

16 May 2025

IR-01-25-15239

New Zealand Citizen  
[Fyi-request-30812-35958037@requests.fyi.org.nz](mailto:Fyi-request-30812-35958037@requests.fyi.org.nz)

Tēnā koe

Thank you for your Official Information Act 1982 (OIA) request dated 24 April 2025 where you asked for information relating to an unlawful hunting case.

You stated the following:

*It is my understanding that the individual referred to in Police case number 240821/3608 continues to hold a firearms licence. This individual admitted to unlawful hunting during a Police interview and was identified on at least ten separate occasions engaging in this behaviour over a year of surveillance. On three of these occasions, the individual discharged a firearm on private land. Despite the strength of the evidence and the seriousness of the conduct, no charges were laid.*

*Behaviour such as unlawful hunting may indicate a disregard for:*

- *The rule of law,*
- *Responsibilities associated with firearm ownership, and*
- *Safe and ethical hunting practices.*

*In light of this, I am seeking clarification as to why this individual is still considered a "fit and proper person" to possess firearms. I would also like to understand what specific assessment or process was undertaken by NZ Police and/or the Firearms Safety Authority to reach this determination. Please note that I am not seeking any information that could identify the individual involved. This request is focused solely on understanding the process and decision-making framework applied by the relevant authorities in relation to this case. Accordingly, I respectfully request the following information under the Official Information Act 1982 in relation to Police case number 240821/3608.*

I have answered each question below.

1. *Did NZ Police notify or refer **the individual** to the Firearms Safety Authority following the presentation of strong and overwhelming evidence, along with their admission to unlawful hunting on private property?  
– If not, why was this not considered necessary?  
– If a referral or recommendation was made, what was the nature of that referral, and what process was followed in making that determination?*



2. *What assessment process or criteria were applied by NZ Police and/or the Firearms Safety Authority to determine that **this individual** remains a “fit and proper” person to hold a firearms licence, despite the presentation of strong and overwhelming evidence, including their admission to unlawful hunting on private property?*

*– Please provide any relevant guidelines, policy documents, or assessment checklists used in **making this determination***

3. *Was the individual's use of a firearm on private property without permission considered a breach of the Arms Act 1983 or a violation of their licence conditions?*

*– If not, why was this not regarded as a cause for concern regarding their fitness to hold a firearms licence?*

4. *Was the individual's behaviour — specifically hunting, killing, or possessing wild animals, or discharging a firearm on private land without the owner's or occupier's authority — considered under Section 8 of the Wild Animal Control Act 1977?*

*– Although the individual was not charged, the conduct did occur. Was this behaviour considered a significant factor in evaluating their firearms licence status? If not, why?*

Police is withholding the information sought in Questions **1 to 4** of your request under section 9(2)(a) of the OIA, where withholding is necessary to protect the privacy of natural persons including deceased natural persons.

Police considers the interests requiring protection by withholding the information are not outweighed by any public interest in the release of the information.

The nature of your questions about ‘the individual’ and that you have provided the Police case number deems this decision necessary in order to protect the individual's privacy, that is, the information requested is clearly about an individual whose identity is plainly apparent, to some degree, by you.

Note that personal information is information about an identifiable individual. Personal information does not have to be factual; it can also be expressions of opinion or intention about the individual. Personal information does not have to be of a particularly private or sensitive nature. It is information of any nature that is about an identifiable individual.

However, I refer you to your request reference IR-01-25-15242 that you also submitted on 24 April 2025, which will provide you with information relating to the “framework for addressing unlawful hunting with firearms” in New Zealand. Police's response to this request will be released to you in due course.

5. *Does NZ Police and/or the Firearms Safety Authority consider unlawful hunting or trespassing with a firearm as behaviour that would automatically disqualify an individual from being deemed a “fit and proper person” to hold a firearms licence?*

*– If not, what criteria or considerations are used to determine whether such behaviour impacts an individual's eligibility to hold a firearms licence?*



The assessment of all firearms licence applicants is aligned to the purpose and principles of section 1A<sup>1</sup> of the Arms Act 1983 (the Act). Section 24 of the Act requires that an 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 under sections 27 and 60A of the Act<sup>2</sup> include where the licence holder is not a fit and proper person to be in possession of a firearm or airgun.

From 24 December 2020, a new section 24A<sup>3</sup> of the Act provided more detailed statutory guidance on circumstances 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)<sup>4</sup> makes it clear that Police may take into account any other relevant matters considered appropriate.

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.

The factors for consideration for assessment as a fit and proper person include the extent of harm or risk of harm, including 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 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,

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<sup>1</sup> Purposes of this Act (1) The purposes of this Act are to-

- (a) promote the safe possession and use of firearms and other weapons; and
- (b) impose controls on the possession and use of firearms and other weapons.

(2) The regulatory regime established by this Act to achieve those purposes reflects the following principles:

- (a) that the possession and use of arms is a privilege: and
- (b) that persons authorised to import, manufacture, supply, sell, possess, or use arms have a responsibility to act in the interests of personal and public safety.

Section 1A: inserted, on 25 June 2020, by section 5 of the Arms Legislation Act 2020 (2020 No 23).

<sup>2</sup> <https://www.legislation.govt.nz/act/public/1983/0044/latest/whole.html#LMS440344>

<sup>3</sup> 24A Fit and proper person to possess firearm or airgun

(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 member of the Police is satisfied that 1 or more of the following circumstances exist [ ... ] <https://www.legislation.govt.nz/act/public/1983/0044/latest/LMS440359.html>

<sup>4</sup> 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: [...] (c) any other relevant matters the member of the Police considers appropriate.

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- significant or widespread harm or potential for such harm is actually or potentially caused to members of the community.

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 can be described as something being in the interest of the wider public or of public importance. 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, and
- enforcement action is necessary to deter others from similar conduct.

Each case will have its own set of specific and unique circumstances, meaning that the decision maker will need to identify the relevant factors applicable 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.

Conversely, there will also be instances where Police's decision will be based on the totality of the specific behaviour / offending, where 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 setting the relevant facts and corresponding legislative grounds under section 24A that may affect the licence holder's fit and proper status and the consequence of potential revocation of the firearms licence for any subsequent offending/behaviour.

*6. To what extent did the absence of a criminal conviction or a clean criminal record influence the decision not to suspend or revoke the individual's firearms licence?*

*– Was greater weight given to this factor over the behavioural evidence (e.g., repeated unlawful hunting), and does current policy allow for this discretion?*

I refer you to my response to questions 1 to 4, also noting that each case will have its own set of specific and unique circumstances, meaning that the decision maker will need to identify the relevant factors applicable on a case-by-case basis.



Please refer to Te Tari Pūreke's policy which is publicly available in the link below.  
<https://www.firearmssafetyauthority.govt.nz/firearms-safety/hunter-safety/hunting-access-and-unlawful-hunting-activities>

7. *Were any mitigating factors considered in the decision not to suspend or revoke this individual's firearms licence?*

*– If so, what were these factors, and how were they weighed against the seriousness of the unlawful hunting incidents?*

8. *Did NZ Police or the Firearms Safety Authority consider the individual's unlawful hunting on private land as a non-compliance issue under Section 24A(1)(g), a relevant behavioural matter under Section 24A(2)I, or any external sources under Section 24A(3) of the Arms Act 1983 when assessing this individual's fitness to possess a firearm, even in the absence of a conviction?*

*– Can you provide any documentation, reports, or internal notes that reference these sections in the decision-making process?*

*– If the unlawful hunting was not considered under these provisions, please explain why, given the strength of the evidence and its relevance to the individual's conduct.*

9. *In evaluating **the individual's** fitness to hold a firearms licence, did NZ Police/Firearms Safety Authority consider the full pattern of behaviour observed **during the surveillance period** — including the ten separate occasions the **individual** was identified engaging in unlawful hunting, three of which involved entering private property and discharging a firearm — or did the assessment primarily focus on the single occasion when **the individual** was apprehended on private land cutting up the carcass?*

*– Please clarify whether the broader context of repeated behaviour, including trespassing and the use of a firearm on private land, was taken into account in the decision-making process **regarding their status** as a “fit and proper person” under the Arms Act.*

Police is withholding the information sought in Questions 7 to 9 under section 9(2)(a) of the OIA, where withholding is necessary to protect the privacy of natural persons including deceased natural persons. I also refer you to my response to questions 1 to 4 above.

Police considers the interests requiring protection by withholding the information are not outweighed by any public interest in the release of the information.

In relation to a fit and proper assessment, please see my response to question 5 above.

10. *How do NZ Police and the Firearms Safety Authority address concerns about fairness, public confidence, and **transparency in light of their decision not to prosecute or revoke this individual's firearms licence** — despite strong evidence of repeated unlawful hunting and trespassing with a firearm on private property?*

*– Was any communication or internal review undertaken to consider how this decision might be perceived by the general public if the details of the case become widely known*

As an organisation Te Tari Pūreke will continue to work on lifting trust and confidence from the public and the licence holder community with the purpose of helping to keep all communities safe.



Te Tari Pūreke is committed to working with the firearms sector – and the wider community - to listen and understand their ideas and feedback, as well as their challenges and concerns.

While I cannot disclose information about the particular case you are referring to due to privacy reasons, I can advise that Police / Te Tari Pūreke (along with other stakeholders) is doing our part to contribute to preventing unlawful hunting and will continue to investigate reports of this nature.

Te Tari Pūreke works closely with relevant groups, such as the Recreational Firearms Users Working Group which includes organisations such as the Game Animal Council, Federated Farmers of New Zealand and the New Zealand Deerstalkers Association, whom have considerable investment in addressing the unlawful hunting issue.

One of the Core Functions of Te Tari Pūreke is to promote the safe and legitimate use of firearms. Lawful hunting access is one the key elements of legitimate firearms use, and the consistent message is that all firearms users must have permission to use firearms on the land that they hunt or shoot on. This has been communicated in the seasonal roar and gamebird hunting messaging and in involvement in the National Goat Hunting Competition Steering Group. The Te Tari Pūreke website has information on hunting access and shooting on lifestyle blocks:

[Hunting access and unlawful hunting activities | Firearms Safety Authority New Zealand](#)

[Shooting on rural lifestyle properties or small holdings | Firearms Safety Authority New Zealand](#)

There are considerable penalties for unlawful hunting activities in both the Wild Animal Control Act 1977 and the Wildlife Act 1953. Te Tari Pūreke has regular meetings with staff from the Department of Conservation and Fish & Game, in which compliance and enforcement issues are commonly raised.

The creation of the centralised Te Tari Pūreke Resolutions team in 2021, has helped to give greater oversight of this type of illegal activity and provides increased consistency and assurance in respect of the appropriate regulatory intervention made in such circumstances, regarding the individual concerned, on a case-by-case basis (noting unlawful hunting offences are dealt with by Police, while Te Tari Pūreke, as a dedicated branded business unit within Police, focus on regulating the firearms system).

You have the right to ask the Ombudsman to review this decision if you are not satisfied with the response to your request. Information about how to make a complaint is available at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

For your information, Police has developed a process for proactive release of information, so the anonymised response to your request may be publicly released on the New Zealand Police website.

Nāku noa, nā



Mike McIlraith  
**Kaihautū Kōtui | Director Partnerships & Communities**  
**Te Tari Pūreke | Firearms Safety Authority**