



MINUTES: Firearms Community Advisory Forum

SUBJECT	Firearms Community Advisory Forum
DATE	Thursday, 22 July 2021
TIME	09:30 – 12:30
VENUE	Police National Headquarters
ATTENDEES	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, Catherine Petrey, Mike McIlraith, Caitlin Kearney, Geoffrey Dunn Andrew Hudson, Tim Jones, Hannah Thompson, Danielle Wilson
APOLOGIES	Michael Sparrow, Peter Furley, John Herbert

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). Apologies from Michael Sparrow, Peter Furley and John Herbert were noted.

Agenda item 2: Processes and meeting rules

For the new members benefit, the Chair confirmed meetings are subject to Chatham House Rule. The Chair also emphasised the importance of out of meeting interactions and reminded the Group that some items circulated are free for sharing, other items are circulated in confidence. When emailing FCAF, Police will advise whether a document can be shared.

Agenda item 3: 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 APRIL 2021 MEETING	ASSIGNED TO	STATUS	COMMENT
SHARE WITH FCAF GUIDANCE ON HANDING IN ITEMS UNDER AMNESTY	POLICE	IN PROGRESS	THIS IS TO REMAIN IN PROGRESS, IT IS IN RELATION TO THE ONGOING AMNESTY.
POLICE TO PREPARE COMMUNICATIONS FOR CIRCULATION TO FCAF ON THE CALL FOR RANGE INSPECTORS	POLICE	IN PROGRESS	POLICE ADVISED THAT WHEN THE COURSES ARE ADVANCED INVITATIONS WILL BE SENT OUT THROUGH FCAF IN THE FIRST INSTANCE.

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	UPDATES WILL BE PROVIDED ON THE POLICE WEBSITE
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Agenda item 4: Update on firearms licensing pipeline, including discussion on storage of firearms

Police provided an update on pipeline figures as at 21 July 2021 as follows: 3,806 renewal applications, 148 dealer licence applications, 5,990 first time firearm licence applications and noted that one third of numbers in pipeline still require completion of their safety course or referee questionnaires. Police continues to message licence holders to remind them to apply for the licence early. Various points were then raised:

- With regard to those still to complete their safety course, a member asked whether this is because there isn't sufficient space for applicants, citing the Tasman/Buller District as a location where they were aware of high levels of applicants in the pipeline. Another member asked whether there is a regional breakdown of the pipeline. Police noted that this may not be useful as applications may be made in one District but the address where firearms are held or the referees may be in another District. Police noted that firearms data is uploaded quarterly to [Police's website](#) and this gives a sense of the existing licence population by geography.
- A member noted that from their experience, the responses received from the firearms email address in relation to P-Endorsements were amateur. Police commented that there is now a specific team dealing with P endorsements and this difficulty should be resolved.
- Police noted that Police is currently getting regular Parliamentary Questions on the pipeline and noted that these can be provided to FCAF if they wish.
- A member asked whether first-time firearms licence applications are increasing? Police confirmed that the data on Police's website shows a comparison and that these applications are looking constant and steady.
- In reference to the pipeline data, a member noted that it is worse than the data provided in April. Police confirmed there are many reasons including better visibility on the pipeline in the case management system, which results in up to date data. A member advised that it would help Police if they stratify the pipeline by the age of the application. Police noted that information has been provided in a Parliamentary Question and changes on a daily basis. It was also noted that there will always be outliers for example health issue of the licence holder or family member that requires investigation, or difficulty in accessibility of nominated referees
- A member asked what they can tell their members who wish to follow up their application. Police recommended FCAF members communicate to their memberships to contact their local Arms Office.
- A member noted that they had been a referee for many under the new regime. They felt that as the referee there was little they felt they could do when there were delays in being contacted. Police noted that files in the Wellington area that have been open for over 365 days are being reviewed. There are many reasons for why an application has not progressed. Some applicants may not have completed their Mountain Safety Course Police is trying to determine at what point it is reasonable to refuse an application. A member suggested Police serve applicants with a notice of intention to refuse.
- Another member noted their concern about the unlicensed possession of firearms when licence expired and asked what the current policy is. Police advised that a regulatory approach is being taken and that these individuals should consider putting their firearms into the care of someone with a licence. The letters that go out to licence holders prior to expiry remind them that if they no longer have a firearms licence it is an offence to possess or use firearms – this could impact the fit and proper status of the individual.

- A member asked whether there is an issue with applicants getting on to Mountain Safety Courses? Police noted not that we are aware of however there was during Covid-19 lockdown.
- A member asked how can a person follow up on long standing applications? Police noted that for any outliers, FCAF members can contact Mike McIlraith for other delays, the local Arms Office should be contacted.
- A member raised that the fit and proper requirements and education system has failed Māori, as it is a pākehā system based on being able to read and write and access tools to progress an application. This should change to adapt to those that cannot read and write and live rurally or don't have the required technology. Police noted that the whakatūpato programme is being reenergised with the intent to run 10 courses annually. There is the opportunity to see what more Police can do in this space.
- A member then asked whether the fit and proper criteria is defined. Police confirmed it is codified in the Arms Act 1983, but noted it is not an exhaustive list, rather things to be considered. A member noted the issue is that it is discretionary and when we leave to discretion, Māori, fall on the other side. How are we addressing that as need to address racism in the system, noting Whakatūpato does assist. Police stated that what is codified in the act is related to conduct, this isn't subjective. Police noted that the legislation provides for a review if an application has been refused. this offers an additional check and balance.

Action Point: *Provide the age of the applications in the backlog from 21 July data and the Parliamentary Question on the District breakdown.*

Agenda item 5: Reconciliation of buy-back items with NIA records

Police outlined use of SAP for recording of items handed in under Buyback. The issue is that these records aren't held on NIA (Police's National Intelligence Application) and therefore a manual transfer was commenced. Given time that manual transfer was taking, a programme was designed for electronic transfer. This has largely been successful. Some individual's records have been completely updated, others not yet. Arms Officers have the ability update. It was reiterated that this reconciliation will take time.

A member noted that they had received feedback from one of their members that they had felt interrogated by Police about items they handed in during the buy-back and therefore no longer possessed. They suggested information should be circulated to districts that outlines why information on NIA might not be correct- this would stop the interrogating.

Action Point: *Police to prepare communications outlining the reconciliation process for purposes of circulating to Districts for their awareness*

Agenda item 6: Presentation from KPMG on performance measures of the firearms regulatory system

KPMG were welcomed by the Chair. KPMG advised that they have been commissioned by Police to build an evidence model. What they are doing is helping Firearms Policy monitor performance and effectiveness of interventions. This is difficult to monitor and therefore a systems model has been pulled together. This model also shows that proxy measures are required in instances where direct measurement isn't possible.

KPMG noted that this is a harm centric model based on evidence. It consists of 5 domains and is based on four types of risk. An example of potential legislation change was given, noting how this could change the risk of harm. KPMG opened up the discussion to members:

- A member highlighted that this model is focused on the firearms. Therefore, the people aspects and situational aspects are not captured. They suggested the model is developed to

consider these things. KPMG that the holistic layer sits on top of a harm layer, which is still in development. The harm layer captures the people aspect.

- A member asked what the definition of harm is, noting that you need to be careful when defining it. KPMG confirmed that the definition of harm also includes the threat potential.
- A member noted that in their opinion, the highest risk is from illegally held firearms, rather than from licensed firearm users. Another member agreed and said that the highest risk is firearms in the wrong hands, irrespective of the type of firearm they are.
- A member stated that Treasury publish Government's expectations for good regulatory practice and asked whether this is factored in? Police confirmed that the regulatory model is being built separately, the model presented by KPMG outlines the possible consequences of implementation of the Act Police acknowledged that the development of a Regulatory Impact is recommended for regulators.

Agenda item 7: Update on Royal Commission of Inquiry Recommendation 24

Police gave an update on the progress of Recommendation 24 of the Royal Commission of Inquiry Report into the terrorist attack on Christchurch masjidain on 15 March 2019. (the RCOI Report). Police noted that RCOI Report recommended that the Government introduce mandatory reporting of firearms injuries to New Zealand Police by health professionals. On 7 December, Cabinet agreed in principle to this recommendation.

The current situation of reporting of firearm injuries to Police was outlined, noting that reports are received mainly via 111 or 105. As Police does not record the number of firearm injuries specifically, but rather the number of incidents and offences that resulted in an injury where the weapon type was a firearm, the data is incomplete.

Currently, reporting of firearms injuries to Police by health professionals is on a voluntary basis. Some legislative provisions enable disclosure to Police although these do not specifically cover reporting of firearms injuries. (Section 22C of the Health Act 1956 and Rules 11(2)(d) and (j) of the Health Information Privacy Code 2020) As of 24 December 2020, section 92 of the Arms Act 1983 now requires that health practitioners "must consider" reporting if they believe a licence holder should be limited or prohibited from using a firearm due to a physical or mental health condition. Section 92 does not impose any obligation on health practitioners to disclose patient information to Police.

It was noted that important information may not currently come to the attention of Police, which may indicate a person is not fit and proper to have access to firearms, or that a person has been involved in a crime. Police are therefore not always able to assess the level of ongoing risk to the individual or the public and to take action accordingly.

Police advised that there will be the opportunity for FCAF to be involved with this work. Police is currently progressing the recommendation and working in conjunction with the Ministry of Health. The intention is progress the drafting of a discussion paper that would then go out for targeted stakeholder engagement. This engagement would be via a series of workshops (both in person and via WebEx) as well as the ability to submit an online submission. FCAF, as a Group, will have the opportunity to provide feedback on the discussion paper. Feedback will be sought on views on the current operating environment, views on proposed options for implementing Recommendation 24, impacts for individuals seeking healthcare, health practitioners and firearms community, scope – which health-based workforces could be covered, issues/risks – e.g. sharing of personal information, patient confidentiality, privacy.

Agenda item 8: Overview from Police on Operation Tauwhiro

Operation Tauwhiro began in February and is a six month, nationally coordinated operation to disrupt and prevent firearms-related violence by criminal gangs and organised crime groups has been running for six months. The last four to five years has seen a proliferation of firearm use in gangs. The key focus is investigating and disrupting the illegal supply of firearms to gangs and organised crime groups.

The 'why' of the Operation was discussed. Communities need to be safe; Our People need to feel safe.

Three key items of work are underway under the operation. Firstly diversion, being the diversion of legal firearms to the illegal market is recognised as a key source of unlawfully obtained firearms. A recent Stuff article about a firearms dealer who was found to be diverting firearms was cited and it was noted that the situation in this article fits the profile of Operation Tauwhiro. Secondly, source tracing. The Operation is seeking to understand that market and looking for new trends. Thirdly, prevention and partnership. It was noted that all districts have been developing partnerships with other agencies, community and non-government organisations who are planning social service interventions for gang-associated members and their families.

An overview of the progress results at a national and district level was given and it was noted that firearms are common to gang activity across all Districts.

Agenda item 9: Update on Regulations

Police provided an updated timeframe for the implementation of the Arms Amendment Regulations and noted the previous involvement that FCAF has had and thanked them for their involvement to date.

A member asked when FCAF will see results of the feedback? Police advised that the analysis of submissions will be released publicly. Police noted that any Commissioner Guidance Notices will require consultation. A member asked what the Commissioner Guidance Notices are? Police confirmed that these notices do not have the force of law, but they do have to be Gazetted. The expectation is that they are complied with. If they are not complied with, Police could look at issuing an Improvement Notice.

A member asked whether Dealers are being given enough time to be compliant with new Regulations. Police outlined that a pragmatic approach is to be taken, if people are taking steps to comply, this would be taken into consideration.

Agenda item 10: Clubs and Ranges update

Police provided a brief update on Clubs and Ranges work and noted that the Ranges and Clubs Engagement Group (RCEG) continues to meet. It was noted that some RCEG members are also on FCAF. Police advised that version four of the Range Manual has been developed and that it will be circulated to FCAF for review. Police highlighted that this is a new area and that Police looking to give authority to established good practice.

Agenda item 11: Cost Recovery

It was noted that the Government is looking at options for administration of the Arms Act. A decision is yet to be made. It was noted that a decision by Government is required for the development of a detailed business case. A member stated that they accept that the current

funding scheme is over twenty years old. Police highlighted that there will be further consultation on this and that ultimately it will be a decision for Government.

Agenda item 12: Other business

Arms Code: Police noted that the Arms Code is at a point where it can now be shared. All members indicated they would like to review the code and agreed to a four-week period for review. Police will circulate the Code shortly and reminded FCAF that it is being provided in confidence

Deerstalkers Grant: A member noted that Deerstalkers have received a grant. This will assist with practical training in a hunting scenario. This is existing for the hunting community.

Endorsements: A member noted feedback they had received about the fees for endorsements. Police acknowledged that fees in the fee schedule were not being correctly applied through most districts. An endorsement last for the term of a licence and must be reapplied for at the time application is made to renew a licence and the endorsement fee paid as well as the licence fee. Police confirmed that feedback has been received on this but reiterated that the fee schedule was not been correctly applied. A member acknowledged this but highlighted the need for communications to go out on this matter to let the public know. Police acknowledged the lack of communications.

RCEG: a member provided positive feedback on the experience they have had with RCEG.

The Chair thanked everyone for their attendance and reiterated the value of the work FCAF do and the importance of their input.

Meeting concluded 12:30 hrs

Next meeting: 9 December 2021 at Police National Headquarters.

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