



MINUTES: Firearms Community Advisory Forum

SUBJECT	Firearms Community Advisory Forum (FCAF)
DATE	Thursday, 9 December 2021
TIME	09:30 – 12:30
VENUE	Police National Headquarters and via WebEx from Auckland Central Police Station
ATTENDEES	Mike Mcilraith (Chair), Steve Goodman, Ross Mason, Gwyn Thurlow, Andrew Edgcombe, Gary Elmes, Ewan Kelsall, Joe Green, Jared Wright, Angela McLeod, Don Rood, Roger Duxfield, Andrew Bakker, Piripi Curtis, Kirsty Marshall, Peter Noble, Michael Sparrow, Darryl Sweeny, Lachlan Marshall, Michael Sparrow, Peter Furley, John Herbert, Steve O'Donnell, Catherine Petrey, Jennifer Locke (Secretariat)
GUESTS	Angela Brazier, Phil Hanlon, Geoffrey Dunn, Kathryn Shaw
APOLOGIES	None

Agenda item 1: Welcome, apologies and meeting rules

The Chair welcomed everyone, no apologies were noted. The Chair reiterated to everyone the confidential nature of some communications going to FCAF members, such as draft regulations or Ministerial communications. All emails will note whether they are for sharing or confidential. Police like to be open and share information with this group, however this will not be able to continue if information and documents are not kept confidential.

Agenda item 2: Confirm previous minutes and update action points

Previous minutes confirmed and Action Points discussed.

FIREARMS COMMUNITY ADVISORY FORUM – ACTION POINTS FROM PREVIOUS MEETINGS

ACTION POINTS FROM 22 JULY 2021 MEETING	ASSIGNED TO	STATUS
CIRCULATE RESPONSE TO PARLIAMENTARY QUESTION ABOUT BREAKDOWN OF LICENCE APPLICATIONS IN PIPELINE BY DISTRICT	POLICE	COMPLETE
CIRCULATE INFORMATION ABOUT AGE OF APPLICATIONS IN PIPELINE	POLICE	COMPLETE
POLICE TO PREPARE COMMUNICATIONS OUTLINING THE RECONCILIATION PROCESS FOR THE BUY BACK FOR PURPOSES OF CIRCULATING TO DISTRICTS FOR THEIR AWARENESS	POLICE	ONGOING

Agenda item 3: Discussion on potential workshop for the Clubs and Ranges Amendment Regulations

The Chair noted that there is a potential for a workshop on the Clubs and Ranges work with FCAF members.

Agenda item 4: Proposed meeting dates for 2022

- Thursday, 24 March 2022
- Thursday, 21 July 2022
- Thursday, 6 October 2022

No objections were received, these dates were agreed.

Agenda item 5: Update on firearms licensing pipeline

The Chair noted the following firearms licensing pipeline figures, as at 21 November 2021:

Renewals:

- Total pipeline: 4,427
- Awaiting information from applicants: 1,033
- With Police in pipeline: 3,394

Police consider renewals to be the priority applications for resolution.

First time applicants:

- Total pipeline: 5,042
- Awaiting on information: 2,327
- With Police in pipeline: 2,715

There was significant discussion regarding this pipeline.

Police is expecting the average time for an application to be in the pipeline to be 12 months for first-time applicants and six months for renewals, this is communicated on Police's website. FCAF members sharing this with their networks is a good way of communicating this. Police is working towards improving this as soon as possible.

Police recruited and trained up over 100 staff in 2021, there is a big focus on renewals and building towards the registry in 2023. Police is still looking to bring in additional resources.

A member shared that feedback from Vettors is that referees are slow to get back to them with their information, this holds up the process. The registry should help with this process as it will be a fit for purpose online process, this will be a lot more intuitive. Paper applications will still be available.

Members made the following comments regarding the pipeline:

- This is a barrier to employment for the primary industries, particularly in industries where they use firearms such as slaughterhouses and farming
- From a conservation perspective, pest control is impacted
- Apprentices cannot get firearms
- The pipeline is 16% worse since July – this is a downward trend
- There is a safety issue, as credibility is lost through the time it is taking, people will stop buying into the process and will use firearms without a licence. First-time applicants doing this will not have done their safety training
- This delays in licensing are negatively impacting conservation, social, economic and safety outcomes
- There needs to be better communication about the pipeline – it would be good to have something to put up in gun shops etc to make it very clear to applicants what the recommended timeframe to allow when making applications.

Police noted that it understands there is opportunity to improve the pipeline, and it is up against the challenge of a changing workforce, insufficient resources, changes in legislation and the need for rigorous decision making.

A member asked if referees are still required to meet face to face? With the rural population this can be a barrier. Police noted that it is looking at different opportunities to help understand a risk matrix approach to interviewing and that interviewing shouldn't be a one size fits all approach.

Members agreed that it is important to have the face to face interview with spouses or next of kin.

Meeting advised that the transitional Executive Director of the Arms Safety and Control Business Unit was coming in next, she has been leading the development of a detailed business case for consideration by Cabinet in 2022, this includes information on what is required to be an effective regulator of the Arms Act. There has been a resourcing issue in the past, Police has put in a comprehensive bid for new funding, and it is currently diverting funds from elsewhere to go into firearms work. The push for additional resourcing is in process, although it takes a while to finding the right people, train them and then have them being fully in their role. Police is focused on getting on top of the flow through the application pipeline, it is considered urgent.

Agenda item 6: Introduction to Executive Director (ED), Arms Safety and Control

The ED joined the meeting, she has been in this role for approx. two months. Her observation is that Police has very hard working, professional and conscientious staff but it is the systems and processes that are letting them down. In her first two months, she has established a new leadership team and put out for consultation a document to nationalise resources to sit in the new business unit. Police is in the process of recruiting 12 staff in the districts as Arms Managers. This will give firearms teams greater control.

The Minister of Police recently announced the establishment of Branded Business Unit (BBU) and work is well underway on the establishment, which will be launched in Dec 2022. This will be set up as independent as it can be from Police. A branding and naming process, vision, purpose, mission etc will all be done in next few months. The BBU will share resources with Police but will have ringfenced funding/appropriations.

A detailed business case has been developed which sets out the operating model and funding for the future. This has recently been endorsed by Police's Executive Leadership Team and will be going to the Minister's Office in draft. There will then be a consultation period within the public sector in early 2022 and it will go to Cabinet in March 2022.

The ED acknowledged the number of applications in the pipeline and added that the team are working hard to get on top of this.

A member asked if the Arms Managers will provide consistent delivery, as they are seeing different interpretations of 'fit and proper person' between districts. Police responded that yes, this was one of the major drivers for these roles.

A member asked if these roles are being staffed from people outside of Police? The ED responded that yes, all roles are being advertised as constabulary and non-constabulary. This is to ensure stability of workforce, as constabulary staff often get pulled away on other urgent work. Advertising for these roles will be internal and externally through Police's usual recruitment sources. Police will also be doing a recruiting campaign to raise awareness and secure resources.

A Member asked that for factory refurbished firearms, there is a potential for different serial numbers, such as vintage firearms. How will this work in the registry? Police responded that it will need to develop regulations and guidance around these, it will take time to work through what this might look like.

The intent for the registry is that large holders, sellers, importers, collectors etc will be able to upload their information electronically ahead of the registry opening, so they will not have to input data for all firearms individually.

A member commented that they have 12-month schedule of digital communication releases to their members, they can include information from Police provides it to them.

Action point: *Share links to future advertisements for Arms roles.*

Agenda item 7: Update on the Arms Transformation Programme

The Director of Change, Arms Group, joined the meeting. His role is to help focus the investment case for funding to transform the arms operation over the next three years. They are looking to inject significant funds to deliver operationally.

The transformation delivery has three pillars:

1. Technology enabled change: the register, an online channel to apply for licensing online, systemised changes to deliver on the register
2. BBU – establishment activities including branding, property, resourcing etc
3. Stabilise and optimise current delivery.

Police has completed a procurement process to choose a technology partner for the register, it will sign the contract in early 2022.

The detailed business case requires Cabinet endorsement it will be seeking a substantial increase in resourcing. The paper is planned for Ministerial consultation in early 2022 and will then to Cabinet.

A member asked if Police expect to see a lift in licence fees? Police responded that the business case is built on no fee change, there is separate work happening around this, to be discussed in Agenda item 10.

Agenda item 8: Update on Arms Amendment Regulations

A member of the Firearms Policy Team joined the meeting to provide an update on the Arms Amendment Regulations. These regulations are going to Cabinet in mid-December, and it is planned that they will be Gazetted on 22 December and come into force on 1 February 2022.

Members of FCAF were thanked for their feedback on draft wording for the regulations. The suggestions were useful and improved the regulations as a result. A paper (in the form of a Table) will be provided in early 2022 to FCAF that sets out responses to the feedback. A few of the main pieces of feedback were gone through:

- Storage of firearms and ammunition in vehicles and the provisions relating to locked boots and gloveboxes: the regulations would not include requirements involving locked boots and storing ammunition in gloveboxes would only be where practicable.
- The 30-minute timeslot in which firearms could be left in an unattended vehicle (provided certain criteria were adhered to) was extended to 60 minutes.
- Requiring marking of firearm parts will now be limited to major parts (as defined in the Regulations) which have been reduced to three types of parts.
- Uneasiness over firearms licence applicants needing to provide ex-partner information. This requirement was a specific decision by Cabinet, based on not allowing persons with a family violence history to obtain firearm licences,. This will not change. One member recorded their agreement with this approach.
- The prevention of dealers from being able to test restricted weapons will be amended, so that they will be able to in certain circumstances.
- The penalty in the regulations of a fine up to \$400 for failing to comply with firearm identification marking requirements is made pursuant to a specific regulation-making provision in the Arms Act, (section 74(10(r))).

- A suggestion to specifically expand the circumstances in which a dealer's firearms could be taken outside of a dealer's premises for sale, trade or display, such as to a shooting club was not supported. There was some flexibility in the regulations for dealers being able to take firearms to other locations outside of their places of business, through licence conditions and written authorisations.

Action point: Police send link to Arms Amendment Regulations when they are gazetted.

Agenda item 9: Update on Clubs and Ranges Regulations

Another member of the Firearms Policy team joined the meeting to discuss the proposals for new regulations to support implementation of new Part 6 of the Arms Act (to be brought in by the Arms Legislation Act 2020 on 24 June 2022).

The focus of Part 6 is the requirement for:

- Approval of shooting clubs AND Certification of shooting ranges by the Police Commissioner (plus associated provisions to support these changes).
- Shooting club committees and shooting range operators will have 12 months, from 24 June 2022, to apply for approval of a club and certification of ranges.

Public consultation will take place in April (approx.) next year, over an estimated six-week period.

The general aims of the consultation are to:

- Ensure the regulations are fit for purpose and minimise any unintended consequences, and
- Give stakeholders, in particular shooting club committees and members, and shooting range operators, opportunity to understand how the proposed regulations would affect them.

Police will not be seeking feedback on Part 6 itself, or on the transitional provisions in new Clauses 12 and 13 of Part 2 Schedule 1 of the Arms Act (inserted by the Arms Legislation Act). We will only be seeking feedback on proposed changes to the Arms Regulations 1992, relating to shooting clubs and shooting ranges.

Shooting Clubs

Key areas (application for approval):

- Shooting clubs - the Discussion Document for public consultation will focus on matters needed for the Commissioner to approve a club i.e. information to be provided at application.
- Section 38F lists 5 key areas to be satisfied by clubs: use of certified ranges, rules relating to safe operation, possession and use of firearms, administration processes, management of shooting activities, storage of any firearms or ammunition.
- The list of information required in applications will include the club's constitution, which is to serve the purpose of giving a more formal basis to established club rules and standards such as those:
 - relating to management committees and the number of licence holders on management committee
 - participation of non-licence holders in club organised shooting activities
 - eligibility for participating in club organised shooting activities
 - arrangements for secure storage of firearms or ammunition when held at club premises.
- A certificate of approval will have conditions applied – these will mirror some of the information provided in the applications [note application for approval is generally made once only but if club wants to change conditions this may require a new application]

- For those clubs selling or supplying firearms or ammunition to members at their premises, or at the range, the conditions will include record keeping of this, and evidence that purchases and revenue are for the benefit of the club.
- Clubs must lodge annual reports: proposals will list matters to be covered in the annual reports which will be generally reporting against conditions
- Fees are proposed for (i) application fee (ii) annual compliance audit fee
- Options include full cost or partial recovery. Discount options for use of templates.

A member asked what the Arms Act's position on the responsibility of firearms in clubs? Police responded that only people can possess firearms so the club will nominate the individual or individuals who will hold responsibility for firearms.

Police noted that they are proposing fee discounts for use of document templates, this offers opportunity for umbrella organisations to assist their affiliated clubs to meet with the requirements.

Shooting Ranges

Key areas (application for certification, conditions of certification, and fees):

- Shooting ranges – the Discussion Document for public consultation will focus on matters needed for the Commissioner to certify a range i.e. the information to be provided at application.
- The list of information required in applications will include the Range Standing Orders, which are to serve the purpose of giving a more formal basis to established range rules and safety standards.
- Clarification of conditions of certification including:
 - 'Officers on duty' (endorsements, training, and use)
 - What 'other conditions' mean under section 38Q(2), and processes for changes (departure from conditions, amendment to conditions etc.)
- Proposed fees for certification and renewal of certification (and options for an early application discount for renewal).

There will be a public consultation process to obtain submissions on the proposed changes.

A member commented that consultation in March is not a good time for farmers and those involved in the roar. Police noted that this timeframe is set because of the legislation constraints.

One member commented that the changes to the legislation should reflect safety, and Police should report back to the community the reasons for the changes, and how they link back to the Act.

A member commented that there has been rumours that for ranges to be certified they will have to have static shooting positions. Police responded that there is no truth to this rumour.

Action point: *Send link to relevant sections for Clubs and Ranges in the Arms Legislation Act 2020 to members.*

Agenda item 10: Cost recovery

Police provided an update on cost recovery. Treasury guidelines are clear that any fees have to be justified by the actual costs. Police is currently working through the process to estimate what the current actual costs are. Consultation on this work is not time bound in the same way as the regulations required to support the progressive implementation of the Arms Legislation Act 2020.

Treasury will be looking closely at the discussion document as Police is required to show that the fees are set appropriately.

Agenda item 11: Any other business

- A member asked to clarify if information that is shared in the meeting can be shared with their board? The Chair clarified that everything we have said during the meeting can be shared, except for the figures discussed for the business case.
- A member mentioned that there is inconsistency from local/regional councils regarding the information required/provided by them for processing pest control endorsements. Police confirmed that the council's role is to only confirm that there is a particular pest problem at that location or in that area and it is for Police to determine whether a P endorsement is warranted. Email Mike McIlraith if you encounter any problems.
- Police thanked FCAF members for their feedback on the Firearms Safety Code. This will be released in March, active in July. Printed copies will not be made available but it will be printable from the Police website.

Meeting concluded 12:25 hrs

Next meeting: 24 March 2022 at Police National Headquarters, Wellington.

ACTION POINTS DECEMBER 2021 MEETING	ASSIGNED TO	STATUS
POLICE TO SHARE LINKS TO ADVERTISEMENTS FOR THE ARMS ROLES AS THEY COME AVAILABLE	SECRETARIAT	ONGOING
POLICE SEND LINK TO ARMS AMENDMENT REGULATIONS 2021 WHEN THEY ARE GAZETTED	SECRETARIAT	WHEN GAZETTED
POLICE TO SEND LINK TO RELEVANT LEGISLATION FOR CLUBS AND RANGES – SEE LINKS BELOW	SECRETARIAT	COMPLETE
CIRCULATE SLIDES FROM CLUBS AND RANGES PRESENTATION	SECRETARIAT	COMPLETE

Links to Legislation:

Part 6: Shooting clubs and shooting ranges

https://www.legislation.govt.nz/act/public/2020/0023/latest/whole.html?search=gs_act%40bill%40regulation%40deemedreg_Arms+Legislation+Act_resel_25_h&p=2#LMS256744

Link to Shooting clubs and shooting ranges – transitional provisions: (12 and 13)

https://www.legislation.govt.nz/act/public/2020/0023/latest/whole.html?search=gs_act%40bill%40regulation%40deemedreg_Arms+Legislation+Act_resel_25_h&p=2#LMS256899

Part 1, Section 2 amended (Interpretation):

Note on 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

(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

(B) the sales revenue is used for the benefit of the club