



## MINUTES : Firearms Community Advisory Forum

<b>SUBJECT</b>	Firearms Community Advisory Forum
<b>DATE</b>	Thursday 2 July 2020
<b>TIME</b>	0930 - 1230
<b>VENUE</b>	Police National Headquarters, 180 Molesworth Street
<b>ATTENDEES</b>	ANDREW EDGCOMBE, EWAN KELSALL, JARED WRIGHT, JOHN HERBERT, MEREDITH ACKRILL, MICHAEL DOWLING, NEIL BANKS, PETER BAIRD, PETER NOBLE, ALEX THOMSON, ROGER DUXFIELD, ROSS MASON, TONY RUFFELL, DON ROOD, MIKE MCILRAITH, CATHERINE PETREY, GEOFFREY DUNN, AMY SMITH, JACK NOLAN, CHLOE CHRISTOPHER
<b>APOLOGIES</b>	PETER FURLEY, DEBBIE WAKKER, JOE GREEN, FIONA GOWER, PENN FORREST, NICOLE MCKEE (STANDING DOWN)

### Agenda item 1: Welcome and introduction

The Chair welcomed everyone to the meeting and invited a round table.

Confirmation of Chatham House Rules.

FCAF members were also advised that Nicole McKee would be stepping down as a representative for the Firearms Safety Specialists, Police has approached Firearms Safety Specialists for a new representative on FCAF.

### Agenda item 2: Confirm previous minutes and update action points

Previous Firearms Community Advisory Forum (FCAF) meeting minutes confirmed with Action Points from previous meeting confirmed.

### **FIREARMS COMMUNITY ADVISORY FORUM – ACTION POINTS FROM PREVIOUS MEETINGS**

<b>ACTION POINTS DECEMBER 2019 MEETING</b>	<b>ASSIGNED To</b>	<b>STATUS</b>
MORE PUBLIC MESSAGING ABOUT WHAT FIREARMS ARE NOT PROHIBITED AND WHAT THE STATUS QUO WILL BE AFTER THE BUYBACK ENDS	POLICE	COMPLETED
POLICE TO PROVIDE A TABLE WITH THE TIMING OF THE PROPOSED CHANGES IN THE ARMS LEGISLATION BILL FOLLOWING ENACTMENT	POLICE	COMPLETED
DEVELOP PLAN FOR CONSULTATION PROCESS	POLICE	UNDERWAY

### **Agenda item 3: Update on Bill One buyback**

FCAF members queried Police for recent figures from the buyback and amnesty operated under the Arms (Prohibited Firearms, Magazines and Parts) Amendment Act 2019. Police directed FCAF members to publically available information on the New Zealand Police website (Link: <https://www.police.govt.nz/advice-services/firearms-and-safety/firearm-law-changes-prohibited-firearms/amnesty-and-buy-back/firearms-buy-back-scheme-data>). FCAF members requested more recent figures than February 2020. Police provided the figures used by the Minister of Police in his third reading speech for the Arms Legislation Bill 2020.

As at 3 June 2020, almost 64,000 prohibited firearms have been collected, destroyed or modified. A further 2,200 have been collected from gun dealers, and we have destroyed more than 205,000 prohibited parts and large capacity magazines (figures on prohibited parts and large capacity magazines as at 20 May 2020).

### **Agenda item 4: Discussion of the Arms Legislation Act 2020**

Police acknowledged the passing of Arms Legislation Act 2020 (the Act) into law and proceeded to go over a table with the timing of the changes made (i.e. what changes came into effect immediately after Royal Assent, what change come in after six months, two years and three years), as per Police's action point from the December 2019 FCAF meeting.

*Police action point: To provide FCAF members with a soft copy of the commencement table for sharing amongst the firearms community.*

FCAF queried whether section 55D of the Act "Offences relating to illegal manufacturing of certain arms items" would only apply to prohibited arms items or all arms items, Police clarified that the section is intended to apply to firearms and restricted weapons and their parts, and pistol carbine conversion kits being manufactured for sale without a dealer's licence. The dealer's licence requirement applies to those in the business of manufacturing for sale or supply. It was pointed out that Inland Revenue (IR) had general guidance on what constituted being in business (see IR's Smart business, a guide for businesses and non-profit organisations, IR320, April 2019).

FCAF also inquired about the Minister of Police's Arms Advisory Group (AAG) established under the Arms Act. Police confirmed that AAG would be made up of a balance of people from the firearm-owning and non-firearm-owning community (see section 90(1) of the Act). Total membership consists of a chairperson and up to 8 members (section 88(1)). As previously advised, it is intended that FCAF will continue as it provides an important resource for technical arms expertise.

Police advised FCAF members that Police will be working on bringing in new Arms Regulations over the next two years to support the Act. The first regulations that need to be made are for a compensation scheme (second buyback) for the firearms and parts newly prohibited or restricted by the Arms Act. These need to come into force for a buyback to happen as soon as practicable. The next regulations are for provisions in the Act that come into force in June 2021, particularly related to dealers. During development of these regulations, Police will be inviting submissions from the public on a consultation document and holding discussions with stakeholders over the November 2020 to February 2021 period.

FCAF also queried whether disqualification from holding a firearms licence (see section 22H of the Act) was based on a person having being charged of a specified offence or convicted. Police advised that disqualification was based on a conviction (or whether a protection order was made against them). Section 22H will apply (after 24 December 2020) to anyone who has had a conviction of a specified offence within the previous 10 years. It will not apply retrospectively to a current licence

holder as at 25 December 2020 but if after 25 December the licence holder is convicted of one of these offences, the holder's licence is immediately revoked.

### **Agenda item 5: Update on work and implementation of changes to Arms Act**

Inspector Peter Baird provided FCAF members with an update on the implementation of Arms Legislation Act changes work him and his team have been undertaking. Inspector Baird focussed on his work regarding shooting clubs and ranges, this included a brief summary on the number of ranges that were, within the disciplines, already certified to some standard. The discussion included the differences between range disciplines (e.g. clay target shooting vs. pistol target shooting) how they certified themselves, and the varying recording standards being applied or visible within the associated clubs. Inspector Baird raised the opportunity for there to be consistency in practise. FCAF queried how the changes made by the Act would affect the certification of clubs and ranges, Police assured FCAF members that the Act is not intended to make forming and running clubs and/or ranges an overly bureaucratic exercise. Police requires oversight of shooting clubs and ranges in New Zealand, but is committed to working with FCAF and the firearms community to develop an appropriate system. Police suggested a working group be created, that could work with Police to develop a wider understanding of firearms ranges and what needs to be considered in order to meet the conditions of the legislation. The opportunity was well received by FCAF and options would be worked through with the coming months.

FCAF inquired whether clubs would be required to become an incorporated society in order to operate. Police clarified that if the club was going to sell firearms and/or ammunition, then incorporation would be required. Pistol clubs have always been required to be an incorporated society, and the Act does not change this.

#### *Police Action Point: Shooting Clubs and Shooting Ranges Table*

*To alleviate concerns and assist in clarification, Police to produce a table that would state the type of shooting club and/or shooting range (e.g. solely club, club using range(s) not their own, club with range attached, solely a range, etc.) against what level of recognition and certification would be required by the shooting club and/or shooting range owner/operator.*

### **Agenda item 6: Informal shooting on private land**

FCAF had raised ahead of the meeting that they would like Police to provide an explanation of how the new changes would affect shooting on private land, specifically whether owners of private land would need to have their land certified as a shooting range if the owner or people invited onto the property were to shoot there. Police explained that this would need to be evaluated case-by-case. Generally, provided the shooting was on an ad-hoc basis (i.e. sighting in of a firearm) and not on a regular basis involving commercial transactions certifying the private land as a range would not be required.

#### *Police Action Point: Extract of Commentary provided to the Select Committee*

*Police will share with FCAF members a soft copy of extracts of the Interim and Final Departmental Report presented to the Select Committee for the Arms Legislation Bill. These extract would provide the same commentary Police prepared for the Select Committee when the Committee inquired about shooting on private land. Both reports are publically available here:*

- *Interim Departmental Report: [https://www.parliament.nz/resource/en-NZ/52SCFE\\_ADV\\_91272\\_FE24632/88f77a1644d7910ce6a61f60c1092d9b1cef37e8](https://www.parliament.nz/resource/en-NZ/52SCFE_ADV_91272_FE24632/88f77a1644d7910ce6a61f60c1092d9b1cef37e8)*
- *Final Departmental Report: [https://www.parliament.nz/resource/en-NZ/52SCFE\\_ADV\\_91272\\_FE25292/74555729877518d99b3e068177554ff1739c36f2](https://www.parliament.nz/resource/en-NZ/52SCFE_ADV_91272_FE25292/74555729877518d99b3e068177554ff1739c36f2)*

*FCAF Action Point: Clarifying Shooting Clubs and Shooting Ranges to the Community*  
Police asked FCAF members to help with providing members of the firearms community with information that may help clarify the changes the Arms Legislation Act 2020 was making in regards to shooting clubs and shooting ranges, as these changes are often being talked about as being more burdensome than they actually are. This could involve sharing approved resources provided to FCAF members, or pointing members of the firearms community to publically available information. It also needs to be made clear that the provisions relating to the certification of clubs and ranges do not come into force until June 2022 and clubs and ranges have 12 months following that to apply for certification.

#### **Agenda item 7: Permit changes to mail order and internet sale**

FCAF had raised ahead of the meeting that members of the firearms dealer community were confused about permit changes to the mail order and internet sale of arms items (section 43A of the Act), specifically parts such as screws. Police clarified that the requirement for a written order form signed by Police would not apply to the sale of screws or similar components (used for the assembly of firearms) over the internet and directed FCAF members to the definition of a 'part' under the Act. Police would look into how we might need to provide clarification of what is not intended to be included in the definition of "part" in the Act. Police also stated that the intended goal of section 43A was to ensure that the seller can confirm that the buyer is appropriately licensed to purchase the arms item they are selling (and in the case of a pistol carbine conversion kit that the buyer has a permit to possess the kit).

#### **Agenda item 8: Other business**

FCAF queried about members of the firearms community experiencing longer periods of time for receiving their physical firearms licences. Police explained that this was a temporary glitch with the card producer's machine, which has now been fixed.

FCAF had been concerned about scam emails coming through, providing false information to firearms community members. Police advised FCAF that they had been working to reduce the perception that emails from Police were scam email. FCAF were advised that people should check the Police website to verify the legitimacy of emails.

FCAF inquired whether Police had begun work on cost recovery for licences. Police informed FCAF that they had not but would be consulting with the public once work on cost recovery regulations begin. The requirement to have consultation with affected parties prior to any regulations that prescribe any new fees or charges is specifically set out in section 82 of the Arms Legislation Act.

FCAF inquired whether Police could produce a beginner's guide to the Arms Act that included all the changes now in force. Police informed FCAF that they would need to look into how this would be managed (e.g. through the Police website, or a document like the Arms Code).

FCAF raised the issue of Police being specific about the type of firearms that are seized when seizure information is provided to the media (e.g. when firearms are discovered during a gang raid). Police informed FCAF that this can sometimes be an issue of accurately recording the firearms when they are seized, this is an area that Police is working on, including improving the level of detail provided to the media. However, Police cannot control with the media ends up reporting and descriptions may change once the seized firearms have been examined by the Police armourer.

Police provided FCAF members with an update on prohibited item endorsements, as at Thursday 2 July 2020:

CATEGORY	PENDING	CURRENT	REFUSED
COLLECTORS	120	774	16
THEATRICAL	9	47	0
DEALERS	20	122	8
PEST CONTROLLERS	33	267	142
FARMERS	13	11	2

FCAF queried about the apparent lack of statistics/evidence made available to explain why some Arms Act changes to were considered necessary (e.g. the certification of clubs and ranges, the tightening of security and inspections, etc.). Police informed FCAF that a lot of information on the extent of problems relating to illegal possession was discussed in the Select Committee inquiry into illegal possession of firearms in New Zealand. Matters relating to clubs and ranges were discussed in Police's interim and final departmental reports to the Select Committee considering the Arms Legislation Bill (links provided above at agenda item 6).

It was noted that some members received late notice of the meeting. Police confirmed that formal invitation for participation in FCAF by the New Zealand Game Animal Council and Fish and Game New Zealand was to be completed.

*Police Action Point: Single Point of Contact*

*Police to provide FCAF members with a single point of contact for general arms related questions. Noting that once the second buyback begins, there will be another point of contact established for queries relating to the buyback.*

Police advised that in the first instance, most information on the changes made by the Arms Legislation Act can be found on the Police website.

*Police Action Point: Consideration of Providing FCAF Meetings Online*

*Given the shifting environment that COVID-19 may create and the possibility of some members being unable to attend meetings in person at times, Police agreed to consider whether online meetings can be provided for effectively and safely whilst maintaining the Chatham House rules.*

**Meeting concluded 1230 hrs**

**Next meeting: 10 December 2020**

ACTION POINTS FROM JULY 2020 MEETING	ASSIGNED TO	STATUS
POLICE AGREED TO PROVIDE FCAF MEMBERS WITH A SOFT COPY OF THE COMMENCEMENT TABLE FOR SHARING AMONGST THE FIREARMS COMMUNITY.	POLICE	COMPLETED
POLICE TO DEVELOP A TABLE FOR THE TYPES OF CLUBS & RANGES WITH THE REQUIREMENTS FOR EACH TYPE (INCLUDING SHOOTING ON PRIVATE LAND)	POLICE	UNDERWAY
POLICE TO PROVIDE FCAF WITH EXTRACTS OF THE INTERIM AND FINAL DEPARTMENTAL REPORTS	POLICE	UNDERWAY

PROVIDED TO THE SELECT COMMITTEE ON SHOOTING ON PRIVATE LAND		
FCAF TO HELP DISTRIBUTE INFORMATION ON NEW CHANGES TO ARMS LEGISLATION INCLUDING CLARIFICATION ON CLUBS & RANGES TO THE FIREARMS COMMUNITY	FCAF	UNDERWAY
POLICE PROVIDE A SINGLE POINT OF CONTACT FOR GENERAL ARMS RELATED QUESTIONS	POLICE	UNDERWAY
POLICE TO CONSIDER THE POSSIBILITY OF PROVIDING FCAF MEETINGS ONLINE	POLICE	UNDERWAY