

[Arms Regulations 1992 \(SR 1992/346\) \(as at 28 July 2023\) 19 Conditions relating to security precautions – New Zealand Legislation](#)

[Arms Regulations 1992 \(SR 1992/346\) \(as at 28 July 2023\) 28 Security precautions in relation to pistols, prohibited firearms, prohibited magazines, and restricted weapons – New Zealand Legislation](#)

[Arms Act 1983 No 44 \(as at 24 June 2023\), Public Act 31A Conditions of endorsements – New Zealand Legislation](#)

#### Arms Act 1983

To read **Section 32-Further conditions of endorsements in respect of pistols and restricted weapons**, click the blue button

GO TO ARMS ACT

#### Arms Act 1983

To read **Section 33 A-Further conditions of endorsement in respect of prohibited firearm or prohibited magazine**, click the blue button

GO TO ARMS ACT

#### Arms Act 1983

To read **Section 34-Notification of change of address**, click the blue button

GO TO ARMS ACT

#### Arms Act 1983

To read **Section 66-Occupier of premises or driver of vehicle deemed to be in possession of firearm, airgun, pistol, imitation firearm, restricted weapon, prohibited magazine, or explosive found therein**, click the blue button

GO TO ARMS ACT

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[Arms Act 1983 No 44 \(as at 24 June 2023\), Public Act 32 Further conditions of endorsements in respect of pistols and restricted weapons – New Zealand Legislation](#)

[Arms Act 1983 No 44 \(as at 24 June 2023\), Public Act 33A Further conditions of endorsement in respect of prohibited firearm or prohibited magazine – New Zealand Legislation](#)

[Arms Act 1983 No 44 \(as at 24 June 2023\), Public Act 34 Notification of change of address – New Zealand Legislation](#)

Arms Act 1983 No 44 (as at 24 June 2023), Public Act 66 Occupier of premises or driver of vehicle deemed to be in possession of firearm, airgun, pistol, imitation firearm, restricted weapon, prohibited magazine, or explosive found therein – New Zealand Legislation



FRM 67(S) NOTES 08/20

Security inspection and firearms audit  
Notes for members of Police and Vettors

**Before conducting a security inspection and firearms audit job**

1. You must:
  - a. Have completed the course of training to conduct security inspections of licence holder premises and audits of endorsed firearms
  - b. Understand the security requirements of the Arms Act 1983 and Arms Regulations 1992, and as described in Police guidance notes
  - c. Understand the Police instructions with respect to handling licence holders firearms

**When to use this form**

2. This form is to only be used in the following circumstances:
  - a. Regular inspection and audit of pistol target shooting endorsement holders.
  - b. Regular inspection and audit of firearms collector and prohibited firearm endorsement holders.
  - c. Standard firearms licence holder change of address.
  - d. Standard firearm licence and endorsement re-application security check.
3. You must:
  - a. Complete all sections of the audit and security check for endorsement holders
  - b. Complete only sections A, B-1, B-3 and C for standard licence holder changes of address
  - c. Ensure that a comprehensive answer is provided for each question

**Before conducting the inspection**

4. Arrange and confirm an appointment with the Firearms licence holder (FLH). Remind / direct the FLH to the web site and 'Secure storage guidance for firearms' guidance document.
5. Obtain the NIA firearms extract for the licence holder immediately prior to going to the appointment (where a firearms audit is required).

**Conducting the inspection**

6. Confirm the identity of the licence holder, by requesting to sight their firearms licence card.
7. Check that the security measures installed by the licence holder are compliant and adequate.
8. Check all firearms held on a licence endorsement(s) by the licence holder against the NIA firearms extract.
9. Do not, under any circumstances, handle an owner's firearms.
10. Include discrepancies & any remediation required by licence holder (obtaining permits to possess, destruction of firearms) in the relevant Comments section of the report.

**Licence holder compliance**

11. It is a condition of the licence and endorsement issued to the licence holder to comply with the Arms Act and Arms regulations requirements for firearms security and to have valid permits for all pistols, restricted weapons, prohibited arms items and pistol carbine conversion kits. Relevant clauses of the Arms Act are s31A, 32, 33A, 66A and 66; and relevant regulations in the Arms Regulations are 19 and 28. As a Vetter or auditor you must be conversant with the provisions of all of these sections and regulations.
12. Refer to the 'Secure storage guidance for firearms' document for assistance in determining if, and how security arrangements are compliant or not compliant.

**Declarations**

13. The licence holder must sign and date the licence holder declaration.
14. The member of Police or Vetter must complete the declaration regarding the performance of the inspection, firearms audit, and recommendation regarding security and audit outcomes.

**After the security check and audit**

15. Return the completed form and NIA firearms list to the Arms officer or Supervisor.
16. Arms officer or Supervisor to complete declaration confirming approval of the recommendation made.
17. If further action is required, the Arms Officer or Supervisor is to initiate the appropriate activity.
18. Once completed, this form is to be retained for the life of the licence holder (scanned into NIA), or 10 years after the last action on the file.

Supporting Guidelines

The 'Security and Firearms Audit Form  
Guidance' document.

A guidelines document that can be referenced to during  
a security inspection and firearms audit.

Supporting Guidance PDF attached.

# Summary

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## Key takeaways

Performing a security inspection and firearms audit has changed, improving the way Police conduct a security inspection for firearms licence holders and carry out the firearms audit for endorsed items.

Here are a few key takeaways when carrying out a security inspection and firearms audit.

WHAT'S NEW	OUTCOMES ACHIEVED
<p>There is a new <b>security inspection and firearms audit</b>:</p> <ul style="list-style-type: none"><li>• <b>Form</b> to complete and gain sign off</li><li>• <b>Guidelines</b> to support the form</li><li>• <b>Process</b> that will also support the form. This process clearly outlines activities, checkpoints and the relevant legislative requirements</li></ul>	

WHAT'S NEW	OUTCOMES ACHIEVED
<p>The new '<b>Security Inspection and Firearms Audit</b>' process will achieve the following outcomes:</p> <ul style="list-style-type: none"><li>• Professional and consistent service across all districts</li><li>• High level recording in NIA</li><li>• Enhance Trust and Confidence with our firearms licence holders and communities</li></ul>	

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## Firearms Licence - Applicant Interview Form

### Section 1. Applicant licence summary

**(To be completed by - Arms Administrator)**

Insert applicant details from NIA licence case

<b>Application case number</b>			
<b>Last name</b>			
<b>First names</b>			
<b>Date of Birth</b>			
<b>Licence details</b>	<b>Licence number</b>	<b>Application type</b>	
Firearms licence		New licence <input type="checkbox"/>	<i>Never previously held</i> <input type="checkbox"/> <i>Previously expired</i> <input type="checkbox"/> <i>Previously surrendered</i> <input type="checkbox"/> <i>Previously revoked</i> <input type="checkbox"/> 5 yrs
		Re-applying <input type="checkbox"/> (applied before current licence expired)	10 yrs
Dealer licence		Licence is: Current <input type="checkbox"/> Expired <input type="checkbox"/> Surrendered <input type="checkbox"/> Revoked <input type="checkbox"/>	
<b>Endorsements and recognitions</b>			
Concurrent endorsement application? No <input type="checkbox"/> Yes <input type="checkbox"/>	<input type="checkbox"/> Pistol target shooting club member - Pistol <input type="checkbox"/> Bona fide collector - Pistol or Restricted weapon <input type="checkbox"/> Bona fide collector - Prohibited firearm or magazine <input type="checkbox"/> Heirloom/memento - Pistol or Restricted weapon <input type="checkbox"/> Heirloom/memento - Prohibited firearm or magazine <input type="checkbox"/> Theatrical - Pistol or Restricted weapon <input type="checkbox"/> Theatrical - Prohibited firearm or magazine <input type="checkbox"/> Dealer employee - Pistol or Restricted weapon <input type="checkbox"/> Dealer employee - Prohibited firearm or magazine <input type="checkbox"/> Pest controller - Prohibited firearm or magazine		
Concurrent recognition application? No <input type="checkbox"/> Yes <input type="checkbox"/>	<input type="checkbox"/> Approval as a person who may possess prohibited ammunition - Collector / Museum / Researcher <input type="checkbox"/> Approval as a person who intends to operate a business selling ammunition		
<b>Firearms Safety Course</b>			
<b>New licence:</b> First time applicants for a firearms licence must complete the full course of training and theoretical test; the Firearms Safety Course.		<b>Firearms Safety Course result</b>	
		Course date: <a href="#">Click to enter a date.</a>	
		PASS <input type="checkbox"/>	FAIL <input type="checkbox"/>



## Applicant – Firearms licence application interview

### Section 2. Confirm identity and application details

*(To be completed by – Arms Vetter or Police employee)*

Confirm applicant identity via the supplied copies of the Proof of Identity documents against the original documents

Proof of identity documents confirmed

☐

Applicant identity confirmed

☐

Comments:

Photograph provided with application

Vetter confirms photo as a good likeness of the applicant

Yes ☐

No ☐

Photograph supplied with application form is verified as being that of the applicant, is of passport standard, and has been taken within the past 12 months

Comments

Confirm application content

Application details are confirmed as current by the applicant

*"Are all the details stated in your application still current today?"*

Yes ☐

No ☐

If 'No', provide details of what has changed

### Section 3. Firearms Safety Test – existing firearms licence holders only

*(To be completed by – Arms Vetter or Police employee)*

The Firearms Safety Test must be successfully completed by applicants who hold a firearms licence and apply for a new licence before the current one expires (if successful they will qualify for a 10 year licence duration).

The Firearms Safety Test is **not** to be completed where a full *Firearms Safety Course* is required, and the applicant:

- has never had a firearms licence
- had a firearms licence but allowed it to expire without applying for a new licence before the expiry date
- had a firearms licence which was revoked or surrendered.

Firearms Safety Test result

PASS ☐

FAIL ☐

Comments:

## Section 4. Applicant interview

*(To be completed by – Arms Vetter or Police employee)*

**Arms Vetter to advise the applicant of the following:**

- ☐ The purpose of the Arms Act is to ensure the safe possession and use of firearms, and that those authorised to possess and use firearms act in the interests of personal and public safety. To that end, please give full and honest answers about your personal history.
- False answers or purposely concealing information may result in refusal of your application.
  - It is an offence to knowingly provide incorrect or misleading information.
- ☐ The information you provide is collected for the purpose of administration of the Arms Act 1983. New Zealand Police will hold, store, use or disclose the personal information collected in accordance with the provisions of the Privacy Act 2020. This means that, where necessary, Police may use or disclose your personal information to enable it to carry out its lawful functions, including prevention, detection, investigation and prosecution of offences.
- ☐ Do you have any questions about this process?  
Record any relevant notes in *Section 8. Interview observations and notes*

### Section (A) Licence information

Tell me about

Response...

### Section (B) Personal information

Tell me about

Response...

### Section (C.1) Employment details

Tell me about

Response...

### Section (C.2) Education details

Tell me about

Response...



### Section (D.1) Reason for possessing firearms

Tell me about

Response...

### Section (D.2) Experience with firearms

Tell me about

Response...

### Section (D.3) Firearms club memberships

Tell me about

Response...

### Section (D.4) Overseas licence refusals

Tell me about

Response...

### Section (D.5) Overseas licence suspensions, revocations, cancellations

Tell me about

Response...

### Section (E) Personal history

Tell me about

Response...

### Section (F) Health details

Tell me about

Response...



**Section (G) Referee – unrelated**

**Tell me about**

*Response...*

**Section (H) Former spouse/former partner**

**Tell me about**

*Response...*

**Section (I) Parent/Guardian**

**Tell me about**

*Response...*

**Section (J) Referee – next of kin**

**Tell me about**

*Response...*

**Section (K.1) Security arrangements – Home address**

**Tell me about**

*Response...*

**Section (K.2) Security arrangements – Additional address**

**Tell me about**

*Response...*

**Section (K.3) Mobile homes**

**Tell me about**

*Response...*





### Section (L) Access to firearms storage locations

**Tell me about**

*Response...*

### Section 5. Any other matters to be discussed with the applicant

Matters to discuss with the applicant that have not been included as questions in other sections of the interview form (arising from NIA, or other enquiries made or relating to applications for endorsements).

**1.a Tell me about (To be completed by – Arms Administrator)**

**1.b Applicant response (To be completed by – Arms Vetter)**

**2.a Tell me about (To be completed by – Arms Administrator)**

**2.b Applicant response (To be completed by – Arms Vetter)**

**3.a Tell me about (To be completed by – Arms Administrator)**

**3.b Applicant response (To be completed by – Arms Vetter)**

**4.a Tell me about (To be completed by – Arms Administrator)**

**4.b Applicant response (To be completed by – Arms Vetter)**

### Additional enquiries



## Section 6. General questions

### Question 6.1

Anything else you'd like to tell me?

Is there any other information which may have bearing upon the decision by Police to issue you with a firearms licence?

Response...

### Question 6.2

Would you have any concerns for the safety of any person if you had a firearm(s)?  
Why do you hold this view?

Response...

### Question 6.3

Why do you consider that you are suitable to have/have access to firearms?  
Why do you hold this view?

Response...

## Section 7. Declaration by applicant

**Arms Vetter or Police employee to read the following to the applicant and note their response**

Do you confirm that the information you have given is true and correct?

Yes ☐

Do you understand that it is an offence to knowingly supply incorrect or misleading information?

Yes ☐

Date

[Click to enter a date.](#)



## Section 8. Observations and notes

*(To be completed by – Arms Vetter or Police employee)*



**Section 8. Observations and notes - continued...**

*(To be completed by – Arms Vetter or Police employee)*

**Issues to be followed up after the interview**



## Section 9. Summary statements and Recommendation

*(To be completed by – Arms Vetter or Police employee)*

**Applicant's suitability to hold a firearms licence:**

*Summary statement:*

**Applicant's suitability to hold the endorsement(s) applied for:**

*Summary statement:*

**Suitability of the applicant's security arrangements for a firearms licence:**  
(Refer to the *Security Inspection & Firearms Audit*)

PASS ☐ FAIL ☐

**Suitability of the applicant's security arrangements for the endorsement(s) applied for:**  
(Refer to the *Security Inspection & Firearms Audit*)

PASS ☐ FAIL ☐

### Recommendation for a firearms licence

**I recommend the applicant be issued a firearms licence** ☐

**I do NOT recommend the applicant be issued a firearms licence** ☐

### Recommendation for endorsements

**I recommend that the applicant be issued the endorsement(s) applied for**  
List each endorsement  
Endorsement(s):

**I do NOT recommend that the applicant be issued the endorsement(s) applied for**  
List each endorsement  
Endorsement(s):

***Arms Vetter or Police employee***

**Full name**

**Date**

Click to enter a date.

**QID**



## Section 10. Approve/Recommend refuse application

*(To be completed by an Arms Officer or Police employee)*

I certify that I have read and fully considered:

- the recommendation(s) made by the interviewing member of Police;
- the completed application forms and referee questionnaires;
- the interview responses of the applicant and the referees;
- the result of the Firearms Safety Programme or Safety Test;
- the security inspection;
- the endorsement(s) applied for;
- and have made other enquiries as I have considered to be required.

I am therefore satisfied that the applicant is of or over the age of 16 years; is a fit and proper person to be in possession of a firearm or air gun, and that they are fit to hold a firearms licence.

<b>Firearms licence</b>	<b>Approve</b> <input type="checkbox"/>	<b>Recommend refuse</b> <input type="checkbox"/> (provide explanation in Refusal Report)	
<b>Endorsement(s)</b> List each endorsement for approval or recommend refusal	<b>Approve</b>		
	<b>Recommend refuse</b>		
<b>Authority</b>			
<b>Police employee, full name</b>			
<b>Date</b>	Click to enter a date.	<b>QID</b>	

## Section 11. Answers - Firearms Safety Test

*Safety test version 1*

1. C	11. C
2. A	12. C
3. D	13. B
4. C	14. A
5. D	15. D
6. A	16. B
7. B	17. 60 mins, immediate, sight, inoperable, trigger, locked, locked
8. D	18. D
9. A	19. A
10. C	20. A

## Firearms Licence - Referee Interview Form

### Section 1. Applicant licence summary

*(To be completed by - Arms Administrator)*

Insert applicant details from NIA licence case

<b>Application case number</b>			
<b>Applicant last name</b>			
<b>Applicant first names</b>			
<b>Applicant date of birth</b>			
<b>Firearms licence number</b>		<b>Date of interview</b>	Click to enter a date.

Endorsements and recognitions	
<b>Concurrent endorsement application?</b> No <input type="checkbox"/> Yes <input type="checkbox"/>	<input type="checkbox"/> Pistol target shooting club member - Pistol <input type="checkbox"/> Bona fide collector - Pistol or Restricted weapon <input type="checkbox"/> Bona fide collector - Prohibited firearm or magazine <input type="checkbox"/> Heirloom/memento - Pistol or Restricted weapon <input type="checkbox"/> Heirloom/memento - Prohibited firearm or magazine <input type="checkbox"/> Theatrical - Pistol or Restricted weapon <input type="checkbox"/> Theatrical - Prohibited firearm or magazine <input type="checkbox"/> Dealer employee - Pistol or Restricted weapon <input type="checkbox"/> Dealer employee - Prohibited firearm or magazine <input type="checkbox"/> Pest controller - Prohibited firearm or magazine
<b>Concurrent recognition application?</b> No <input type="checkbox"/> Yes <input type="checkbox"/>	<input type="checkbox"/> Approval as a person who may possess prohibited ammunition - Collector / Museum / Researcher <input type="checkbox"/> Approval as a person who intends to operate a business selling ammunition

### Section 2. Referee details

*(To be completed by - Arms Administrator)*

<b>Referee full name</b>	First name: Middle names: Last name:
<b>Referee home address</b>	Number and Street: Suburb: Town/City: Postcode: Country (if other than New Zealand):
<b>Referee details</b>	Maiden/other names used: Place of birth: Date of birth: Firearms licence number: Driver licence number: Phone: Email address:
<b>Referee type</b>	Next of Kin <input type="checkbox"/> Unrelated <input type="checkbox"/> Other <input type="checkbox"/> Describe

## Referee interview - Firearms licence application

### Section 2A. Referee identity

*(To be completed by – Arms Vetter or police employee)*

#### Confirm referee identity

Referee identity confirmed

Yes ☐

No ☐

Identity documents used:

Referee details

Maiden name (if applicable):

Place of birth:

Date of birth:

Comments:

#### Referee is shown applicant photograph provided with application

Photograph supplied with application form is verified as being that of the applicant.

Referee confirms photo is a good likeness of the applicant

Yes ☐

No ☐

Comments:

### Section 2B. Referee Occupation

*(To be completed by – Arms Vetter)*

Referee's occupation (if required):

### Section 3. Referee interview

*(To be completed by – Arms Vetter or police employee)*

**Arms Vetter to advise the referee of the following:**

☐ The applicant has chosen you as someone who knows them well and can provide information about whether they are a fit and proper person who can be trusted to possess and use firearms responsibly and to store them securely, on behalf of the wider community.

☐ The purpose of the Arms Act 1983 is to ensure the safe possession and use of firearms, and that those authorised to possess and use firearms act in the interests of personal and public safety. To that end, please give full and honest answers.

☐ The information you provide is collected for the purpose of administration of the Arms Act 1983. New Zealand Police will hold, store, use or disclose the personal information collected in accordance with the provisions of the Privacy Act 2020. This means that, where necessary, New Zealand Police may use or disclose your personal information to enable it to carry out its lawful functions, including prevention, detection, investigation and prosecution of offences.

☐ Police may be required to disclose information you give us to the applicant (unless an exception applies, for example if disclosure could create a risk to your safety or the safety of another person). Please make sure you identify any information that could pose a safety risk if disclosed to the applicant.

☐ Do you have any questions about this process?

Record any relevant notes in *Section 8. Interview observations and notes*.



## Section 4 - Referee's relationship to the applicant

### 4.1. What is your relationship to the applicant?

(i.e. spouse or partner  
near relative  
close associate  
parent or legal guardian  
a person (not any of the above,  
who knows the applicant well)

### 4.2. Do you live with the applicant?

Yes ☐

No ☐

### 4.2.a. If 'Yes', for how long?

Years:                  Months:

### 4.2.b. If 'No', how often do you see each other?

Daily ☐ Weekly ☐ Monthly ☐ Less frequently ☐

Please describe:

### 4.3. How long have you known each other?

Years:

Months:

### 4.3a. When did you last see them? Date: [Click to enter a date.](#)

### 4.4. How do you typically meet and connect with this person?

In-person - living at same address ☐  
In-person - visiting, socialising, etc ☐  
In-person - hunting and/or club range ☐  
Phone calls / video calls ☐  
At work or in business meetings ☐  
Social Media (e.g. Facebook, etc.) ☐  
*Please describe*  
Other online (e.g. gaming, etc.) ☐  
*Please describe*  
Other ☐  
*Please describe*

Select all that apply

Select most frequent method of contact (select one only)

### 4.5. Are you/have you ever felt intimidated, threatened or frightened by the applicant's attitude or behaviour?

Yes ☐ No ☐

If 'Yes', please indicate your reasons:

## Section 5 - Referee's knowledge of the applicant

### 5.1. How well do you know the applicant, and why are you a suitable referee to provide information about their character?

### 5.2. Do you know of any previous names/maiden names/alternate names that the applicant is also know by?

### 5.3. Do you have shared interests?

Yes ☐ No ☐

If 'Yes' explain:

### 5.4. For what purpose do you think the applicant needs (access to) firearms?

**5.5. Do you consider the applicant suitable? Explain your view?**

**5.6. Have you seen the applicant use a firearm?**

Yes ☐ No ☐

If 'Yes', describe the situation where you saw the applicant use a firearm:

**5.7. What do you know about the applicant's experience, attitude to and behaviour with firearms? How do you know this?**

**5.8. Can you give examples of the applicant's safe behaviour (outside of firearms if no to above)?**

## **Section 6 - Referee's knowledge of applicant's personal history**

**Are you aware if the applicant has, or has had in the past five years, any of the following:**

**6.1. Been charged with or been convicted of an offence in New Zealand or overseas?**

Yes ☐ No ☐

If 'Yes', explain:

**6.2. Had a Protection Order, a Temporary Protection Order or a Restraining Order made against them?**

Yes ☐ No ☐

If 'Yes', explain:

**6.3. Has inflicted, or is inflicting, family violence against another person?**

Yes ☐ No ☐

If 'Yes', explain:

**6.4. Have they been deemed not fit and proper to possess any firearms?**

Yes ☐ No ☐

If 'Yes', explain:

**6.5. Involvement or association with a gang, or an organised criminal group, or any individual who does have gang or criminal group affiliations?**

Yes ☐ No ☐

If 'Yes', explain:

**6.6. Engagement in any activities, including online activities, in groups or forums, which exhibit, encourage, or promote violence, hatred or extremism?**

Yes ☐ No ☐

If 'Yes', explain:

**6.7. Have they ever come to the attention of Police for any other matter, including traffic offences or infringements, in New Zealand?**

Yes ☐ No ☐

If 'Yes', explain:

<p><b>6.8. Has the applicant come to the attention of any other enforcement agency?</b></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If 'Yes', explain:</p>
<p><b>Overseas Travel</b></p>
<p><b>6.9. Has the applicant travelled to or lived in any countries other than NZ in the last 5 years for a period of 14 days or more?</b></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If 'Yes', expand:</p>
<p><b>6.10. Has the applicant stayed in any countries other than NZ for more than six months in the last 10 years?</b></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If 'Yes', expand:</p>

### Section 7 - Referee's knowledge of applicant's health background

Are you aware if the applicant is receiving, or has in the past two years received, treatment or counselling for, or suffers from any of the following:

**7.1. Mental illness of any kind including depression, stress, anxiety, breakdown? Have they attempted suicide thought about or attempted self-harm?**

Yes ☐ No ☐

If 'Yes', explain:

**7.2. Decline in functioning of memory, thinking, understanding, and judgement?**

Yes ☐ No ☐

If 'Yes', explain:

**7.3. Substance abuse or dependency (including drugs and/or alcohol)?**

Yes ☐ No ☐

If 'Yes', explain:

**7.4. Exhibiting behaviour suggesting anger or violence (including family harm)?**

Yes ☐ No ☐

If 'Yes', explain:

**7.5. Drowsiness or problems with memory and thinking caused by illness or medication?**

Yes ☐ No ☐

If 'Yes', explain:

**7.6. Seizures, dizziness, blackouts?**

Yes ☐ No ☐

If 'Yes', explain:

**7.7 Serious head injury or neurological disorder of any description or kind, which has lasting effects?**

Yes ☐ No ☐

If 'Yes', explain:

**7.8. During the past two years, are you aware if they have experienced a significant life event such as the death of someone close to them, divorce, separation, breakdown of a significant relationship, job loss or bankruptcy?**

Yes ☐ No ☐

If 'Yes', explain:

**7.9. Does the applicant consume alcohol or take recreational drugs?**

Yes ☐ No ☐

How much do they consume per week?

**7.10. How does the applicant handle stress and what do they do to manage their stress?**

### Section 8 – Referee's knowledge of associated people with access to firearms storage locations

**8.1. Who has access to the household or other place where firearms are going to be stored (include yourself if applicable)?**

Names	Ages	Relationship to applicant	Does this person live at the home address?
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

**8.2. Do you have any concerns if any of the above-named people have uncontrolled access to the firearms (including yourself if applicable)?**

Yes ☐ No ☐

Explain your answer:

### Section 9 – Referee's knowledge of personal history of associated people

**9.1. Are you aware if anyone listed in the above Associated Persons (Section 8) has, or has had in the past five years, any of the following (this includes yourself if you live at or have uncontrolled access to the firearms):**

**9.2. Been charged with or been convicted of an offence in New Zealand or overseas?**

Yes ☐ No ☐

If 'Yes', explain:

**9.3. Had a Protection Order, a Temporary Protection Order or a Restraining Order made against them?**

Yes ☐ No ☐

If 'Yes', explain:

**9.4. Been considered by Police as not fit and proper to possess firearms?**

Yes ☐ No ☐

If 'Yes', explain:

**9.5. Involvement or association with a gang or criminal group/individual?**

Yes ☐ No ☐

If 'Yes', explain:

**9.6. Engagement in any activities, including online activities, in groups or forums which exhibit, encourage, or promote violence, hatred or extremism?**

Yes ☐ No ☐

If 'Yes', explain:

**9.7. Have they come to the attention of any other enforcement agency?**

Yes ☐ No ☐

If 'Yes', explain:

**Section 10 - Referee's knowledge of health details of associated people**

**Are you aware if anyone listed in the above Associated Persons (Section 8) has, or has had in the past two years, received treatment or counselling for, or suffers from any of the following:**

**10.1. Mental illness of any kind, including depression, stress, anxiety, mental breakdown?**

Yes ☐ No ☐

If 'Yes', explain:

**10.2. Has any of them thought about, threatened for attempted suicide or self-harm in the past two years?**

Yes ☐ No ☐

If 'Yes', explain:

**10.3. Decline in functioning of memory, thinking, understanding, and judgement?**

Yes ☐ No ☐

If 'Yes', explain:

**10.4. Substance abuse or dependency (including drugs and/or alcohol)?**

Yes ☐ No ☐

If 'Yes', explain:

**10.5. Exhibiting behaviour suggesting anger or violence (including family harm)?**

Yes ☐ No ☐

If 'Yes', explain:

**10.6. Drowsiness or problems with memory and thinking caused by illness or medication?**

Yes ☐ No ☐

If 'Yes', explain:

**10.7. Seizures, dizziness, blackouts?**

Yes ☐ No ☐

If 'Yes', explain:



**10.8. Serious head injury or any description or kind, which has lasting effects or medical conditions?**

Yes ☐ No ☐

If 'Yes', explain:

**10.9. During the past two years, are you aware if they have experienced a significant life event such as death of someone close to them, divorce, separation, breakdown of a significant relationship, job loss, or bankruptcy?**

Yes ☐ No ☐

If 'Yes', explain:

**10.10. How would you describe the overall environment of the household?**

### Section 11 – Referee's final comments

**11.1. Do you support the applicant in their application for a firearms licence?**

Yes ☐ No ☐

**11.2. If 'Yes', why do you support the applicant in their application for a firearms licence?**

**11.3. If 'No', explain why Police should consider refusing the issue of a licence to the applicant?**

### Section 12. Any other matters to be discussed with the referee

Matters to discuss with the referee that have not been included as questions in other sections of the interview form (arising from NIA or other enquiries made, or relating to any application by the applicant for endorsements)

**12.1. Tell me about** *(To be completed by – Arms Administrator)*

**12.1.a. Referee response** *(To be completed by – Arms Vetter)*

**12.2. Tell me about** *(To be completed by – Arms Administrator)*

**12.2.a. Referee response** *(To be completed by – Arms Vetter)*

**12.3. Tell me about** *(To be completed by – Arms Administrator)*

**12.3.a. Referee response** *(To be completed by – Arms Vetter)*

**12.4. Tell me about** *(To be completed by – Arms Administrator)*

12.4.a. Referee response <i>(To be completed by – Arms Vetter)</i>	
<b>Additional enquiries</b>	
<b>Section 13. Question</b>	
13.1. Is there any other information you'd like to tell me which may have a bearing upon the decision by Police to issue the applicant with a firearms licence?	
13.2. Is there anything that happens in this household that would cause you concern if the applicant had a firearm or access to firearms?	
<b>Section 14. Declaration by referee</b>	
<i>Arms Vetter or police employee to read the following to the referee and note their response</i>	
Do you declare that the information you have given is true and correct?	Yes <input type="checkbox"/>
Date:	Click to enter a date.

## Section 15. Interview observations and notes

*(To be completed by – Arms Vetter or police employee)*

### Issues to be followed up after the interview



**Section 16. Summary statement and assessment**

*(To be completed by - Arms Vetter or police employee)*

**16.1. Is the Arms Vetter or police employee satisfied that this referee is a suitable referee?**

Yes ☐

No ☐

**16.2. What is the applicant's suitability to hold a firearms licence and / or endorsement(s) based on this referee interview?**

*Arms Vetter or police employee*

**Police employee  
full name**

**Date**

Click to enter a date.

**QID**

# Firearms licences

## Firearms licence types

There are two types of licences issued under the Arms Act 1983:

- Firearms licence
- Dealer's licence.

A firearms licence may be issued to a visitor who intends to be in New Zealand for a period of one year or less and is referred to as a 'visitor's Licence' (section [25\(2\)](#) and (3) and definition of "visitor" in section 2).

## Endorsements

Endorsements upon a firearms licence or dealer's licence permit licence holders to possess and in some cases use pistols, prohibited firearms, prohibited magazines or restricted weapons.

For further information on endorsements please refer to the 'Endorsement' part.

## Firearms licence

A Firearms licence:

- permits the holder to possess hunting and target shooting rifles and shotguns
- is required by persons aged 16 and 17 years who wish to possess an airgun (section [20](#))
- cannot be issued to persons under 16 years of age (sections [23](#) and [24](#))
- is required by persons who wish to possess or use:
  - reproduction firearms known in New Zealand as replica firearms (and if that replica is a pistol, prohibited firearm or restricted weapon the appropriate endorsement is required also)
    - reproduction firearms are firearms which replicate an antique firearm in all respects however being of modern manufacture are firearms as defined by section 2 of the Arms Act 1983 because they are capable of firing live ammunition (these are different to an imitation firearm).
  - specially dangerous airguns. See clauses 1A and 3 of the [Arms \(Restricted Weapons and Specially Dangerous Airguns\) Order 1984](#), which currently provides that the following are specially dangerous airguns (and therefore treated as firearms under section 2 of the Arms Act):
    - airguns known as the [Larc International Model 19A](#) and the Larc International Model M19-AMP

- specified pre-charge pneumatic air rifles other than airguns that are designed for use in airsoft or paintball sports and are in the same configuration as when they were manufactured.

There is no limit on the number of hunting and target shooting rifles and shotguns, or airguns a person may hold on a firearms licence. The licence holder must, however, have [approved secure storage](#) for all firearms in their possession.

## Dealer's licence

This licence permits the holder to carry on business for a specified class or classes of firearm or airgun, in a specified range of activities, such as selling, manufacturing for sale, and hiring out (from 24 June 21) firearms or airguns. (Part 2 Licensed dealers - Arms Act 1983). For more information see '[Dealers, gunsmiths and auctioneers](#)' part.

## Issue of a firearms licence

A firearms licence must be issued to an applicant if a Police employee is satisfied that the applicant is:

- a fit and proper person to be in possession of a firearm or an airgun;
- of or over the age of 16 years; and
- either their storage facilities have been inspected by a Police employee and are compliant with the requirements for secure storage, or,
- if they are a visitor to NZ (who will have a licence for a less than one year) a Police employee is satisfied with the arrangements made for the storage of the firearms to be possessed while in New Zealand. Section [24\(1\)](#), Arms Act 1983.

A fit and proper person is a person of good character who can be trusted to use firearms responsibly and will abide by the laws of New Zealand and the provisions of the Arms Act 1983 and the Arms Regulations 1992.

Some guidance is provided in section [24A](#), Arms Act 1983, around the factors that may indicate a person is not fit and proper to be in possession of a firearm.

See the 'Fit and proper' part for more information.

## Disqualified Persons

A person is disqualified from holding a firearms licence if:

- the person has, within the previous 10 years, been convicted, or been released from custody after being convicted, of any of the following offences:
  - an [offence](#) under section [16\(4\)](#), [16A](#), [44A](#), [50A](#), [50D](#), [51A](#), [53A](#), [54](#), [54A](#), [55](#), [55A](#), [55D](#), [55E](#), or [55F](#)
  - a serious violent offence as defined in section [86A](#) of the Sentencing Act 2002

- an offence under section [92](#), [98](#), [98A](#), [189A](#), [199](#), [202C](#), [238](#), [267\(1\)](#), [269\(1\)](#) and (3), [306](#), or [308A](#) of the Crimes Act 1961
- an offence under section [6](#), [9](#), [10](#), [11](#), [12](#), [12A](#), [12AB](#), or [12F](#) of the Misuse of Drugs Act 1975; or
- the person has, or has had within the previous 10 years, a protection order, other than a temporary order, made against them under
  - section [79](#) of the Family Violence Act 2018; or
  - section [14](#) of the Domestic Violence Act 1995.

## Licence Holder who becomes disqualified

Should a firearms licence holder become disqualified from holding a firearms licence under section [22H](#) of the Arms Act 1983, the firearms licence will become immediately revoked (Section [27B](#), Arms Act 1983). There is no right of appeal or review of this revocation.

## Transition

Any person who holds a firearms licence prior to 24 December 2020, will not become disqualified from holding the firearms licence even if, within the 10 year period before 24 December 2020, they have a specified conviction or have had a Protection Order as listed in section 22H. (Schedule 1, Part 2, [clause 10](#), Arms Act 1983)

While they will continue to hold a firearms licence, when they apply for a new firearms licence (renewal) if they meet the criteria of section 22H then they are disqualified from applying for a firearms licence.

## Application received from a disqualified person

In the case of a person who applies for a firearms licence but is ineligible to make an application, because of the matters in section [23](#), which includes disqualification under section 22H, then the fee would normally be refunded together with advice that they cannot apply.

## Issue of a firearms licence to a visitor

A person who intends to be in New Zealand for a period of less than one year may apply for a visitor's firearms licence. This must not be issued as an interim licensing measure for returning New Zealand citizens or residents, or to prospective immigrants.

The visitor's licence is a firearms licence and therefore attracts the conditions which apply to a firearms licence. The duration is modified to fit the circumstances of the visitor and the fee is prorated accordingly. Regulation [19](#) (and Regulation [28](#) where applicable) apply to this licence and therefore the visitor must satisfy Police with the arrangements they make for the storage of the firearms and ammunition they will possess while in New Zealand ([s24\(1\)\(b\)\(ii\)](#)).

The final arbiter of what is sufficient secure storage is a commissioned officer of Police (Inspector or above).

The visitor's firearms licence permits the holder to use or possess firearms and ammunition and they may bring their own firearm(s) and ammunition provided that they apply in advance for a permit to import.

All applications for a firearms licence by a visitor to New Zealand are made online and managed by Arms Safety and Control, PNHQ. Arms Safety and Control will carry out all necessary checks and produce the documents. The firearms licence and any relevant import permit is sent to the port of arrival to be issued by Police staff once they have verified the visitor's bona fides and inspected any firearms.

A visitor with a firearms licence may not, during their stay in New Zealand, acquire ownership of any firearm or restricted weapon for possession in New Zealand (section 22F). They may purchase a firearm of the class permitted by their visitor's licence in New Zealand provided it is exported directly to their home country by the New Zealand dealer/store.

## Visitors not issued a firearms licence

Visitors who wish to use firearms (not including pistols, restricted weapons and prohibited firearms) and who do not hold a firearms licence themselves may do so under immediate supervision of the holder of a New Zealand Firearms Licence in accordance with section 22(2) of the Arms Act 1983.

## Application by a visitor for a firearms licence

A visitor should make application via the Police website at least 30 days before arriving in New Zealand. The visitor should wait for confirmation from New Zealand Police that the licence has been issued and is ready for collection at the port of arrival to be sure that they receive it upon arrival in New Zealand. This applies to any import permits that accompany the firearms licences.

See: [Online instructions for obtaining a visitor's firearms licence](#).

## Endorsements on a visitor's firearms licence

A visitor's licence may have an endorsement permitting the holder to use pistols on a pistol range in competition (regulation 21, Arms Regulations 1992). This usually applies to national and international competitions. The visitor must be qualified by their home country firearms licence to shoot pistols before any endorsement can be issued by New Zealand Police.

A pistol target shooting endorsement should not be issued to any visitor unless they are a visitor from an overseas pistol club who has made prior arrangements through the national pistol governing body and the Operations Manager: Arms Safety and Control, PNHQ.

A pistol target shooting endorsement is the only endorsement which can be made upon a visitor's licence.

## Declaring firearms to Customs

All persons arriving in New Zealand with firearms must declare them to Customs before being processed by Police.

## Persons arriving in New Zealand with firearms

Any person arriving in New Zealand with arms items without a New Zealand firearms licence or permit to import the items, will have them seized and be dealt with by New Zealand Customs.

### *Firearms licence applications (NZ citizens residing out of New Zealand and recently arrived foreign citizens)*

The below applies to the following persons:

- New Zealand citizens residing overseas, or
- New Zealand citizens returning to New Zealand after 12 months or more out of New Zealand, or
- Foreign citizens or immigrants who will live in New Zealand for more than 12 months.

### *Who can apply?*

Where they meet the criteria in section 23, the above listed persons are entitled to make an application for a firearms licence which must be considered on its merits.

As with all firearms licence applications, the person making the decision on whether to issue the firearms licence needs to be satisfied that:

- the applicant is of or over the age of 16 years; and
- the applicant is a fit and proper person to be in possession of a firearm or airgun; and
- 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.

For this category of person, it is likely to be more challenging to obtain the information required in order to be satisfied that the applicant is a fit and proper person to be in possession of a firearm or an airgun because of the amount of time that they have spent outside of New Zealand meaning that information may be held overseas.

## *Verifiable criminal history checks*

Applicants must provide verifiable criminal history checks from the Ministry of Justice (or appropriate Government/State department).

The history check must not be dated older than 2 months from the date of application for the New Zealand Firearms Licence.

The applicant must provide checks from each country they have resided in for over 6 months (not necessarily consecutive) in the 10 years preceding application for a New Zealand Firearms Licence.

## *Referees*

Applicants will need to provide the following referees:

- Current spouse or partner (or if 16 or 17 years old a parent or legal guardian) or if not applicable the applicant's closest relative
- A person who is not related to the applicant who has known them well over at least 3 years and is at least 20 years old (cannot be current or former spouse or partner)

More details on this are set out below.

## *Standard checks*

The primary mechanisms used to confirm a person's fit and proper status is through NIA checks and vetting interviews in which Police need to satisfy themselves that:

- the referees are suitable and credible, for example they have known the applicant for a sufficient period in one or more environments such that they can satisfactorily attest to the applicant's suitability to possess and use firearms
  - note: knowing an applicant only by means of an online forum is unlikely to enable a referee to provide sufficient detail to make a determination on the applicant's suitability to possess and use firearms
- the NOK and unrelated referees are available to the Police to interview.
- there is no set timeframe but, in most cases, a referee should have known the applicant for 36 months or more in order to be able to usefully and accurately answer the referee questions.

## *Interviews of next of kin referees who are not in New Zealand*

Where a NOK referee is not available in New Zealand Police should use technology to interview the applicant's closest living relative who knows them well. This referee interview is always in addition to referees in New Zealand being required.

## *Final decision*

Initial vetting and background checks are completed in district and a recommendation made before forwarding the file to the Operations Manager: Arms Safety and Control at Kapiti for the final decision.

The purpose of having the file approved by the Operations Manager is to ensure national consistency in approach to this category of licence applicants.

## Duration of a firearms licence

Every application for a firearms licence is an application for a new licence whether the applicant holds, or has previously held, a firearms licence. A person who is the holder of a firearms licence may, before the expiration of that firearms licence, apply for a new firearms licence. Section 23(3) of the Arms Act 1983 refers.

The New Zealand firearms licence has a duration of either 5 years or 10 years depending on whether the applicant holds, or has ever held, a firearms licence.

A firearms licence of 5 years duration is issued to a person:

- who has never held a firearms licence, or
- whose previous firearms licence was surrendered, or
- whose previous firearms licence was revoked, or
- whose firearms licence has expired (without an application being made prior to the expiry date).

A firearms licence of 10 years duration is issued to a person who holds a current licence at the time of application.

The duration of a firearms licence issued to a visitor is:

- for 1 year from the date of issue; or
- any earlier date specified on the licence, or
- the licence will expire on the date the person to whom the licence is granted leaves New Zealand,
- whichever (of the above) occurs first.

Note: The licence ends sooner if it is surrendered or revoked.

## Fees

All firearms licensing fees are set in [Schedule 1](#) to the Arms Regulations 1992.

There are fees for:

- an application for a firearms licence from a person who is a first-time applicant or holds a current firearms licence
- an application from a person whose previous licence expired or was revoked
- a person visiting New Zealand for a period not exceeding 12 months
- an application for one or more endorsements
- an application for replacement licence.



Note: It is appropriate to provide administrative refunds in cases such as returning the appropriate portion of an overpaid fee.

## Refunding fees

Firearms licence fees are “prepaid”. The only time it is appropriate to provide a refund is in the case of returning the portion of an overpaid fee.

Once work has started on a licence (including the administration triage) the fee paid is not refundable.

Due to work undertaken on an application, a refund is not available in the following circumstances:

- an application received from an ineligible person
- an application received from a disqualified person
- if an applicant is unwilling or otherwise unable to complete the process. (Including when an applicant’s referee does not make themselves available within a reasonable time and no suitable substitute is found.)
- a licence which has been refused.

If there is an exceptional circumstance where a refund could be considered, a report (coupled with the appropriate excel template) to the Director-Operations must be provided via the [FirearmsDST@police.govt.nz](mailto:FirearmsDST@police.govt.nz) outlining the reasons why.

## Application for a firearms licence

An application for a New Zealand Firearms Licence must be made in writing in hard copy form or electronically through an internet site.

Under regulation [16](#) of the Arms Regulations 1992, an application in hard copy form must be signed by the applicant and delivered to the Police station nearest to the applicant’s place of employment, or residence.

To apply for a firearms licence the applicant will need to:

- meet the personal eligibility requirements;
- have [secure firearm storage facilities](#) at their home address;
- be able to supply names and contact details for referees who will be interviewed by Police as to their suitability to possess or use firearms
- be able to provide details of people who live at, work at, or may have free or unsupervised access to, the premises where they intend to store firearms;
- provide passport style photographs of themselves (see below for detailed requirements);
- provide copies of the required identification documents;
- pay the required fee at a New Zealand Postshop;
- be able to attend an interview with Police held at the applicant’s premises to discuss their suitability to hold firearms;

- be able to attend and pass a course on firearms safety if they are a first-time applicant or are instructed to do so by Police.
- be able to complete a multi-choice safety test (based on the Arms Code) at their interview (held at the applicant's premises), if they hold a firearms licence and are applying for a new one before it expires.

## Receiving applications

For hard copy applications, all Police premises are Police stations for the purpose of receiving applications for firearms licences. The Police employee to whom the application is made need not necessarily be the person who accepts the application form at the counter but is rather the person designated for that purpose.

## Surrender of firearms licence

A firearms licence holder may surrender their firearms licence to a Police employee at any time (section [27\(1\)](#), Arms Act 1983).

Surrendering a firearms licence which has already been suspended under section [60A](#), has no effect on the suspension. The licence holder should be advised of this and then, if the licence is not revoked following suspension, followed up to see if they still want to surrender their licence at that point.

On surrender of a firearms licence, the holder of the licence ceases to be licensed to possess any arms items or ammunition under the licence or endorsement and must on demand deliver ammunition and arms items to Police (section [28\(2\)\(a\) & \(b\)](#), Arms Act 1983).

## Applicants previously refused or surrendered

An application for a firearms licence received from a person whose previous application was refused or whose firearms licence was surrendered should be processed in the same manner as a first-time licence application.

If the new licence is issued, usually the person will then only be eligible for a five-year licence, however, there is a small anomaly that may occur in rare situations where a person previously held a firearms licence, applied for a new licence before that licence expired, but their new application was refused. If that person then applies again for a new licence subsequent to that first refusal, they will be eligible for a ten-year licence (if a licence is issued) because the criteria in s 25(1)(a) do not apply to them. This should be rare because Police will in most cases have already revoked the earlier licence.

## Applications from a person who is underage, disqualified from holding a firearms licence or firearms licence previously revoked

A person who is under the age of 16, disqualified from holding a firearms licence (under s22H) or has had their firearms licence revoked in the previous five years, and it has not been reinstated by the District Court, may not apply for a firearms licence. Section [23](#) of the Arms Act 1983.

An application that is received from such a person should not be accepted and should be returned to the person with an explanation. Any fee paid may be refunded.

## Firearms safety course

All first-time applicants for a firearms licence must undergo the Firearms Safety Course unless a commissioned officer otherwise directs (Regulation [14](#), Arms Regulations 1992).

The course consists of two parts:

- Firearms theory test (30 multiple choice questions) - to confirm understanding of the Arms Code and firearms safety practices and legislation requirements.
- Firearms practical training session – covers hands-on safe-handling of common firearms types.

There is no fee for attending the Firearms Safety Course. People should study the Arms Code thoroughly before attending.

Anyone failing the test may apply to sit again at a later date following further study of the [Arms Code](#) and attending another training session.

## Requirement to sit the firearms safety course

Every application for a firearms licence is an application for a new licence. However, when deciding whether the Firearms Safety Course is to be sat the following applies:

1. If a Firearms Licence has been surrendered for 12 months or longer and an application for a new licence is received, then the applicant must undertake the Firearms Safety Course as part of the licence application process.
2. If a Firearms Licence has been expired for 12 months or longer and an application for a new licence has not been received during that period, then the applicant must undertake the Firearms Safety Course as part of the licence application process.
3. Revoked persons must undertake the Firearms Safety Course as part of their new licence application process.

Note: In any case where a reapplication for a firearms licence does not require the Firearms Safety Course to be completed, the applicant must complete the Firearms Safety Test administered by the Arms Vetter at the time of interview.

## Firearms safety test

Licence holders who are applying for a subsequent firearms licence before their current licence expires (“renewals”) must pass a theory test, known as the Firearms Safety Refresher Test, administered as part of the vetting process. The test consists of 20 questions and applicants are required to answer 19 of 20 correctly to pass. Only question 19 of the test (as it is not a safety-related question) may be failed.

Staff administering the test are encouraged to use resources such as the Firearms Safety Code, information cards and the Te Tari Pūreke website to engage and educate the applicant if required.

If the applicant does not pass this test, they must complete the full training and testing on the Firearms Safety Course. If they subsequently fail the Firearms Safety Course, consideration of refusal, surrender of the licence or a temporary suspension may be required.

## Referees

### Requirement

Applicants need to supply on the application form the names and addresses of at least two people (referees) of whom inquiries can be made about whether the applicant is a fit and proper person to be in possession of a firearm.

The persons named as referees by the licence applicant must be interviewed. There are no exceptions to this requirement. Applicants should not be persuaded or influenced to alter their choice of referee unless the person nominated does not fit with the characteristics of a referee listed below or declines to be a referee. In which case the substitution, and the reason for it, must be recorded in the application file in addition to the original choice.

Note: The two referees named by the applicant should not be related to each other and should not live together.

### Interviews

Obtaining the name and address of two people required by regulation 15(f) & 15(g) is for the purpose of making inquiries of them about whether the applicant is a fit and proper person to be in possession of a firearm.

They are to be interviewed for this purpose by a member of Police whose role is to carry out firearms licensing interviewing. In all cases the near relative referee is to be interviewed in person, by the Police member and not in the presence of the applicant.

In all cases a licence application the person not being a near relative of the applicant ("unrelated referee") is to be interviewed in person by the Police member.

When applying for an endorsement (other than an Heirloom/Memento endorsement) applicants must provide a near relative, unrelated and endorsement specific referee.

The near relative and unrelated referees are to be interviewed in person however the endorsement specific referee may be interviewed by phone, although the interviewing member is free to conduct an interview in person at their discretion or may be directed by their supervisor to do so.

## Referee One

Referee one must be a near relative of the applicant. This is the nearest living relative by degree of sanguinity who knows the applicant well, or a person who the applicant is married to or in a relationship in the nature of marriage with and has recently resided with for an extended period.

The person who the applicant is married to or in a personal relationship with must be nominated as the near relative referee. An additional near relative may be provided also if the duration of the marriage/relationship is of less than 12 months at the time of application.

If the applicant is 16 or 17 years old then referee 1 must be a parent or legal guardian or in absence of those, the closest relative.

Note: Where the applicant is aged 16 or 17 years, both parents (or guardians / whangai) should be interviewed.

Referee one is known as:

- spouse, or
- partner, or
- NOK, or
- near relative.

There may be exceptional cases where an applicant does not have a family referee or a family referee that knows them well. When this occurs, all relevant information outlining the circumstances must be included in the file and Police will interview additional referees to determine the fit and proper status of the applicant. Such a file may not be approved under delegation in district. The file and recommendation are to be forwarded to the Operations Manager: Arms Safety and Control at the Kapiti Centre for a decision.

## Referee Two

Referee two must:

- be unrelated by blood or marriage/de facto relationship and independent
- know the applicant well (as a guide; at least three years, preferably more)
- have regular face to face contact with the applicant
- be at least 20 years old.

Note:

- This referee should not live with the applicant.
- Due consideration needs to be given to any possible power imbalance between the unrelated referee and the applicant. For example, an employer may provide the details of their employee as an unrelated referee if that person knows the applicant well and sees them face-to-face regularly. The law does not preclude an employer from providing the details of their employee as an unrelated referee (and vice versa) however there is no requirement for Te Tari Pūreke to hold the interview if there are concerns about a power imbalance. It is therefore not unreasonable to ask the applicant to supply another unrelated referee in this instance.

## Previous spouses or partners

Previous spouses, civil union partners and de facto partners who were in a relationship with the applicant for six months or longer and the relationship occurred during the five years prior to the application must be interviewed. Marriage or similar relationships for the previous ten years must be disclosed.

These interviews can be conducted by phone in the first instance to enable initial assessment of the information gathered. Face to face, or follow up interviews, can be conducted on a case-by-case basis, with approval from the Arms Supervisor.

## Police employees as referees

To ensure Police maintain integrity and do not inadvertently create a conflict of interest, it is strongly recommended that Police employees do not act as referees, whether in their capacity as a private individual or otherwise, for firearms licence applicants unless they are the spouse, partner or parent of the applicant.

Refer to '[Managing conflicts of interest](#)' in Police Instructions.

# Interviewing and additional interviews

## Further referees or persons may be required to be interviewed

It is important to ensure the information gathered from the referees is detailed enough to ascertain whether the applicant is suitable to obtain/retain a firearms licence. Some nominated referees may not know the applicant well enough to provide the detailed information required. In this case, it will be necessary to speak to more than the referees supplied.

## District Arms Office must consider whether additional interviews are required

Police may interview anyone and ask any relevant questions necessary to establish whether the applicant is fit and proper and whether any person living at the address, or having unrestricted access, could impact upon the decision to issue a firearms licence.

District Arms Office staff and vetters must consider whether it is necessary to interview other persons when assessing an applicant's fit and proper status.

An inquisitive and investigative approach is needed to ensure a fully informed decision can be made. In all cases referees nominated by the applicant must be assessed as to whether they are suitable and appropriate. Where necessary, alternative referees can be requested. Applicants must nominate a next of kin referee and an unrelated referee. The unrelated referee cannot be a person who lives at the applicant's address. The referees and the applicant are to be interviewed in person.

NIA checks are required of all persons identified during the application or vetting process to be living at the applicant's address or having unrestricted access to the applicant's firearms.

In cases where:

- someone at the address may not be fit and proper and could impact upon the applicant's fit and proper status, or
- there is a suggestion of a family dynamic that might influence the fit and proper status of the applicant, or
- there are concerns about a power imbalance between an applicant and an unrelated referee (e.g., employer/employee relationship), or
- something about the lifestyle or personal circumstances of the applicant or anyone living at the address could call into question the fit and proper status of the applicant,

additional interviews must be considered with other persons in the household, including family members of the applicant who are 16 years of age and older (see guidance on interviewing 16- or 17-year olds during the firearms licensing process below), flatmates or other friends, neighbours or colleagues.

Additional interviews do not need to cover the full spectrum of questions asked of a referee and should focus on areas requiring clarification. All findings must be recorded in the relevant interview form.

## Speaking with 16- or 17-year olds who are applicants for a firearms licence, or live in (or are frequently visit) an applicant's household

When speaking with a firearms licence applicant who is 16- or 17-years of age, staff must be aware that while they may appear very grown up, they are still at a vulnerable age.

Where a 16- or 17-year old lives with an applicant or frequently visits an applicant's address, Arms Office staff need to consider firstly whether Police need to or should talk to them. In order to make this decision, staff must consider what information they expect to obtain from the youth and if they already have that information from another source. If they are still contemplating speaking to the youth, they then must consider whether they can do that in a way that ensures that the youth's vulnerability is recognized.

Their immaturity (and in some cases) possible literacy and communication disabilities mean that they may find it more difficult to understand concepts and may need further (simpler) explanations of some things.

A request by a 16- or 17-year old who would like to have a support person with them when they speak to the Arms Vetter, so that they feel more comfortable, should be facilitated. However, the support person should not also be the applicant for the firearms licence.

Applicants who are 16 or 17 years old are participants in the process and as such they will need to be interviewed bearing in mind the matters raised above.

## Security-related advice and Change of address

### Licence holders carrying firearms licence/keeping records of firearms

Firearms licence holders should:

- carry their licence with them whenever they:
  - carry their firearm
  - purchase a firearm (all sellers are legally required under section 43 of the Act to take reasonable steps to ascertain the purchaser has a firearms licence – a reasonable step would be viewing the licence) Note: Pistols, prohibited firearms, restricted weapons, prohibited magazines and pistol carbine conversion kits can only be supplied to a purchaser who has a permit to possess issued by the Police.



- keep a record of the firearms they have bought or sold (should one be lost, destroyed or stolen then Police must be immediately notified). The Arms Officer must record the details of the firearms (lost, stolen or destroyed) against their firearms licence record.

## Security advice for firearms licence applicants

Applicants for a firearms licence must comply with the conditions specified in Regulation 19 of the Arms Regulations 1992.

The ‘[Secure storage guidance for firearms](#)’ document provides information about security for (non-endorsed) firearms (lockable cabinets, containers or receptacles) and for endorsed firearms (steel and concrete strong rooms, rooms of stout construction, and steel safes/boxes), and general security for buildings.

## Security of firearms in a motor vehicle

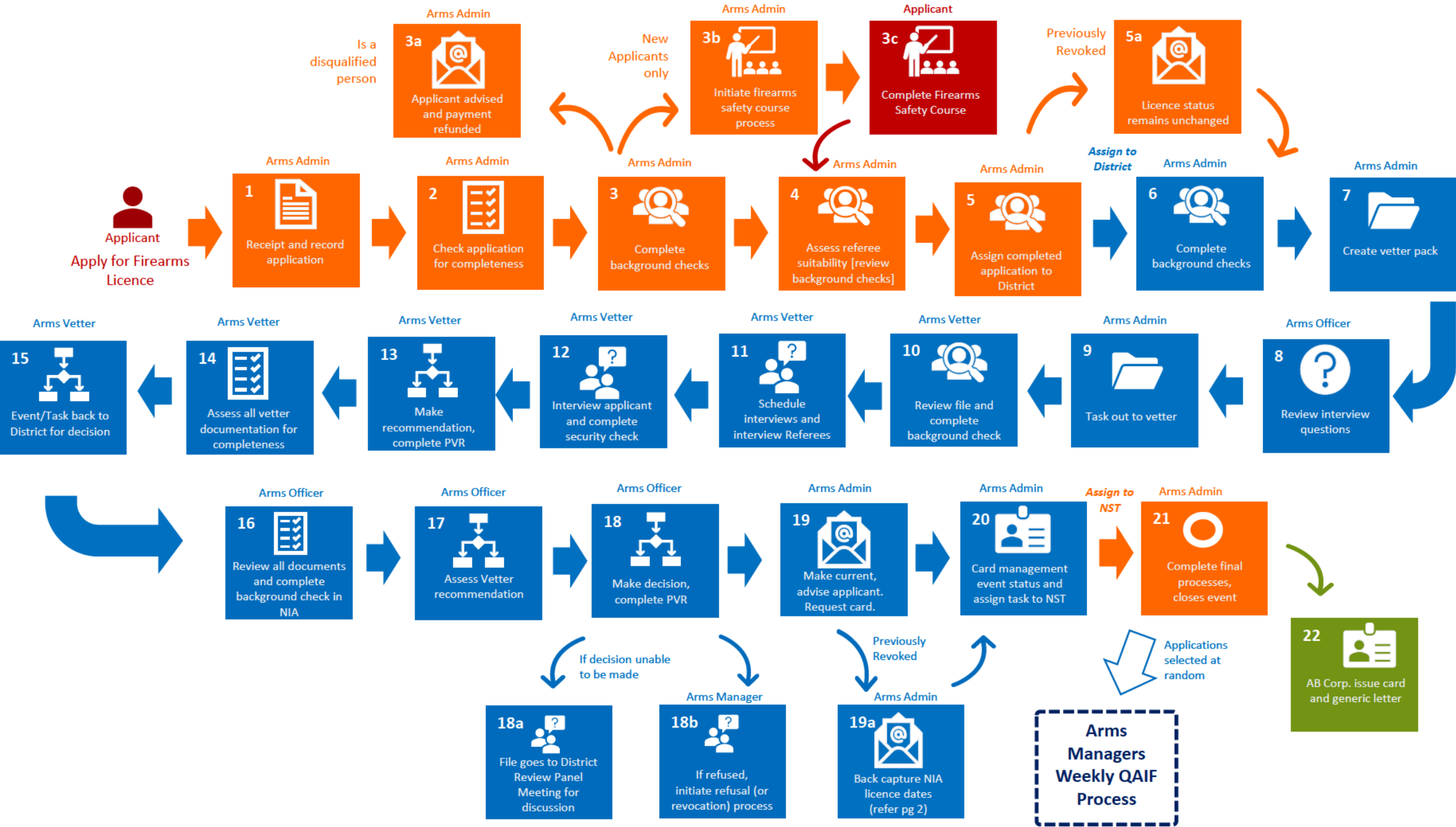
The new provisions relating to the issuing of firearms licences include new general conditions of those licences which permit Police to inspect the security arrangements in any vehicle used by licence holders to transport firearms. The regulations are silent on what security arrangements in a vehicle would be appropriate. The only requirement at the moment per regulation 19 is that a firearm cannot be left in a vehicle unattended.

## Regulation 19 conditions relating to security conditions

Applicants must be advised that the following conditions must be met, if they are issued with a firearms licence:

- firearms must not be put in such a place that a child has ready access to them
- ammunition and bolts must be stored away from the firearm, or the firearm must be incapable of being discharged (disabled by the removal of a vital part). Note: Police recommends taking both precautions (disable the firearm, lock away the vital part separately and lock away ammunition in its own receptacle)
- reasonable steps must be taken to ensure any firearm in a licence holder’s possession is secured against theft. These ‘reasonable’ steps include keeping on your premises:
  - a lockable cabinet, container or receptacle of stout construction in which firearms are stored; or
  - lockable steel and concrete strong room in which firearms are stored; or
  - a display cabinet or rack in which firearms may be immobilised and locked so that none of them may be fired; and
- all firearms need to be kept locked or immobilised and locked in the locked cabinet, container, receptacle, strongroom, display cabinet or rack
- a firearm is not to be left in an unattended vehicle.

Firearms Licence Application – Individual – New and Renewal Application



Step	Description
	Applicant is a first time applicant, an existing firearms licence holder seeking to renew their licence or an expired licence holder seeking to reinstate their licence.
	Submits application via MyFirearms, by post or via local Police station who will email the application to NST.
<b>1</b>	NST Admin Record application details - create firearms event, link referees and applicant.  Licence status is changed to “Renewal in Progress/ Reinstate in Progress” this will update the “Applied” date on the licence.  <b>If person was previously revoked</b> the licence status remains unchanged until completion.
<b>2</b>	NST Admin Reviews application for completeness.
<b>3</b>	NST Admin complete background checks in NIA.
<b>3a</b>	<b>If the person is disqualified.</b> NST complete the process, the application does not go to District.
<b>3b</b>	<b><i>IF new applicant</i></b> , initiate firearms safety course process. NST receive notification applicant has passed course.
<b>4</b>	NST Admin assesses referee suitability.
<b>5</b>	NST Admin applies the “Ready for processing” date.
<b>5a</b>	<b>If person was previously revoked</b> the “Ready for processing” date is not added until completion (see step 19a).  NST Admin assign event to District for processing.
<b>6</b>	District receives file and completes background checks in NIA.
<b>7</b>	District creates Vetter pack using information found in background checks and application form.
<b>8</b>	Arms Officer reviews interview questions and adds additional questions if required.
<b>9</b>	Admin tasks file out to Vetter.

Step	Description
<b>10</b>	Arms Vetter reviews file and completes background checks in NIA.
<b>11</b>	Vetter schedules interviews and interviews referees.
<b>12</b>	Vetter interviews applicant and completes security check.
<b>13</b>	Vetter makes recommendation.
<b>14</b>	Vetter reviews file for completeness.
<b>15</b>	Vetter assigns file back to District office for decision of licence issue.
<b>16</b>	Arms Officer reviews all documentation for completeness and completes background check.
<b>17</b>	Arms Officer assesses Vetter recommendation.
<b>18</b>	Arms Officer makes decision to approve or refuse and completes Post Vetting Review.
<b>18a</b>	If decision is unable to be made, file goes to District Review Panel meeting for discussion with group.
<b>18b</b>	If refused, Arms Manager initiates refusal (or revocation) process.
<b>19</b>	Arms Admin makes licence current, advises applicant.
<b>19a</b>	<b>If person previously revoked</b> , Arms Admin reinstates licence status, makes licence current and back captures the applied date.  Arms Admin back captures the “Ready for processing” date using the date of when the file was assigned to the district for processing.
<b>20</b>	Arms Admin changes firearms event status to Card Management, completes data sheet process, creates Card Management task and assigns task to NST.  <i>The event remains assigned to the District.</i>
<b>21</b>	NST completes final processes, checks the Ready for processing date has been applied correctly and closes event.
<b>22</b>	EXTERNAL: AbCorp issue card and generic letter

**Arms Manager QAIF:** Two applications selected at random per week for review.

## Firearms licence photograph guide

The photo must meet the minimum requirements as set out in the Arms Regulations 1992, regulation 30, Photographs

The photo must:

- » have been taken no more than 12 months before you submit your application
- » be a full front view of the face, head, and shoulders, with their head filling most of the photo
- » without a hat or head covering (unless your religion requires you to wear a hat or head covering)
- » have a plain, light-coloured background
- » be a colour photograph

Te Tari Pūreke requires the original photograph file to be provided. We cannot accept a scanned copy of a photo.

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Passport photos from commercial outlets typically meet these requirements.

A digital photo must be:

- » a portrait photo, with a 4:3 aspect ratio
- » in jpg or jpeg format
- » between 25KB and 10MB
- » between 900 and 4500 pixels wide, and 1200 and 600 pixels high

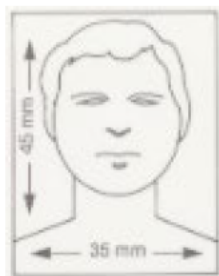
**We do not accept photos that do not meet these standards.**

If they are submitting a paper application, they must provide two identical prints of your photo, measuring 45mm by 35mm untrimmed on good quality photo paper.



**Te Tari Pūreke**  
Firearms Safety Authority

This is an example photograph that complies with regulation 30 of the Arms Regulations 1992.



The following are examples of firearms licence photographs that **DO NOT** meet the requirements of regulations 30 of the Arms Regulations 1992.





# Creating the Vetter Pack

Firearms Safety Authority

*The purpose of this document is to advise on how to create the Vetter Pack.*

To ensure quality information gathering and sound decision making, Police have moved away from a preset vetting guide and introduced a licensing system that instead directly targets the applicant's necessity and suitability to, possess and/or use firearms.

Interviews of the referees and applicant should always be:

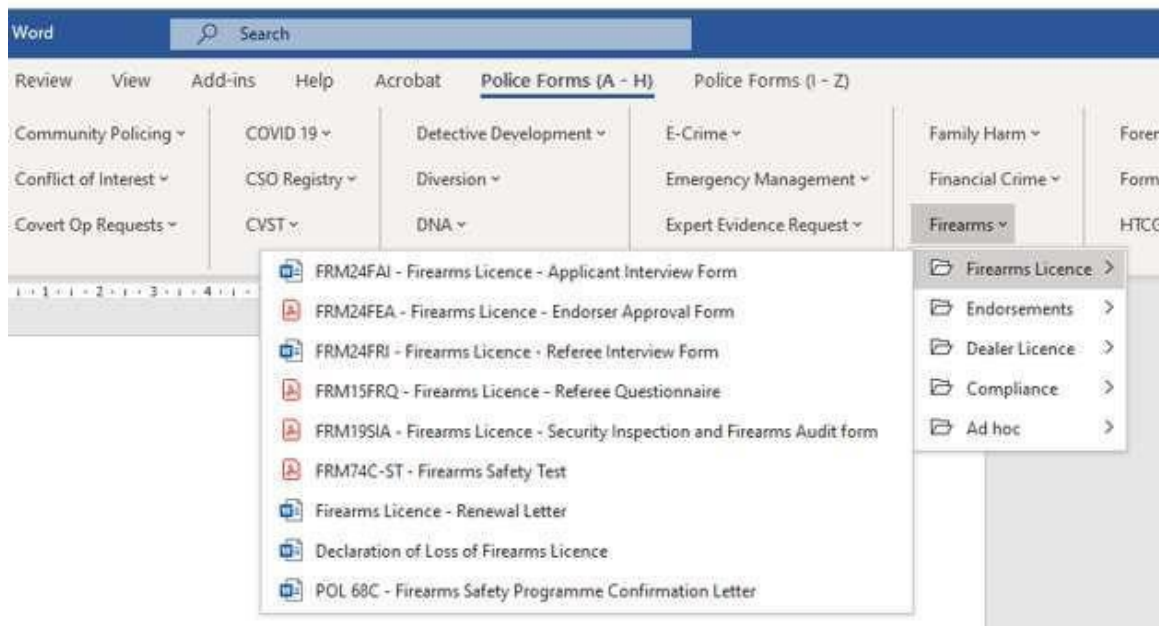
- professional
- investigative
- personalised
- relevant

Along with the Application Form, the interviews build the story from which we can determine an applicant's suitability to possess and use firearms.

## 1. Interview and Security Inspection Forms

The Applicant and Referee Interview Forms are found on the Police Forms Menu in Word.

1. Open 'Word'
2. Go to 'Police Forms (A-H)'
3. Select 'Firearms'
4. Select 'Firearms Licence'
5. Select 'FRM24FAI – Firearms Licence – Applicant Interview Form'



6. Save this document (in a local folder)
  - a. The naming convention is: LASTNAME FLICNO FALINTAPP YYMMDD
7. Open 2x FRM15FRI (Referee interview)

8. Save these documents (in a local folder)
  - a. The naming conventions are:
    - i. LASTNAME FLICNO FALINTNOK YYMMDD (NOK interview form)
    - ii. LASTNAME FLICNO FALINTUR YYMMDD (UR interview form)
9. Open FRM19SIA (Security Inspection and Firearms Audit Form)
10. Save this document (in a local folder)
  - a. The naming convention is: LASTNAME FLICNO FALSEC YYMMDD (security inspection)

**Note:** These are being saved into a local folder so that you can upload them in NIA

## 2. Prepare the Questions

When preparing the interview questions for the applicant and referees you will need the completed FRM23FLA (application form) and access to NIA. *Note: Remember when completing background checks to run a 'Clean Slate' query on the referees.*

11. Read through the FRM23FLA (application form) and check the questions have been answered in full
  - a. Any question that does not provide enough information will need to be investigated further
  - b. The FRM24FAI (Interview Form) has sections that correspond to those in the FRM23FLA (application form)
  - c. Sections 5 and 8 of the FRM15FRI (Referee Interview Form) can be used to populate any questions for the referees stemming from NIA background checks or the application form.

Example:

*Section from Application Form*

**D.2. Describe your experience with firearms (if any).** (Including but not limited to: locations, how often, who with, your earliest and most recent experiences, etc)

I go hunting and sometimes I use firearms for pest control. I have done this for years.

*Corresponding Section from Applicant Interview Form*

Section (D.2) Experience with firearms		Follow up required? Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Tell me about</b>		
How long have you been hunting?		
How often do you go hunting? (Weekly, Monthly, Yearly)		
Where would you usually hunt? (Private land, DOC or other)		
Who do you regularly hunt with?		
What firearms do you use?		
What game do you hunt?		
What kind of pest controlling do you do?		
Is it a business or recreation?		
Do you pest control on your own land or DOC or other?		
Response...		
<div></div>		

Another example:

*Section from Application Form*

F.1. Please tell us if you are receiving, or have received in the past two years treatment or counselling for, or suffer from, any of the following:		No	Yes
F.1.a.	Mental illness of any kind, including depression, stress, anxiety, mental breakdown	<input type="radio"/>	<input checked="" type="radio"/>
F.1.b.	Decline in functioning of memory, thinking, understanding, and judgement	<input checked="" type="radio"/>	<input type="radio"/>
F.1.c.	Substance abuse or dependency (including drugs and/or alcohol)	<input checked="" type="radio"/>	<input type="radio"/>
F.1.d.	Exhibiting behaviour suggesting anger or violence (including family harm)	<input checked="" type="radio"/>	<input type="radio"/>
F.1.e.	Drowsiness or problems with memory and thinking caused by illness or medication	<input checked="" type="radio"/>	<input type="radio"/>
F.1.f.	Seizures, dizziness, blackouts	<input type="radio"/>	<input checked="" type="radio"/>
F.1.g.	Serious head injury or neurological disorder of any description or kind, which has lasting effects	<input checked="" type="radio"/>	<input type="radio"/>

*If you answered 'Yes' to any of the above questions, please provide details. (This is in addition to a certificate from your health practitioner.)*

Depression

Dizziness

*Corresponding Section from Applicant Interview Form*

Section (F) Health details	Follow up required? Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Tell me about</b>	
You stated in your application that you have had depression; tell me more about that.	
If the answer does not cover the below - please ask the following:	
Are you seeing a health provider for these issues, if so tell me more about that.	
Are you currently on medication to assist with this?	
Does the medication prevent you from driving? (if yes; how does it affect your use of firearms?)	
How long have you had depression / or; how long ago did you have depression?	
Do you feel your conditions are well managed?	
How does your health provider and family view your management of these conditions?	
You also said you suffer from dizziness; when does this occur and is it well managed?	
<b>Response...</b>	

- Check NIA for any further information, compare the NIA information to the answers in the FRM23FLA (application form) and add questions accordingly.

**Note:** It is important to thoroughly read the FRM23FLA (application form) and the information provided by the applicant. If the questions in the application form have been satisfactorily answered we do not need to have any follow up questions however the information should be verified through conversation with the applicant, and if appropriate the referees.

- After populating the interview questions save the document
- Upload all of the saved forms to the Firearms Event
  - FRM24FAI (Interview Form)
  - FRM15FRI (Referee interview) (2x)
  - FRM19SIA (Security Inspection and Firearms Audit Form)
- Update the event narrative and assign to an Arms Vetter

For further instructions on how to create the Vetting Pack in NIA and assigning to Arms Vettors please refer to the '[Workload Manager - Best Practice Guide](#)' available on the Firearms Hub.



# Background Checks

Firearms Safety Authority

*The purpose of this document is to instruct staff on the process of how to complete background checks on referees, adults living in a licence holder's household, and applicants.*

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## Overview

Completing thorough background checks on Firearms Licence applicants and their referees provides a better understanding of the applicant and their circumstances and will support all decision makers/approvers to make consistent and sound decisions around firearms licensing.

## Who will use these instructions

Any person who completes background checks:

- Arms Administrators
- Arms Veters
- Arms Officers
- Arms Supervisor

## Clean Slate

### Clean Slate protects referees (if eligible) but not applicants

A person's convictions are automatically concealed for most purposes if they are eligible under the Clean Slate Scheme (see Criminal Records (Clean Slate) Act 2004 - CRCSA). In a firearms licensing context:

- Clean Slate applies to referees, if they meet the eligibility test and they must be treated as if they had no convictions; but
- There is an exception for applicants under the Arms Act (s 19(3)(c) of the CRCSA) which means that, regardless of whether the applicant meets the clean slate eligibility criteria, Police may view and use any of the applicant's criminal record information.

### Clean Slate eligibility

To find out if a referee meets the Clean Slate eligibility criteria, use the Clean Slate Check (see below), The Clean Slate check automatically checks the person's eligibility against the statutory criteria. A person is eligible if they have:

- had no convictions within the last 7 years (unless a court has ordered that there doesn't need to be any rehabilitation period following a conviction)
- never been sentenced to a custodial sentence (such as prison, corrective training, borstal, or a sentence of imprisonment served by way of home detention)
- never been convicted of a 'specified offence' as listed in section 4 of the Criminal Records (Clean Slate) Act 2004 ([external link](#)).
- fully paid any fine, compensation, reparation or costs ordered by the court in a criminal case
- never been ordered to be detained in hospital instead of being sentenced, due to their mental condition
- never received a disqualification order under section 65 of the Land Transport Act 1998 or section 30A of the Transport Act 1962 ("indefinite" disqualification) .

### What information is concealed by Clean Slate

If a referee is eligible under Clean Slate, then they are deemed to have no criminal record. You cannot rely on any concealed criminal record when dealing with them as a referee. Nor can you rely on any information about the concealed criminal record.

## Clean Slate Check for referees

Before conducting background checks on referees, check whether they are eligible for Clean Slate.

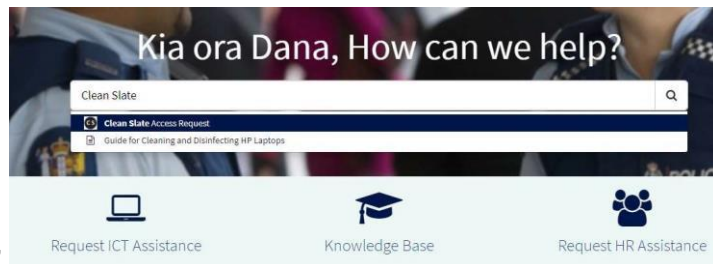
Police do this by using the Ministry of Justice's Clean Slate Eligibility Checking System.

All Arms Staff that do back ground checks will need access to this.

How to get 'Clean Slate Access':



1. Go to 'ICT Service Portal' on your desktop



2. In the search bar type 'Clean Slate'
3. Select 'Clean Slate Access'
4. Fill out the Request Form
5. A good business reason is: To ensure background checks on referees of Firearms Licence applicants are completed in accordance with the Clean Slate Scheme.



6. Click 'Request'

## Running a Clean Slate Check of referees

The following steps must be taken for any person who has a Person ID/PRN/DLICNO; and, who is not a Firearms Licence Applicant, prior to completing any background checks:

1. Select the Person ID/PRN/DLICNO of the subject and copy (Ctrl+C)
2. Log into the Clean Slate Check and paste (Ctrl+V) the PRN into the 'field':

3. The results will look like this:

Clean Slate Check Result	
s.9(2)(a) OIA	
Checked	Note: Other references may have been excluded if they are not known to CMS
Status	Eligible

a. Eligible:

Clean Slate Check Result	
s.9(2)(a) OIA	
Checked	Note: Other references may have been excluded if they are not known to CMS
Status	Ineligible

b. Ineligible:

**Note:**

Any referee or household member 18 years or older must be checked to determine whether they are eligible for Clean Slate prior to any NIA background checks being completed.

## Background Check Instructions

### 1. Open the Query Function in NIA

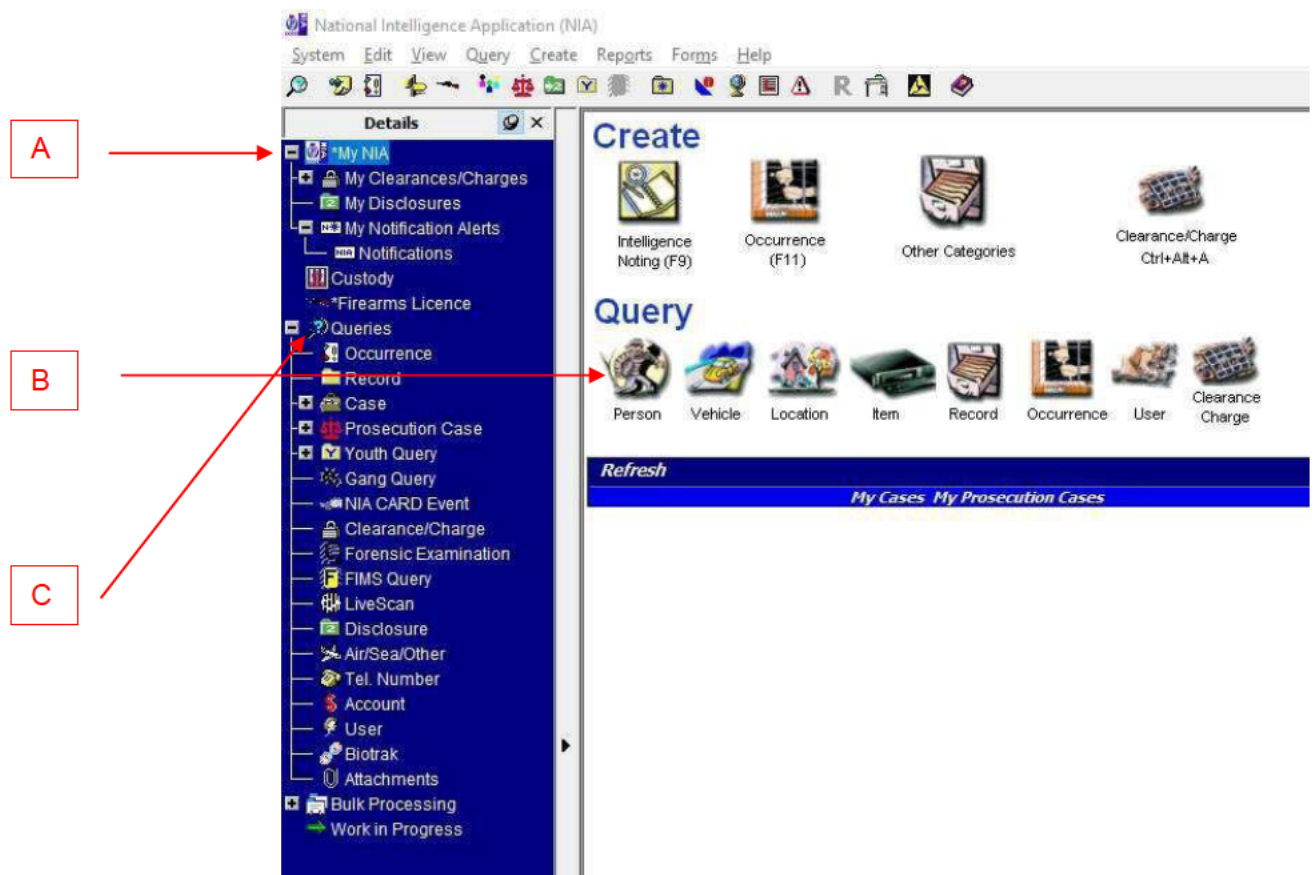
There are two ways to get there:

First Way:

- A. Click on 'My NIA'
- B. Click on 'Person'

Second Way:

- C. Click on 'Queries'



- 2. Enter the name of the person you want to query in the following format: Last Name/First Name/Middle Name (A)
- 3. Enter their Gender (B)
- 4. Enter their Date of Birth (C)

The screenshot shows the NIA query input form. It has a text input field for the name, a dropdown menu for gender, and a date input field for the date of birth. Red arrows labeled A, B, and C point to these fields respectively. The text input field has a placeholder text: 'Quick (Family/First/Middle or PRN, Person ID, DUICNO, eMail), Gender, DOB/Age, Unit'. The gender dropdown is currently set to 'Male'. The date input field is empty.

If you are Querying one person you can then Click 'Run' (Alt+R).

If you are Querying more than one person you can Click 'Run in Background' (Alt+B) at the bottom left of the screen – you can do this multiple times to 'stack' your queries.

## Background Checks – Referee 2

Referee 2 is unrelated to the applicant and has been nominated as the applicant believes this person knows them well.

When completing NIA background checks for Referee 2, we are only checking if there is any reason that they might be discounted as a referee i.e. that they are an appropriate person to give a reference in the context of the firearms licence application. The standard applied to the referee 2 isn't to the standard of being fit and proper to possess firearms or airguns; rather it is about a person's ability to provide sound and truthful information. Therefore, criminal history is only relevant to the extent that it may indicate that the person has associations, activities, or friendships which may compromise their usefulness as a referee.

If the clean slate query returns an "eligible" result then no further search of this person's criminal history is made. If the query returns an "ineligible" result then a search of the NIA criminal history is made. In both cases a search of associations and address links is made to determine whether or not they have associations and friendships which may compromise their usefulness as a referee.

1. By reviewing the occurrences and the criminal history (if appropriate) you should be able to establish whether Referee 2 is suitable for the applicant to use.
2. Review the following:
  - a. Criminal history (unless concealed by Clean Slate)\*
  - b. Occurrences
  - c. Records
    - i. Within records, there may be intelligence information that the referee or applicant is not aware of. Most Intelligence notings should not be disclosed during an interview.
  - d. Family Harm
  - e. Links
3. Check if Referee 2 is a Firearms Licence Holder; if yes,
  - a. Check for recent occurrences that may affect their suitability to be a Firearms Licence Holder
  - b. Note any recent occurrences and forward to the Compliance Team for review. Anything you have not forwarded to the Compliance Team should be discussed with your supervisor

**Note:** Where Referee 2 is a firearms licence holder, and matters arising from the background check on them returns information that impacts on Referee 2's continued suitability to remain a firearms licence holder, those matters need to be addressed separately with Referee 2 in the context of Referee 2's firearms licence (and not part of the firearms licence application file for the person they are being a referee for). Anything that you have not forwarded to the Compliance Team should be discussed with your supervisor.

4. Confirm their details in the application form against the NIA records
  - i. Name
  - ii. DOB
  - iii. Address
  - iv. *Any discrepancies would need to be confirmed with the referee **before** updating NIA*
5. Confirm there is no risk for staff attending the address for interview i.e. alerts for carries weapons, extreme views or 1M etc
6. Populate questions for the Applicant and Referee Interview form.

**Note:**  
\*Criminal History can only be checked if their Clean Slate check returns as 'ineligible'. Any Police held record, occurrence or noting relating to the criminal record which has been concealed by the operation of the Clean Slate query must also be ignored.

## Background Checks – Referee 1 and other adult persons in the household of the applicant

Referee 1 is preferably next of kin (spouse, partner, or in their absence a near relative) to the applicant. In the absence of a spouse, partner or near relative it can be a close associate of the applicant who knows them well. In most cases, this referee lives with the Applicant and should provide the most reliable insights into the applicant's attitude, demeanour and behaviours.

In the case of a Referee 1 who lives with the applicant, and other adult members of their household, the check is similar to that for the applicant, with the exception that clean slate is applied to them. If the clean slate query returns an "eligible" result then no further search of this person's criminal history is made. If the query returns an "ineligible" result then a search of the NIA criminal history is made.

There is further information in NIA other than the criminal history (or information relating to the criminal history) which Police examines on the basis that others in the household have potential access to the applicant's firearms, and Police needs to know if any of them might pose a risk if the applicant is granted a firearms licence. This may mean their presence will prevent the applicant from holding a licence, or that the licence may be issued with conditions.

Section 24(2) of the Arms Act provides that a firearms licence must not be issued to a person, if in the opinion of a commissioned officer of Police, access to any firearm or airgun in the possession of the applicant is reasonably likely to be obtained by any person who :

- Is disqualified from holding a firearms licence; or
  - 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
  - Is not a fit and proper person to be in possession of a firearm or an airgun.
1. We must ascertain whether others in the household who may be reasonably likely to obtain access to the applicant's firearms are fit and proper people to be in possession of firearms.
  2. By reviewing the following:
    - a. Criminal history (unless suppressed by Clean Slate)\*
    - b. Occurrences
    - c. Records
      - i. Within records, there may be intelligence information that the referee or applicant is not aware of. Most Intelligence notings should not be disclosed during an interview.
    - d. Family Harm
    - e. Links

Police should be able to determine whether their presence in the household may impact on the applicant's ability to possess firearms under s 24(2).

3. Check if they are a Firearms Licence Holder; if yes;
  - a. Check for recent occurrences that may affect their suitability to be a Firearms Licence Holder
    - i. Note any recent occurrences and forward to the Compliance Team for review
  - b. Check to see if a Security Inspection is due
    - i. Prepare Security Inspection form if applicable
    - ii. Task the Inspection for the Arms Vetter
4. Confirm the details in the application form against the NIA records
  - i. Name
  - ii. DOB
  - iii. Address
  - iv. *Any discrepancies would need to be confirmed with the referee **before** updating NIA*
5. Confirm there is no risk for staff visiting the address to complete an interview, ie. alerts for harms police, carries weapons, extreme views or 1M etc
6. Populate questions for the Applicant and Referee Interview form.

### Note:

\*Criminal History can only be checked if their Clean Slate check returns as 'ineligible'. Any Police held record, occurrence or noting linked to the Criminal History which has been suppressed by the operation of the Clean Slate query must be ignored.

Any matters arising from the vetting of the referee that relate to the referee or a Firearms Licence that they might hold, must not form part of the interview for the Firearms Licence Applicant. Anything you have not forwarded to the Compliance Team should be discussed with your supervisor.

## Background Checks – Applicant

The applicant is not subject to the Clean Slate Scheme because of an exception. Therefore the full Criminal History may be used when assessing their character and relationships.

Section 22H sets out certain matters occurring in the previous 10 years which will disqualify a person from holding a firearms licence.

Otherwise, in many cases, less serious events occurring 7 years or more in the past (or that have been considered when granting a previous licence), can be ignored; an exception to this would be where more recent events link back to that history and therefore a continuing pattern can be shown.

1. Confirm the details in the application form against the NIA records
  - i. Name
  - ii. DOB
  - iii. Address
  - iv. *Any discrepancies would need to be confirmed with the referee **before** updating NIA*
2. Check that there are no disqualifying offences (those specified in section 22H).
3. Check the Family Harm Summary.
  - a. If there are family harm events, determine the date of the events and the role of the referee in each event.
4. Check Occurrences.
  - a. Note anything that needs to be addressed in the interview.
5. Check Records.
  - a. Within records, there may be intelligence information that the referee or applicant is not aware of. Most Intelligence notings should not be disclosed during an interview.
6. Check the links they are associated with.
  - a. This lists all persons and locations they have been noted at and any information that indicates the frequency and nature of the contact. Firstly, check the people and determine if they meet fit and proper criteria as a referee would, especially if they reside with them. Then check the applicant's current address. Check all persons currently living at the home.
7. Click on clearances and charges and apply your discretion on what needs to be followed up on in an interview. As rule of thumb, check back 7 years for anything relevant.
8. Confirm there is no risk for staff visiting the address to complete an interview.
9. Populate questions for the Applicant form.



# Firearms Licence Security Inspection and Firearms Audit

Name of person conducting inspection \_\_\_\_\_ QID: \_\_\_\_\_ Date of this inspection \_\_\_\_\_

## Section A: Applicant or licence holder Information (details from NIA, and NIA firearms printout attached)

Surname				First and middle name(s)					
Phone	Area code/prefix	Number		Email					
Firearms licence number			Expiry date	DD	MM	YYYY	Endorsements held		
Firearms licence status				Date of last security inspection	DD	MM	YYYY		

Licence sighted ☐ Yes ☐ No ☐ Not applicable

Visit purpose ☐ Licence application ☐ Endorsement application ☐ Regular audit ☐ Change of address ☐ Other **Describe** \_\_\_\_\_

Security location (street or location)

Address Line 1				Address Line 2			
Suburb				Town/City		Post code	

Is this an audit on for a mobile home, campervan or caravan unit (or boat) where the vehicle is being used as a temporary or permanent home?  
☐ Yes ☐ No

## Section B: Firearms security details

Security precautions must comply with conditions described in Arms Regulations 1992 (e.g. regulation 19 and / or regulation 28 and 19A); and the Arms Act 1983 (e.g. s31A, s32 and / or s33A as relevant) and any additional conditions imposed pursuant to regulation 28D.

### Section B-1 – Firearms security provisions (refer Secure Storage Guidance)

Security Measures (select all that apply) ☐ Steel and concrete strong room(s) ☐ Cabinet(s) ☐ Box(es) ☐ Rack(s)/Display(s) ☐ Safe(s)

Are keys, combinations, and PINs secured so that children and unauthorised persons cannot access firearms and / or ammunition? ☐ Yes ☐ No

Vital parts management for all restricted weapons and prohibited firearms is compliant ☐ Yes ☐ No ☐ Not applicable

Comments \_\_\_\_\_

Details of storage location \_\_\_\_\_

### Section B-2 – New Zealand Firearms Licence secure storage (refer Secure Storage Guidance)

Lockable cabinet, container or receptacle of wooden construction ☐ 16 mm construction ply **OR** ☐ Materials of similar security rating

Steel Lockable cabinet, container or receptacle ☐ at least 3mm steel **OR** ☐ less than 3mm with bracing to provide equivalent strength

Firearms secured in racks ☐ Steel **OR** ☐ Other **Describe** \_\_\_\_\_

Securing a single firearm ☐ Shielded cable at least 6mm Stainless steel **AND** ☐ Cable retained by at least two 6mm x 75mm eyebolts or screws ☐ Other **Describe** \_\_\_\_\_

Continued overleaf ...



Continued from front page ...

Display Cabinet

☐ Shielded cable at least 6mm Stainless steel **AND** ☐ Cable retained by at least two 6mm x 75mm eyebolts or screws

☐ Other **Describe**

For all security measures selected above note if

Security measures construction is compliant

☐ Yes ☐ No

Locking system is compliant

☐ Yes ☐ No

Attachment to building framing is compliant

☐ Yes ☐ No

Hidden or partially hidden from view of a casual observer

☐ Yes ☐ No

**Note:** compliant includes the requirement that children and unauthorised persons cannot access the licence holders firearms.

Comments

### Section B-3 – Endorsed firearms standard secure storage measures (refer Secure Storage Guidance)

Steel cabinets, containers or receptacles including safes

☐ At least 6mm mild steel **OR** ☐ Materials certified as being of same security rating or greater

Safe, Cabinet, Box construction is compliant

☐ Yes ☐ No

Locking system is compliant

☐ Yes ☐ No

Attachment to building framing is compliant

☐ Yes ☐ No

Hidden or partially hidden from view of a casual observer

☐ Yes ☐ No ☐ Not applicable

Stout Room - Materials

Room lined with steel mesh, or 16 mm construction ply or product to same or better security rating

☐ Yes ☐ No

Door(s) – 6mm mild steel or materials of equivalent standard

☐ Yes ☐ No

Locking mechanism with the strength and security performance of a five lever mortice lock

☐ Yes ☐ No

Window / skylight – substantial grills equivalent to 19 mm mild steel rod

☐ Yes ☐ No ☐ Not applicable

Stout Room - Room Construction

All doors, windows, skylights and their hinges, locks and fastenings are compliant and in good condition

☐ Yes ☐ No

Room is in a structurally sound condition and compliant

☐ Yes ☐ No

Comments

Strong Room – Materials

Constructed entirely of at least 100mm thick, steel reinforced concrete with minimum strength of 20 MPa **and/or**
☐ Yes ☐ No

Concrete masonry block at least 140mm thick, solid cored and reinforced with 10mm steel rods at maximum 400mm centres

☐ Yes ☐ No

Door(s) – not less than 6mm mild steel; and comparable security performance to the walls

☐ Yes ☐ No

Window/skylight – grills equivalent to 19 mm mild steel rod

☐ Yes ☐ No ☐ Not applicable

Strong Room – Room construction

Room is in a structurally sound condition and compliant

☐ Yes ☐ No

Doors, locks, hinges and fastenings are compliant and in good condition

☐ Yes ☐ No

All windows, skylights and their locks and fastenings are compliant and in good condition

☐ Yes ☐ No ☐ Not applicable

Comments

Continued overleaf ...

Continued from previous page ...

Security monitoring of Strong and Stout rooms or area where firearms are secured	All doors, windows and skylights in the room structure can be secured against unlawful entry	<input type="radio"/> Yes	<input type="radio"/> No
	Alarm audible and in working order	<input type="radio"/> Yes	<input type="radio"/> No
	Alarm monitored	<input type="radio"/> Yes	<input type="radio"/> No <input type="radio"/> Not applicable
	CCTV or similar device installed and in working order	<input type="radio"/> Yes	<input type="radio"/> No <input type="radio"/> Not applicable
	CCTV monitored	<input type="radio"/> Yes	<input type="radio"/> No <input type="radio"/> Not applicable

**Section C: Ammunition storage (refer Secure storage guidance)**Is ammunition stored in its own storage container that is in secure storage or in a stout locked cupboard? ☐ Yes ☐ No

Describe where ammunition is stored.

Which of the following is used?

- ☐ A locking mechanism that has a key or combination number that is different from the firearms container
- ☐ A padlock that has a key or combination number that is different from the firearms container
- ☐ A lock box in a gun safe cabinet that has a different key from the key for the gun safe cabinet (the keys must be stored separately)
- ☐ A locked room or storage area on the licence holders premises (for bulky ammunition)

**Section D: General secure storage comments**Security is ☐ Compliant ☐ Not compliant

Describe how the firearms secure storage measures are / are not compliant with the Arms Act 1983, Arms Regulations 1992 and Guidance. (Including how vital part(s) and ammunition are stored; children and unauthorised persons prevented from accessing firearms and ammunition)

Describe the action(s) recommended to remedy any deficiencies in the firearms secure storage measures.

Secure storage is sufficient for (quantity)  firearms held on an endorsement **AND / OR**  hunting and target shooting rifles and shotgunsIs security adequate for the licence holder's current number of firearms? ☐ Yes ☐ NoHave there been any changes to the persons with unrestricted access to the property since last inspection? ☐ Yes ☐ No

If Yes, list the new people who have been given unrestricted access to the licence holder's property (and note any who no longer have access)

## Section E: General property security

Does the licence holder usually reside at this property?

☐ Yes

☐ No

If 'No' please describe how this property is used, how often it is occupied; presence of firearms and any additional security measures taken. Note whether security on their usual premises has also been inspected and approved.

General property condition of the standard dwelling/building/structure.

☐ Satisfactory

☐ Needs Improvement

Condition of all fittings, fastenings, doors, windows, and skylights (*and their coverings*) that secure external accesses

☐ Satisfactory

☐ Needs Improvement

Intruder alarms installed and in working order

☐ Yes

☐ No

Intruder alarm is monitored

☐ Yes

☐ No

☐ Not applicable

CCTV or similar installed and in working order

☐ Yes

☐ No

☐ Not applicable

CCTV is monitored

☐ Yes

☐ No

☐ Not applicable

Any additional precautions taken in and around the premises to reduce the risk of theft?

☐ Yes

☐ No

☐ Not applicable

Describe these security measures and any additional security precautions

Comments

Describe any action(s) recommended for improvement to the premises general security

Comments

## Section F: Vehicles during transport (refer to Storage Guide)

How does the licence holder/applicant intend to store arms items and ammunition when traveling to and from shooting range, etc?

Comments

## Section G: Firearms audit

Nature of firearms audit  
(Check those that apply)

☐

Non-prohibited items

☐

Pistols

☐

Restricted weapons

☐

Prohibited firearms and magazines

Are all pistols held on a pistol target shooting endorsement accounted for?

☐ Yes

☐ No

☐ Not applicable

Comments/remediation required

Are all pistols held on an endorsement issued under Arms Act 1983 s30 accounted for?

☐ Yes

☐ No

☐ Not applicable

Comments/remediation required

Are all restricted weapons held on an endorsement issued under Arms Act 1983 s30 accounted for?

☐ Yes

☐ No

☐ Not applicable

Comments/remediation required

Continued from front page ...

Are all prohibited firearms and prohibited magazines held on an endorsement issued under Arms Act 1983 s30B accounted for?

☐ Yes ☐ No ☐ Not applicable

Comments/remediation required

Are all items under S24B of the Arms Act accounted for?

☐ Yes ☐ No ☐ Not applicable

Comments/remediation required

Describe improvements required to address any firearms or arms items record issue  
(Describe maintenance required to NIA firearms records)

## Section H: Licence holder / applicant confirmation

Complete this section in the presence of the licence holder / applicant

### Licence holder or applicant confirmation:

- ☐ The licence holder or applicant was present for the security inspection  
☐ The licence holder was present for the audit of firearms held on endorsement(s) (if applicable).

Security inspection deficiencies were identified to the licence holder or applicant

☐ Yes ☐ No If there are no deficiencies, date this section and proceed to Section H.

The nature of the deficiencies and the actions required to rectify them so that the security measures meet the standards required pursuant to the Arms Act 1983 and the Arms Regulations 1992 were explained to the licence holder / applicant.

☐ Yes ☐ No

- ☐ The licence holder / applicant accepted the identified deficiencies and will take the following action:

Describe

OR

- ☐ The licence holder / applicant disagreed with the deficiencies identified. Their reason(s) is / are:

Reason(s):

Date

**Section I: Police use****Police member of staff please read and complete the following:**

- ☐ I confirm that I have visited the location of the firearms secure storage, inspected it, audited all endorsed firearms and arms items held by the licence holder and
- ☐ I have made other enquiries as I have considered to be necessary.
- ☐ The firearm licence holder's security is sufficient for the licence and endorsement(s) held **OR** ☐ Is not sufficient for the licence and endorsement(s) held;
- ☐ All firearms and arms items held against an endorsement are accounted for **OR** ☐ are not accounted for.
- ☐ The firearms licence holder does hold the required endorsement(s) for all firearms **OR** ☐ The firearms licence holder does not hold the required endorsement(s).
- ☐ All firearms and arm items were accounted for, **OR** ☐ were not accounted for.
- Is action recommended due to failure to comply with licence or endorsement conditions? ☐ Yes ☐ No

**Type of action recommended and reason(s).**  
 Identify relevant section(s) of the Arms Act 1983  
 or Arms Regulations 1992 or Secure storage for  
 firearms guidance document for each deficiency.

Full Name  Designation  QID

Date

**Arms Officer or Supervisor please read and complete the following**

- ☐ I certify that I have reviewed the form completed by the vetter / member of Police,
- I am satisfied that the security inspection and audit have been completed following the defined process and to the required level of quality. ☐ Yes ☐ No
- I approve recommendation made regarding secure storage ☐ Yes ☐ No
- ☐ If applicable, I have reviewed the Improvement Notice recommendation made by the vetter / member of Police and ☐ have decided to issue **OR** ☐ have decided NOT to issue an Improvement notice to the licence holder.

Full name  Designation  QID

Date

[illegible]

DD	MM	YYYY
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## **Compliance - Revocations, etc. (Arms Act)**

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16. Revocation	25
Revocat on of f rearms cence (no pr or suspens on)	25
Revocat on of suspended f rearms cence	25
R ght of rev ew of off c a dec s ons	25
R ght of appea to D str ct Court	25
Revocat on of cence or perm t fo ow ng D str ct Cou t appea	25
Effect ve date of the revocat on	25
Effect of revocat on of f rearms cence	26
Revocat on of dea er s cence	26
Effect of revocat on of dea er s cence	26
Comm ss oner s warrant to se ze dea er stock	26
D sposa of tems f dea er s cence exp res s surrendered or revoked	26
Revocat on of endorsements	26
Non comp ance w th requ rements n re at on to photographs or ca ng n of cences	27

# Compliance framework

## Police responsibility

As the Regulatory Authority New Zealand Police is responsible for ensuring compliance with the [Arms Act 1983](#). To achieve this, Police will focus and tailor interventions in line with the levels of risk, the actual or potential consequences, and the behaviour, attitude and capability of firearms licence holders.

Police also investigate and prosecute offences against the Act in the usual way and with reference to the [Solicitor-General's Prosecution Guidelines](#). This chapter is not about those criminal investigations or prosecutions, but rather about Police's role in revoking and suspending licences (and related actions) in a licensing context, although a criminal investigation may also be happening while regulatory action is occurring.

## Risk

Police focus on two aspects of risk:

- the magnitude of the consequences that may eventuate should an event occur
- the likelihood of that event occurring.

## Risk, attitude, behaviour and capability

Police expect firearm licence holders to operate safely, securely and responsibly. Police know that:

- barriers such as a lack of awareness, or understanding, or capability may prevent some people from operating in a safe or secure, or responsible manner
- some people will make efforts in these areas only because they see risk from Police of non-compliance
- some people will not comply at all.

Police aim to:

- make compliance as easy as possible for those capable and who want to comply
- assist those who are trying to comply but not succeeding
- encourage compliance through interventions those who are reluctant to comply
- use the full force of the regulatory process for those who do not want to comply or are wilfully negligent.

Police will be more likely to take action where attitude and risk coincide, and the response is more likely to be at the higher end of the interventions spectrum. Where there are low risks and good attitudes Police are more likely to focus on providing information, warning, education and encouragement.

Sometimes there will be high risks irrespective of attitudes, particularly where the consequences or outcomes of an event are or potentially very serious. In these instances, the nature or level of the risk may require regulatory action by Police.

## Police approach to compliance

Compliance means meeting or exceeding the requirements of the regulatory framework that is designed to ensure personal and public health and safety, security of, and the responsible use of firearms.

Police seek the highest possible level of voluntary compliance.

## Outcomes focussed

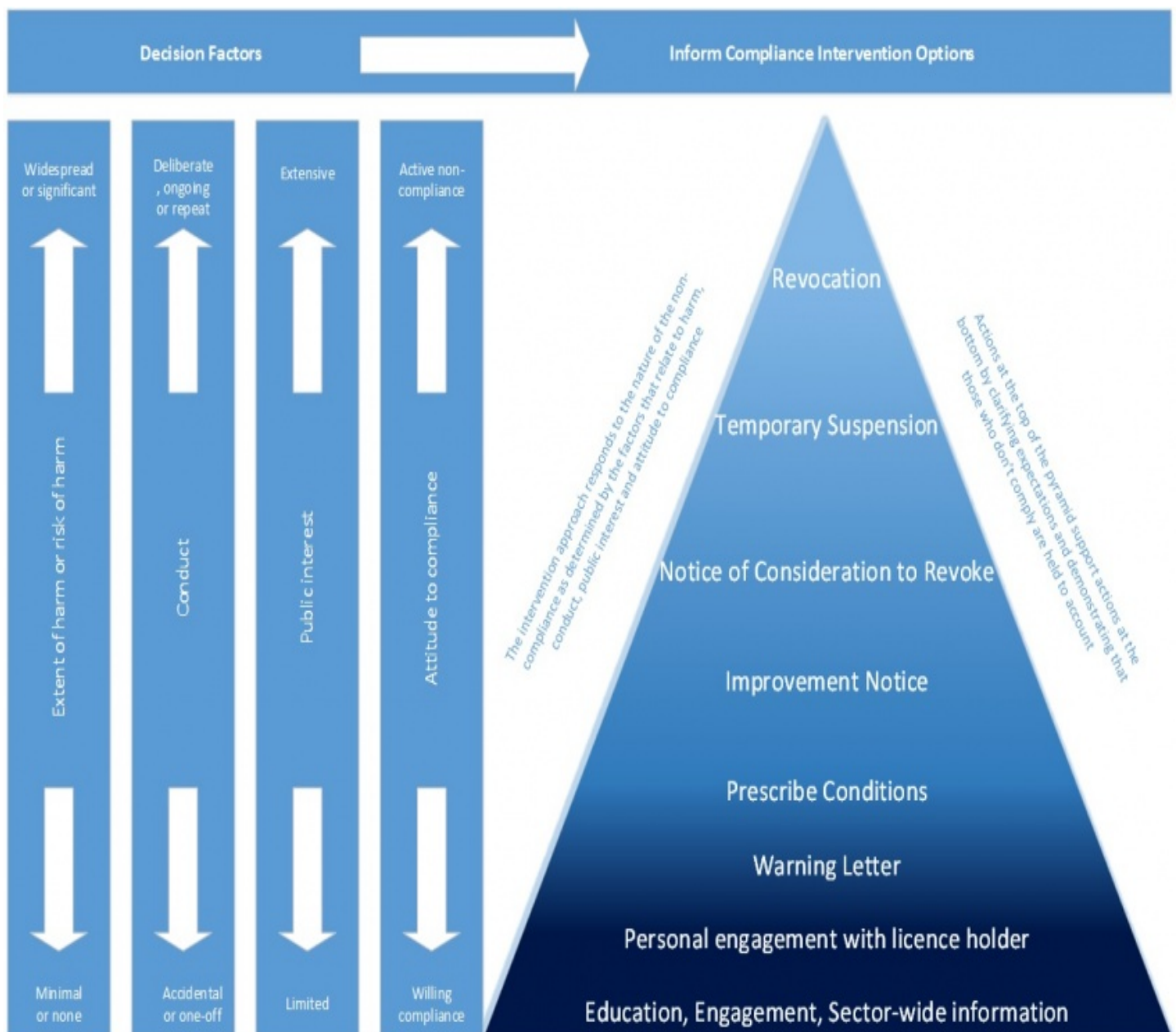
Police compliance activities are aimed at having the maximum impact on outcomes: personal and public safety, security of, and the responsible use of firearms. Priority is on achieving these outcomes rather than commencing enforcement action against licence holders for every technical breach of relevant law.

Police Compliance [Interventions principles](#) set out the criteria for decision-making on the appropriate intervention.

Police aim to be consistent in their decision-making, however this does not mean uniformity of decision-making. Each case is unique, and the Police response must be applicable to the facts of the particular event.

## Interventions principles

### Interventions principles overview



### Decision-making on compliance interventions

Decisions regarding Police interventions will take into account the attitude towards compliance and be:

- logical, timely and considered
- evidence-based
- made impartially and without fear, favour, bias, prejudice or improper motive
- sufficiently robust and well documented, to withstand judicial review
- proportionate to the risk posed by the non-compliance behaviour
- consistent with the law, the public interest and Police policies and values.

The range of interventions available enables Police to:

- provide information and educational material to firearms licence applicants
- issue warning letters
- issue an improvement notice requiring corrective action if the licence holder is failing, has failed or likely to fail to comply with a provision of the Arms Act 1983, or regulations made under this Act, or any conditions on a licence, an endorsement, or a permit

- prescribe conditions on a dealer's or firearms licence
- issue a notice of temporary suspension or notice of consideration of revocation of a firearms licence
- revoke a firearms or dealer's licence, or an endorsement.

Police will determine the appropriate interventions/s based on consideration of risk, attitude, behaviour and capability.

## Factors for consideration

The factors for consideration are set out below. Application of these factors requires expertise and experience to be applied in the process of weighing up which intervention tool might be most applicable.

## Extent of harm or risk of harm

This includes the danger of self-harm or harm to others. Actions that create risks but do not actually lead to harm occurring can still be serious and require a firm response.

Assessment of harm or the risk of harm includes the following factors:

- minimal or no harm or risk of harm
- harm is, or would likely be, easily mitigated
- significant or widespread harm or potential for such harm
- harm is actually or potentially caused to members of the community.

## Conduct

Conduct in this context means the behaviours, intent and capability of the licence holder whose actions are being considered.

Assessment of conduct includes the following factors:

- it is first-time or one-off behaviour that is less serious or unlikely to be repeated
- the conduct is accidental or resulted from momentary carelessness or the result of a limited understanding of the law (where that is not inconsistent with the expectations of someone holding a firearms licence)
- mitigating factors exist
- the behaviour is deliberate, more serious, repeated, reckless or involving consistent carelessness or involving disregard for New Zealand legislation
- aggravating factors exist.

## Public interest

Public interest can be described as something being in the interest of the wider public or of public importance. It is more than simply interest from the public or expectation from the public of action. Considerations include whether the event reflects a widespread problem that can be usefully addressed by highlighting the need for compliance.

Assessment of public interest includes the following factors:

- the conduct occurred some time ago and has ceased
- a decision not to act would undermine public confidence in Police as a regulatory authority
- enforcement action is necessary to deter others from similar conduct.

## Attitude to compliance

Typically, the nature of the response will be informed by, and tailored to, the attitude of the licence holder involved towards compliance. This helps ensure that the intervention(s) chosen will have the desired effect. It does not however prevent significant action being taken for other reasons, even when attitude is acceptable.

Assessment of the attitude to compliance includes the following factors:

- licence holder is willing and able to comply
- licence holder is willing but not able to comply
- licence holder is unwilling to comply

- licence holder is actively and intentionally non-compliant.

## Available compliance interventions

Assessment against the factors above, and attitude to compliance, will support a decision about the best course of action.

There is a continuum of possible interventions (refer '[Interventions principles](#)')

- **From** - an approach based on information, engagement, education to support and encourage compliance.
- **To** - an approach that may lead to enforcement interventions such as the issuing of an improvement notice, a warning, a temporary suspension notice or the revocation of the firearms licence.

The approach chosen should be one that best deals with the matters being addressed - **engagement need not necessarily occur prior to enforcement.**



## Health practitioner reporting

As soon as is practicable after issuing a firearms licence to a person, Police must notify the licence holder's health practitioner that a firearms licence has been issued to their patient ([s24\(3\)](#)).

Under section [92\(1\)](#) if a health practitioner:

- has been attended or been consulted in respect of a person the practitioner knows (or has reason to believe) is a firearms licence holder, and
- the practitioner considers that the health condition of the licence holder is such that, in the interests of the safety of individuals or the public, the licence holder should not be permitted to use or possess a firearm, or should only be permitted to do so subject to any limitations warranted by the health condition.

They must consider pursuant to section 92(2) notifying Police as soon as is practicable:

- of their opinion under subsection (1); and
- the grounds on which their opinion is based; and
- whether they believe the licence holder poses an immediate or imminent danger of self-harm or harm to others.

Under section 92(3) if Police receive a medical report under subsection (2) they may require the licence holder to undergo a further medical assessment by a different health practitioner. The licence holder must either:

- undergo the further assessment, or
- surrender their licence.

The law is silent on the consequences of a licence holder's failure to comply with the requirement under section 92(3). Police may however, based on information available, consider issuing a notice of temporary suspension on the licence holder.

If the medical report provides evidence that satisfies Police the licence holder is not a fit and proper person to be in possession of any firearms or airgun, Police may temporarily suspend the holders firearms licence while commencing a consideration of revocation process.

If Police are not satisfied on the basis of the medical notification the Commissioner (or his delegate) may require the licence holder to undergo the further medical assessment.

See also: '[Health Practitioner Reporting](#)' part of the 'Arms' chapter.

## 2. Disqualified

### Arms Act section 22H

Under section [22H](#) of the Arms Act 1983 a person is disqualified from holding a firearms licence if they have within the previous 10 years been convicted, or released from custody after being convicted, of any of the following offences:

- sections [16\(4\)](#), [16A](#), [44A](#), [50A](#), [50D](#), [51A](#), [53A](#), [54](#), [54A](#), [55](#), [55A](#), [55D](#), [55E](#), or [55F](#) of the Arms Act 1983
- a serious violent offence as defined in section [86A](#) of the Sentencing Act 2002
- an offence under section [92](#), [98](#), [98A](#), [189A](#), [199](#), [202C](#), [238](#), [267\(1\)](#), [269\(1\)](#) and [\(3\)](#), [306](#), [308A](#) of the Crimes Act 1961
- an offence under section [6](#), [9](#), [10](#), [11](#), [12](#), [12A](#), [12AB](#), or [12F](#) of the Misuse of Drugs Act 1975, or
- the person has, or has had within the previous 10 years, a protection order made against them pursuant to section [79](#) the Family Violence Act 2018 or section 14 the Domestic Violence Act 1995.

Custody should be interpreted as when the person is in a custodial facility while serving the sentence of imprisonment, and ending when they are released, for example because their sentence has ended or they have been released on parole.

### Revocation if holder becomes disqualified

Clause 10 of new Part 2, Schedule 1 of the Arms Act 1983 clarifies that section 22H does not apply to the previous convictions of a person who is an existing firearms licence holder at the date of the commencement of section 22H.

This means:

- an existing licence holder, convicted of an offence specified in section 22H in March 2020, or who previous to 24 December 2020 had a protection order made against them, **is not** a disqualified person because the conviction occurred or the protection order was made before the commencement of section 22H
- an existing licence holder, convicted of an offence specified in section 22H in Feb 2021, or who has a protection order made against them after 24 December 2020, is a disqualified person because the conviction occurred or the protection order was made after the commencement of section 22H (24 December 2020)
- a person who is not a firearms holder, convicted of an offence specified in section 22H within the last 10 years, or who has had a protection order made against them within the last 10 years is a disqualified person, regardless of whether the conviction occurred or protection order was made against them before or after the commencement of section 22H.

Police should give the licence holder written notice of the revocation promptly after the disqualifying event occurs (to ensure that it can be proved that they have the requisite knowledge that they are no longer licenced to possess firearms) and their firearms and licence demanded and collected under section [28](#).

The notice is to be served on, or given to the licence holder pursuant to section [72A](#).

The licence holder cannot apply for a review or appeal to the District Court in relation to this kind of revocation [§27B\(2\)](#).

## Other Acts impacting on firearms licences

### Trespass Act 1980

Under section [12](#) of the Trespass Act 1980 any person who commits an offence against that Act and at the time was carrying or had with them a weapon may be disqualified by the court from holding a firearms licence or any other licence or permit under the Arms Act for a period not exceeding two years from the date of the conviction.

The court may also order that the person must not carry any weapon or any weapon of a specified class, for such a period not exceeding 2 years.

‘Weapon’ means any gun, rifle, airgun, or air rifle; and includes any kind of weapon or device from which a shot, bullet, arrow, tranquillising dart, or other missile can be discharged.

Disqualification under the Trespass Act does not prevent revocation of the firearms licence under the Arms Act (s12(2) of the Trespass Act 1983). If the person who is temporarily disqualified from holding a firearms licence under the Trespass Act 1983 is also not a fit and proper person to possess firearms, consideration should also be given to revocation under section 27 of the Arms Act 1983.

### Police Safety Orders

Under section [40](#) of the Family Violence Act 2018 a person’s firearms licence is suspended while a Police Safety Order that been issued is in force.

Under section [37](#) of the Family Violence Act 2018 the bound person must immediately surrender to a constable their firearms licence and any weapons in their possession or under their control.

‘Weapon’ is defined in the Family Violence Act 2018 as any firearm, airgun, pistol, prohibited magazine, prohibited part, restricted weapon, ammunition, or explosive, as those terms are defined in the [Arms Act 1983](#).

During this period Police should assess whether the bound person is a fit and proper person to possess a firearm or airgun ([§24A](#)). A notice of consideration of revocation of firearms licence or a notice of temporary suspension may then be issued.

### Protection Orders

Section [176](#) of the Family Violence Act 2018 requires that when Police receive a copy of a temporary or final protection order under section [174\(2\)](#) of that Act they must immediately establish if the respondent and any associated respondent named in the order hold a firearms licence.

If the order is a temporary protection order Police must arrange for the appropriate person to immediately consider whether the power to revoke should be exercised (s176(3)). An assessment will need to be done to ascertain whether the respondent is a fit and proper person to possess a firearm or airgun (s [24A](#) of the Arms Act 1983). A notice of consideration of revocation of firearms licence or a notice of temporary suspension may then be considered.



Section [176](#) does not apply if the order received by Police:

- discharges a protection order, or
- discharges an order made under [Part 5](#) of the Family Violence Act 2018, and
- no other protection order is made in substitution of the discharged order, or
- the order varies an order made under [Part 5](#).

It is a standard condition of every protection order (s98) that a respondent must:

- not possess or have under their control any weapon (which includes a firearm), and
- not hold a firearms licence, and
- surrender to a constable on demand any weapon and firearms licence in their possession or control.

However, this standard weapons condition can be removed or changed by the court under section [157](#). If the weapons condition has been discharged or modified and the respondent applies for a firearms licence, the Police employee considering that application is not obliged to issue the firearms licence (s[157](#)(6)).

Section [164](#) deals with the retention, return, and disposal of weapons obtained under the Family Violence Act 2018.

A firearms licence is deemed to be suspended when a temporary protection order is in force (s[99\(1\)\(a\)](#)). If the licence has not been revoked under the Arms Act (or deemed to be revoked because a final protection order has been made) then it must be returned to the person when the suspension ceases to be in force. Accordingly, consideration should be given to revoking the licence under the Arms Act while the licence is suspended.

A firearms licence is deemed to be revoked when a final protection order is in force (s[99\(1\)\(b\)](#) and 163). A Police inspector (or higher rank) must then issue the respondent a written notice of revocation and ensure the holder's firearm licence and any firearm in their possession or control is surrendered. The revocation has effect as if the firearms licence had been revoked under the Arms Act 1983.

Sections 98 to 102 and 158 to 164 of the Family Violence Act do not limit or affect any provisions of the Arms Act 1983 that authorise or permit the revocation of a firearms licence or the seizure of any weapon. (s165)

### **3. Fails / likely to fail with a provision of the Arms Act or regulations**

The Police employee must reasonably believe that the licence holder:

- is failing
- has failed
- is likely to fail
- to comply with a provision of the Arms Act, regulations made under the Act or any condition on a licence, an endorsement, or a permit.

There needs to be an objective and credible basis for the belief. The belief should be based on evidence which can be proved to the civil standard of "on the balance of probabilities".

### **4. Ability for licence holder or ammunition seller to make improvement**

An improvement notice can only be issued if the holder of a firearm or dealer's licence, or an ammunition seller:

- is failing, has failed, or is likely to fail
- to comply with the Arms Act, regulations made under the Act; or
- any condition on a licence, an endorsement, or a permit.

An ammunition seller is defined under section [2\(1\)](#) of the Act.

Not all such failures will be suitable for an improvement notice. A tangible and measurable improvement is required to remedy the failure or prevent a failure from occurring, within a specific period of time. For example:

- It is a condition of every firearms licence that the holder has security on their premises (regulation 19(2)(a)). If the licence holder has moved address and not installed a cabinet or other appropriate security at their new address, they could be required to do that by a particular date after which Police could visit to inspect and check the installation.

- Licensed dealers are required to record details of certain items received, manufactured and delivered in a dealer book (section 12 and regulation 7) and ammunition sellers are required to keep records of ammunition sales (section 22E). If there was some failing in the records that the dealer or ammunition seller was keeping that is amenable to rectification, that could be required and then compliance checked by checking the record.

In comparison, there is a condition on a licence contained in section 24B(1)(a) to, when using a firearm, act in a way that does not pose a risk to themselves or others. If a licence holder breaches this condition by unsafe practices and accidentally injuring another person, that breach is unlikely to be amenable to an improvement notice and suspension or revocation will be more appropriate.

## 5. History of Arms Act compliance

When assessing the licence holders' history of non-compliance with the Arms Act, regulations, conditions on a licence, endorsement or permit, Police should consider:

- **the seriousness / frequency any previous failures** - the specific conduct alleged, where the person has been charged, the maximum penalty of the offence charged (and if convicted the penalty imposed)
- **recency** - how long ago the offending/alleged conduct occurred, for convictions how long ago was the conviction entered, has the licence holder undertaken any relevant rehabilitative or training activity since then.

## 6. Improvement notices

Under section 60 Police may issue an 'improvement notice' to the holder of a firearms or dealer's licence (see [Dealer's licence](#)), or an ammunition seller if they reasonably believe that the licence holder is failing, has failed, or is likely to fail to comply with:

- a provision or provisions of the Arms Act, or regulations made under the Act, or
- conditions on a licence, an endorsement, or a permit.

The notice must:

- state the applicable provision or provisions (within the Arms Act or regulations made under it), or condition or conditions the licence holder or ammunition seller is failing, has failed, or is likely to fail to comply with; and
- and is required to remedy or prevent from occurring, and
- state the date by which the licence holder or ammunition seller is required to remedy the failure or prevent the failure from occurring.

The length of time given to the licence holder or ammunition seller to remedy the failure or prevent the failure from occurring should be reasonable and is dependent on the circumstances of the event, i.e. the severity of the failure or likelihood of the failure occurring.

### Service of the notice

Improvement notices must be in writing and sent to the licence holder, dealer or ammunition seller by post or electronic means to their last known address ([s60\(3\)](#)). The notice should be issued reasonably proximate to the identification of the failure or the likely failure.

### Extension of time

Police may extend the time within which the licence holder, dealer or ammunition seller is required to remedy the failure or prevent the failure from occurring ([s60\(3\)](#)). If a decision is made to extend the time for compliance this extension should be confirmed in writing (to avoid any misunderstanding) by being recorded in an amended improvement notice issued to the licence holder, dealer or ammunition seller.

### Failure to comply

Failure by a holder of a firearms or dealer's licence to comply with an improvement notice may result in Police temporarily suspending the firearms licence ([s60A\(1\)\(a\)\(iii\)](#)) while Police then consider revoking the licence.

### District role in issuing improvement notices

Districts must refer a Licence holder to the central Compliance Team for consideration of issue of improvement notice when they become aware of the following matters:

- Security precautions and conditions arising from regulations 19 and 28 of Arms Regulations 1992

- Conditions of dealer's licence including:
  - conditions of dealer's licence [s6A](#) and regulation 8
  - special conditions relating to manufacture of firearms [s6B](#) (from 24 June 2021)
  - record of dealings by licensed dealers [s12\(1\)-\(4\)](#).

Improvement notices will be issued and managed by the central Compliance Team and operational staff wanting to raise matters for consideration for the issue of an improvement notice should contact [firearmscompliance@police.govt.nz](mailto:firearmscompliance@police.govt.nz).

## NIA record keeping

Police should record the issuing of the improvement notice (and attach a copy of the notice) to the licence holder's Firearms Case Management System event along with information about how and when the notice was sent to the licence holder. This record will remain an item of information held by Police that could be relevant at a future time. The significance of the prior issue of an improvement notice to a licence holder diminishes over time if there are no further Arms Act breaches or behaviours of concern.

## 7. Fit and proper to possess firearms or airguns

Section 24 of the Arms Act 1983 still requires that a firearms licence applicant must be a fit and proper person to be in possession of a firearm or an airgun. The grounds for firearms licence revocation or suspension pending revocation include where the licence holder is not a fit and proper person to be in possession of a firearm or airgun ([s27](#) and [60A](#)).

This section is only about whether a person is fit and proper to possess firearms or airguns. There are different fit and proper considerations that apply when considering whether a person is fit and proper to be issued with an endorsement or a dealer licence.

Previously the only additional statutory guidance on what it meant to be a fit and proper person to possess a firearm or airgun was contained in a few provisions such as:

- Section 27A which provided that a commissioned officer could decide that a person was not fit and proper to possess a firearm or airgun if a protection order was in force or there were grounds for a protection to be made against the person.
- Regulation 14 which provided (and still does) that a firearms licence applicant needs to pass the required tests.

Otherwise, case law evolved to provide more guidance.

From 24 December 2020, new section [24A](#) of the Arms Act 1983 provides more detailed statutory guidance on the sorts of matters that are relevant to whether a person is fit and proper to possess firearms or airguns. These factors are relevant considerations when assessing whether a person is or remains a fit and proper person to possess firearms or airguns. They are not an exclusive list - section [24A\(2\)\(c\)](#) makes it clear that Police may take into account any other relevant matters considered appropriate.

The purposes of the Act are to:

- promote the safe possession and use of firearms and other weapons
- impose controls on the possession and use of firearms and other weapons.

These aims must be kept at the forefront of assessment when determining a person's ongoing fit and proper status as a licence holder.

A person's fit and proper status is a crucial consideration with regard to whether their firearms licence should be issued, suspended or revoked. For the purposes of the revocations part of the Arms Chapter, if a licence holder is considered not fit and proper:

- temporary suspension ([s60A\(1\)](#)) while revocation is considered under [s27C](#), or
- revocation ([s27\(2\)](#)),

should be considered.

Police will review a person's fit and proper status, and correspondingly the continuation of their firearms licence when they demonstrate:

- unlawful, dangerous, or unsafe behaviour, or
- non-compliance with licence, endorsement or permit conditions, or
- behaviour which indicates lack of judgement, or

- poor decision making.

The factors are covered under section [24A\(1\) and \(2\)](#), and may be used as possible grounds for the suspension and revocation of firearms licence under sections [60A](#), [27C](#) and [27\(2\)\(a\)](#).

The assessment of a person's fit and proper status requires consideration under a two-stage process:

1. is a firearms licence holder involved in specific behaviours, offending or circumstances defined in s24A(1)(a)-(n) or 24A(2) or as considered relevant, and then
2. the severity and recency of the circumstance(s) (specific behaviours, offending listed above) individually at first, and then collectively when considered overall. One significant matter may suffice, or more less significant matters. This includes all other matters deemed relevant (see 8. Threshold for consideration of revocation).

### **Stage 1 of 'Fit and Proper' assessment**

In most cases, for a person to be found **not** fit and proper to be in possession of a firearm or airgun, they will have to meet one or more of the circumstances listed below:

**Section 24A(1)(a)-(n)**

**(1)** For the purposes of this Act, a member of the Police may find a person is not a fit and proper person to be in possession of a firearm or an airgun if the

**(2)** member of the Police is satisfied that 1 or more of the following circumstances exist:

**(a)** 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)** charged with or has been convicted of an offence under this Act:

**(c)** charged with or has been convicted of an offence against-

(i) section 231A of the Crimes Act 1961; or

(ii) the Game Animal Council Act 2013; or

(iii) the Wildlife Act 1953; or

(iv) the Wild Animal Control Act 1977:

**(d)** 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:

**(e)** has inflicted, or is inflicting, family violence against another person and that other person has grounds under the Family Violence Act 2018 to apply for a protection order in respect of that violence:

**(f)** has, or has had at any time, a restraining order made against them under the Harassment Act 1997:

**(g)** 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 person under this Act was subject:

**(h)** shows, or has recently shown, symptoms of a mental or physical illness or injury that may adversely affect their ability to safely possess firearms:

**(i)** abuses alcohol, or is dependent on alcohol, to an extent that affects detrimentally their judgement or behaviour:

**(j)** uses drugs (illegal or legal) in a way that affects detrimentally their judgement or behaviour:

**(k)** is a member of, or has close affiliations with, a gang or an organised criminal group:

**(l)** has shown patterns of behaviour demonstrating a tendency to exhibit, encourage, or promote violence, hatred, or extremism:

**(m)** has been assessed as a risk to a State's national security:

**(n)** satisfies any criteria prescribed in regulations made under section 74(1)(bb)

Additionally, Police are not limited to section 24A(1)(a-n) and may also look at section 24A(2) in their determination of a person's fit and proper status. This section looks at factors that are supportive of a fit and proper licence holder.

**Section 24A(2)**

**(2)** In determining whether, for the purposes of this Act, a person 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-

**(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

**(b)** any other criteria prescribed in regulations made under section 74(1)(bc); and

**(c)** any other relevant matters the member of the Police considers appropriate.

The list of factors in section 24A(1) are not exclusive. Section 24A(2)(c) allows a wide ambit and may be used by Police to consider any other relevant matter they consider appropriate towards review of a person's fit and proper status. For example, a licence holder with multiple offences involving threatening behaviour may be brought under the legislative regime through this provision if deemed to meet the purposes of the Act.

Meeting one or more of the considerations set out under section 24A(1) or (2) is the first stage in the assessment of a person's fit and proper status. Falling into one of the legislative categories listed above does not, alone, prescribe that a person is no longer fit and proper. The subsequent stage of the fit and proper assessment continues in part 8.

## 8. Threshold for consideration of revocation

The fit and proper assessment continues in this part, once it has been established that a person has fallen under one of the provisions under section 24A(1) or (2). Before a licence holder can be considered not fit and proper, Police should next consider:

- the severity and recency of the circumstance(s) (specific behaviours, offending), both individually and then collectively when considered overall. This takes into account all other matters deemed to be relevant.

### Stage 2 of 'Fit and Proper' assessment

Factors that Police should consider but are not limited to include:

- Seriousness of that failure
  - type of conduct (for example consider maximum penalty of relevant offence if an offence is involved, risk to safety)
  - specific conduct alleged
  - risk of harm
- Circumstance surrounding the offending
  - recency (see part 5)
  - assessment of all information available, e.g. health practitioner's report,
  - other mitigating or aggravating circumstances around offending / behaviour
- Totality of behaviour
  - multiple incidents / breaches
  - history of compliance / non-compliance
  - escalation in offending / harmful behaviour
  - risk of harm.

Each case will have its own set of specific and unique circumstances meaning that the decision maker will need to identify the applicability of relevant factors and what weighting to give to them on a case-by-case basis.

The final consideration in the fit and proper assessment requires Police to review the totality of the specific behaviour / offending by the licence holder, in the context of the aims of the Act, in order to reach a fair and justifiable decision.

When a licence holder is no longer considered fit and proper to possess a firearm or airgun, they will have met the threshold for consideration of suspension (pending revocation) or revocation and either a notice of temporary suspension section 60A(1) or notice of consideration of revocation of firearms licence section [27\(2\)](#) may be issued.

Conversely there will also be instances where Police decide based on the totality of the specific behaviour / offending, the licence holder does not meet the threshold for consideration of revocation, and remains, however marginally or otherwise, a fit and proper person to possess a firearm or airgun. Police may instead issue a warning letter to the licence holder (see 9. Warning letter) setting the relevant facts and corresponding legislative grounds under section [24A](#) that may risk the licence holder's fit and proper status (see Stage 1/part (7)), and the consequence of potential revocation of the firearms licence for any subsequent offending/behaviour.

## Caselaw

### Fit and proper person (general comments)

A "fit and proper person" is a person "of good character who the court will be confident that will abide by the Arms Act 1983 and can be trusted to use firearms responsibly (*Carruthers v Police*, District Court Opotiki, CRI-2011-047-50, 12 April 2012). The assessment is a factual one and to be determined in each case and requires the consideration of the applicant's general character and temperament (*Police v Cottle* [1986] 1 NZLR 268 (HC)). Whether the applicant is a risk to himself or herself or to others will also be relevant (*Jenner v Police* [2016] NZDC 4102).

### Evidential standard and onus

When a person is applying for a firearms licence, the onus rests on the applicant to satisfy Police that he or she is a fit and proper person (*Cottle*).

When the decision being made is whether to revoke a licence, the onus is on the Police decision maker to satisfy themselves that the person is not a fit and proper person when revoking a firearms licence (*Fewtrell v Police* [1997] 1 NZLT 268 (HC)).

The evidential standard is the civil balance of probabilities test (as opposed to beyond reasonable doubt). Accordingly, even if a person is not charged or convicted of an offence but the conduct can be proved to a civil standard, it can be taken into account.

### Specific issues/behaviours

Now that new section 24A sets out express relevant considerations for the purposes of assessing whether a person is a fit and proper person to possess firearms or airguns, previous caselaw on specific behaviours will have limited relevance in the future but may still be referred to by the courts. Subject to this qualification, the following are some case examples that may be of some assistance.

## Mental Health

*McCabe v Police* DC Timaru, CIV-2008-076-000345, 30 January 2009 (appeal against revocation).

M, had held a firearms licence for approximately 30 years, was involved in a domestic crisis, got drunk and wrote and left a lengthy and considered suicide note. A concerned family member alerted Police. He was referred to psychiatric services. Hospital notes recorded that the events took place in the context of alcohol consumption and he was now strenuously denying risk to himself or others. No prior or current history of mental disorder was noted, and it was concluded there were no grounds for him to be admitted under the Mental Health Act. Since then, M did not receive any counselling or treatment. M's evidence was that he was in a new relationship and it had been a silly mistake. His general practitioner provided a letter stating that M was "currently not depressed" and that he did not "believe him to be a danger to himself or others... [he was] happy to support his application for his firearms licence if Dr Morgan the Psychiatrist is comfortable with this." No evidence was provided by the psychiatrist and when the GP was contacted during the hearing the doctor was not prepared to give any great support for the appeal and indicated that in his view the appeal itself showed a lack of judgement.

The Judge was troubled by the absence of any real follow-up or positive assistance provided or offered to M. Rather than dismissing the appeal on the basis of sufficient residual concerns about whether M presented an unacceptable risk to himself or others, the Judge decided to adjourn the hearing to give M an opportunity to obtain counselling or a more considered report from Dr Morgan.

*Lincoln v Attorney-General* [2020] NZHC 1252 (civil claim against Police following his arrest after carrying a firearm in public, and subsequent referral to mental health services and search of his home).

Following his arrest, when L's behaviour changed and he became agitated and raised his voice, L was assessed by mental health nurses. The nurses communicated to the Police that they believed that L was not insane, but rather narcissistic and so self-absorbed in his own world that they could understand why he was now dealing with Police on that day. The nurses forwarded their report to L's GP due to their "risk concerns". L claimed that either he was insane or there was no reason at all to be concerned about his wellbeing. In the context of considering the exercise of warrantless powers under section 18 of the Search and Surveillance Act 2012 and whether L had a "mental condition" (s 18(2)(b)), the Judge observed (at [197]):

The choice is not so simple. Neither Russell John Tully nor the mosque shooter were insane. Both seem to have had personality disorders. The combination of grandiosity, narcissism, a sense of superiority and entitlement, vindictiveness, and a lack of insight can be major risk factors when coupled with access to firearms. It is not necessary for a person to be insane in order for them to be unfit on the basis of a mental condition to be in possession of a firearm.

The Judge pointed to *Smith v Police* [2019] NZHC 2371 where Smith had an "elevated, irrational, antagonistic, angry and vengeful state of mind" against his neighbours and it was held there that "Section 18(2)(b) does not require a finding that Mr Smith had a "mental condition" in the form of some discreet, identifiable syndrome or issue, but rather simply requires an assessment of his mental condition in the more general sense of his state of mind."

**Note:** Section 24A(1)(h) now expressly provides Police may find a person is not a fit and proper person to be in possession of a firearm or airgun if Police are satisfied that the person shows, or has recently shown, symptoms of a mental or physical illness or injury that may adversely affect their ability to safely possess firearms.

In addition, health practitioners must now consider making reports to Police in the situations set out in section 92, which can lead to suspension pending revocation under section 60A(1)(a)(iv).



### **Gang connections (and access by not fit and proper persons)**

[Innes v Police](#) (2016) NZDC 4538 (appeal against revocation of firearms licence)

The grounds cited for revocation were I's membership of a motorcycle gang and his failure to notify Police of a change of address as required by the Act. The District Court held:

- "Fit and proper" refers to someone "of good character who can be trusted to use firearms responsibly".
- I was a patched and active member of an established and organised gang which actively engaged in criminal activity. The various photographs of I wearing gang regalia meant that I's association and membership of the Bandidos could not realistically be challenged. In keeping with the purpose of the Arms Act and identification of the Bandidos as a gang in the Prohibition of Gang Insignia in Government Premises Act 2013, that membership was directly relevant.
- Evidence of the criminal records of other patched members of the Bandidos (which included convictions for violent offending, some domestic violence related) and that two of them had had their licences revoked showed that these Bandidos members would not themselves be fit and proper persons to hold a firearms licence. Coupled with evidence that I both knows and associated with these people, it was "a fair and reasonable inference that any firearms possessed by Mr Innes would reasonably be likely to be obtained by other members of the Bandidos gang, who themselves are not fit and proper persons. Given the criminal nature of the Bandidos gang, it would... be naïve and farfetched to suggest otherwise."
- I repeatedly failed properly to fulfil his statutory obligation to advise the Police of his current address.
- I did not surrender his firearms licence following revocation, as required by the Act, and was evasive as to its location.
- I was similarly evasive, and failed to respond with the clarity and candour expected of a fit and proper person, when asked about the location of his firearms following revocation
- The cumulative effect of all the above was that Mr Innes was found to not be a fit and proper person to hold a firearms licence.

**Note:** Section 24A(1)(k) now expressly provides Police may find a person is not a fit and proper person to be in possession of a firearm or airgun if Police are satisfied that the person is a member of, or has close affiliations with, a gang or an organised criminal group. Sections 24(2), 27(2)(c) and 60A(1)(c) all deal with access by non-fit and proper persons.

## Family Violence

*Koni v Police* DC Auckland, CIV-2010-004-00461, 18 June 2010 (appeal against decision to revoke a firearms licence).

K's marriage broke up in 2000. Since that time there had been continuing acrimonious matrimonial property dispute that was still before the courts in 2010. His ex-wife provided evidence that the reason for the marriage breakup was that she was constantly verbally abused and controlled and on occasion subjected to quite serious violence, being hospitalised with a broken jaw on one occasion. The Judge observed that it was apparent when observing K cross-examining his wife that he harboured serious resentment, and there was convincing evidence of past physical violence and a high level of anger towards her which appeared to be increasing (for example by allowing the matrimonial property to go to mortgagee sale and being a party to casting faeces on his ex-wife's deck).

The revocation decision was upheld.

*Flynn v Police* DC Christchurch, CIV-2010-009-000605 (appeal against refusal to issue a firearms licence).

Police refused F's application for a firearms licence in 2010 in circumstances where:

- His licence had been revoked in 1999 because of an assault on his wife. At that time his wife alleged a pattern of violence towards her over a ten-year period.
- The licence was returned in 2000 after the protection order obtained by his wife was withdrawn, but then again revoked in 2001 following a domestic trespass and burglary at his former wife's property.
- F accepted that there had been one domestic assault in which he had slapped his former wife's face to which he had pleaded guilty.
- A social worker who had previously been frightened by F's behaviour towards her was not available for cross examination, nor was F's second wife (who had also provided a statement).
- He said there was no history of inappropriate behaviour with firearms, and he had held a licence since he was 18 years of age. He provided character references which all spoke highly of him.

The Judge found that F was a fit and proper person to hold a firearms licence and that there was only one incident in which there had been any proven violence in the context of an extremely difficult domestic relationship. The violence proven to have occurred was at the lowest end of the scale and was over ten years ago.

**Note:** Prior to December 2020, section 27A of the Arms Act already provided that Police could decide that a person was not a fit and proper person to be in possession of a firearm or airgun if satisfied that there were grounds for the making of a protection order or that such an order was in force. From 24 December 2020, section 27A has been repealed and new section 24A(1)(d) and (e) now expressly provide Police may find a person is not a fit and proper person to be in possession of a firearm or airgun if Police are satisfied that the person:

- has or has had at any time, a temporary protection order made against them; or
- has inflicted, or is inflicting, family violence against another person and that other person has grounds under the Family Violence Act 2018 to apply for a protection order in respect of that violence.

In addition, new section 22H provides that a person who has, or has had within the previous 10 years, a protection order, other than a temporary protection order, made against them is disqualified from holding a firearms licence. If the holder of a firearms licence becomes disqualified under s 22H from holding a firearms licence, their licence is immediately revoked under s 27B and the provisions regarding appeal rights do not apply.

## 9. Warning letter

In most situations where concerning behaviour is considered relevant to whether a person remains a fit and proper person to possess firearms and airguns, but (so far) short of the threshold to revoke or suspend the licence, a firearms licensing warning letter should be sent to the firearm licence holder advising them that their behaviour relating to a specific event is inconsistent with being a fit and proper person ([s24A](#)).

A warning letter should not be issued when revocation of a person's firearms licence is being considered.

The warning letter should:

- describe the behaviour of concern that has given rise to the warning
- advise the fit and proper criteria from section [24A](#) that the behaviour is inconsistent with
- provide the reason the behaviour is inconsistent with the fit and proper criteria
- provide advice that any future events which give rise to further consideration of the licence holder's fit and proper status may lead Police to consider revocation of the firearms licence
- advise that the event is resulting in the issuing of the warning letter.

A warning letter should be sent to the licence holder promptly after Police learn of the behaviour of concern and have decided that a warning.

Police should record the issuing of the warning letter (and attach a copy of the letter) in the licence holder's Firearms Case Management System event along with information about how and when the letter was sent to the licence holder. This record will remain an item of information held by Police that could be relevant at a future time.

## 10. Rationale for issuing notice of Temporary Suspension

When the holder of a firearms or dealer's licence meets the threshold for consideration of revocation (see 8. Threshold for consideration of revocation) Police must determine whether to temporarily suspend the holders firearms licence according to the criteria set out under section [60A\(1\)](#)

Alternatively, the person could be given notice that their licence is being considered for revocation (without prior temporary suspension).

In most cases where the person is not fit and proper to possess firearms or airguns, the licence should be temporarily suspended while revocation is considered. This process was designed to ensure that the firearms are not improperly used or disposed of during the suspension and instead surrendered to Police under section [60B\(2\)](#) and held securely while revocation is considered.

There may be cases when revocation on notice (see 13. Notice of consideration of revocation) rather than temporary suspension might be considered, but these would be less common. For example, even in cases where it is known that the person does not possess firearms and is subject to bail conditions or a protection order preventing them from obtaining firearms, it should be remembered that bail conditions may be reviewed and changed at short notice, and protection orders and conditions can be changed and varied without prior Police knowledge.

If the licence is to be temporarily suspended Police must issue a Temporary Suspension notice to the licence holder (see 14. Temporary suspension notice) and require and ensure surrender of the firearms licence, all arms items and ammunition.

## 11. Prescribed conditions on licence

Regulation [28D](#) of the Arms Regulations 1992 permits the Commissioner (or his delegate) Police to impose conditions on:

- a firearms licence, or
- dealer's licence, or
- a permit, or
- an endorsement.

See: Commissioner's [statutory delegations](#).

In order for conditions to be an effective tool and also to be able to later prove that the person was made aware of those conditions, Police need to provide written notice to the licence holder or dealer of any condition imposed on the holder's licence, permit or endorsement.

Failure by the licence holder to comply with any condition imposed by Police may result in other compliance intervention.

## 12. No further action

Should Police decide that the firearms licence holder meets the fit and proper assessment, or Police decide not to revoke the licence following suspension and consideration of submissions, the licence and any arms items and ammunition held by Police must be

returned to the licence holder.

### 13. Notice of consideration of revocation

Police can revoke a firearms licence pursuant to section [27\(2\)](#). This process is initiated by a commissioned officer issuing a notice of consideration of revocation of firearms licence to the licence holder.

Natural justice principles and caselaw require that Police:

- disclose to the licence holder the adverse information relied upon when making the decision to consider revoking the firearms licence, and
- provide the licence holder a reasonable opportunity to explain or refute the information.

The notice needs to contain the grounds stated in section [27\(2\)](#) and (where applicable) section [24A](#) that Police are relying upon when considering the revocation of the licence.

#### Licence holder submissions

The notice must also provide advice to the licence holder that they may make oral or written submissions to Police on whether the licence should be revoked on the grounds stated in the notice.

#### Period allowed for receipt of submissions

The licence holder should be given a reasonable time within which to make any oral or written submissions. 14 days will usually suffice.

#### Changes in circumstances after notice was given meaning firearms need to be uplifted

If Police decide to go down the track of considering revocation on notice (as opposed to suspension and requiring surrender of the licence and arms items) but the situation changes and risk of the licence holder continuing to possess firearms increases, consideration should be given to:

- suspending the licence while revocation is considered (and requiring surrender of the firearms and licence); or
- exercising powers under the Search and Surveillance Act 2012 by obtaining a search warrant (assuming there are reasonable grounds to suspect an offence) or (where there are exceptional, rapidly evolving circumstances, and the need for an urgent response, and it is not feasible to obtain a search warrant) by exercising warrantless powers under section [18](#) Search and Surveillance Act 2012 and *Smith v Police* [2019] NZHC 2371.

#### Service of the notice

The notice is served on or given to the licence holder if it is ([s72A](#)):

- handed in person to the licence holder, or
- left at the licence holders usual or last known residential or business address, or
- at an address specified by the licence holder, or
- posted in a letter to the licence holder to their last known residential or business address or address specified by the licence holder.

If the notice is served in person on the licence holder a statement of service should be completed on the reverse of a duplicate copy of the notice. The statement of service document should be scanned and attached to the licence holder's Firearms Case Management System event.

Details of any other method of service of the notice should be recorded in the licence holder's Firearms Case Management System event.

### 14. Temporary Suspension pending possible revocation

Under section 60A(1) Police may issue a notice of temporary suspension of licence to:

- the holder of a firearms licence who Police is satisfied is not a fit and proper person to be in possession of a firearm or airgun, which includes a case where:
  - the holder has failed or refused to secure any arms items or ammunition in the person's possession in accordance with regulations made under the Act; or

- the holder has failed to comply with any conditions imposed on their licence; or
- the holder has failed to comply with an improvement notice issued under section 60; or
- the member of Police is so satisfied on the basis of a notice given under section 92 by a health practitioner; or
- the licence has been seized under section 18 of the Search and Surveillance Act 2012;
- the holder of a dealer's licence who Police consider is not a fit and proper person to hold a dealer's licence, or
- the holder of a firearms licence if Police believe access to that person's firearm or airgun is reasonably likely to be obtained by:
  - a person whose firearms licence application has been refused; or
  - a person whose firearms licence has been revoked; or
  - a person who in the opinion of a member of Police, is not a fit and proper person to be in possession of a firearm or airgun or ammunition; or
  - a person whose firearm licence has been temporarily suspended.

### **Commissioned officer only can authorise and sign the temporary suspension notice**

For the purposes of regulation 28C the Commissioner has directed that only a commissioned officer may make decisions to temporarily suspend a licence under section 60A.

The notice must state (s60A(2)):

- the ground or grounds on which the notice is given, and
- the licence that the notice applies to, and
- that if the licence holder holds a dealers licence their dealers licence will also be suspended while their firearms licence is suspended, and
- the date on which the suspension begins, and
- that the suspension is to enable Police to consider revoking the firearms licence on the grounds contained within the notice, and
- that the licence holder may at any time before a day stated in the notice make oral or written submissions on whether the licence should be revoked on that ground, and
- that the suspension lasts until notice of the decision as to whether to revoke the licence 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
- that the effect of the notice is that the licence holder is treated as not holding the relevant licence until a final determination on revocation of the licence is made, and
- that the holder may commit an offence if they carry on any activities that require them to be licensed under the Act, and
- that the licence holder may be required immediately or before a date specified by Police to surrender to Police their firearms licence, firearms and ammunition in their possession or under their control (s60B(2)).

### **Grounds on which the notice is issued**

Police must ensure that the ground or grounds stated in the notice of temporary suspension are drawn from section 60A(1) (and linked to considerations from other parts of the Act, such as section 24A where appropriate). Revocation under section 27C following suspension has to be on the grounds stated in the original notice. If revocation is not justifiable on the grounds set out in the original suspension notice, but further matters of concern are identified, a further suspension notice may need to be issued.

### **Effect of temporary suspension of firearms licence**

During the period the firearms licence is suspended the firearms licence holder is treated as not being licensed to possess any arms item or ammunition under the licence or any endorsement on it (s60B(1)).

While the licence is suspended, Police may require the firearms licence holder to immediately deliver on demand:

- their firearms licence, and
- every firearm and all ammunition in their possession or control (s60B(2)).

If suspension is warranted, it will generally be best practice to require the immediate surrender of the firearms licence, arms items and ammunition.

If the suspended firearms licence holder holds a dealer's licence, their dealer's licence is suspended for the same period also (s60B(4) and see also s60C for effect of temporary suspension of dealer licence).

A firearms licence cannot be voluntarily and unilaterally surrendered to Police under section 27(1) when it is suspended under section [60A\(1\)](#). People whose licence has been suspended may want to do that in order to circumvent the five year stand down period that would follow revocation (s23(1)(b)) and to try to preserve to themselves the ability to shoot under immediate supervision (the defence of shooting under supervision is not available to an offence of possessing a firearm when revoked). The suspended licence holder is treated as being no longer licensed.

Should Police decide not to revoke the licence following suspension and consideration of submissions, the person may elect to surrender their licence to Police under section 27(1) if that is still what they desire.

### Period allowed for receipt of submissions

Section 60A does not fix a set time for allowing the person affected by the suspension to make submissions, but s 60A(3) does require that the date for making submissions must not be sooner than, in the opinion of Police, is reasonable to enable the holder to prepare and make submissions.

Accordingly, consideration needs to be given in each case as to what is a reasonable time period. Matters that may be relevant to this consideration could include the number and type of matters relied upon for suspension, and the need for the affected person to have a decision made promptly, while also bearing in mind that Police may not take any longer than 90 days to decide whether to revoke the licence (otherwise the suspension ends anyway - s60A(2)(g)), and that if the person's firearms licence and arms items are required to be and are surrendered, risk is mitigated. It is likely that this period will usually be at least 14 days.

### Service of the notice

The notice is served on or given to the licence holder if it is ([s72A](#)):

- handed in person to the licence holder, or
- left at the licence holders usual or last known residential or business address, or
- at an address specified by the licence holder, or
- posted in a letter to the licence holder to their last known residential or business address or address specified by the licence holder.

If the notice is served in person on the licence holder a statement of service should be completed on the reverse of a duplicate copy of the notice. The statement of service document should be scanned and attached to the licence holder's Firearms Case Management System event.

Details of any other method of service of the notice should be recorded in the licence holder's Firearms Case Management System event.

## 15. Review of submissions

When Police issue a licence holder with either:

- a notice of consideration of revocation of firearms licence (commencing the revocation process under section [27\(2\)](#)), or
- a notice of temporary suspension issued under s60A(1),

Police need to provide notice to the licence holder that they may at any time before a day stated in the notice, make oral or written submissions on whether the licence should be revoked on the grounds in the notice (s60A(2)(f), in the case of suspension).

### Oral or written submissions

There is no requirement that the commissioned officer who is the ultimate revocation decision maker is also the person who hears the oral submissions from the licence holder. In the event another Police employee hears the oral submissions they must provide a detailed and fair report to the commissioned officer of the submissions made.

Written submissions and oral submissions (or records of oral submissions) must be reviewed and considered by the commissioned officer prior to the officer making the decision on revocation.

In the absence of either oral or written submission being made by the licence holder the commissioned officer may proceed to make a decision on the revocation.

## 16. Revocation

A commissioned officer may revoke a firearms licence pursuant to section [27\(2\)](#) or [62C](#) of the Arms Act 1983.

A member of the Police may revoke a firearms licence pursuant to section 27C of the Arms Act 1983.

### Revocation of firearms licence (no prior suspension)

The commissioned officer must be satisfied 'on the balance of probabilities' that the grounds contained within section [27\(2\)](#) (with reference to section 24A as appropriate) are met. The standard of belief is the civil test as opposed to the standard required in criminal hearings of 'beyond reasonable doubt'.

Police must give the licence holder written notice of a decision to revoke the firearms licence promptly after the decision is made. The notice should specify the grounds relied upon by the commissioned officer when reaching their decision. These grounds must be consistent with those recorded in the notice of consideration of revocation of firearms licence provided at the commencement of the revocation process.

The notice is to be served on or given to the licence holder pursuant to section [72A](#).

### Revocation of suspended firearms licence

A Police employee may revoke a firearms licence under section [27C](#) if:

- they have considered any submissions made by the licence holder on whether their firearms licence should be revoked on the grounds stated in the temporary suspension notice, and
- they are satisfied on the balance of probabilities that the licence should be revoked on that ground.

Police must give the licence holder written notice of a decision to revoke a firearms licence temporarily suspended under section 60A promptly after the decision is made.

The notice is to be served on, or given to the licence holder pursuant to section [72A](#).

**Note:** The Police decision to revoke a firearms licence pursuant to section [27\(2\)](#) or [27C](#) is different to and can be made independently of (and regardless of whether) any criminal charges are being considered or filed against the firearms licence holder.

### Right of review of official decisions

Parties who have had their application for a firearms licence refused, or their firearms licence revoked by Police may apply to the Commissioner for a review of the decision ([s62](#)). The Commissioner must delegate the responsibility for reviewing the decision to a person other than the original decision maker ([s62A\(1\)](#)).

### Right of appeal to District Court

There is a right of appeal pursuant to section [62B\(1\)\(a-c\)](#) to a District Court Judge against the listed decisions (for example, refusal or revocation of a licence, permit or endorsement). However, a person whose application for a firearms licence has been refused, or whose firearms licence has been revoked must have at first:

- applied to Police under section 62 for a review of the revocation decision, and
- have been notified of the reviewer's decision.

### Revocation of licence or permit following District Court appeal

A commissioned officer may revoke a firearms licence determined on appeal in favour of the appellant licence holder by a District Court Judge, on any sufficient grounds supported by facts or evidence discovered since the hearing of the appeal ([s62C](#)).

### Effective date of the revocation

Under sections [27\(2\)](#), [27C](#) or [62C](#) the firearms licence is deemed revoked at the time Police make the decision to revoke the licence. This is the point in time when the commissioned officer signs the notice of revocation.

For enforcement purposes Police must notify the licence holder of the revocation of their firearms licence prior to commencing any criminal proceedings for unlawful possession of a firearm.

## Effect of revocation of firearms licence

Pursuant to section [28](#) a person whose firearms licence is revoked must immediately surrender their licence to Police.

On the revocation or surrender of the firearms licence the holder:

- ceases to be licensed to possess any firearm or ammunition, and
- must on demand deliver every firearm in their possession or under their control to Police
- may, at any time within three months or such longer period as the Commissioner may allow, sell or otherwise dispose of any firearm, pistol, or restricted weapon owned by them to a person approved for the purpose by a member of Police
- commits an offence and is liable on conviction to a term of imprisonment not exceeding six months, or to a fine not exceeding \$10,000, if the person without reasonable excuse, contravenes subsection (1) or (2)(b).

## Revocation of dealer's licence

Under sections 9(1) and 28(6) a dealer's licence is immediately revoked if the holder's firearms licence is revoked.

A dealer's licence may be revoked under section [9\(2\)](#) at any time by the Commissioner of Police.

If an arms dealer commits any offence against the Arms Act or any other Act, the Operations Manager: Arms Safety and Control, Police National Headquarters must be promptly informed ([firearmscompliance@police.govt.nz](mailto:firearmscompliance@police.govt.nz)).

## Effect of revocation of dealer's licence

When a dealer's licence is revoked under section [9B](#):

- the dealer ceases to be licensed to carry on any dealer activity, and
- must immediately surrender to Police all records required to be kept (under [s12](#)), and
- an employee of the dealer may not carry on or assist with any dealer activity on behalf of the dealer.

## Commissioner's warrant to seize dealer stock

Any Police constable may, on being authorised to do so by warrant under the hand of the Commissioner, seize and take possession of all or any arms items and ammunition in the possession of or under the control of a licensed dealer (section [13\(1\)](#)).

For the purposes of executing the warrant, the Police constable authorised by that warrant may enter into or upon any land or building in which such arms items and ammunition may be, and in so doing may use such force as may be necessary (section [13\(2\)](#)).

It is the duty of everyone executing the warrant:

- to have the warrant with him; and
- to produce the warrant on initial entry and, if requested, at any subsequent time; and
- if they are not in uniform, to produce on initial entry and, if requested, at any subsequent time, evidence that they are a Police constable (section [13\(3\)](#)).

## Disposal of items if dealer's licence expires, is surrendered or revoked

Under section [14](#) if a dealer's licence expires, is surrendered or revoked the dealer may:

- at any time within three months or such longer period as the Commissioner may allow
- sell or otherwise dispose of any firearm, pistol, or restricted weapon owned by them to a person approved for the purpose by a member of Police.

## Revocation of endorsements

A Police inspector (or higher rank) may by notice in writing revoke an endorsement under section [33](#) or [33B](#) on the grounds made out in those sections being that the holder:

- would not (if they applied now) be entitled to have that endorsement; or
- has failed to observe any conditions of the endorsement.

Examples of conditions that on an endorsement see sections 31A, 32 and 33A and regulation 22. For example, failure of a person with a



target pistol shooting endorsement to participate actively in the affairs of the pistol shooting club by taking part in its activities on the range used by that club on at least 12 days in each year (see *Jones v Police* DC Wanganui, CIV-2015-083-000211, 11 February 2016 where it was common ground that Jones had not complied with this requirement, the rationale for it being “clearly to ensure persons holding such an endorsement are getting regular practice as to the proper handling and use of such a weapon... it is a safety issue”. The removal of the target pistol shooting endorsement did not impact on his ability to possess pistols in his capacity as a licensed dealer).

### **Non-compliance with requirements in relation to photographs or calling-in of licences**

A commissioned officer of Police may by notice in writing revoke a licence or an endorsement under section [34B](#) on the grounds made out in that section.

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