



MINUTES : Firearms Community Advisory Forum

SUBJECT	Firearms Community Advisory Forum
DATE	Thursday 15 April
TIME	0930 - 1230
VENUE	The Thistle Inn, 3 Mulgrave Street, Thorndon, Wellington
ATTENDEES	MICHAEL DOWLING, ROSS MASON, JOHN HERBERT, GWYN THURLOW, JOHN HERBERT, DEBBIE WAKKER, EWAN KELSALL, ANGELA MCLEOD, JOE GREEN, JARED WRIGHT, PETER FURLEY, JARED WRIGHT, ROGER DUXFORD, PIRIPI CURTIS, SARAH MCRAE, KIRSTY MARSHALL, MIKE MCILRAITH, CATHERINE PETREY, GEOFFREY DUNN, JOHN WHITE, ERIC GATLAND, RICHARD WILSON, CAITLIN KEARNEY, AMY SMITH, PETE BAIRD
APOLOGIES	DON ROOD, ANDREW EDGE CUMBE, PETER NOBLE,

Agenda item 1: Welcome and introduction of new members

The Chair welcomed everyone and introduced Police staff and new members to the Firearms Community Advisory Forum (FCAF) and Police staff.

Agenda item 2: Processes and meeting rules

The Chair confirmed the Chatham House Rule.

Agenda item 3: Confirm previous minutes and update action points

Previous minutes confirmed and Action Points confirmed.

FIREARMS COMMUNITY ADVISORY FORUM – ACTION POINTS FROM PREVIOUS MEETINGS

ACTION POINTS DECEMBER 2020 MEETING	ASSIGNED TO	STATUS
CIRCULATE POWERPOINT USED IN AGENDA ITEM 4	POLICE	COMPLETED
PROVIDE FURTHER INFORMATION AS TO WHY CENTRE FIRE PUMPS ARE INCLUDED IN 2021 BUY-BACK	POLICE	COMPLETED
DISCUSS AND CONFIRM MEETING DATES FOR 2021	POLICE	COMPLETED

Agenda item 4: Update on 2021 Amnesty and Buy-Back

Police gave an update on the progress of the 2021 Amnesty and Buy-back:

- Individual compensation applications close on 1 May 2021, except for those following refused endorsement applications or exceptional circumstance applications. The amnesty period runs through until 1 August 2021.
- There hasn't been a substantial number of firearms and parts that weren't known about: this was due to being informed by the community.
- Police is seeing a number of firearms being handed in that should have been included in the 2019 Amnesty and Buy-back. Police advised that a reasonable approach must be taken in relation to these firearms and that Police will exercise discretion over any consideration of prosecution.
- A customer-centric approach has been taken for the 2021 Amnesty and Buy-Back with a focus on giving people the right advice.

An FCAF member asked whether prosecution is a useful way of dealing with items handed in under amnesty? Police advised that it is an offence to be in possession of a prohibited firearm; however the action taken is determined on a case by case basis. The example was given of a person who hands an item from the 2019 Amnesty and Buy-back in under the 2021 Amnesty and Buy-back by their own goodwill, who is likely to be shown a level of discretion by Police, versus someone who has a security check conducted on them, revealing that they are in possession of prohibited items who is more likely to face revocation and prosecution. Police also noted that the Solicitor-General's guidelines state that this discretionary approach needs to be undertaken in a way that avoids creating the impression that there never will be a prosecution.

An FCAF member acknowledged Police's reasonableness approach, and asked was the approach applied consistently nationwide. The concern is that already at risk communities such as the Māori communities may be treated more harshly than other communities.

An FCAF member asked if the number of firearms and items handed in correlates with the expected number? Police advised the difficulty is that the number of firearms and items out there prior to the buy-back was unknown and while there was modelling, it was not definitive as these items were never registered with Police. Another FCAF member advised that the number seems relatively small. The question of another buyback was raised. Police advised that this requires a government decision. No further buyback was currently under consideration.

Action Point: *Share with FCAF further guidance on handing in items under amnesty*

Police reminded FCAF members that firearms and items that should have been handed in under the 2019 Amnesty and Buy-back don't have to be surrendered to Police, they can be handed to a Dealer who does not have to record the individual's details. The dealer must then hand these to Police. An FCAF member said that the issue is the statutory 5 day period for dealers to hand these items to Police and asked whether there is the ability for the dealer to sell the item to a P Endorsed licence holder. Police confirmed that this cannot occur.

Police also mentioned the data base of E Category Firearms that was made electronic and confirmed that it is not a registry. An FCAF member asked if Police has a known figure of E Category firearms. Police confirmed that it had a list of all items previously held on endorsement as MSSAs. What Police did not have is those items held on a standard firearms licence that were readily converted to a MSSA or those items that were now prohibited but previously also held on a standard firearms licence. To build an estimate of this unknown group, the methodology used was the same as that applied in the Thorp report.

An FCAF member raised that they had received feedback that a licence holder had received a letter from Police that their MSSA wasn't handed in, the tone of the letter was upsetting as it was incorrect. This FCAF member advised that a different approach needs to be taken when contacting these

individuals moving forward, especially as on this example it was a very easy fix. Police advised that this firearm wasn't handed in during the buyback and therefore historic records needed to be updated to ascertain the possible location of the MSSA and that was the reason behind the phone call. Police said they would review the wording of the letter; but maintained that it was accurate and necessary in almost all cases.

An FCAF member asked how long those MSSAs listed by Police would be held against someone's licence if the firearm has already been handed in? Police advised that Police is well advanced with its reconciliation. This takes some time as the process of removing the item from being endorsed to a particular licence holder is a manual process.

Agenda item 5 moved up: Discussion about the Public Consultation Document.

Given time constraints, Agenda Item 5 was moved up. Following on from the discussion about the new regulations at the December meeting, Police now invited feedback on the Public Consultation Document.

- An FCAF member advised that the phase one on the consultation about the regulations to implement changes in the Arms Act and the Arms Legislation Act has been too rushed and asked why it cannot be slowed down. Police advised that the regulations need to be put in place to align with the new dealers' regime coming into force on 24 June 2020 and the regulations will specify a transitional arrangements for the new dealer regime.
- Another FCAF member asked who is reviewing the submissions? Police confirmed that the Policy Group alongside operational staff will be reviewing submissions.
- An FCAF member enquired about whether there had been any iwi consultation and noted that the proposals will impact on Maori. Police advised that while this is a general public consultation, Police has targeted key stakeholder groups. When drafting the regulations Treaty considerations will be taken into account. Police also acknowledged that moving forward it would liaise with Māori, Pacific, and Ethnic Services (MPES) and those in FCAF.
- An FCAF member acknowledged the reasoning for the timeframe for consultation but noted they were conscious of a superficial consultation process.
- An FCAF member stated that this process and the process for future regulations, is not straightforward and asked how it can be communicated with people. Police advised that Police will continue to regularly update its website and send out information to FCAF members and other umbrella organisations. In addition the Arms Code is currently being updated and this, as before, will contain an overview of licence holders' obligations.

Agenda item 6: Update on the Ministers Arms Advisory Group

On 6 April 2021, members of the Minister's Arms Advisory Group (MAAG) were announced.

- An FCAF member advised that feedback from some from the firearms community is that there is a lack of technical firearms knowledge on the MAAG. Police advised that the MAAG is set up to act as a strategic advisory board. FCAF and the Arms Engagement Group will continue to provide technical knowledge.
- Another FCAF member advised they had received positive feedback regarding the balance of members.

Agenda item 7: Update on Ranges and Clubs Engagement Group (RCEG)

Police provided an update on the current work of the Ranges and Club Engagement Group (RCEG). Currently, of the approximate 900 known ranges, 390 are Pistol New Zealand ranges. The next largest group are target shooting ranges, then clay shooting ranges, then deer stalking ranges. Police noted this is only in relation to the known ranges and advised that it hasn't yet looked into hand loaders or commercial ranges associated with tourism and recreational activities.

Currently, the Range Manual is being rewritten. This will link into individual disciplines own range management processes and offer context for users that want guidance to set up ranges and meet the requirement prior to engaging with a Range Inspector. The timing for the manual release is subject to the review processes.

Some items on the current work programme and being discussed in the RCEG meetings include:

- Reviewing level of safety applied to temporary and permanent ranges.
- The field ranges don't have a national body. That ranges used for field target shooting will need to be certified and the certification process adapted to meet those particular needs.
- Development of a focus group in preparation of delivering the Range Inspectors Training package.
- Discussions for potentially developing a more specific training for small bore target shooting and clay (skeet) shooting.
- Developing an ICT programme to support the handling of applications for range certification.

Police advised that the intent is to actively work with the community the RCEG and subject matter experts to get to a position where there is a clear national standard(s). Police confirmed that while Range Inspectors will be a community source engaged by the range operator, police will act as the certifier of the range on submission of the inspection report. There are no planned exceptions to the model.

An FCAF member raised the situation that where a farm range is only used once or twice a year what are the challenges? Police: A range on a farm used by the farmer or invited shooter i.e. for zeroing in is not being considered for certification. We know that some individual clubs are thinking that they won't have a range anymore but would continue as a club on private land with members shooting on that land in an ad hoc fashion. That will still require a range certification process. This separates organised shooting as opposed to individual shoot.

An FCAF member asked what the cost for certification will be? Police has not advanced discussions on fees and it is not part of this current work. If and when this occurs, there would need to be a consultation process beforehand. This is separate to the practice of the range operator sourcing a Range Inspector to undertake the inspection, prior to the certification process. The Range Inspection costing is between the range operator and the range inspector and independent of Police. Another FCAF member acknowledged that ranges can take time to set up; this would cost more but overall safety is paramount.

An FCAF member raised their concern that it is common to have fundraisers, such as a clay bird shoots, and that they were worried this would be captured and that there may be some in the community unaware of the processes. In response, another FCAF advised that a temporary range would require a temporary certification and those that are most dangerous are those that are not used to firearms. Police agreed that there needs to be sufficient communication and guidance material produced to support compliance.

Another FCAF member raised their concern about the length of time it may take for a range for a one-off event to be certified and advised that the last thing they want is for people to feel like they have done something wrong. Police advised that templates and guidance documents will be provided to take into account the different types of ranges, and processes to ensure efficient progressing of range inspection reports. Additionally, there will be temporary ranges but not temporary certifications.

Another FCAF member raised the situation where certification will be required on a plan, as the range may not yet exist. Police acknowledged this situation and advised that this would require the application to identify all necessary elements and the range inspector would need to visit after the range has been developed to check compliance.

An FCAF Member asked if Police is looking for people to train as range inspectors? and if so, can some communications be sent out that FCAF members can then pass on.

Action Point: *Police to prepare communications for circulation to FCAF on the call for range inspectors*

Agenda item 8: Progress report on improving Business as Usual including progressing licence applications in the pipeline

Police advised that the licensing pipeline has stabilised but noted that it will never be empty. Police gave the following update (as at 15 April 2021):

- In the pipeline there are 3,264 renewals, 100 dealers' applications, 604 reinstatements (existing licence holders who have reapplied up to 12 months after their licence expired) and 5,563 first-time applicants.
- One of the biggest challenges is encouraging applicants to apply early and it is noted around one to two-thirds of applications are coming in 31 days or less before expiry.
- Under [s8A of the Arms Act 1983](#) if application for renewal of a dealer's licence has been applied for before expiry, the licence continues in force until the application is determined.
- Police confirmed this type of extension does not apply for 'standard ten-year licences'.
- The number of applications in the pipeline changes daily. Every two weeks a priority list is reviewed.

A considerable amount of questions were raised by various FCAF members about the pipeline and licencing process, including:

- Whether the application process is being reviewed this year? Police advised that changes have already been made to the application forms consistent with meeting the criteria now codified in the Arms Act and the changes to the vetting processes anticipated as a result of recommendations by the RCOI - noting the forms were changed before the RCOI report was published. The whole process will need to be reviewed ahead of when the registry starts operating (June 2023 at latest).
- Whether referees must be in the same District; Police confirmed they do not have to be.
- Whether the hold-up in the licensing process is the vetting? Police advised that there are many factors that can delay the application including the application being made just prior to expiry of the licence, referees not completing their questionnaires, and the availability for interview of the applicant and the referees. In response, an FCAF member requested that communications go out outlining these reasons.
- What will happen if there is an influx of applications and the processing time takes even longer even if the individual applied in sufficient time? Police advised that [s24 of the Arms](#)

[Act 1983](#), requires a fit and proper determination to be made. Historically, we are at the lowest point regarding numbers of applications from previous licence holders in the pipeline.

- Is it a legislative requirement to hand all firearms to a licence holder if the firearms licence applicant's licence is expired? Police confirmed that the law is explicit that a person may not be in possession of a firearm or ammunition if they do not have a current firearms licence.¹ This is not a new requirement.
- Has the Minister been briefed on the pipeline? Police confirmed she has not specifically been briefed on the pipeline but has been made aware of the numbers in the pipeline as she has responded to the various correspondence and questions she has received. In response an FCAF member stated that we need to look at the law as it is now impacting on 'good kiwis'. Police confirmed that Parliament will review the Arms Act 1983 after June 2026 (to be completed within 18 months).²
- Concerns about possible intimate partner coercion when vetting officers are conducting an interview of a spouse in the same place as the applicant. Police confirmed that possible coercion is a concern.

In relation to the licensing process various FCAF members expressed the following concerns:

- That some members of the firearms community do not have the resources to undertake the application process, for example completing the electronic form. Police advised there is no obligation for the application form to be completed electronically.
- Are Vetting Officers being instructed to not be as flexible with their hours of work, with the risk that applicants have to take a day off to meet the Vetting Offices in normal working hours? Police advised that Vetting Officers can no longer be employed as casual workers. As much as possible, flexibility is being built into the process by balancing the employment law requirements and the needs of the community.
- Concerns that traffic convictions are penalising firearm licence holders' fit and proper status. Police advised that each application (or revocation) is treated on its own merits when considering fit and proper status.
- Concerns about whether sufficient support is being given to district Arms staff who are dealing with complaints from licence holders who are waiting for their new licence. Police advised that suitable support for staff is in place.
- That the expiry of a licence while an application is being processed means the individual isn't fit and proper anymore? Police reiterated that the legislation treats an application as an application for a new licence. This involves revisiting the fit and proper assessment. An FCAF member added that the 10 year period allows looking at the firearms security of the individuals as well.
- A concern over closing the gap when people can become criminals due to licensing delays. Shouldn't there be a temporary licence to address this because the delay is with Police. Police advised that the Act does not provide for temporary licences. It is the responsibility of

¹ See section 20 of the Arms Act 1983:

https://legislation.govt.nz/act/public/1983/0044/latest/DLM72916.html?search=sw_096be8ed819c860c_42_25_se&p=1

² See Section 96 of the Arms Act 1983

https://legislation.govt.nz/act/public/1983/0044/latest/LMS368873.html?search=sw_096be8ed81a660f8_review_25_se&p=1&sr=7

licence holders to take into account their licence status and avoid using firearms unless under the supervision of a current licence holder and ensure any firearms are held securely while the licence application is being progressed. Police is unlikely to take action against an individual just because their licence is expired when their application has been made before their previous licence expired; noting relevant circumstances will be taken into consideration.

- From a retail perspective, if an individual comes in with an expired licence to purchase an item, this puts pressure on the retailer. Police acknowledged this could happen but reinforced that any dealer or dealer employer should not be supplying firearms or ammunition to a person who does not have a current licence.
- An FCAF member stated that the issue is the expiry date. Police is processing the pipeline which will increase in five years' time once first-time applicants' licences expire. There will also be a backlog. This FCAF member also raised the idea of people voluntarily applying early to balance out the pipeline. Police advised that to hold a valid licence for greater than ten years would require a change to the legislation.
- As a result of Covid-19, a number of New Zealanders are repatriating, and they cannot get import permits as they are unlicensed. Police advised that it takes time to determine if recently returned individuals are fit and proper and are able to be issued with a licence.
- An FCAF member stated that there has been a financial impact on dealers, for example where something has been ordered in for a licence holder, but it cannot then be purchased as the individual's licence has expired. They also raised that in this situation they could just get their friends to purchase their ammunition. They also reiterated the feedback they had received that firearms licence holders are distrusting of Police, unhappy and frustrated.

Police acknowledged these concerns. The level of change for both Police and Firearms Licence holders is huge and this will continue as the legislation is embedded, regulations updated and new processes and systems implemented by Police.

Police appreciates the continued support and feedback from FCAF.

Action Point: *Police to prepare communications for FCAF members to circulate to their respective memberships regarding the reasons for the increase in applications held in the pipeline*

Agenda item 9: Other business

Regarding the [information that is being released quarterly on Police's website](#), Police asked members to advise them if there is anything further to be added.

An FCAF member raised that they had received feedback that the visitor licence applicants are led to believe that they have to supply the New Zealand Firearms Licence number of the person they are visiting in New Zealand. Police advised that the applicant needs to show they are going to be able to secure the firearm(s); this is usually achieved by having a contact that is a New Zealand firearms licence holder.

Meeting concluded 12.30 hrs

Next meeting: 22 July 2021 at Police National Headquarters

ACTION POINTS JULY 2021 MEETING	ASSIGNED TO	STATUS
SHARE WITH FCAF GUIDANCE ON HANDING IN ITEMS UNDER AMNESTY	POLICE	IN PROGRESS
POLICE TO PREPARE COMMUNICATIONS FOR CIRCULATION TO FCAF ON THE CALL FOR RANGE INSPECTORS	POLICE	IN PROGRESS
POLICE TO PREPARE COMMUNICATIONS FOR FCAF MEMBERS TO CIRCULATE TO THEIR RESPECTIVE MEMBERSHIPS REGARDING THE REASONS FOR THE INCREASE IN APPLICATIONS HELD IN THE PIPELINE	POLICE	IN PROGRESS