- (1) A person who is the subject of a decision referred to in **paragraph (a) or (b)** or is a person described in **paragraph (c)** may, by way of originating application, appeal to a District Court Judge against the decision as follows: 20
- (a) a decision to refuse an application for any of the following:
- (i) a dealer's licence:
 - (ii) consent under section 7A:
 - (iii) a permit for the purposes of **section 16(1)**:
 - (iv) a firearms licence: 25
 - (v) an endorsement under section 30, 30B, or 36:
 - (vi) a permit under section 35 to possess a pistol or restricted weapon:
 - (via) a permit under **section 35AAA** to possess a pistol carbine conversion kit:
 - (vii) a permit under section 35A to possess a prohibited item: 30
 - (viii) a certificate of approval for a shooting club under **section 38F**:
 - (x) certification of a shooting range under **section 38O**:
- (b) a decision to issue subject to conditions imposed by a member of the Police, or to revoke, any of the following: 35
- (i) a dealer's licence:
 - (ii) a permit for the purposes of **section 16(1)**:
 - (iii) a firearms licence:

- (iv) an endorsement under section 30, 30B, or 36:
- (v) a permit under section 35 to possess a pistol or restricted weapon:
- (va) a permit under **section 35AAA** to possess a pistol carbine conversion kit:
- (vi) a permit under section 35A to possess a prohibited item: 5
- (viii) a certificate of approval for a shooting club under **section 38F**:
- (ix) certification of a shooting range under **section 380**:
- (c) a person who has been served with a notice under section ~~41 or 59~~ 59 or **66C**.
- (2) However, in the case of a decision to which **section 62** applies, a person has no right of appeal under this section unless the person has— 10
- (a) first applied under **section 62** for a review of the decision; and
- (b) been notified of the reviewer’s decision.
- (3) On hearing an appeal under **subsection (1)**, the District Court Judge may, subject to **subsection (5)**, confirm, vary, or reverse the decision appealed against. 15
- (4) **Subsection (5)** applies if—
- (a) an application for a firearms licence has been refused on the ground set out in section 24(2); or
- (b) a firearms licence has been revoked on the ground set out in section 27(1)(~~b~~). 20
- (5) If this subsection applies, the District Court Judge may, even though the Judge finds that ground established, vary or reverse the decision appealed against if satisfied that, since the decision was given, adequate measures have been taken to deny access to the firearm to the person whose likelihood of access to it was the basis of the refusal or revocation. 25
- 62C Further provisions relating to appeals**
- (1) Despite the fact that any appeal under **section 62B** may have been determined in favour of the appellant, any commissioned officer of Police, in the exercise of powers conferred on the officer by this Act, may, subject to the like right of appeal, revoke any licence or permit to which the appeal related, or any licence or permit granted in compliance with the decision of the District Court Judge on the appeal, on any sufficient grounds supported by facts or evidence discovered since the hearing of the appeal. 30
- (2) The decision of the District Court Judge on any appeal under ~~this section~~ **section 62B** is final and conclusive, subject to **subsection (1)** and to section 64. 35
- (3) No person is excused from complying with any of the provisions of this Act on the ground that—

- (a) the person has applied for a review under **section 62B** and the review is pending; or
- (b) the person has appealed under **section 62B** and the appeal or the decision on the appeal is pending.

76A Section 63 amended (Appeal to District Court Judge in respect of compensation) 5

In section 63, after “pistol”, insert “pistol carbine conversion kit.”.

77 Section 64 amended (Appeal on a question of law)

In section 64(1), replace “section 62” with “**section 62B**”.

77A Section 65 amended (Restoration of articles seized) 10

In section 65, after “pistol,”, insert “pistol carbine conversion kit.”.

78 Cross-heading above section 66 replaced

Replace the cross-heading above section 66 with:

Other miscellaneous provisions

79 New sections 66A to 66D inserted 15

After section 66, insert:

66A Loss, theft, or destruction of firearm, etc

- (1) This section applies if—
 - (a) a firearm, prohibited magazine, prohibited part, or restricted weapon is lost, stolen, or destroyed; or 20
 - (b) a non-prohibited part or non-prohibited magazine that is required to be recorded in the registry is lost, stolen, or destroyed.
- (2) The owner of the firearm, magazine, part, or restricted weapon must—
 - (a) immediately notify a member of the Police of the loss, theft, or destruction; and 25
 - (b) give all information in their possession relating to the loss, theft, or destruction to the member of the Police.
- (3) A notification under **subsection (2)** must be given in the form or manner approved by the Commissioner.
- (4) Every person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, contravenes **subsection (2)**. 30

66B Person in possession of firearm, etc, must give identifying information to Police

- (1) A person in possession of any ~~firearm, airgun, pistol, magazine, part, restricted weapon, arms item~~ or ammunition, must, on demand, give their full name, address, and date of birth to any member of the Police who is in uniform or who produces evidence that they are a member of the Police. 5
- (2) If any person refuses to give their name, address, or date of birth, or gives false particulars about their name, address, or date of birth, a constable—
- (a) may caution that person; and
 - (b) if that person persists in the refusal or fails or continues to refuse to give the correct particulars, may arrest the person without warrant. 10
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, in response to a demand under **subsection (1) or (2)**,—
- (a) ~~without reasonable excuse,~~ refuses to give their name, address, or date of birth; or 15
 - (b) ~~willingly~~ gives false particulars, ~~without reasonable excuse,~~ about their name, address, or date of birth.

66C Powers of Police to require surrender of airguns or antique firearms

- (1) If any person who is not the holder of a firearms licence or a dealer's licence is in possession of an airgun or antique firearm, a commissioned officer of Police may, by notice in writing served on that person, require that person to surrender the airgun or antique firearm to a member of the Police, if that officer is of the opinion that that person is not a fit and proper person to be in possession of the airgun or antique firearm. 20
- (2) If any person is served with a notice under **subsection (1)**, that person must, on demand, deliver the airgun or antique firearm to a member of the Police, and section 28(2) to (4) applies accordingly with all necessary modifications. 25
- (3) Any person required under this section to surrender an airgun or antique firearm may appeal under **section 62** against the requirement, and that section applies accordingly with all necessary modifications. 30
- (4) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, fails to comply with a notice given to them under **subsection (1)**. 35

66D Obligations of owner or operator of craft temporarily visiting New Zealand and carrying firearms, etc

- (1) If a craft arriving from a foreign country is, at any time, temporarily berthed, moored, or anchored in any harbour or territorial waters of New Zealand, and

	has on board any arms items that are not being off-loaded, the owner or operator of the craft must—	
	(a) include details of all arms items on board the craft—	
	(i) in an advance notice of arrival that is required to be provided to the New Zealand Customs Service by section 12 of the Customs and Excise Act 2018; or	5
	(ii) in an inward report that is required to be provided to the New Zealand Customs Service by section 24 of the Customs and Excise Act 2018; and	
	(b) comply with any directions given by the New Zealand Customs Service or a member of the Police relating to the secure storage of those arms items, which may include a direction that the arms items be temporarily surrendered to a member of the Police or a Customs officer.	10
(2)	If the owner or operator of a craft does not comply with any direction given under subsection (1)(b) , a member of the Police or a Customs officer may—	15
	(a) board the craft; and	
	(b) seize and detain the arms items; and	
	(c) in effecting the seizure and detention of the arms items, use any reasonably necessary force.	
(3)	In this section,—	20
	arms items means any firearms, pistols, restricted airguns, prohibited items, restricted weapons, <u>pistol carbine conversion kits</u> , or ammunition	
	craft has the meaning given in section 5(1) of the Customs and Excise Act 2018	
	operator has the meaning given in section 5(1) of the Customs and Excise Act 2018	25
	owner has the meaning given in section 5(1) of the Customs and Excise Act 2018.	

80 Section 69 replaced (Forfeitures)

Replace section 69 with: 30

69 Forfeitures

- | | | |
|-----|--|----|
| (1) | If a person is convicted of an offence of using, carrying, or being in possession of any specified item, the convicting court must, as part of the sentencing, order that the specified item be forfeited to the Crown. | |
| (2) | However, subsection (1) does not apply and the convicting court need not make an order under that provision if the court considers that, given the circumstances of the offending, it would be unjust to make that order. | 35 |

- (3) Any specified item ordered under **subsection (1)** to be forfeited to the Crown—
- (a) is forfeited to the Crown accordingly; and
- (b) may be disposed of in any manner that the Commissioner directs.
- (4) In this section, **specified item** means any firearm, airgun, pistol, restricted weapon, imitation firearm, prohibited item, pistol carbine conversion kit, ammunition, or explosive. 5
- 80A Section 70 amended (Authorising disposal of firearms, etc, detained by Police)**
- In section 70(1) and (2), after “prohibited part,” insert “pistol carbine conversion kit,” in each place. 10
- 81 Section 72A amended (Service of documents)**
- After section 72A(1)(c), insert:
- (d) made available to that person electronically through the registry, so long as an email is sent to an address supplied by the person to tell them that the notice or other document has been made available and the person has agreed to receive notices or documents in that way. 15
- 81A Section 73 amended (Savings in respect of carriers and persons authorised to exercise powers of seizure)**
- In section 73(1)(a) and (b), after “prohibited part,” insert “a pistol carbine conversion kit,”. 20
- 82 Section 74 amended (Regulations)**
- (1) In section 74(1)(b), after “licences,”, insert “certificates of approval, certifications,”.
- (2) After section 74(1)(ba), insert: 25
- (bb) providing criteria, not inconsistent with this Act, for finding that an applicant for a firearms licence is not a fit and proper person to be in possession of a firearm or an airgun:
- (bc) providing criteria, not inconsistent with this Act, for finding that an applicant for a firearms licence is a fit and proper person to be in possession of a firearm or an airgun: 30
- (3) In section 74(1)(e), after “licences,”, insert “certificates of approval, certifications,”.
- (4) Repeal section 74(1)(f) and (2).
- (5) After section 74(1)(g), insert: 35

- (ga) prescribing the details that persons carrying on business are required under **section 22D** to enter in the registry relating to the sale or supply of ammunition:
- (gb) prescribing the particulars that are required to be included in annual reports of shooting clubs, including (but not limited to) finances, storage, safety, discipline, training, competitions, office holders, membership, participating non-members, and ratios of members who are licence holders, endorsement holders, or trained range officers to those who are not: 5
- (gc) prescribing the information and documents required to support an application under **section 38C** for approval of a shooting club: 10
- (gd) prescribing the information and documents required to support an application under **section 38L** for certification of a shooting range, including the types of firearms and ammunition for which the range is certified:
- (6) ~~In section 74(1)(h), after “licensed dealers”, insert “and the period for which any of those records must be kept”.~~ 15
- (6A) In section 74(1)(i) and (j), after “restricted weapons,”, insert “pistol carbine conversion kits.”.
- (6B) After section 74(1)(i), insert:
- (ia) making provision for the security of any premises at which an ammunition seller carries on business and prescribing precautions to be taken to prevent the theft or misuse of ammunition in the possession of ammunition sellers: 20
- (7) After section 74(1)(j), insert:
- ~~(ja) regulating 1 or more of the following: the advertising, promotion, or display of any firearm, firearm part, magazine, or ammunition by persons who sell or let out on hire any of those items: 25~~
- ~~(jb) without limiting **paragraph (ja)**, requiring those sellers and persons who let out on hire to provide specified information to customers about— 30~~
- ~~(i) the legal conditions and requirements that apply to the purchase, possession, and use of firearms, parts, magazines, and ammunition (such as the legal age of purchase, licence or endorsement requirements, and safe storage requirements); and~~
- ~~(ii) specific requirements and restrictions relevant to the item that is for sale or hire: 35~~
- (ja) providing for 1 or more of the following in relation to the sale or hiring of any arms item and ammunition:
- (i) material that must be included in any advertising, promotion, or display of any arms item and ammunition: 40

- (ii) advice that must be provided about legal conditions and requirements that apply to the purchase, possession, and use of arms items and ammunition (such as the legal age of purchase, licence or endorsement requirements, safe handling, transport, and storage): 5
- (iii) different requirements for different types of sale or hire activities carried out by dealers:
- (jc) providing for 1 or more of the following in relation to notices given by health practitioners for the purposes of **section 91**:
- (i) the information that the Police must provide to a licence holder when notifying the holder that a report has been received from a health practitioner: 10
- (ii) the period within which a licence holder must undergo a further assessment or surrender their licence, for the purposes of **section 91(3)**: 15
- (iii) the kinds or classes of health practitioners who may make a further assessment under **section 91** and any time limits or other requirements that apply to the assessment:
- (iv) the responsibilities of a health practitioner who makes a further assessment: 20
- (8) Replace section 74(1)(l) with:
- (l) making provisions that relate to any marking required for any firearms, magazines, and parts with identifying ~~marks~~ markings:
- (9) After section 74(1)(p), insert:
- (pa) providing for any matters necessary or desirable for the efficient operation of the registry, including provisions that— 25
- (i) require licence holders or other persons to provide specified information to the Police for inclusion in the registry and specify the circumstances in which the requirement applies:
- (ii) specify the manner or form in which information is required to be provided to the Police for inclusion in the registry: 30
- ~~(iii) impose additional requirements or conditions to be met by persons who apply under section 4A (permit to import, sell, supply, possess, or use a prohibited item), 7A (gun shows), or 18 (permit to import firearms):~~ 35
- (iii) impose additional requirements to be met for the purposes of the registry by persons described in section 4A who apply for—
- (A) consent to conduct business at a gun show under section 7A; or
- (B) a permit to import under **section 18**; or 40

- (C) an endorsement under section 30B to possess a prohibited firearm; or
- (D) a permit to possess under section 35A:
- (iv) impose different requirements for different kinds of licences, conditions, or endorsements: 5
- (pb) without limiting **paragraph (pa)(i)**, requiring specified persons to provide specified information to the Police in accordance with the regulations in relation to firearms, parts, and magazines that are not required to be marked with ~~an identifying mark~~ markings (for example, antique firearms and firearms exempted from or not covered by regulations made under **paragraph (l)**): 10
- (pc) requiring specified particulars to be recorded in the registry for the purpose of **section 93(1)(f)**:
- (10) In section 74(1)(r), replace “\$400” with “\$2,000”. 15
- (11) After section 74(1)(ra), insert: 15
- (rb) providing for matters not inconsistent with this Act that relate to the operation of the advisory group appointed under **section 88**, including provisions that—
- (i) state the quorum necessary for the transaction of the group’s business: 20
- (ii) require members to disclose any direct or indirect interest in a matter on which the group is providing advice:
- (iii) prohibit members from disclosing any information provided to them in confidence in their capacity as members of the group:
- (iv) enable the appointment of subcommittees: 25
- (v) ~~relate to the immunity from civil liability of members of the advisory group:~~
- (rc) providing for matters not inconsistent with this Act that relate to the operation of the review process under **section 62**, including provisions that prescribe, or authorise the Commissioner to prescribe, the form of applications for a review under **section 62**: 30
- (rd) without limiting any class of persons who are authorised to do so under section 3, providing for other persons to be authorised to carry or possess firearms, airguns, pistols, prohibited magazines, prohibited parts, restricted weapons, pistol carbine conversion kits, ammunition, or explosives belonging to the Crown: 35
- (re) providing that any requirements mentioned in **section 3(5)(a) to (d)** do apply in relation to any firearms or other items regulated by or under this Act that are owned by the Crown, to the extent provided in the regulations: 40

- (12) After section 74(2), insert:
- (3) Regulations under **subsection (1)(pa)** may be made only on the recommendation of the Minister of Police after being satisfied that the Commissioner has consulted the Privacy Commissioner about the proposed regulations.
- (4) Subject to **subsection (3)**, regulations may be made under this section only on the recommendation of the Minister of Police after being satisfied that the Commissioner has done everything reasonable to consult persons or organisations (or representatives of those organisations) that appear to the Commissioner to be affected or likely to be affected by the regulations, except where the Minister is satisfied that in the circumstances it was not practicable to consult to that extent or to carry out any consultation.
- (5) No regulations made under **subsection (1)(ja)** may come into force earlier than 3 months after the date of their notification in the *Gazette* unless the Minister is satisfied that in all the circumstances there are reasons that justify an earlier commencement date and recommends accordingly.
- 82A Section 74A amended (Order in Council relating to definitions of prohibited firearm and prohibited magazine, and declaring prohibited ammunition)**
- (1) Replace section 74A(a) with:
- (a) amend the description in **section 2A** of a semi-automatic firearm (except a small semi-automatic pistol) or pump-action shotgun that is a prohibited firearm:
- (2) Replace section 74A(c) with:
- (c) declare any semi-automatic firearm (except a small semi-automatic pistol) or pump-action firearm of a stated name or description to be a prohibited firearm for the purposes of this Act:
- 82B Section 74C amended (Regulations providing for transitional matters)**
- In the heading to section 74C, after “**matters**”, insert “**relating to Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019**”.
- 82C New section 74D inserted (Regulations providing for transitional matters relating to Arms Legislation Act 2019)**
- After section 74C, insert:
- 74D Regulations providing for transitional matters relating to Arms Legislation Act 2019**
- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Police, make regulations—

- (a) providing transitional and savings provisions concerning the coming into force of the amendment Act that may be in addition to the transitional and savings provisions in **Part 2 of Schedule 1**:
- (b) providing that (subject to any conditions specified in the regulations), during a specified transitional period,— 5
- (i) specified provisions of this Act (including definitions or transitional and savings provisions) do not apply (or apply with modifications or additions):
- (ii) specified provisions repealed or amended by the amendment Act continue to apply (or continue to apply with modifications or additions): 10
- (iii) conditions for the possession and use of a specified item apply during the amnesty period (as defined in **clause 8 of Schedule 1**).
- (2) The Minister may recommend the making of regulations under this section only if the Minister is satisfied that the regulations are necessary or desirable for the orderly implementation of the amendment Act. 15
- (3) On the close of 31 December 2021,—
- (a) this section is repealed; and
- (b) any regulations made under it are revoked. 20
- (4) In this section, **amendment Act** means the Arms Legislation Act 2019.

83 New sections 79 to 95 and cross-headings inserted

After section 78, insert:

Cost recovery

- 79 Purpose of sections 80 to 86** 25
- The purpose of **sections 80 to 86** is to enable the Police to recover its costs in respect of certain activities undertaken by the Police under this Act.
- Compare: 2008 No 72 s 79A
- 80 Activities that may be subject to cost recovery**
- (1) The Minister of Police may recommend the making of a regulation under **section 86** only if satisfied that the fee or charge concerned relates to an activity ~~in respect of any licence, application, or other matter under this Act that is undertaken by the Police in administering this Act~~ undertaken by the Police in accordance with this Act in relation to a person, shooting club, or shooting range. 30
- (2) The activities for which fees or charges may be imposed under **section 86**— 35
- (a) include—

- (i) ~~the development, provision, or approval of training materials, and testing of applicants, for any licence, endorsement, certificate, or approval; and~~
- (ii) ~~the assessment of applications for any licence, endorsement, permit, certificate, or approval; and~~ 5
- (iii) ~~the issue of, administration relating to, and recording of any licence, endorsement, permit, certificate, approval, transaction, or notice; and~~
- (iv) ~~the monitoring and audit of compliance or non-compliance with the requirements and conditions relating to any licence, endorsement, permit, transaction, certificate, approval, or notice; but~~ 10
- (a) include—
 - (i) processing an application for a firearms or dealer’s licence, including assessing whether the applicant is a fit and proper person: 15
 - (ii) providing training and testing services in relation to obtaining a firearms licence:
 - (iii) issuing any licence under this Act:
 - (iv) processing any application for an endorsement, a permit to possess, or permit to import: 20
 - (v) issuing any endorsement, a permit to possess, or permit to import:
 - (vi) undertaking inspections and compliance checks, including checks relating to any licence, endorsement, permit, certification, conditions, or improvement notices:
 - (vii) providing testing of samples in relation to firearms, firearm parts, magazines, or ammunition: 25
 - (viii) processing any application for approval or certification of a club or range:
 - (ix) approving the manufacture for sale of arms items:
- (b) do not include— 30
 - (i) the response of the Police to calls relating to potential offending; or
 - (ii) the conduct of criminal investigations; or
 - (iii) the prosecution of criminal offences. 35

Compare: 2008 No 72 s 79B

81 Criteria for cost recovery

The Minister of Police may recommend that regulations be made under **section 86(a)** only if the Minister is satisfied that,—

- (a) subject to the provisions of **section 86**, the fee or charge recovers no more than the actual and reasonable costs (including both direct and indirect costs) of the activity to which the fee or charge relates; and
- (b) the fee or charge for the activity or class of activities to which the fee or charge relates is generally obtained from the users or beneficiaries of the service or class of services to which the activity relates ~~(for example, from firearms licensee holders, if the activity is updating the registry)~~ at a level commensurate, as far as practicable, with their use of the service; and 5
- (c) the costs of the activity to which the fee or charge relates are efficiently incurred; and 10
- (d) the relationship between the costs of the activity to which the fee or charge relates and the nature and duration of the activity is clear.

Compare: 2008 No 72 s 79C

82 Consultation 15

- (1) The Minister of Police may recommend that regulations be made under **section 86(a)** only if the Minister is satisfied that the Commissioner has done everything reasonable on the Commissioner's part to consult the persons or organisations (or representatives of those organisations) that appear to the Commissioner to be affected or likely to be affected by the fee or charge. 20
- (2) The process for consultation must, to the extent practicable in the circumstances, include—
 - (a) the giving of appropriate notice of the intention to make the regulation and of the contents of the proposed regulation; and
 - (b) a reasonable opportunity for interested persons to make submissions; 25
 - (c) the adequate and appropriate consideration of those submissions.

- (3) A failure to comply with this section does not affect the validity of any regulations made under **section 86**. 30

Compare: 2008 No 72 s 79D

83 Methods of cost recovery

- (1) Regulations for the recovery of costs may provide for the following:
 - (a) fixed fees or charges:
 - (b) fees or charges based on a scale or formula or at a rate determined on an hourly or other unit basis: 35
 - (c) the recovery by way of a fee or charge of estimated actual and reasonable costs expended in, or associated with, the performance of an activity:
 - (d) fees or charges based on costs incurred from charges by third parties:

<p>(e) any combination of the above.</p> <p>(2) Without limiting the way in which a fee or charge may be set, a fee or charge may be set at a level or in a way that—</p> <p>(a) is determined by calculations that involve an averaging of costs or potential costs:</p> <p>(b) takes into account costs or potential costs of activities that are not services to be provided directly to the person who pays the fee or charge, but are an indirect or potential cost arising from the undertaking of the activity in question in relation to a class of persons or all persons who use the service or class of services to which the activity relates:</p> <p>(c) takes into account indirect costs, which include the costs and potential costs of support, maintenance, and development associated with provision of the activity.</p> <p>Compare: 2008 No 72 s 79E</p>	<p>5</p> <p>10</p> <p>15</p>
<p>84 Payment of fee or charge</p> <p>(1) A fee or charge prescribed by regulations made under section 86 is payable at the time prescribed in respect of a particular activity, whether that time is before, during, or after completion of the relevant activity.</p> <p>(2) All fees and charges prescribed by regulations made under section 86 and received by the Police or any other government agency must be paid into a departmental bank account.</p> <p>Compare: 2008 No 72 s 79F</p>	<p>15</p> <p>20</p>
<p>85 Exemptions, waivers, and refunds</p> <p>(1) Regulations made under section 86 may provide for exemptions from, or waivers or refunds of, any fee or charge prescribed by regulations made under this Act, in whole or in part, in any class of case.</p> <p>(2) Regulations made under section 86 may authorise the Commissioner, as the Commissioner thinks fit in the circumstances specified in those regulations, to exempt, waive, or refund the whole or any part of a fee or charge prescribed by the regulations.</p> <p>Compare: 2008 No 72 s 79G</p>	<p>25</p> <p>30</p>
<p>86 Regulations relating to cost recovery</p> <p>The Governor-General may, by Order in Council,—</p> <p>(a) on the recommendation of the Minister of Police made after consultation in accordance with section 82, make regulations prescribing fees or charges for specified activities in accordance with sections 79 to 85:</p> <p>(b) make regulations prescribing the time when a fee or charge prescribed under this Act becomes payable:</p>	<p>35</p>

- (e) ~~make regulations providing for exemptions from, or waivers or refunds of, any fee or charge prescribed under this Act, in whole or in part, in any class of case:~~
- (d) ~~make regulations authorising the Commissioner, as the Commissioner thinks fit in the circumstances specified in those regulations, to exempt, waive, or refund the whole or any part of a fee or charge prescribed by regulations made under this Act.~~ 5

Compare: 2008 No 72 s 102A

86 Regulations relating to cost recovery

The Governor-General may, by Order in Council on the recommendation of the Minister of Police made after consultation in accordance with **section 82**,— 10

- (a) make regulations prescribing fees or charges for specified activities in accordance with **sections 79 to 83**:
- (b) make regulations for the purposes of **section 84**:
- (c) make regulations for the purposes of **section 85**. 15

Compare: 2008 No 72 s 102A

Guidance notices

87 Guidance notices

- (1) The Commissioner may issue notices that provide guidance or details of an administrative nature that relate to 1 or more of the following: 20
- (a) the requirements of regulations made under section 74(1)(i) that relate to the security of licensed dealer premises:
- (b) the requirements of regulations made under section 74(1)(j) that relate to the security of premises where firearms are kept:
- (c) the issuing of ~~identification numbers~~identifying markings for firearms and magazines manufactured in or imported into New Zealand: 25
- (d) the approval of any shooting club or certification of any shooting range:
- (e) how to demonstrate the positive behaviours, skills, and knowledge that are expected of a fit and proper person:
- (f) how to manage specific situations where non-licensed persons come into possession of a firearm: 30
- (g) matters that health practitioners consider when determining whether to notify the Police under **section 91**:
- (h) generally, about any aspect of the Act or regulations made under this Act where the Commissioner thinks further guidance or detail is useful. 35
- (2) The Commissioner must consult the Commissioner's Firearms Advisory Group, and may consult any other person or organisation that the Commissioner thinks appropriate, before issuing any notice.

- (3) The Commissioner must—
- (a) publish the notice in the *Gazette*; or
 - (b) notify in the *Gazette* the fact that the notice has been made and state in that notification where members of the public can access a copy of the notice in electronic form.
- (4) A notice issued under this section is neither a disallowable instrument nor a legislative instrument for the purposes of the Legislation Act 2012.

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Commissioner's Firearms Advisory Group

88 Commissioner's Firearms Advisory Group

- (1) The Commissioner must establish a Commissioner's Firearms Advisory Group (the **advisory group**) comprising a chairperson appointed by the Minister of Police and up to 8 other members appointed by the Commissioner.
- (2) The purpose of the advisory group is to advise the Commissioner on matters that contribute to achieving the objectives of this Act, in particular, the safe use and control of firearms.
- (3) The advisory group may provide advice on any matter relating to firearms in New Zealand, including legislative proposals, policies for regulating New Zealand's firearms regime, and the promotion of firearms safety.

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89 Operations of advisory group

- (1) The members of the advisory group must appoint a deputy chairperson from among their number at their first meeting.
- (2) The advisory group may determine its own procedure, subject to compliance with any relevant provisions of this Act and regulations made under this Act.
- (3) The advisory group must, as soon as practicable after the end of each financial year, provide the Commissioner with an annual report of its proceedings and operations during that year.
- (4) The Commissioner must provide the resources and administrative support necessary to enable the advisory group to perform its functions.
- (5) The members of the advisory group are immune from liability in civil proceedings for good-faith actions or omissions in pursuance, or intended pursuance, of the duties, functions, or powers of the group, ~~subject to any regulations made in relation to the group under this Act.~~

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90 Provisions relating to appointment of members of advisory group

- (1) The membership of the advisory group must comprise a balance of people from both the firearm-owning and the non-firearm-owning community, including people who are concerned about the mitigation of harm from firearms from a health perspective.

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- (2) In appointing any member of the advisory group, the Minister of Police or the Commissioner (as the case may be) must have regard to the need for the advisory group to possess knowledge and experience in some or all of the following areas:
- (a) New Zealand and international firearms regulatory systems: 5
 - (b) public health and safety, particularly as it relates to firearms:
 - (c) firearms research:
 - (d) firearms safety and the use of firearms:
 - (e) membership of any community organisation or group involved in firearms awareness, safety, or law reform: 10
 - (f) any other matters the Minister or the Commissioner (as the case may be) considers relevant.
- (3) A member may be appointed for a term of up to 3 years as specified in the notice of appointment and be reappointed in the same manner.
- (4) The Commissioner must, by notice in the *Gazette*, notify the appointment of members and their terms of office. 15
- (5) A member is entitled to be—
- (a) paid remuneration at a rate and of a kind determined in accordance with the fees framework; and
 - (b) reimbursed for actual and reasonable travelling and other expenses in accordance with the fees framework. 20
- (6) In this section, **fees framework** means the framework determined by the Government for the classification and remuneration of statutory and other bodies in which the Crown has an interest.
- 90A Removal of members of advisory group** 25
- (1) The Minister or Commissioner may, if satisfied that there is just cause to do so, remove from office any member appointed by them.
- (2) The removal must be made by written notice to the member.
- (3) The notice must state—
- (a) the day on which the removal takes effect, which must not be earlier than the day on which the notice is received; and 30
 - (b) the reasons for the removal.
- (4) For the purposes of **subsection (1)**, just cause includes misconduct, inability to perform the functions of office, neglect of duty, and breach of any of the determinations of the group regarding its operations and procedures (depending on the seriousness of the breach). 35

*Medical assessments***91 Health practitioners may give Police medical reports of persons unfit to use firearm**

- (1) This section applies if a health practitioner who has attended or been consulted in respect of a person who the practitioner knows or has reason to believe is a firearms licence holder considers that the ~~mental or physical condition~~ health condition of the licence holder is such that, in the interests of the safety of individuals or the public, the licence holder—
- (a) should not be permitted to use or possess a firearm; or
- (b) should only be permitted to use or possess a firearm subject to any limitations that may be warranted by the ~~mental or physical~~ health condition of the licence holder.
- (2) If this section applies, the health practitioner must consider notifying the Police as soon as practicable—
- (a) of the opinion under **subsection (1)**; and
- (b) the grounds on which it is based; and
- (c) whether the practitioner believes the licence holder poses an immediate or imminent danger of self-harm or harm to others.
- (3) ~~The~~ If the Police have been notified by a health practitioner under **subsection (2)**, the Commissioner may require a licence holder to undergo a further medical assessment by a health practitioner who is independent from the practitioner who made the initial assessment and, in that case, the licence holder must either—
- (a) undergo the further assessment; or
- (b) surrender their licence under section 27(2).
- (4) Regulations made under section **74(1)(jc)** (if any) apply in relation to any notice given for the purpose of this section and to any action required under **subsection (3)**.
- (5) A health practitioner is not liable to criminal, civil, or disciplinary proceedings by disclosing personal information in the course of performing any function or responsibility under this section, as long as the practitioner acts in good faith.

*Registration of firearms and dealings***92 Commissioner to keep registry**

The Commissioner must keep and operate a registry for the purposes of this Act.

93 Content of registry

- (1) The following particulars must be recorded in the registry:

- (a) the number and date of expiry of every type of licence held by a person under this Act:
- (b) every licence holder's full name, date of birth, and address:
- (c) every endorsement on a licence:
- (d) every condition on a licence or an endorsement that is additional to conditions imposed by this Act or regulations made under section 74: 5
- (e) the particulars of the make, model, and identifying markings of every firearm, restricted weapon, and prohibited magazine possessed by a licence holder, and of the location of the firearm, restricted weapon, and prohibited magazine, if the particulars are held by the Police: 10
- (f) every particular that regulations made under section 74 require to be recorded in the registry.
- (2) The registry may include—
- (a) photographs provided under section 34A; and
- (b) any other information that the Commissioner considers necessary or desirable— 15
- (i) to ensure that the registry is complete and accurate; or
- (ii) for the administration of this Act and regulations made under it; and
- (c) any other photographs that the Commissioner considers necessary or desirable. 20
- 94 Obligation to provide information to registry**
- (1) This section applies to the following persons:
- (a) every holder of a firearms licence:
- (b) every holder of a dealer's licence: 25
- (c) every other person who is or intends to be in possession of a firearm or other item ~~controlled~~regulated by or under this Act.
- (2) This section also applies to the following events in relation to any firearm or other item ~~controlled~~regulated by or under this Act:
- (a) its sale or supply, ~~including a temporary transfer,~~ excluding a temporary transfer: 30
- (b) its purchase or receipt ~~(including a temporary receipt),~~ excluding a temporary transfer:
- (c) its importation:
- (d) its exportation: 35
- (e) its manufacture:
- (f) its theft, loss, or destruction:

- (g) any other event specified for the purpose of this section in regulations made under section 74.
- (3) Every person to whom this section applies, and every person who has responsibility in relation to any event to which this section applies, must provide the relevant details to the Police in accordance with the time and any other requirements prescribed by regulations made under section 74. 5
- (4) In this section, **temporary transfer** means a transfer of possession of the firearm (not being a pistol, restricted weapon, prohibited magazine, or prohibited firearm) or other item for less than 30 days.
- Review of operation of this Act* 10
- 95 Review of this Act**
- (1) The Minister of Police must—
- (a) review the operation of this Act, including the impact of the **Arms Legislation Act 2019** (the **amendment Act**), when the amendment Act has been fully in force for 5 years; and 15
- (b) prepare a report on that review, including recommendations for amendments to this Act.
- (2) The review must be completed within 18 months after the amendment Act has been fully in force for 5 years.
- (3) The Minister must present the report to the House of Representatives as soon as practicable after it has been completed. 20

84 New Part 2 of Schedule 1 inserted

In Schedule 1, after Part 1, insert the **Part 2** set out in **Schedule 1** of this Act.

Part 2

Amendments to other enactments 25

Subpart 1—Amendments to Extradition Act 1999

85 Amendments to Extradition Act 1999

- (1) This subpart amends the Extradition Act 1999.
- (2) After section 101B(1)(a), insert:
- (aa) every offence against any of **sections 55C, 55D, 55E, and 55F** of the Arms Act 1983: 30
- (3) In section 101B(5), insert in its appropriate alphabetical order:
- firearms protocol** means the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supple-

menting the United Nations Convention against Transnational Organised Crime, done at New York on 31 May 2001

- (4) In section 101B(5), definition of **foreign country**, paragraph (b), after “(as the case may be)”, insert “the firearms protocol.”

Subpart 2—Amendment to Intelligence and Security Act 2017 5

86 Amendment to Intelligence and Security Act 2017

- (1) This subpart amends the Intelligence and Security Act 2017.
- (2) In Schedule 2, after the item relating to information about people and locations identified as posing a possible physical threat to GCSB or NZSIS employees, insert:

NZSIS	Information about people and firearms collected in connection with the performance or exercise of a function, duty, or power under the Arms Act 1983, to be used for the purpose of assisting Police in determining whether a person is a fit and proper person to possess firearms or airguns	New Zealand Police
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Subpart 3—Amendment to Mutual Assistance in Criminal Matters Act 1992

87 Amendment to Mutual Assistance in Criminal Matters Act 1992

- (1) This subpart amends the Mutual Assistance in Criminal Matters Act 1992.
- (2) In Schedule 1, after item 32, insert: 15

33	Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime, done at New York on 31 May 2001	An offence against any of the following sections of the Arms Act 1983:	<i>section</i>	<i>subject matter</i>
		55D		Offences relating to illegal manufacturing of firearms or parts
		55E		Offences relating to illegal trafficking of firearms, parts, or ammunition
		55F		Offences relating to falsifying firearm markings

55G

Offences relating to removing or altering
firearm markings

Subpart 4—Consequential amendments

88 Consequential amendments to other enactments

Amend the enactments specified in **Schedule 2** as set out in that schedule.

Schedule 1
New Part 2 of Schedule 1 inserted

s 84

Part 2		
Provisions relating to Arms Legislation Act 2019		5
8	Interpretation	
	In this Part,—	
	Act means the Arms Act 1983	
	amendment Act means the Arms Legislation Act 2019	
	amnesty period means the period—	10
	(a) <u>beginning on the enactment date; and</u>	
	(b) <u>ending on—</u>	
	(i) <u>the date that is 6 months after the first date on which regulations made under clause 16E come into force; or</u>	
	(ii) <u>any later date prescribed by Order in Council</u>	15
	enactment date means the date on which the amendment Act receives the Royal assent:	
	specified item means—	
	(a) <u>a specified prohibited firearm:</u>	
	(b) <u>a pistol carbine conversion kit</u>	20
	specified prohibited firearm means—	
	(a) <u>a semi-automatic firearm that has a lower receiver, if the lower receiver is able to be attached to a centrefire upper receiver so that the resulting firearm is able to function:</u>	
	(b) <u>a semi-automatic pistol that is not—</u>	25
	(i) <u>a small semi-automatic pistol:</u>	
	(ii) <u>a semi-automatic pistol held by a person referred to in section 2A(3):</u>	
	(c) <u>a centrefire pump-action rifle that is capable of being used with a detachable magazine:</u>	30
	(d) <u>a centrefire pump-action rifle that has 1 or more non-detachable magazines (tubular or otherwise) capable of holding more than 10 cartridges commensurate with that firearm’s chamber size.</u>	
9	Duration of firearms licences issued or applied for before enactment date	
(1)	Nothing in the amendment Act affects the duration of—	35

<p>(a) a firearms licence that was issued on or before 22 July 2019; or</p> <p>(b) a firearms licence issued after 22 July 2019 on an application that was made on or before that date; or</p> <p>(c) a firearms licence that was issued after 22 July 2019 on an application that was made—</p> <p style="padding-left: 2em;">(i) at any time during the period beginning on 23 July 2019 and ending on the day before the enactment date; and</p> <p style="padding-left: 2em;">(ii) by an applicant who is the holder of a firearms licence that expires before the enactment date.</p> <p>(2) In any other case, a firearms licence that was issued or applied for before the enactment date will continue in force for a period of 5 years from the date on which the licence comes into force.</p> <p>(3) In subclauses (1) and (2), firearms licence includes a duplicate of a firearms licence that has been lost, destroyed, or mutilated, or become illegible.</p> <p>9 <u>Duration of firearms licences issued or applied for before enactment date</u></p> <p>(1) <u>If a firearms licence is issued on or after 10 February 2020 on an application made on or after that date but before the enactment date, the licence is treated as having effect only for 5 years in the case of an applicant who—</u></p> <p style="padding-left: 2em;">(a) <u>has never previously held a firearms licence; or</u></p> <p style="padding-left: 2em;">(b) <u>has had their previous licence revoked or has surrendered their previous licence; or</u></p> <p style="padding-left: 2em;">(c) <u>has allowed their previous licence to expire without applying for a new licence before the expiry date.</u></p> <p>(2) <u>Nothing in the amendment Act affects the duration of any other firearms licence applied for before the enactment date.</u></p> <p>10 <u>Disqualification from holding firearms licence</u></p> <p>(1) This clause applies to a person who is the holder of a firearms licence immediately before the date of commencement of section 22G.</p> <p>(2) The holder is not disqualified under section 22G from holding the firearms licence even if the holder has, within the previous 10-year period ending on the date of commencement of section 22G,—</p> <p style="padding-left: 2em;">(a) been convicted of any of the offences specified in that section; or</p> <p style="padding-left: 2em;">(b) been released from custody after being convicted of any of those offences; or</p> <p style="padding-left: 2em;">(c) <u>had a protection order made against them under—</u></p> <p style="padding-left: 4em;">(i) <u>section 79 of the Family Violence Act 2018; or</u></p> <p style="padding-left: 4em;">(ii) <u>section 14 of the Domestic Violence Act 1995.</u></p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p>
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- 11 Rights of holders of existing firearms licences**
- (1) This clause applies to every person who, immediately before the commencement of **section 24A** (as inserted by **section 36** of the amendment Act), holds a valid firearms licence.
- (2) If, on or after the commencement of **section 24A**, any of the circumstances set out in **section 24A(1)** arise in connection with the person, a member of the Police may—
- (a) take into account those circumstances and any other circumstances arising prior to the commencement of **section 24A**; and
 - (b) find that the person is no longer a fit and proper person to hold the licence for the purposes of this Act; and
 - (c) deal with the person under this Act accordingly.
- 12 Rights of holders of existing dealer’s licence**
- (1) This clause applies to every person who, immediately before the commencement of **section 6** (as inserted by **section 10** of the amendment Act), holds a valid dealer’s licence.
- (2) If, on or after the commencement of **section 6**, any of the circumstances set out in **section 6** arise in connection with the person or the person’s senior manager, a member of the Police may—
- (a) take into account those circumstances and any other circumstances arising prior to the commencement of **section 6**; and
 - (b) find that the person is no longer a fit and proper person to hold the licence for the purposes of this Act; and
 - (c) deal with the person under this Act accordingly.
- 13 Kea guns**
- (1) This clause applies to a person who—
- (a) is the registered owner of a kea gun; and
 - (b) has a firearms licence that bears an endorsement made under section 29(1) (as it read immediately before its repeal by **section 42(1)** of the amendment Act).
- (2) The person must, within 6 months after the commencement of **section 42(1)** of the amendment Act,—
- (a) obtain an endorsement under section 30 permitting the person to have possession of the kea gun in a capacity specified in section 29(2)(b), (c), or (d); or
 - (b) surrender the kea gun to a member of the Police.

14 Shooting clubs

- (1) **Subclause (2)** applies to an incorporated pistol shooting club that, immediately before the date of commencement of **Part 6**, was recognised by the Commissioner for the purposes of section 29 (as in force immediately before the commencement of **section 42** of the amendment Act). 5
- (2) On and after the commencement of **Part 6**, the incorporated pistol shooting club is to be treated as if the club has been issued with a certificate of approval under **section 38F**.
- (3) In the case of any other shooting club that existed as a shooting club immediately before the commencement of **Part 6**, an application under **section 38B** does not apply to that club until must be made within 12 months after the date of commencement of **Part 6**. 10
- (4) If an application for certification of the club is made within that 12-month period, the club is to be treated, as from the time the Commissioner receives the application until the application has been decided, as if the club has been issued with a certificate of approval under **section 38F**. 15

15 Shooting ranges

- (1) **Subclause (2)** applies to a pistol shooting range that at the date of commencement of **Part 6** was approved by the Commissioner in accordance with regulation 22 of the Arms Regulations 1992. 20
- (2) The pistol shooting range is to be treated as if the range has been issued with a certificate under **section 38O** during the period that—
- (a) commences on the date of commencement of **Part 6**; and
 - (b) ends on whichever of the following dates first occurs:
 - (i) the date of cancellation of the Commissioner's approval of the shooting range given before the commencement of **Part 6**: 25
 - (ii) the date that is 5 years after the date of commencement of **Part 6**.
- (3) In the case of any other shooting range that existed as a shooting range immediately before the commencement of **Part 6**, an application under **section 38K** does not apply to that shooting range until must be made within 12 months after the commencement of **Part 6**. 30
- (4) If an application for certification of the range is made within that 12-month period, the range is to be treated, as from the time the Commissioner receives the application until the application has been decided, as if the range has been issued with a certificate under **section 38O**. 35

16 Obligations relating to registry

- (1) This clause applies if a person is a licence or permit holder under this Act immediately before the date of commencement of **section 94** or is a prescribed person for the purposes of this clause.

- (2) In **subclause (1)**, **prescribed person** means any person who belongs to a class of persons declared by regulations made under **clause 17** to be prescribed persons for the purposes of **subclause (1)**.
- (3) The person must provide the Police with the relevant information within the time and in accordance with any other requirements prescribed by regulations made under section 74 or **clause 17** (as the case may be) if the person— 5
- (a) is applying for a licence or an endorsement; or
 - (b) is notifying a change in circumstances (such as a change of address); or
 - (c) has responsibility in relation to an event referred to in **section 94(2)**; or
 - (d) is subject to compliance or enforcement action by the Police under this Act. 10
- (4) If none of the circumstances in **subclause (3)** apply to the person within 5 years after the registry starts operating, the person must, from the close of that 5-year period, provide the Police with the relevant information in accordance with regulations made under section 74. 15
- (5) If none of the circumstances in **subclause (3)** apply to a licence holder within 5 years after the registry starts operating and the holder no longer possesses a firearm, part, magazine, or ammunition at the end of that 5-year period, the holder must notify the Police of that fact as soon as practicable after that period ends. 20
- 16A Permits to import issued for purposes of section 16(1) of Act before enactment date revoked**
- (1) A permit issued for the purposes of section 16(1) of this Act (as in force immediately before the enactment date) is revoked to the extent that it authorises the importation of a firearm that,— 25
- (a) after the enactment date, is a specified prohibited firearm; and
 - (b) before the enactment date, has not been brought or sent into New Zealand.
- (2) This clause does not apply to permits issued for the purposes of enabling persons referred to in section 3(2) of this Act to carry out their duties. 30
- 16B Specified prohibited firearms subject to the control of Customs at enactment date**
- (1) This clause applies to a specified prohibited firearm that is subject to the control of the New Zealand Customs Service at the enactment date.
- (2) The specified prohibited firearm is to be treated as specified prohibited goods under section 98 of the Customs and Excise Act 2018 and the chief executive of the New Zealand Customs Service may, under section 85(1)(b) of that Act, authorise the delivery of the specified prohibited firearm to the Police. 35

- (3) At the time of that delivery, the specified prohibited firearm ceases to be subject to the control of Customs.
- (4) In this clause, **subject to the control of Customs** has the same meaning as in section 6 of the Customs and Excise Act 2018.
- 16C Temporary amnesty for persons possessing specified items before enactment date** 5
- (1) This clause applies to a person who, before the enactment date, possesses a specified item.
- (2) The person does not commit an offence under section 50A or **50AA** of this Act for the continued possession of the specified item. 10
- (3) **Subclause (2)**—
- (a) ceases to have effect at the end of the amnesty period; and
- (b) is subject to any other conditions (if any) set by regulations.
- (4) See also the provisions governing surrender and voluntary delivery of prohibited items in **sections 59A and 59B** of this Act. 15
- 16D Compensation for specified items delivered to Police**
- (1) This clause applies in respect of a specified item that, on or after the enactment date, is delivered or otherwise surrendered to a member of the Police.
- (2) The specified item becomes the property of the Crown, free and discharged from all right, title, or interest possessed by any person in respect of that item. 20
- (3) Compensation may be paid in respect of the specified item in accordance with any regulations made under **clause 16E**.
- (4) However, nothing in this Act or the amendment Act otherwise confers any right to compensation, or is to be relied on in any proceedings as a basis for a claim to compensation, except and to the extent authorised by regulations made under **clause 16E**. 25
- 16E Regulations establishing compensation for delivery of specified items to Police**
- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Police, make regulations establishing 1 or more schemes for the purpose of paying compensation in respect of a specified item that, during the amnesty period or any other specified period or periods, is delivered or otherwise surrendered to a member of the Police or meets any other prescribed requirements. 30
- (2) Regulations made under **subclause (1)** may— 35
- (a) apply to 1 or more classes of licence holders or other persons who, before enactment date, lawfully possessed the specified item:
- (b) apply to 1 or more classes of specified items:

- (c) confer the right to compensation only if specified criteria or conditions are met:
- (d) limit the right to compensation in specified circumstances (for example, the maximum number of pistol carbine conversion kits for which compensation may be paid to a person): 5
- (e) provide for the Commissioner to determine the amount of compensation to be paid for a specified item or a class of specified items (whether that item or class of items is of a specified type, make, model, description, or condition, or a combination of them), including—
- (i) by issuing a schedule of those amounts: 10
- (ii) by determining the method by which the amount of compensation to be paid for a specified item is calculated, which may include—
- (A) the maximum amount of compensation payable in respect of an item:
- (B) the minimum amount of compensation payable in respect of an item: 15
- (C) the proportion of a specified amount of compensation payable in respect of an item:
- (f) impose conditions on any payment of compensation:
- (g) specify the criteria that the Commissioner may apply when determining or assessing the compensation payable in respect of a specified item: 20
- (h) confer and make any provisions with respect to rights of review or appeal against any compensation determined or assessed in respect of a specified item.
- (3) Regulations made under **subclause (1)** may make different provision with respect to different persons, specified items, or circumstances or different classes of persons, specified items, or circumstances. 25
- (4) To avoid doubt, regulations made under **subclause (1)** need not include compensation for—
- (a) any economic loss; or 30
- (b) any consequential loss; or
- (c) any loss for business interruption; or
- (d) any loss attributable to intrinsic or sentimental value.
- 17 Regulations providing for transitional matters**
- (1) The Governor-General may, by Order in Council, make regulations— 35
- (a) providing that, subject to any conditions stated in the regulations, transitional or savings provisions prescribed by the regulations that relate to the implementation of the amendment Act (in addition to, or in substitu-

- tion for, any other transitional provisions in the amendment Act) apply during the whole or any part of a specified transitional period:
- (b) providing that, subject to any conditions that are specified in the regulations, during a specified transitional period,—
 - (i) specified provisions of this Act (including definitions) do not apply, or are to continue to apply, or apply with modifications or additions, or both: 5
 - (ii) specified terms have the meanings given to them by the regulations: 10
 - (iii) specified provisions repealed, amended, or revoked by the Amendment Act are to continue to apply: 10
 - (c) providing for any other matters necessary for facilitating or ensuring an orderly transition from the legislative regime that applies under this Act before the amendment Act comes fully into force to the legislative regime that applies when the amendment Act comes fully into force. 15
- (2) No regulations made under this clause may be made, or continue in force, later than 5 years after the commencement of this clause.

Schedule 2

Consequential amendments to other enactments

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Part 1

Amendments to other Acts

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Criminal Investigations (Bodily Samples) Act 1995 (1995 No 55)

In Schedule 1, Part 3, insert the following items relating to the Arms Act 1983 in their appropriate numerical order:

Offence to import firearms, etc, without permit	section 16(4)
Offence to import prohibited ammunition	section 16A
Offence to assemble prohibited firearm	section 55A
Offences relating to illegal manufacturing of arms items	section 55D
Offences relating to illegal trafficking of firearms, parts, or ammunition	section 55E
Offences relating to falsifying firearms markings	section 55F

Search and Surveillance Act 2012 (2012 No 24)

Replace section 45(1)(b) with:

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- (b) against section **16(4)**, **16A**, **44**, 44A, 45, 50, 50A, 50B, 50D, 51, 53A(2), 54, 55, or 55A of the Arms Act 1983; or

Replace section 45(2)(b) with:

- (b) against section **16(4)**, **16A**, **44**, 44A, 45, 50, 50A, 50B, 50D, 51, 53A(2), 54, 55, or 55A of the Arms Act 1983; or

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Part 2

Amendments to legislative instruments

Arms Regulations 1992 (SR 1992/346)

In regulation 3(1A)(b), replace “Arms Office” with “Police Station”.

In regulation 6(1A)(b), replace “Arms Office” with “Police Station”.

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In regulation 7(7A)(b), replace “5-year period specified in subclause (10)” with “10-year period specified in **section 12(1B)** of the Act”.

Revoke regulation 7(9) and (10).

In regulation 10(2)(b), replace “Arms Office” with “Police Station”.

In regulation 12(1), replace “pistol” with “firearm, pistol” in each place.

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After regulation 12(1A), insert:

Arms Regulations 1992 (SR 1992/346)—continued

(1B) Every person who manufactures or assembles a firearm, pistol, prohibited firearm, restricted airgun, or restricted weapon (other than a pistol, prohibited firearm, restricted airgun, or restricted weapon that is an antique firearm) must stamp or engrave ~~an identification number~~ identifying markings on it at the time of manufacture (if it does not already bear one). 5

In regulation 13(1A)(a), replace “Arms Office” with “Police Station”.

In regulation 16(2)(b)(i) and (ii), replace “Arms Office” with “Police Station”.

In regulation 22(1)(a), replace “approved by the Commissioner for the purpose” with “that has been certified under **section 380**”.

Replace the heading to regulation 28E with “**Definitions for regulation 28G**”. 10

In regulation 28E, replace “regulations 28F and 28G” with “regulation 28G”.

In regulation 28E, revoke the definitions of **existing manufacturing business**, **existing supply business**, and **permitted supply**.

Revoke regulation 28F.

In regulation 29A(a), replace “Arms Office” with “Police Station”. 15

Health and Safety at Work (Hazardous Substances) Regulations 2017 (LI 2017/131)

In Part 9, regulation 9.2, definition of **firearms dealer’s licence**, replace “section 5” with “**section 5B**”.

Legislative history

13 September 2019

Introduction (Bill 177–1)

24 September 2019

First reading and referral to Finance and Expenditure Committee