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Tēnā koe Hugh

Response to Ministerial Correspondence 26-070

Thank you for writing to the Minister of Police on 17 August 2026 in relation to the “fit and proper person” test, in which you asked the following:

- 1. What checks and balances are currently in place within the Firearms Safety Authority and Police to ensure there is no risk of unfair or selective targeting of licensed firearm owners on the basis of speech that has not met the criminal threshold for prosecution?*
- 2. What is the practical line between speech that may justify administrative action against a firearms licence, and speech that must be dealt with through the criminal justice system? How was that line applied in the recent case involving Brian Tamaki?*

As the questions you raised with the Minister relate to Police’s operational decisions, your correspondence was referred to the Firearms Safety Authority for response. You have also submitted a request for information under the Official Information Act 1982 on 10 August 2026 in relation to a similar subject matter, which is currently being processed by the Firearms Safety Authority.

My response to your questions is outlined below.

The Arms Act provides the regulatory framework

As the Council of Licensed Firearms Owners (COLFO) will be aware, the Arms Act provides a regulatory framework which seeks to protect the public from the harm that may be caused by the misuse of firearms.

The Arms Act confirms that possessing a firearms licence in New Zealand is a privilege and not a right. The law also makes it clear that licence holders must act in the interests of public safety.

In the firearms licence related appeal of *Whitlock v Police* [2022] NZDC 3783, Judge Kelly notes that identifying who are fit and proper is central to our licensing regime:

“As stated in the Minister’s Commentary on the Bill... ‘Strengthening licensing requirements will make it harder for firearms to get into the wrong hands. The suite of



changes to licensing individuals... will better identify those who are fit and proper to possess firearms and promote safe firearms use. ...”

Criminal conviction is not the test of ‘fit and proper’

A firearms licence can therefore be suspended or revoked irrespective of whether a person has been charged by Police or convicted of an offence. The public safety test is whether they are fit and proper to have a firearm in their possession.

Fit and proper decisions are guided by an extensive set of circumstances outlined in section 24A of the Arms Act. It requires the regulator to consider whether the person is suitable to possess and use firearms having regard to prohibitions, disqualifying matters, risk indicators, and other information relevant to public, personal, and community safety.

Section 24A is not an exhaustive list, as that section makes it clear that Police may also *consider information obtained from any source*.

This interpretation has been confirmed by the judiciary, for example, *Wallace v Police* [2022] NZDC 20154, Judge Greig noted:

“Conduct unrelated to firearms can render a person unfit to possess firearms”.

Fit and proper assessment is a risk-based approach

The information needed for a fit-and-proper assessment under the Arms Act is therefore substantive and risk-based. It may include checks for recent criminal offending, relevant conviction and charge information, court outcomes, protection orders, family violence information, gang or organised crime indicators, and any other Police-held or Police-accessible information that is necessary to assess if a person presents a firearms safety risk.

The assessment may also require information from other risk domains. This includes information relevant to national security, domestic and family violence, conservation offending, serious or repeated traffic offending, mental or behavioural risk indicators where lawfully available, and other conduct that may show disregard for safety, lawful authority, or responsible firearms use.

Parliament has recently reconfirmed this

I have been advised that recent COLFO social media posts suggest your organisation believes that the test should begin and end with whether a person has been convicted of an offence. I would note that this is not a position the New Zealand Parliament accepts. In recently passing the Arms Act 2026, the Parliament have maintained the approach that the regulator should continue to consider information from all relevant sources.

Moreover, the one change the Parliament made in this area to the extant legislative approach, was the addition of gang membership as a ground prohibiting a person from being able to obtain a firearms licence. Obviously being a gang member is not a criminal offence in and of itself in New Zealand, nonetheless, the Parliament confirmed this was enough of an indicator not to be considered fit and proper to hold a firearms licence. This further confirms Parliament’s intent that the fit and proper test is about risk, not a person’s criminal offending history (though this is an important component).



Courts recognise a high threshold is demanded by the legislation

I note also the very recent comments of Judge Clark in *Carvell v Commissioner of Police* [2025] NZDC 4894, at [10], that this test should necessarily set a high bar:

“Considerable emphasis then is placed on ensuring the safety of New Zealanders in and around the use and possession of firearms. A high threshold is demanded by the legislation to control how this is to occur....The New Zealand Courts have been quick to recognise the high threshold and responsibility which comes with the ownership, possession (and dealing) of firearms.”

All of this is an important backdrop to your questions about the process (the ‘checks and balances’ to which you refer) to ensure decision-making is applied fairly.

Supporting good decision-making

The Police Manual chapter *Compliance - Revocations, etc. (Arms Act)* explains the steps the Firearms Safety Authority can take when licence holders become not fit and proper to hold a firearms licence. I attach this Chapter (with some limited redactions) as this will likely be of interest to COLFO.

I draw your attention specifically to the following exert which sums up well the commitment to decision consistency:

“The Firearms Safety Authority | Te Tari Pūreke aims to be consistent in its decision-making, and it is important that the intervention principles, factors for consideration and guidance in this chapter are followed. Human rights obligations will be respected and upheld. Responses will be applicable to the facts of the particular event, however, each case will be unique and there will always be a level of subjectivity in decisions.”

The chapter is transparent and repeatedly emphasises proportionality. It shows that one concern alone does not automatically make someone unfit and outlines the natural justice elements involved in robust decision-making.

The Chapter also sets out circumstances listed in the Act that might render a licence holder not fit and proper. The Chapter also sets out such things as how other Police warning types might apply to fit and proper assessments in the firearms’ regulatory context.

These include:

- Police Formal Warnings
- Written Traffic Warnings (WTW)
- Verbal warnings
- Police Safety Orders
- Protection Orders

The Chapter provides detailed guidance notes helping ensure a good decision-making processes are followed. In the section ‘Factors for Consideration’ its sets out how a reviewer is to assess explicit factors and anything else of relevance, including:

- Seriousness of a failure
- Circumstances surrounding any offending; and
- Totality of behaviour.



Additionally, the Chapter points reviewers to a significant body of case law, to further inform their decision-making process.

Consideration by the regulator is independent of other Policing outcomes

The Firearms Safety Authority (FSA) has the task of independently reviewing a licence holder's fit and proper status.

All assessments by the regulator are done independently of any Police outcomes. This is also why the FSA may progress a suspension and/or revocation when Police have decided not to charge an individual. That is, as the regulator they can determine there is enough information to indicate the licence holder is not fit and proper.

This underscores the point that the FSA do not rely on a Police perspective when they are conducting a fit and proper assessment of a licence holder. Each person is assessed on a case-by-case basis and, as above, the regulator can consider a wide range of information in making these decisions.

Rights of review or appeal

Anyone who has had their firearms licence revoked by Police may apply to the Commissioner for a review of the decision. The Commissioner must delegate the responsibility for reviewing the revocation decision to a person other than the original decision maker. In practice the independent decision maker is an Inspector (or higher rank) with delegated authority within Firearms Safety Authority.

Additionally, there is a right of appeal to a District Court Judge for revocation decisions. Both these review/appeal steps ensure that no unfair or selective targeting of a licence holder has occurred.

Comparatively few decisions are being overturned

In 2024/25, the latest full year of data available, the Firearms Safety Authority suspended 1,142 licences, or around 0.5% of licence holders. Of these, 707 licences went on to be revoked. Some 43 revocations were appealed to a District Court, with only 17 cases overturned on appeal (just 2.4% of all revocations).

These revocation results demonstrate that the Firearms Safety Authority has been getting these regulatory decisions right in the overwhelming majority of cases. These robust and reliable decisions demonstrate that the Act is being applied fairly and consistently by the regulator. Through this decision-making process Police are helping to keep firearms users, and all New Zealanders safe.

A Firearms Licence Review Committee to further increase trust and confidence

I conclude by pointing to the recently passed Arms Act 2026 which is introducing an additional check-and-balance on licensing decisions in the form of the Firearms Licence Review Committee (FLRC).

Licence holders will be able to take firearms licence decisions to this new independent Committee, which will be able to review both conditions imposed on firearms licences and decisions to refuse or revoke a licence. It further ensures transparent and independent review is available for firearms licence decisions.

Having an independent review process is intended to further increase trust in the licensing system, and I am advised has been supported by COLFO.

Thank you again for taking the time to write.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read "Mike McLraith", with a stylized flourish extending from the end.

Mike McLraith
**Director – Communities and Corporate
Firearms Safety Authority**

Compliance - Revocations, etc. (Arms Act)

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Overview

What

This Police Manual chapter explains Police's approach in ensuring that licence holders comply with the [Arms Act 1983](#) and [Arms Regulations 1992](#), and the steps the Firearms Safety Authority | Te Tari Pūreke (a business unit of New Zealand Police) can take when licence holders do not comply or become not [fit and proper](#) to hold a firearms licence.

Compliance means meeting or exceeding the requirements of the regulatory framework that is designed to ensure:

- personal and public health and safety, including the safety of Constabulary members of Police
- security of firearms
- the responsible possession and use of firearms

The Firearms Safety Authority | Te Tari Pūreke seeks the highest possible level of voluntary compliance.

Why

As the regulatory authority Police and its business unit, the Firearms Safety Authority | Te Tari Pūreke, is responsible for:

- ensuring the safety of our communities in relation to firearms and arms items
- ensuring licence holders comply with the [Arms Act 1983](#) and [Arms Regulations 1992](#),
- ensuring licence holder behaviour aligns with the requirements of the Arms Act (fit and proper)
- mitigating the risk of harm posed by firearms licence holders where there are grounds to believe that those licence holders are no longer fit and proper.

Police and the Firearms Safety Authority | Te Tari Pūreke expects firearm licence holders to operate safely, securely, and responsibly, knowing 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 of sanctions from Police for non-compliance
- some people will not comply at all.

Therefore, the Firearms Safety Authority | Te Tari Pūreke aims to:

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

How

The Firearms Safety Authority | Te Tari Pūreke will focus and tailor interventions on licence holders in line with the levels of risk, the actual or potential consequences, and the behaviour, attitude, and capability of firearms licence holders.

The Firearms Safety Authority | Te Tari Pūreke focuses on two aspects of risk:

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

The Firearms Safety Authority | Te Tari Pūreke will be more likely to intervene on a licence holder 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 the Firearms Safety Authority | Te Tari Pūreke is 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 are potentially, very serious. In these instances, the nature or level of the risk may require regulatory action by Police.

Priority is on achieving these outcomes rather than commencing enforcement action against licence holders for every technical breach of relevant law.

The Firearms Safety Authority | Te Tari Pūreke aims to be consistent in its decision-making, and it is important that the intervention principles, factors for consideration and guidance in this chapter are followed. Human rights obligations will be respected and upheld. Responses will be applicable to the facts of the particular event, however, each case will be unique and there will always be a level of subjectivity in decisions.

Some breaches of the Arms Act and Arms Regulations (for example, failing to notify a change of address, or failing to provide information required for the registry) are also offences for which licence holders may be prosecuted by Police.

This chapter focuses on licence interventions and does not cover prosecution for offences, which may occur separately and in addition to licence intervention.

The Firearms Safety Authority | Te Tari Pūreke manage the processes outlined under this chapter.

Information sources that may prompt a licence review

Police receives information on licence holders from a variety of sources. Information that requires action against a licence is to be recorded in the NIA within the Firearms Case Management System.

Below are some possible sources of information.

Firearms Licence Review (FLR) and Intel Noting Report

The 'Firearms Licence Review' report and Intel Noting Report are NIA generated reports which provides information about licence holders who have come to Police attention for a variety of matters that have been recorded in NIA.

These reports are the main source of information for the Firearms Safety Authority | Te Tari Pūreke, who are responsible for triaging and assessing the information for risk. The reports will assist staff in determining appropriate compliance action in respect of those licence holders.

For this reason, it is important that Police interactions, incidents, occurrences, and observations with licence holders are recorded in NIA so that they appear on the FLR or Intel Noting report.

Firearms Event Reporting (FER)

The Firearms Event Report (FER) sits within OnDuty, and acts as a single reporting function for any action or activity involving a firearm, for example, firearm offence, firearm seizure or surrender.

The FER can be used to create intel notings to record information (only) that involves a firearm, which will then appear on the Intel Noting Report received by the Firearms Resolutions Team.

Emails and phone calls received that raise concerns about a licence holder

Emails sent by Police staff to the Firearms Resolutions Team should have an accompanying NIA entry (occurrence, intel noting etc) at the time or promptly after notifying the Firearms Resolutions Team.

Emails or phone calls of concern received directly by the Firearms Safety Authority | Te Tari Pūreke from the public should be reviewed and addressed as soon as possible.

The content of the emails or phone calls may require additional constabulary action and should be entered into NIA as an intel noting report and referred to the Firearms Resolutions Team.

Compliance and Resolutions Managers should engage with Constabulary Police (for example the relevant DCC) if required. In some cases where the risk of harm is low, it may be appropriate to ask the sender of the email to submit a report to 105 so that it can be appropriately dispatched to constabulary staff (if required).

Health practitioner reporting

Since 24 December 2020, licence holders have been required to provide the name and contact details of their health practitioner when applying for a firearms licence and update that information if their health practitioner changes.

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)). In this way most health practitioners should know which of their patients hold a firearms licence.

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 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 receives a medical report, they may require the licence holder to undergo a further medical assessment by a different health practitioner. If this occurs then the licence holder must either:

- undergo further assessment, or
- surrender their licence.

If the medical report (whether together with other information or not) 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 is not satisfied based on the medical notification the Commissioner (or his delegate) the licence holder may be required to undergo the further medical assessment.

If a licence holder refuses or fails to either undergo the further assessment, or to surrender their licence instead, in accordance with section [92\(3\)](#), this is a breach of the Act and grounds for [temporary suspension](#) of their licence (ss 24A(1)(g) and 60A(1)).

See also: '[Health Practitioner Reporting](#)' part of the 'Arms' chapter for more detail on the process for health practitioner reporting.

Firearms burglaries

Reports of stolen firearms or firearms burglaries will usually appear on the FLR.

These reports will be triaged by the Firearms Resolutions Team in the first instance (in relation to firearms licensing) and where significant, deliberate or repeated non-compliance with the secure storage requirements is identified a temporary suspension pending possible revocation may be considered.

Where minor non-compliance or no non-compliance is identified, the Firearms Safety Authority | Te Tari Pūreke will assess the report and contact the firearms licence holder to discuss their security and any improvements or changes that may need to be made. If there has been non-compliance, that may result in a warning letter or may be escalated back to the Firearms Resolutions Team for further investigation.

In all cases, a physical security check must be conducted after a firearms burglary.

Disqualified persons

Disqualified - section 22H

Under section [22H](#) of the Arms Act 1983 a person is disqualified from holding a firearms licence if:

- the person has 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 specified violent offence as defined in section 4 of the Victims' Orders Against Violent Offenders Act 2014:
 - 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](#) of the Family Violence Act 2018 or section [14](#) the Domestic Violence Act 1995.
- the person is subject to a firearms prohibition order.

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.

Members of the Armed Forces may be charged with "civil offences" under section [74](#) of the Armed Forces Discipline Act 1971. They can be charged with committing an offence against section [74](#) of the Armed Forces Discipline Act, by doing an act (whether in New Zealand or elsewhere) which if done or committed in New Zealand, would be an offence against a New Zealand Act. If a person is convicted of an offence against section [74](#) of the Armed Forces Discipline Act because they engaged in conduct that is an offence against one of the offence provisions in section [22H](#) (for example, an offence under section 6 of the Misuse of Drugs Act 1975), that conviction will not be a disqualifying conviction for the purposes of section [22H](#). However, the proven conduct will still be highly relevant to whether the person is fit and proper to possess firearms and should still be taken into account.

Some key words to look out for when reviewing offences/charges/convictions in NIA include:

- Prohibited firearms
- Sexual-related offences
- Wounding or injuring
- Threatening to kill
- Strangulation
- Assault with weapon
- Cultivating (drugs)
- Supplying (drugs)

Revocation if holder becomes disqualified

If a licence holder becomes disqualified, their licence is immediately revoked. Police should give the licence holder written notice of the revocation promptly after a 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\(2\)](#)).

Transitional provisions for people who held a firearms licence as at 24 December 2020

Clause 10 of 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](#), being 24 December 2020, while that firearms licence remains current.

This means, for example, a person who had a firearms licence that was current on 24 December 2020:

- that had been issued before that date despite that person having been convicted of an offence specified in section [22H](#) in March 2020, or
- previous to 24 December 2020 (and within the previous 10 years) had a protection order made against them that is:
 - no longer current; or
 - is still current but the person has been able to apply for and obtain a firearms licence before December 2020 because:
 - they had had the weapons condition discharged from the protection order; and then
 - successfully sought and obtained a firearms licence after that

does not automatically have that firearms licence revoked under s 27B and [22H](#) a (as far as that existing licence is concerned) because the conviction occurred, or the protection order was made before the commencement of section 22H, or the protection order remains current (albeit with no weapons condition).

However, when applying for a new firearms licence (including a "renewal") they will be treated in the same way as other new licence applicants, meaning that:

- If that protection order remains in force (regardless of whether the weapons condition remains or not), they will be disqualified from applying for a firearms licence because they will still "have" a protection order made against them at that time ([s22H\(b\)](#)).
- If they successfully apply to the Family Court to discharge the protection order, they will still be disqualified for 10 years from the date when the (final) protection order was originally "made".

Also, news [22H](#) matters arising since 24 December 2020 will mean the person is disqualified and lead to automatic revocation (for a licence holder) in the usual way, for

example:

- an existing licence holder, convicted of an offence specified in section 22H in February 2021, or who has a protection order made against them in March 2022, 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 as at 23 December 2020 and who was 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 (and regardless of whether the weapons clause is removed or not).

Fit and proper to possess firearms or airguns

Section [24](#) of the Arms Act requires Police to be satisfied that a person is a fit and proper person to possess firearms or airguns before issuing that person a firearms licence which then allows them to be in possession of a firearm or an airgun. See also Firearms Licence arms chapter for the process of issuing a firearms licence.

Section [24A](#) of the Arms Act 1983 provides 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 exhaustive list - section [24A\(2\)\(c\)](#) makes it clear that Police may take into account any other relevant matters considered appropriate, no matter the source of that information.

Any assessment must be exercised consistently with human rights obligations, such as those guaranteed in the New Zealand Bill of Rights Act 1990 and prescribed in international conventions. This may include the right to privacy and freedom from discrimination. For further guidance on rights and obligations, refer to the [Human rights in policing](#) and [New Zealand Bill of Rights](#) chapters.

[Case law has also evolved to provide more guidance.](#)

There are additional fit and proper considerations that apply when considering whether a person is fit and proper to be issued with an endorsement for prohibited items, pistols or restricted weapons or a dealer licence and endorsements on a dealer licence. See the [Dealer arms chapter](#) and [Endorsement and Conditions arms chapter](#) for further information.

Fit and proper considerations

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.

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

- that the possession and use of arms is a privilege; and
- 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.

These purposes and principles 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 and important express statutory criteria with regard to whether their firearms licence should be issued, suspended or revoked. For the purposes of the revocations part of this arms chapter, if a licence holder is considered not fit and proper the following should be considered:

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

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

- unlawful, dangerous, violent, or unsafe behaviour, or
- non-compliance with the Act, regulations and/or 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 the firearms licence under sections [60A](#), [27C](#) and [27\(2\)\(a\)](#).

The assessment of a person's fit and proper status requires consideration of:

- the specific behaviours, offending or circumstances defined in [s24A\(1\)\(a\)-\(n\)](#) or [24A\(2\)](#) or as considered relevant that the licence holder is involved with, and then
- 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.

Information indicating that the person is not fit and proper need to be weighed against other information that may indicate they are fit and proper (for example, whether they have a sound knowledge of the safe possession of firearms).

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 met one or more of the circumstances listed below:

Section 24A(1)

Section	Description	Clarification
24A(1)(a)	the person is 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)	To invoke this section the offence must be punishable by imprisonment If the offence is only punishable by way of a fine, this section cannot be invoked but another applicable paragraph for example, 24A(1)(b) for a fine only Arms Act offence, or section 24A(2)(c) could be used

24A(1)(b)	the person is charged with or has been convicted of an offence under the Arms Act 1983	If there is a breach of the regulations or other breaches of the Act that are not offences (e.g. breaches of conditions) or that did not result in charges but the conduct can be proved to the civil standard on the balance of probabilities may still be relevant under 24A(1)(g).
24A(1)(c)	the person is charged with or has been convicted of an offence against- - section 231A of the Crimes Act 1961; or - the Game Animal Council Act 2013 ; or - the Wildlife Act 1953 ; or - the Wild Animal Control Act 1977	
24A(1)(ca)	the person has, or has had at any time, a firearms prohibition order made against them	See Firearms Prohibition Order arms chapter
24A(1)(d)	the person has, or has had at any time, a temporary protection order made against them under- - section 79 of the Family Violence Act 2018; or - section 14 of the Domestic Violence Act 1995	This is for temporary protection orders. See disqualified persons for information about final protection orders
24A(1)(e)	the person 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	A protection order is not required to be in place to invoke this section, but there must be grounds for a protection order to be made.
24A(1)(f)	the person has, or has had at any time, a restraining order made against them under the Harassment Act 1997	
24A(1)(g)	the person has engaged in any conduct involving non-compliance with any requirements of- - this Act; or - any regulations made under this Act; or - any conditions to which a permit, licence, or endorsement previously issued to the person under this Act was subject:	For example, non-compliance with Regulation 19 (security requirements) or any of the general licence conditions in s 24B of the Act, or non-compliance with an improvement notice.
24A(1)(h)	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	Police must be able to demonstrate that a person's mental or physical illness <i>may affect</i> their ability to safely possess firearms. Ideally health practitioner information would support the belief that the illness or injury may impact on their safety (or the safety of others) if they are around firearms. For example, a person's actions that pose a risk due to a mental health concern may lead to temporary suspension. The presence of a mental health condition alone will not be enough to invoke this section if that condition is being well managed and there is no reason to think that it will adversely affect their ability to safely possess firearms.
24A(1)(i)	the person abuses alcohol, or is dependent on alcohol, to an extent that affects detrimentally their judgement or behaviour	Police must be able to demonstrate that the abuse of alcohol or dependence is affecting the person's judgement or behaviour. e.g., a licence holder who consumes a large amount of alcohol then drives a car has demonstrated that they have abused alcohol to the extent that it has affected their judgement, and their decision making is not lawful or in the interest of personal or public safety. Excess alcohol consumption may also result in fighting violent or aggressive behaviour.
24A(1)(j)	the person uses drugs (illegal or legal) in a way that affects detrimentally their judgement or behaviour	Police must be able to demonstrate that the use of drugs is affecting the person's judgement or behaviour. e.g., a licence holder who consumes a large amount of cannabis then drives a car has demonstrated that they have used drugs to the extent that it has affected their judgement, and their decision making is not lawful or in the interest of personal or public safety.
24A(1)(k)	the person is a member of, or has close affiliations with, a gang or an organised criminal group	There should be evidence of gang membership or close affiliations with a gang (or organised criminal group) before using this section.
24A(1)(l)	the person has shown patterns of behaviour demonstrating a tendency to exhibit, encourage, or promote violence, hatred, or extremism	Police must be able to show that there is a pattern of this type of behaviour. A one-off comment may not be enough to invoke this section (although section 24A(2)(c) may then be relevant).

24A(1)(m)	the person has been assessed as a risk to a State's national security:	
24A(1)(n)	the person satisfies any criteria prescribed in regulations made under section 74(1)(bb)	For example, see Regulation 15A

Police is not limited to section [24A\(1\)](#). Under section [24A\(2\)](#) may also take into account any other relevant matters it considers appropriate when assessing fit and proper:

Section [24A\(2\)](#) - other relevant considerations

There are additional relevant considerations that Police may take into account when considering whether anyone (whether an applicant or an existing licence holder) is fit and proper to possess firearms or airguns specified under section [24A\(2\)](#), being:

1. whether the applicant (for a licence)-

- has a sound knowledge of the safe possession and use of firearms and
- understands the legal obligations of a holder of a firearms licence, including the endorsements that may be made on a firearms licence.

2. Any other criteria prescribed in regulations made under section [74\(1\)\(bc\)](#).

Regulation 15A was made under this provision (see below) and covers situations where it may be difficult to get reliable information about persons who have lived overseas in the previous 10 years, or there have been issues with referees.

3. any other relevant matters the member of the Police considers appropriate ([24A\(2\)\(c\)](#)).

Note: Relevant matters can include traffic-related offending, infringements and suspensions. Some additional traffic-related offences are kept in the Police Infringement Bureau subsystem (PIPS) system, and this system may be accessed for fit and proper assessments. However, access to this system is controlled by the Police Infringement Bureau. As with all cases, the intervention principles should be applied.

Regulation 15A

Regulation [15A](#) provides further provisions for Police to find an applicant to be not fit and proper (under [s24A\(2\)\(b\)](#)) where:

- the applicant spent time outside New Zealand in the previous 10 years and Police sought information about that period to inform a decision as to whether the applicant is a fit and proper person, but Police have not received the information or have not been able to verify the information about that period provided by the applicant.
- any person named by the applicant in compliance with regulation [15\(f\)](#), [\(g\)](#), [\(h\)](#), [\(i\)](#), [\(j\)](#), or [\(k\)](#) (referees and ex-partners or spouses) is unable or unwilling to provide sufficient information to enable the Police to be satisfied that the applicant is a fit and proper person.
- Police has not been able to contact or confirm the identity of any person named by the applicant in compliance with regulation [15\(f\)](#), [\(g\)](#), [\(h\)](#), [\(i\)](#), or [\(j\)](#) who resides overseas, or the person will not agree to an interview.

Section [24A\(3\)](#) allows for Police to seek and receive any information it thinks appropriate and consider information obtained from any source in determining whether a person is fit and proper.

Police warning types and how they apply to fit and proper assessments

Police Formal Warnings

A formal warning is a lawful alternative to prosecution when certain requirements are met.

A formal warning can be issued from a scene or at a Police station, after consideration has been given to the weight of evidence that supports evidential sufficiency requirements, and the public interest regarding prosecution.

The alleged offender must admit responsibility for the offending, and the offender must provide informed consent to take part in a formal warning process. The officer must document the evidence that meets the elements of the offending when reporting the case. Approval from a supervisor must also be obtained and recorded.

For more information on Police Formal Warnings, see the '[Formal warnings](#)' chapter.

In the firearms licence regulatory context

Where a formal warning is used to resolve an offence, the Firearms Safety Authority | Te Tari Pūreke may review it as part of a holistic approach to determining whether a person is fit and proper. The single incident and formal warning may result in:

- no further action
- an educational approach explaining how coming to Police attention can prompt a review of their firearms licence
- a warning letter outlining the specific behaviour in the incident is not consistent with the criteria of a fit and proper person, and that further incidents may result in further action taken against their firearms licence.

It is unlikely that a single formal warning would lead to a suspension, revocation or refusal unless the incident was part of a pattern of criminal behaviour or escalating

poor behaviour or if the incident was seriously violent, part of ongoing family harm issues or presented a significant risk to public safety.

Written Traffic Warnings (WTW)

WTWs are issued for generally minor offending of a technical or regulatory nature.

In terms of seriousness, WTW sit between verbal warnings and infringement notices with charging (for traffic) and arrest at the highest end.

WTWs can only be issued when the person has not received previous enforcement action and has accepted fault.

WTWs may not be appropriate if the offence has caused or aggravated trauma (i.e. RIDS offences Restraints, Impairment, Distraction or Speed) or where there are emerging risk or significant safety risks.

In the firearms licence regulatory context

Occurrence or incidents that result in WTWs can be reviewed by staff as part of the Firearms Safety Authority | Te Tari Pūreke ongoing eligibility scanning. They may be used to guide a fit and proper assessment, especially where there has also been an escalation of criminality or violence over a prolonged period.

They must be considered carefully if they are the result of a Police interaction only (and not a full investigation/charge), and the facts can be easily disputed. For example, the identification of the individual may have been incorrect, or the individual may not have admitted to any offence.

For licence holders who do not meet the threshold for revocation, but may have received a WTW during an incident, an educational approach can be considered when appropriate instead.

Verbal warnings

Often in occurrences there will be mention where frontline have attended an incident and have spoken to a suspect / offender for an incident and 'given guidance' or 'warned about behaviour'.

Unlike formal warnings:

- there may be no admittance of guilt by the suspect/offender
- the identification of the individual could be incorrect
- the interaction and incident could be easily disputed.

In the firearms licence regulatory context

Occurrence or incidents that result in verbal warnings can be reviewed by staff as part of the Firearms Safety Authority | Te Tari Pūreke ongoing eligibility scanning. They may be used to guide a fit and proper assessment, especially where there has also been an escalation of criminality or violence, or if it is within the family harm context.

They must be considered carefully as they are the result of an interaction only (and not a full investigation/charge), and the facts can be easily disputed. For example, the identification of the individual being verbally warned may have been incorrect, or the individual may not have admitted to any offence.

For licence holders who do not meet the threshold for revocation but may have received a verbal warning during an incident, an educational approach can be considered when appropriate instead.

Verbal warnings

Often in occurrences there will be mention where frontline have attended an incident and have spoken to a suspect/alleged offender for an incident and 'given guidance' or 'warned about behaviour'.

Unlike formal warnings:

- there may be no admittance of guilt by the suspect/alleged offender
- the identification of the individual could be incorrect
- the interaction and incident could be easily disputed.

In the firearms licence regulatory context

Occurrence or incidents that result in verbal warnings can be reviewed by staff as part of the Firearms Safety Authority | Te Tari Pūreke ongoing eligibility scanning. They may be used to guide a fit and proper assessment, especially where there has also been an escalation of criminality or violence, or if it is within the family harm context.

However, they cannot be used as a sole basis to revoke or warn a firearms licence holder nor used to get a revocation "over the line" where the revocation grounds have not already been met.

They must be considered tentatively as they are the result of an interaction only (and not a full investigation/charge), and the facts can be easily disputed. For example, the identification of the individual being verbally warned may have been incorrect, or the individual may not have admitted to any offence.

For licence holders who do not meet the threshold for revocation but may have received a verbal warning during an incident, an educational approach can be considered when appropriate instead.

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](#).

A Police Safety Order is only in force for a limited period. During this period the Firearms Resolutions Team should assess whether the bound person is a fit and proper person to possess a firearm or airgun ([s24A](#)). A notice of consideration of revocation of firearms licence or a notice of temporary suspension may then be issued.

Protection Orders

Protection orders issued under the Family Violence Act may be:

1. Temporary - these orders are time limited and issued if an application is made and granted without prior notice to the respondent; or
2. Final - if there is no opposition following a temporary order issuing or an application being made on notice, or following a hearing where a Judge decides to issue one.

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

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.

See further information below about removal of the weapons condition and disqualification under the Arms Act.

Temporary protection orders

If the order is a temporary protection order, the Firearms Resolutions Team will ascertain whether the respondent is a fit and proper person to possess a firearm or airgun under the Arms Act, noting that there may be other fit and proper issues in addition to the temporary protection order. A notice of consideration of revocation of firearms licence or a notice of temporary suspension may then be considered.

If the licence has not been temporarily suspended under the Arms Act, the firearms licence will remain suspended whilst the temporary protection order is in force. ([s99\(1\)\(a\)](#) of the Family Violence Act). If temporary protection order is then discharged, the licence and arms items must be returned to the person as there is no longer a suspension in force.

Final protection orders

A firearms licence is deemed to be revoked when a final protection order is in force ([s99\(1\)\(b\)](#) and [163](#) Family Violence Act). The licence holder also becomes disqualified under section 22H of the Arms Act.

Where a firearms licence holder becomes the respondent of a final protection order, the Firearms Resolutions Team will issue the respondent a written Notice of Revocation of Firearms Licence and ensure the holder's firearm licence and any firearm in their possession or control is or has been surrendered. The revocation has effect as if the firearms licence had been revoked under the Arms Act 1983 (and cannot be appealed- section 163(4)(b) Family Violence Act).

Note that the standard weapons condition of the Protection order can be removed or changed by the Family Court under section [157](#) of the Family Violence Act. If the weapons condition has been discharged or modified and the respondent applies for a firearms licence:

1. the Police employee considering that application is not obliged to issue the firearms licence ([s157\(6\)](#) of the Family Violence Act).
2. Section 22H of the Arms Act must be considered - the person will be disqualified if there is still a protection order in force (or it has been discharged but was made within the previous 10 years) and therefore they cannot hold a firearms licence.

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

Sections [98](#) to [102](#) and [158](#) to [164](#) of the Family Violence Act 2018 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.

See also: Police Safety Orders

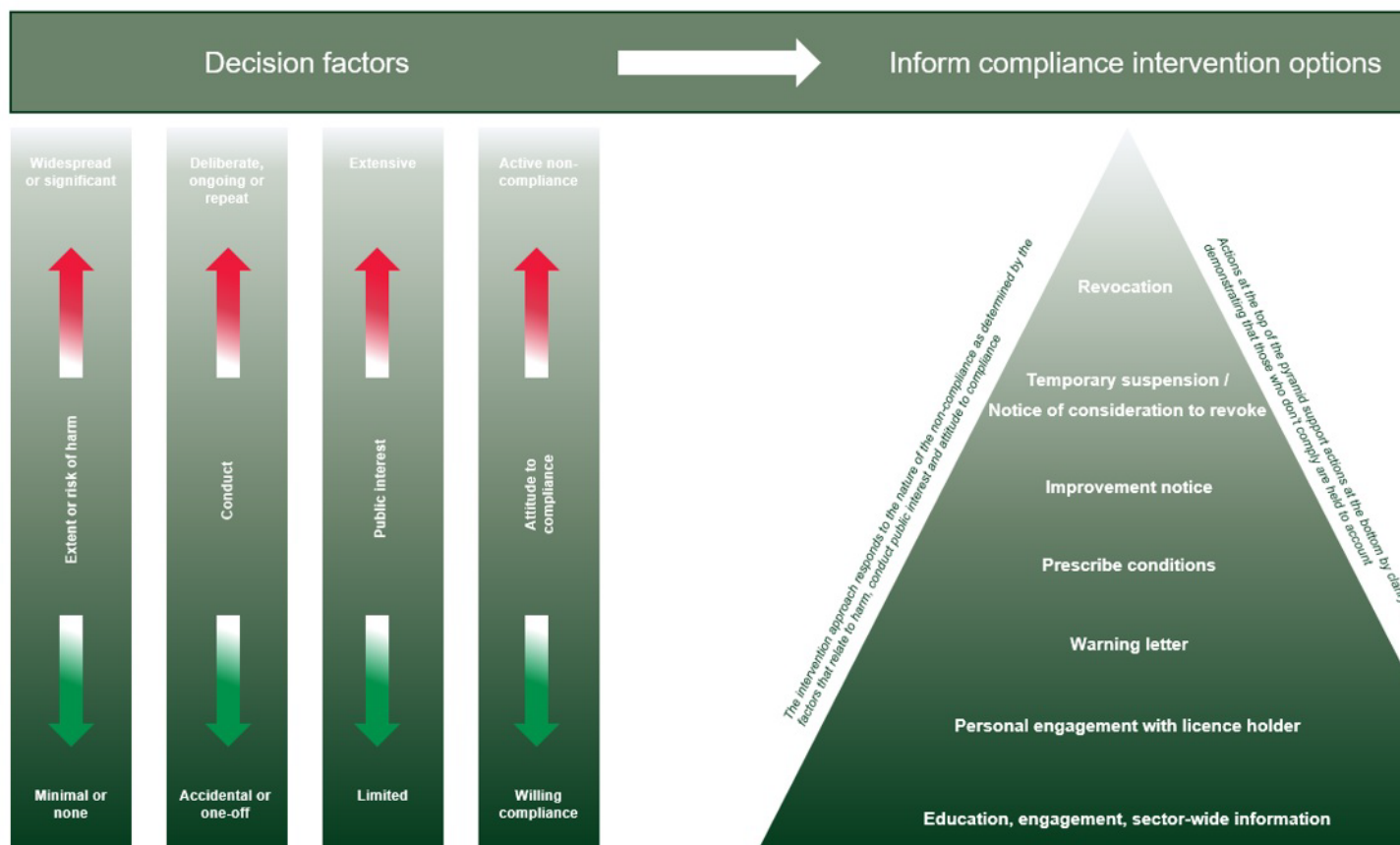
Next steps after a licence holder has met one or more of the considerations set out under section 24A

Meeting one or more of the considerations set out under section [24A\(1\)](#) or [24A\(2\)](#) is the first stage in the assessment of a person's fit and proper status. Falling into one of the categories listed above does not, alone, prescribe that a person is no longer fit and proper and further assessment must be made. The subsequent stage of the fit and proper assessment continues in [Intervention Principles](#).

Intervention principles

Below are the intervention principles that should be considered when assessing whether a person is fit and proper.

Intervention principles model



Decision-making on compliance interventions

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

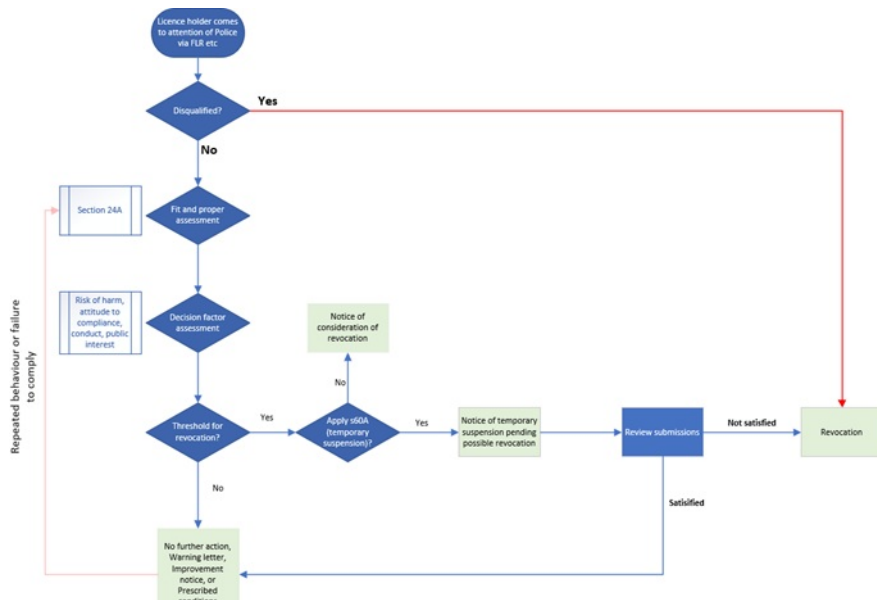
- logical, timely and considered
- evidence-based
- made impartially and without fear, favour, bias, prejudice, or improper motive
- made in line with human rights obligations
- sufficiently robust and well documented, to withstand judicial review
- proportionate to the risk posed by the non-compliant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

The range of interventions available enables the Firearms Safety Authority | Te Tari Pūreke to:

- provide information and educational material
- 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 that 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.

The Firearms Safety Authority | Te Tari Pūreke will determine the appropriate interventions/s based on consideration or risk, attitude, behaviour, and capability in conjunction with section [24A](#), however, each case will be unique and there will always be a level of subjectivity in decisions.

Intervention decision flow model



The Intervention Decision Flow has been designed to provide guidance on the appropriate intervention tools.

Factors for consideration

If a person fits one or more of the criteria under section 24A the next step is to assess the following factors and anything of relevance:

- 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
 - 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
 - historical behaviour that Police were aware of previously (but perhaps previously formed the belief that the person had rehabilitated or was at low risk of future breach) can be brought back into consideration.

In addition, if the person has been charged with an offence (and the criminal case not yet concluded), when deciding what action, if any, should be taken prior to the case concluding, factors including the following should be considered:

1. How long ago the alleged conduct occurred.
2. Any other known conduct by the person.
3. If known, the nature of the evidence supporting the charges (for example, CCTV footage, evidence of injuries, witnesses available).

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 a review the totality of the specific behaviour / offending by the licence holder, in the context of the purposes and principles of the Act, in order to reach a fair and justifiable decision.

The specific 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 the likelihood or risk that the behaviour will cause 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 applicable laws (including overseas legislations)
- 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

When assessing the licence holders' history of non-compliance, Police should consider:

- **the seriousness / frequency of 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.

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.

Intervention options

No further action

Should the Firearms Safety Authority | Te Tari Pūreke decide that the licence holder meets the fit and proper assessment, or the Firearms Safety Authority | Te Tari Pūreke decides not to take any compliance action on the firearms licence, a record of the assessment is still required to be entered in NIA.

Where no further action is taken after a consideration of revocation, the reason why should be documented in NIA by way of notice to the licence holder.

Firearms licensing 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 or if the licence holder's licence is no longer current (e.g. expired, surrendered).

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 after Te Tari Pūreke learns of the behaviour of concern and has decided that a warning is sufficient. A phone call should be made to the licence holder to advise them that they will be receiving a warning letter and explain the reasons why, as part of the engagement and education regulatory approach.

The Firearms Safety Authority | Te Tari Pūreke 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 in the future.

Improvement Notice

An improvement notice can only be issued under section [60](#) if the holder of a firearms 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.

A tangible and measurable improvement is required to remedy the failure or prevent a failure from occurring, within a specific period of time in order for an improvement notice to be used.

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 is some relatively minor failing in the dealer's or ammunition seller's records that requires rectification, that could be required by issuing an improvement notice that sets out the required amendment and a time frame within which to be achieved, and then compliance checked by checking the record.

In comparison, section [24B\(1\)\(a\)](#) contains a licence condition that when using a firearm, the licence holder must 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 injures another person, it is unlikely that an improvement notice will be a sufficient remedy or that specific and measurable improvement action will be able to be identified.

Content of the notice

The improvement 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 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.

It should also explain the incident or concern that led to the improvement notice so that the licence holder has the full context.

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.

Issuing improvement notices

Improvement notices will be issued and managed by the Firearms Compliance Team and staff wanting to raise matters for consideration for the issue of an improvement notice should contact firearmscompliance@police.govt.nz.

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\(3\)](#)). Ideally, the licence holder should first be phoned by the Police member to discuss the concerns and explain that an improvement notice will be issued and the phone call used as an education opportunity. The notice should be issued soon after the identification of the failure or the likely failure.

Extension of time

The Firearms Safety Authority | Te Tari Pūreke 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 temporarily suspending the licence ([s60A\(1\)\(a\)\(iii\)](#)) while revocation is considered.

NIA record keeping

Staff need to record the issuing of the improvement notice in, 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 in the future. 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.

Conditions on a licence

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

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

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

There will be some occasions where it may be appropriate to impose prescribed conditions upon a licence, endorsement or permit for a short period of time, if the conditions will sufficiently mitigate a risk identified or address a specific situation appropriately. However, prescribed conditions must not readily be used to circumvent or override the current provisions or regulations under the Arms Act 1983 or Arms Regulations 1992, nor should they be used to allow a person who is not fit and proper to retain their firearms licence and access to firearms.

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 needs to provide written notice to the licence holder, ammunition seller, 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.

Routes to revocation

A firearms licence may be revoked by three routes under the Arms Act:

1. Under section 27B, automatically on disqualification - this process can only be used when the person becomes disqualified under by meeting one of the grounds under section 22H. The licence holder does not get prior notice or an opportunity to make submissions, and they cannot have the decision reviewed or appeal it to the District Court.
2. Under section 27C, following a temporary suspension - the licence holder's licence will first be temporarily suspended under section 60A, meaning the person is treated as unlicensed for the suspension period. When serving the suspension notice Police can require the person to surrender their arms items, ammunition and firearms licence while revocation is being considered. This ensures that those items will not be inappropriately used or transferred once the person becomes aware of the Police concerns.
3. Under section 27, with prior notice and the opportunity to make submissions - caselaw on this process requires Police to follow natural justice processes and give the affected person:
 1. Prior notice that revocation is being considered, the reasons for that, and information relied on; and
 2. A reasonable opportunity to provide information or submissions in response.

before making a final decision. If this route is utilised, the person's licence remains current while revocation is being considered and can continue to lawfully possess arms items and ammunition. Accordingly, this route will not usually be preferable from a safety perspective. However, it may be suitable if the person's access to firearms is dealt with by some other mechanism for the period that it will take to make and give notice of the revocation decision.

In most cases where the person is not fit and proper to possess firearms or airguns (but not disqualified), 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 by the licence holder 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 with prior notice (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.

Notice of consideration of revocation (on notice, with no temporary suspension)

Police can revoke a firearms licence pursuant to section [27\(2\)](#). This process is initiated by a commissioned officer within Te Tari Pūreke, writing to the licence holder giving them notice that revocation is being considered.

Natural justice principles and case law require that Police:

- discloses to the licence holder the adverse information relied upon when making the decision to consider revoking the firearms licence, and
- provides 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 is relying upon when considering revoking the licence, and the information relied on to support those grounds.

Service of the notice

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

- delivered in person to the licence holder (if the person refuses to accept/take it, the notice can be put down on the ground near them and brought to their attention), or
- left at the licence holder's usual or last known residential or business address, or
- left at an address specified by the licence holder for the purpose an application made under the Arms Act, or
- posted in a letter to the licence holder to their last known residential or business address or address specified by the licence holder for the purpose of an application made under the Arms Act.
- transmitted to an electronic address that the person has provided as an address for service.

A notice of consideration of revocation (on notice with no prior temporary suspension), will most likely be posted to the licence holder, or emailed if they have consented to receiving their notice via email, as it would have been identified that there is no requirement to uplift any arms items of ammunition. See also 'Changes in circumstances after notice was given meaning firearms need to be uplifted' below.

If the notice is served in person on the licence holder a statement of service should be completed. 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.

Period allowed for receipt of submissions

The licence holder should be given a reasonable time within which to make any oral or written submissions. 28 days is standard practice, but usually no less than 14 days.

Oral or written submissions

Written submissions via email (or post) are the most efficient submission method and the majority of licence holders opt for this method.

Oral submissions may be arranged at the request of a licence holder.

There is no requirement that the decision maker must be 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 decision maker 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 decision maker may proceed to make a decision on the revocation.

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

If Police decides to consider revocation on notice (as opposed to temporary suspension and requiring surrender of the licence and arms items) but the situation changes and the risks from the licence holder continuing to possess firearms increase, consideration should be given to:

- temporarily 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.

Notice of Temporary suspension pending possible revocation

Under section [60A\(1\)](#) Police may issue a notice of temporary suspension pending possible revocation 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 (but is not limited to) 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 considers is not a fit and proper person to hold a dealer's licence, or

- the holder of a firearms licence or a dealer licence if Police believes 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.

What does “reasonably likely” mean with respect to access?

It is not possible to provide an exhaustive list of examples where access would be considered reasonably likely as each case will have its own unique circumstances or factors. This guidance is intended to assist decision makers during their assessments.

“Reasonably likely” means a real risk, but not necessarily a probability, that a person holding the firearms licence, is practically unable to prevent unauthorised access to the firearm, due to a failure to exercise adequate control over the firearm.

The practical inability may arise from a power imbalance (for example, if the firearms holder is a child living with their unlicensed parent) or coercion/influence from criminal third parties or an intimate partner.

Physical proximity between the unlicensed party and the firearm tends to increase the reasonable likelihood that the unlicensed party will have access to the firearm.

New Zealand matters that inform this interpretation include:

Helming v Police [2020] - Helming (H) had a gang member (M) living with him, who was dishonest with H about his previous interaction with Police. The court found it reasonably likely that M would gain access to H's firearms as H did not take adequate measures to deny access.

- *Constable v Police [2022]* - an example of a spouse (who is not fit and proper) exercising control. Constable (C) had their firearms licence application refused. His wife was also a licence holder, and it was found she had an inadequate understanding of what firearms and ammunition were in her possession and inadequate control over who had access.
- The court found she did not have proper control as husband had more knowledge of the firearms in the safe (and other things) and concluded that the wife did not exercise proper control over the firearms.
- *Stedman v Police [2022]* - Stedman's licence was revoked due to his firearm not being stored securely (kept under a blanket). His son, who was living with him and who had mental health issues, accessed the firearm and shot himself.

An Australian matter discussing a similar meaning provides further insight:

Dept of Agriculture and Rural Affairs v Binnie [1989] VR 836, 842, as referred to in USTLII - [2019] **AIAdminLawF 24; (2019) 97 AIAL Forum 75**

Reasonable likelihood is a chance of an event occurring or not occurring which is real - not fanciful or remote. It does not refer to a change which is more likely than not to occur, that is, one which is “odds on” or where between nil and certainty it should be placed. A chance which in common parlance is described as ‘reasonable’ is one that is ‘fair’, ‘sufficient’ or ‘worth noting’.

The word likelihood in reasonable likelihood was held to infer a standard which is less definite than probable.

Temporary suspension during the application process for a “renewal”

As a result of section 22 of the Arms Act 1983, licence holders who apply for a new licence before the expiry of their existing licence are treated as current licence holders whilst their application is processed. In the event a licence holder comes to Police attention during their “renewal” and the risk is such that they should be temporarily suspended, the temporary suspension process should be followed.

See also [Revocation during the application process for a “renewal”](#) below.

Certain members of Police can authorise and sign the temporary suspension notice

For the purposes of regulation [28ZG](#) the Commissioner has directed that only certain members of Police may make decisions to temporarily suspend a licence under section 60A. Currently, members of the Firearms Resolutions Team at manager level or above may temporarily suspend a licence pending possible revocation.

Content of the notice

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 dealer's licence their dealer's 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\(2\)](#)).

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](#) (fit and proper), and matters listed in (i) to (v) such as security failings, failure to comply with conditions or an improvements notice etc..).

A subsequent revocation under section [27C](#) following a temporary suspension must 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, and their firearms licence has been suspended, their dealer's licence is suspended for the same period also ([s60B\(4\)](#) and see also [s60C](#) for effect of temporary suspension of dealer's licence).

Requests to voluntarily surrender (give up) a firearms licence under section 27(1) during temporary suspension

Section 27(1) of the Arms Act enables a licence holder to surrender (give up) their licence at any time. If the person surrenders their licence in this way, they are no longer licensed to possess arms items or ammunition ([s 28\(2\)](#)).

When a licence has been temporarily suspended under section [60A\(1\)](#) (pending consideration of revocation), the affected person cannot unilaterally surrender their licence under [s 27\(1\)](#). People whose licence has been suspended may want to surrender the licence under [s 27\(1\)](#) in an effort to:

- circumvent the 5 years stand down period that would follow revocation ([s 23\(1\)\(b\)](#)), 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).

Accordingly, any requests to surrender a licence under [s 27\(1\)](#) while that licence is temporarily suspended under [s 60A](#) will be subject to consideration by Police and will be considered to be of no effect if the decision maker does not agree to accept the offer to surrender the licence.

In some cases, the decision maker may use their discretion and decide that it is appropriate to accept the licence holder's request to surrender whilst their licence is suspended. This will be limited to exceptional circumstances, such as licence holders undergoing treatment for a mental health concern that will take longer than the 90 days suspension period to remedy and where there is information to indicate those concerns are likely to be addressed/dealt with relatively quickly (e.g., within 12 months).

Service of the notice

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

- delivered to that person (if the person refuses to accept/take it, the notice can be put down on the ground near them and brought to their attention), 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.
- transmitted to an electronic address that the person has provided as an address for service or;
- made available to that person electronically through the registry, so long as an email is sent to an address supplied by the person to tell them that the notice or other document has been made available and the person has agreed to receive notices or documents in that way.

As the suspended licence holder is likely to be in possession of their licence card, firearms and other arms items, the standard practice for service of a Notice of Temporary Suspension is to request an appropriate Constabulary staff to serve the notice and [uplift any arms items](#) and the licence card.

If the notice is served in person on the licence holder a statement of service should be completed on the reverse by the serving member and emailed to the Firearms Resolutions Team. 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.

Where the licence card or arms items have already been seized, or it has already been confirmed that the licence holder is not in possession of these items, a decision may be made to post the Notice of Temporary Suspension instead.

Uplift of arms items and ammunition upon temporary suspension

A temporary suspension notice may require the immediate surrender of arms items and ammunition to Police. These items should be stored at a Police Station and remain at the Police Station until the outcome of the temporary suspension is determined.

Arms items and ammunition may be stored with another licence holder, however that licence holder must:

- not be a household member, or a person whom the suspended licence holder may have undue influence over (e.g. in the case of gang membership, family harm or serious violence concerns).
- must agree to store the arms items on behalf of the suspended licence holder.

- must be advised that the suspended licence holder should not have access to these firearms.
- must be advised to update the Firearms Registry.

In these cases, the serving officer must record the details of the licence holder who is storing the items and the discussion that was had with the nominated licence holder so that if there are any concerns or issues later, further compliance action can be taken.

Firearms Event Reporting (FER)

The uplift of arms items upon a temporary suspension should be entered into OnDuty using the Firearms Event Reporting (FER) function, which speaks to both NIA and PROP. The FER can be linked to an existing occurrence (for example a 5G occurrence).

Period allowed for receipt of submissions

The licence holder should be given a reasonable time within which to make any oral or written submissions, while also bearing in mind that Police may not take any longer than 90 days to decide whether to revoke the licence (otherwise the temporary suspension ends, and the licence holder may uplift their firearms).

28 days is standard period to allow submission, but no less than 14 days. At the discretion of the decision maker, the period to allow submissions may be extended where there are valid reasons or exceptional circumstances.

Oral or written submissions

Written submissions via email (or post) are the most efficient submission method and the majority of licence holders opt for this method.

Oral submissions may be arranged at the request of a licence holder.

There is no requirement that the decision maker must be 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 decision maker 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 decision maker may proceed to make a decision on the revocation.

Police employees as referees or who provide references or submissions on behalf of a licence holder

To ensure Police maintain integrity and to not inadvertently create a conflict of interest, Police employees cannot ordinarily be referees or provide references or submissions in personal support of a licence holder who is undergoing a consideration of refusal or consideration of revocation. This creates a conflict of interest, especially where the reference is providing personal views about a licence holder's fit and proper status, as the decision maker has already formed grounds to find the licence holder not fit and proper (section 24A).

There are acceptable exceptions however, and these are when the Police employee is one of the following:

- the spouse or ex-spouse of the licence holder
- partner of the licence holder
- parent/guardian of the licence holder (where the licence holder is 16 or 17 years old).

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

Where Police employees have concerns about a licence holder due to interactions with them during the course of their duties, these concerns should be recorded in NIA or OnDuty per usual process.

Requesting medical information as part of a temporary suspension/consideration of revocation

[Section 24A\(3\)](#) provides that a member of the Police may, for the purpose of determining whether a person is a fit and proper person to be in possession of a firearm or an airgun seek and receive any information that the member of the Police thinks appropriate and consider information obtained from any source.

If a licence is suspended or revocation is being considered on notice due to concerns about an applicant's physical or mental health, it may be appropriate to seek further information about this.

The licence holder should be asked to provide the assessment or information from their health practitioner themselves in the first instance.

Any situations where Police may need to obtain the information directly from the health practitioner should be discussed with a manager first. The manager will need to consider whether one of the other Information Privacy Principle 2 exceptions apply, if it is not possible or feasible (for example, for safety reasons) to obtain authorisation from the licence holder (and seek advice as necessary).

Revocation

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

A member of the Police may revoke a firearms licence that has been temporarily suspended pursuant to section [27C](#) of the Arms Act 1983.

The decision maker who commenced the revocation process is not required to be the final decision maker. However, best practice is that the original decision maker makes the final decision unless the circumstances are exceptional (e.g. the original decision maker left Police prior to the final decision being required).

Revocation of firearms licence (no prior temporary suspension)

Where a commissioned officer of Police within Te Tari Pūreke has considered revocation with no prior temporary suspension, they 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 before revoking the licence.

The standard is the civil test as opposed to the standard required in criminal hearings of 'beyond reasonable doubt'.

The decision maker 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 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 in that the decision maker cannot add additional grounds to the revocation notice, if those grounds were not in the consideration of revocation notice.

The revocation notice is to be served on, or given to the licence holder pursuant to section [72A](#). The revoked person must immediately surrender their licence to Police (s 28(1)). For this reason, this type of revocation notice should be served by Police in person.

In addition, Police will demand surrender of the arms items and ammunition in accordance with section 28(2)(b), and non-compliance is an offence under s 28(7).

Revocation of temporarily suspended firearms licence (section 27C)

A member of Police 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. The member of Police need only be satisfied on the balance of probabilities (the civil standard, rather than the criminal standard) that concerning behaviour occurred.

The grounds for revocation must be consistent with those recorded in the notice of consideration of revocation of firearms licence provided at the commencement of the revocation process in that the decision maker cannot add additional grounds to the revocation notice, if those grounds were not in the Notice of Temporary Suspension.

The decision maker 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](#).

Deciding on revocation whilst there are active charges

The decision to revoke a firearms licence pursuant to section [27\(2\)](#) or [27C](#) can be made in reliance on charges being filed (see, for example, section 24A(1)(a) to (c) which refer to the person being charged with certain offences.

The member of Police need only be satisfied on the balance of probabilities (the civil standard, rather than the criminal standard) that concerning behaviour occurred, therefore it is not necessary to wait to see if the person is convicted of those charges.

Effective date of the revocation

When a firearms licence is revoked under sections [27\(2\)](#) or [27C](#) 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 decision maker signs the Notice of Revocation.

However, any criminal action (for example, the offence for possessing firearms while revoked) is unlikely to be successful until the licence holder has been appropriately served with the revocation notice. Accordingly, prompt service of the revocation notice is important.

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 licenced to possess any firearm or ammunition, and
- must on demand deliver every arms item and ammunition in their possession or under their control to Police
- may, at any time within 3 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

Failing to comply with the requirements to surrender the licence card and deliver the arms items and ammunition on demand is an offence with a penalty of up to 6 months imprisonment, or a fine not exceeding \$10,000.

Revocation during the application process for a “renewal”

In the event a “renewal” applicant has been revoked during their application process, they should be provided a “refusal” letter addressing why their application has been refused (i.e. for the same reasons that would have been used for the revocation).

Unlawful possession of firearms after revocation of a firearms licence

It is an offence under section [49A](#) for a revoked licence holder to be in possession of a firearm, even if they are under immediate supervision of a licence holder.

A revoked person cannot rely on the defence of immediate supervision as this defence (contained in section [22\(2\)](#)) is confined only to the section [20](#) offence of possession without a licence.

This means a revoked licence holder cannot possess, use or handle any firearms whatsoever.

This was confirmed by the High Court in *HBT v Police* (HC, Palmerston North, CRI-2010-454-51, 29 April 2011).

[53] Mr T's case [revoked licence holder] is that because he used the firearms under the supervision of a licensed person, he was authorised for purposes of s 49A to do so.

[54] Section [49A](#) contemplates that a person whose licence has been revoked may nonetheless be authorised to possess a firearm, expressly or by implication, by or pursuant to the Act. That invites the question for what purpose the Act might authorise such a person to possess a firearm, if not for use under supervision. If supervised use is not permitted, the language of authorisation in s 49A is arguably redundant. Further, for purposes of s 49A possession may be authorised by implication, and not merely “by” but “pursuant to” the Act, suggesting that the legislature had in mind some form of delegated authority...

[56] But the language and structure of the Act is clear; it prohibits unlicensed possession except as provided in the Act or in regulations made under it: “Except as provided in this Act or as otherwise provided in regulations made under this Act, no person shall have a firearm in his possession unless he is of or over the age of 16 years and is the holder of a firearms licence.”

[57] Counsel pointed to nothing in the Act or regulations that authorises an unlicensed person to carry or possess a firearm in Mr T's circumstances. As I have noted above, the s 22(2) defence does not extend to the offence created by s 49A. It is expressly confined to the s 20 offence.

[58] Further, the language of authorisation in s 49A is not redundant, for the legislature contemplated, as it did in s 20, that regulations might be made permitting an unlicensed person to possess a firearm. It is immaterial that no such regulations have been made. I observe that there is also an exemption in s 3(2) for service personnel. In passing, I also note that an amending Bill which would eliminate the language of authorisation in s 49A is presently before the Law and Order Select Committee.

Decisions not to revoke

If a decision is made not to revoke a firearms licence after a consideration of revocation or temporary suspension, the licence holder must be advised in writing of the decision and their licence card, arms items and ammunition must be returned to them (unless the arms items are subject to any bail conditions, or criminal cases etc).

The licence holder should make an appointment with their Arms Office so that they can uplift their items. This appointment should also allow time to assist the licence holder in entering their arms items into the Registry (if they have not already done so) but where this is not possible, the licence holder must be advised to enter the arms items into the Registry as soon as possible.

Revocation of dealer's licence

Under sections [9\(1\)](#) and [28\(6\)](#) a dealer's licence is immediately revoked if the holders firearms licence is revoked.

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

If a dealer's licence is to be revoked, the Firearms Resolutions Team should engage with the relevant district prior to the revocation in order to plan and organise for the uplift of the dealer's arms items. See also 'Commissioner's warrant to seize dealer stock' below

Effect of revocation of dealer's licence

When a dealer's licence is revoked, sections [9B](#) and [15](#) provide that:

- the dealer ceases to be licensed to carry on any dealer activity and may not carry on any dealer activity or have any business interest in any arms item or ammunition, and
- the dealer must immediately surrender to Police their dealer's licence and all records required to be kept (under [s12](#)) that have not been entered into the registry, 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

The Commissioner may authorise any member of the Police (operationally this will need to be a constabulary employee) by warrant to 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 them; 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 3 months or such longer period as the Commissioner may allow, sell or otherwise dispose of any firearm, pistol, or restricted weapon that was in their possession at the date of expiry, surrender or revocation 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 consider revoking 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.

For examples of conditions that may be made 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.

Refer to the [Endorsement and Conditions](#) arms chapter for further information.

Right of review of official decisions for revocations

Anyone who has had their firearms licence revoked by Police may apply to the Commissioner for a review of the decision under section [62](#) of the Act.

Purpose of the review

The purpose of the s62 review process is to allow for an intermediary review step for some decisions to ensure those decisions are robust and to ensure that only cases that need to go to District Court go to District Court.

Applying for a review

The revoked person must make their application for a review within 28 days from when they were given notice of the revocation decision. However, late applications (no later than a further 28 days later) may be accepted if the Commissioner (or his delegate) is satisfied there are extenuating circumstances that affected the person's ability to make the application by the closing date.

Any applications for a review made outside of the legislative timeframe are unlikely to be considered and the applicant should be provided a letter outlining the reasons why the review cannot take place.

See: [Arms Act Delegations](#)

How a review should be conducted

The Commissioner must delegate the responsibility for reviewing the revocation decision to a person other than the original decision maker ([§2A\(1\)](#)). In practice the independent decision maker is an Inspector (or higher rank) with delegated authority with Te Tari Pūreke.

The reviewer should assess whether the decision was correct at the time, and if it still is the correct decision, having regard to how the decision will stand up in the event of a District Court appeal.

The reviewer should refer to the written revocation decision, the written temporary suspension decision, the information which informed those decisions (including comments available in the Firearms Event in NIA), and any submissions made by the individual concerned throughout the revocation process and upon application for a review.

Any other relevant information should be considered, such as matters missed by the original decision maker and any post revocation developments.

See: [Arms Act Delegations](#)

Right of appeal to District Court

There is a right of appeal pursuant to section [62B](#) 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 firstly applied to Police under section [62](#) for a review of the revocation decision and have been notified of the reviewer's decision.

The Firearms Resolution Team manage the s62B District Court appeals for Te Tari Pūreke.

Revocation of licence 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](#)).

Appendix A

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 (with prior notice of grounds and having an opportunity to make submissions).

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. A Police Safety Order may be issued for any amount of time between 24 hours and 10 days, after which time any firearms may be returned to the licence holder.

It is therefore important that a fit and proper assessment takes place within the timeframe of the Police Safety Order to ensure that any risk with respect to firearms is further if mitigated.

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 ([s24A](#)). A notice of consideration of revocation of firearms licence or a notice of temporary suspension may then be issued.

