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Introduction

COLFO appreciates the opportunity to submit on the proposed regulations. The proposed regulations are significant and without amendment to address the practicalities these proposals will create unnecessary harm.

Our members have conveyed to us their frustration this consultation is only open for a month and covers across two significant public holidays, and the end of financial year. This has allowed little time for large constituent organisations such as ourselves to gather a range of views of our members and to allow them to submit.

In this consultation document it is evident regulatory design was not considered. Instead an ad hoc collection of 'ideas' have been produced that do not identify the problem to be solved, rely on a cursory nod to benefiting public safety without explaining how, and do not identify to cost implementation. The proposals are micro-managing law-abiding licence holders with little to no explanation of how the current system will cope with these new requirements.

If we had more time to consider this consultation, we would have been happy to provide further constructive feedback on how we can maximise public safety, while minimising administrative burden.

Arms administration under the Police is failing. Current licence applications are delayed by over 10 months. This directly affects more than 9,700 people who want to operate within the law but are hindered from doing so. The Royal Commission Report found Police had not directed sufficient resources to arms administration. This consultation does not address how the significant additional administration burden would be resourced therefore there will be more delays, more people operating outside the law and a higher potential for mistakes.

The following submission follows the question template provided by Police.

- 1. Do you agree that the regulations are amended to provide that applications for dealers licences must indicate each activity that the dealer wishes to undertake, the class of arms items they will be dealing with, and other information required to assist Police's determination as to whether a person is fit and proper to carry out dealer activities?**

COLFO does not agree with the over-regulation model for dealer's licences in the Arms Legislation Act 2020. However, we recognise this must be reflected in regulation to allow for implementation.

In identifying the activity and class of arms items, Police must stick to the classes and activities stated in the Act. These should also be defined in the same terms.

These activities and classes reflect how Parliament has legislated for the risk factors related to these types of items. A more detailed classification system is likely to cause confusion, unduly restrict the ability of dealers to operate and increase Police administration.

2. Are there other options for specifying dealer activities in relation to dealers' licences? If so, what option/s should also be considered?

The activities listed on page 16 of the consultation document do not accurately follow the activities listed in new section 5(1) of the Arms Act. We have already seen significant confusion amongst licensed firearm owners about who will now be required to apply for a dealer's licence. We are hoping this is a mistake in the consultation document not the intended proposal for regulation.

We are very concerned about the implied extension of the types of activities that would be caught by a dealer's licence. Bullet point 6 stated "repairing or modifying". New section 5(1)(c) only requires a dealer's licence in the when a person is "the business of repairing or modifying a class of arms items".

Specifying dealer activities must reflect legislation and nothing more.

3. Do you agree with the proposal that regulations provide that dealers must be supplied with a document setting out all the conditions of their licence and endorsements which is legally part of their licence?

The changes made to arms administration over the last two years has led to significant confusion amongst licensed firearm owners about their rights and obligations. COLFO supports a more proactive communications approach to allow those trying to comply with the law are able to.

We support the approach of a document for each licence outlining the conditions. We do not foresee this having a significant administrative burden for Police as the particulars for a licence holder (such as place of business) will be provided in the application form.

Requiring signature and return of the condition document is unnecessarily cumbersome. Implied acceptance of the conditions can be taken from the dealer undertaking any of the activities allowed by their licence following the date they were legally deemed to receive it. This is standard practice. For example, there is no requirement to sign and return a document acknowledging the obligations attached to a driver's licence.

There are already significant delays in processing licence applications and renewals. Requiring a signature will further add to these delays. This is particularly significant for dealers' licences as they are only issued for two years.

If there are changes in conditions this will either be because of change in the dealer's circumstances that would have likely required a new application anyway or will be undertaken by regulation.

Updating condition documents because of a legislative or regulatory change will be a bulk update to documents. Requiring individual signatures in this circumstance would be administratively significant and provide no benefit to the community.

The consultation document also does not detail the legal status of an unsigned document so further confusion is likely as to what point is a license-holder entitled to undertake dealer activity.

4. Is there any other approach to formalising conditions on licences? If so, what option/s should also be considered?

LFOs have witnessed significant inaccuracies from Police in the administration of firearms licences. For example, during the 2019 buyback many COLFO supporters received letters detailing 'E endorsement' firearms that Police registered them as having that either listed items the LFO never had or did not list ones they did.

COLFO are supportive of introducing an efficient process for LFOs to have errors rectified on condition documents to minimise delays in their ability to use their licences.

5. Which of the following options do you support in relation to dealer licence conditions relating to security precautions?

- Option One: retaining current level of detail in regulations, supplemented with guidance.**
- Option Two: regulations having some more details on general standards and additional tailored conditions applicable to types of dealer activities and providing that it is a condition on every dealer's licence that when a dealer alters their security arrangements, or needs new security arrangements because their business activities change, they must notify Police immediately to arrange a new security inspection.**

Regulation 19(1)(2) provides the basis for security precautions:

- Ensuring that young children do not have access to the firearms
- Preventing theft of firearms
- Ensuring that either; ammunition is not stored with the firearm; or that if ammunition is stored with the firearm, the firearm is not capable of being discharged

The current guidance, developed with the firearms community, provides ways in which this can be achieved. Its status as guidance allows a reasonable approach to be used when the Regulation 19(1)(2) is achieved but not necessarily in the manner outlined in the guidance.

This consultation fails to provide detail on how the current content of the security guidance would be translated in to regulation that would make them enforceable. For an informed answer to be provided on this consultation, it would be necessary to have detail on the form and content of the proposed regulation.

The consultation document stated the advantage of putting more security arrangements in to enforceable regulation that it "will contribute to public safety". It does not detail how. If the guidance standards are not sufficient we encourage Police to engage with the community to improve them. We do not accept that Dealers will adhere to the minimum as we believe the guidance should ensure public safety.

There is an implication in the consultation that more regulation of dealers' security arrangements is required specifically for certain classes of activities. However, Regulation 28

already provides that additional security is required for endorsed licence holders. COLFO agrees it could be made explicit this applies to dealers however no clear case has been made for additional enforceable regulations to be made.

The second option that security arrangements should be detailed on licences and any changes (however minor) would require notification to the Police are unnecessary. The consultation document stated "This would not add to costs for Police". This is contradictory to the analysis provided on Q5 where additional administrative undertakings by Police of a similar nature will create additional cost.

6. Are there other options for regulating storage security for dealers? If so, what option/s should also be considered?

COLFO recognises a more consistent approach between arms officers application of security requirements is necessary. We have been told of regional differences in the scrutiny of security arrangements that makes it difficult for licence holders to understand their obligations and prepare pre-emptively for inspection. However, this should be addressed through education and training of arms officers not through inflexible regulation.

7. Do you agree with amending the regulations on dealers' record keeping requirements to include:

- a) The receipt, delivery, and manufacture of airguns, pistol carbine conversion kits, non-prohibited magazines, and parts (other than parts excluded by regulations)**
- b) more specifications related to the various types of dealer activities**

The alignment of the regulations with changes to legislation is required. However, beyond this it is creating unnecessary administration without any benefit. Particularly egregious is the requirement to record the supply of ammunition outside of gun stores. At shooting ranges and for commercial hunting guides ammunition is provided in an ad hoc and ongoing basis. Attempting to record the details of the ammunition is unreasonable. If Police are seeking to prevent unlicensed people from possessing ammunition following an interaction at a range or with a guide there is already a legislative response to this. The Arms Act makes it an offence to possess ammunition without a firearms licence so this record keeping would not contribute to public safety. Our understanding of the intent of changes was - to prosecute those that should not have access, rather than inconvenience those that should.

8. Are there other options for amending dealers' record keeping requirements? If so, what option/s should also be considered?

It should be recognised that record keeping is highly unlikely to prevent commission of a crime. First, most criminals do not access their arms items through legal channels. Second, to create an awareness of significant amounts of items being purchased from the records, Police would have to tightly monitor and constantly access records across multiple suppliers. This has not happened in the current regime so we believe will not happen in the new as it will not be prioritised.

9. Do you agree with the proposal for regulations to provide that a dealer must surrender their dealer's licence to Police if they no longer wish to carry on their business or if they can no longer comply with one or more of the licence conditions?

The consultation document stated there is currently an issue where a dealer continues trading when they cannot meet the conditions of their licence. But does not address how creating a new enforceable regulation will change this behaviour. It is already clear permitted activity is only allowed if acting with the conditions of the licence.

Establishing a new regulation will not incentivise a dealer to stop acting if, as per the Police's example, they have already demonstrated they will trade in breach of the law.

Additionally, when Police do become aware of the situation they already have the power to revoke the licence under section 9B of the Arms Act.

10. Are there other options for the surrender of a dealer's licence when they cease business? If so, what option/s should also be considered?

If a dealer wishes to cease their business they have the ability to surrender their licence. This is not prohibited by legislation.

11. Do you agree with the proposal to provide in regulations that a condition of a dealer's licence is that the dealer shall permit Police to inspect all arms items held by the dealer and the storage of those items, subject to Police giving notice?

Any power to search premises must be narrowly defined and closely drafted. It should be reserved as much as possible for determination by Parliament. This is a matter of principle.

12. Are there other options for providing for the inspection of firearms held by dealers? If so, what option/s should also be considered?

If Police wish to expand their ability to inspect dealers' premises they should have sought this in the Arms Legislation Act 2020 or in seek it through future legislative amendments.

13. Do you agree with the proposal to regulate that it is a condition of dealers' licences that dealers must notify Police if they intend to change, add to, or alter any of their business premises?

COLFO supports secure storage of firearms. However, Police maintain they do not have the resources to maintain the current arms administration requirements.

This increased regulation does not reflect an actual problem. There is very little incident of firearms stolen from dealers. They have a strong commercial incentive to make sure firearms are secure.

Additionally, a significant number of dealers in NZ operate home-based businesses. Their incentive to secure premises is even more significant.

Pre-emptively inspecting any changes to security arrangements or at gun shows will not be sustainable and are likely to incur significant barriers to operations. The detail provided in the consultation document is very vague. The reference to “alter any of their business premises” could mean when a hunting store renovates their staff break room they would have to notify Police. Or for a home-based business, would mean notifying Police when they renovate the bathroom.

This will do nothing to enhance public safety. The impression this gives the firearms community is Police are attempting to sneak in further powers of search without having the legislative power to do so.

14. Are there other options for ensuring ongoing security arrangements during changes to dealers’ premises? If so, what option/s should also be considered?

We have been told by dealers since March 2019, dealers trading in restricted and prohibited items have been more frequently inspected. However, if Police wish to have new powers of inspection they must seek a mandate from Parliament.

15. Do you agree with the proposal to regulate that an application for a dealer’s licence must, if the dealer is to operate from more than one place of business, provide the address of each business, the name of the manager of each additional place of business, confirmation that the manager has a dealer’s licence, or applied for one, and other information on the manager that the Commissioner may require; and that a condition on every dealer’s licence is that the dealer must notify Police if there are any changes or proposed changes to the management of their premises?

The Police currently treat each premises as a separate business therefore the new application process does not appear to create any new burdens. However, the condition every dealer must notify Police if there are any proposed changes is a redundant step and will complicate the hiring process for managers. A condition that dealers notify Police when a change is made is sufficient. Similar to Police, Dealer have responsibilities to employees that mean treating such disclosures requires careful co-ordination of timing to satisfy legal requirements.

16. Are there other options for regulating the management of a dealer’s multiple places of business? If so, what option/s should also be considered?

No comment.

17. Do you agree with the proposal for dealers needing to seek prior approval for any change in their activities or classes of arms items they deal in?

A dealer's licence is only granted for specific classes and activities. The consultation document stated it was not explicit that you must apply for a new class if you wished to deal in that class. But it is illegal to undertake an activity without a licence providing for the permitted class and activities.

Further information is required for COLFO to understand how this addresses a problem.

18. Are there other options for ensuring ongoing compliance with licence conditions and security precautions when dealers' activities change? If so, what option/s should also be considered?

No comment.

19. Which of the following options for the carriage and use of firearms by dealers outside their place of business do you prefer?

Option One: status quo - leaving restrictions on the carriage and use of firearms by dealers outside of their business places to licence conditions prescribed by the Commissioner.

Option Two: regulations setting out that a condition on all dealers' licences is that the firearms must remain on their premise unless the dealer's licence conditions or the written permission of Police allows the firearms to be removed to another location.

The Arms Act is not silent on this matter. As the consultation document stated, under section 50D, to possess a firearm in a public place you must have a lawful purpose.

As stated above in Q.13, dealers are strongly incentivised to ensure their items are secure. Requiring prior notification of moving firearms is completely unnecessary and would be impossible to implement. The very nature of a dealer is that they have transferring the location of the firearms (from them to a LFO).

If this proposal was followed, it would create a significant administrative burden for Police and is likely to delay normal business operations.

We believe clarifying the options for transport of firearms for all LFO's will give sufficient guidance.

20. Are there other options for regulating the carriage and use of firearms by dealers outside of their business premises? If so, what option/s should also be considered?

No comment.

21. Do you agree with the proposal that regulations set out the types of conditions that will be specific to each type of dealer business / activity?

There is inherent inconsistency between regional decisions made on licences. Setting out the conditions in regulation would assist with this. But we also strongly encourage more education and training for arms officers.

22. Are there other options for regulating the conditions specific to dealer activities? If so, what option/s should also be considered?

No comment.

23. Do you agree with the proposal that the regulations provide that a condition of any endorsement issued to an employee of a dealer in their capacity as an employee is that they must notify Police if they cease to be employed by the dealer or they become the employee of another dealer?

The problem defined in the consultation document –some employees do not understand their obligations – is better resolved through better communication. The Arms Act and regulations are now very complex and difficult for a lay person to interpret. Police should seek to resolve the issues their drafting has created through communication and education.

A person can only operate within the conditions of their licence. If they cease employment, their ability to use the endorsement on their licence also ceases. This proposal does not outline how proactively informing Police would prevent this use or increase public safety.

24. Are there other options to clarify the legal requirements for working as an employee of a dealer? If so, what option/s should also be considered?

No comment.

25. Do you agree with the proposal to have discrete endorsements for theatrical armourers?

The activities and classes set out in the legislation should be followed. Parliament determined the level of risk (on the advice of Police) and legislated for this. Additional categories or endorsements would create confusion.

26. Are there other options for regulating theatrical armourers? If so, what option/s should also be considered?

Theatrical armourers are already closely regulated. Having to remain within arm's reach of any action in physical possession of a firearm while staying beyond camera or audience visibility is an extremely challenging for those involved. Once again, the consultation document has failed to define the problem so it is impossible to consider whether further options would remedy a perceived issue.

27. Do you agree with the proposals that regulations:

- a) provide that storage containers and how they are secured must be approved by Police on a case-by-case basis with some additional clarity as to the applicable standards?**
- b) clarify how these conditions apply to mobile homes and campervans?**

Pre-inspection already occurs when people apply for their licences. Beyond this, approving storage containers on a case-by-case basis would be cumbersome for Police and the applicants. Further clarity in guidance on how these conditions apply to mobile homes and campervans would be welcomed. However, there is a wide degree of homes and mobile units, therefore any guidance must be flexible enough to ensure there is the best form of secure storage in place rather than one that neatly fits predetermined conditions.

28. Are there other options for regulating security requirements? If so, what option/s should also be considered?

We note in the background there is a presumption that skews the perception. The analysis of the 246 cases ignored the 52% of cases because the records were insufficient. However, if the details were not recorded because the storage was sufficient then the percentage would be 67% were stored adequately. Our point the use of two sets of percentages in this background is warping the perceptions of outcomes. The firearms left unattended would represent 24% of events, removing locks or hinges 5%, storage units removed from a wall or floor 3% and keys not stored properly 1% of stolen firearms.

Our point is the options suggested look to focus on changes to regulation, when the majority of reported theft are not recorded sufficiently to understand the causes. The highest cause identified is already a breach of the existing regulations. The other elements are reviewing points for vetters under the existing security guidance requirements.

29. Do you agree with the proposals that regulations prescribe conditions for securely storing ammunition in containers or cabinets?

It is difficult for enforcement regulation to adequately and accurately cover the wide range of secure storage options that are available. We recommend regular review of security guidance is undertaken and Police increase education on how secure storage can be implemented.

As ammunition does not inherently present a risk, the storage requirements for them should not exceed what is already provided for in the legislative framework.

We also note items which can have a fire danger in the air transport are required to be stored so they can be removed easily in the event of a fire.

While it was not suggested to anchor the locked box, we suggest the above should apply to motor transport, as securing ammunition to a vehicle would prevent quick removal in an emergency and increase the hazards for emergency responders.

The issue with a locked steel box in a fire is it in turn becomes an explosive device as gas pressure builds, ammunition is safer when the gas is allowed to dissipate without build-up of pressure.

Safety ammunition is shipped in a state that ensures low hazard risk, it is ideal to preserve this state.

30. Are there other options for regulating the secure storage of ammunition? If so, what option/s should also be considered?

The best intervention point for education on the best storage option is a point of application for licences or renewal. This should provide that before any person applies that they had enough information to establish their storage requirements before inspection is undertaken by an arms officer.

31. Do you agree with the proposals to prescribe secure storage conditions for firearms being transported in vehicles?

COLFO believes the intent of this regulation is to prevent opportunistic theft or unauthorised discharge of a firearm.

COLFO agrees with regulation that states firearms should not be carried loaded. When transporting firearms, concealment is the best form of security against opportunistic theft.

We are mindful that the research presented, reflected theft occurred when firearms were left unattended. Therefore we believe the research supports the current requirement of attending to the firearm is the most effect prevention against opportunistic theft and unauthorised discharge. We have considered the options offered by Police to allow firearms to be left unattended and support giving clarity to the definitions. We believe attendance could include being in a store where vehicle is in view and locked, as the firearm owners can immediately approach the vehicle if anyone suspicious takes an interest.

We would like to suggest a multi-level approach.

1 -When a LFO is traveling from point A to B, with no stops then the current regulation of never leaving the firearm unattended enables easy compliance. This would serve for most trips to and from a range, Police station, place of display and gun smith. This example is expanded further when a number of LFO's travel together and one, appropriately endorsed if required, remains with the vehicle if a stop is taken.

With the advent of payments cards it is possible to refuel a vehicle and remain in the vicinity of it during payment. If the LFO wishes to get a drink or food for the journey, a forecourt is open enough that they can have visibility of a vehicle while they go into the shop, in this instance a vehicle should be locked and have an audible alarm.

The only instance we believe this requirement should be suspended is in the case of travelling on a ferry as legal requirements of the passenger ferry over take this. In that instance the vehicle may be left unattended for the duration of the journey where drivers and passengers are required to be removed from the vehicle levels. As above the vehicle should be locked and an audible alarm fitted.

2- When a LFO is traveling and intends to make stops for short periods of time where the vehicle may not be visible at all times, then it would make sense to require the firearm is secured to an anchor point. This may be achieved by wrapping a gun bag or case with a cable of at least 6mm diameter that is tight enough to prevent the firearm from being removed from the vehicle. With gun cases this may be achieved by padlocking the case so the firearm cannot be removed, the same may be achieved with gun bags where the zips can be padlocked together or the cable is wound tight enough to prevent the firearm from being removed from the case, such as when it is anchored to a front seat on the floor of the rear compartment. While this may not be secure against determined attack, we are mindful in the case of a motor vehicle accident the better the security the more likely Police will have to remain with the vehicle until tools arrive to remove the firearm and take it to a secure location.

3- Firearms left for long periods unattended or in vehicles for long periods, such as campervans should have dedicated secure areas, similar to the requirements for safe storage.

To explore these options with examples we have prepared the following. In the case of Pistol club member travelling to a range for a weekly shoot with a restricted weapon, if they travel from A to B with the firearm unloaded, magazines and ammunition stored separately then they prevent opportunistic theft. If they stop at a coffee shop and grab a coffee with the vehicle locked, alarmed and in their view the same is achieved.

Same is the case for a collector who attends a place of display, for large events such as Armistice and ANZAC day displays, it is not practical to secure firearms to the vehicle, when they are often large and bulky, potentially travelling in transit cases for the protection of firearm. They may also be travelling in vehicles that do not possess locks or alarms due the vehicles being part of the display, i.e. land rovers, armoured vehicles, etc. It is also not possible to secure larger items like artillery, so attendance is the most practical solution.

Similar the options work for a pest controller who may travel to a number of farms with a single firearm, they can treat each trip as a single trip if they are using the firearm at each stop. If they are travelling with multiple firearms or intend to leave the firearm in the vehicle for a period of short period of time when they are not able to view the firearm then they would be expected to secure the firearm(s) to the vehicle. If they were to leave the vehicle for long periods then a dedicated secure storage would be required.

We do not agree dedicated storage should only be recognised where a campervan is a permanent address. If an LFO were to operate away from home for the purpose of pest control, display or competition and have a dedicated secure storage in the vehicle then this should be recognised as sufficient storage for the period they are occupying the vehicle. Understanding that if the vehicle is parked at home the firearms should be transferred to the permanent storage as soon as possible.

Amending the regulations to allow the vehicle to be left for short periods of time is sensible. This reflects the realities of travelling. Additionally making it clear this does not apply to farm vehicles used on the farm is welcome.

32. Do you agree with the proposals to modify the regulation to allow firearms to be left in a vehicle for short periods of time only where that vehicle has secure storage for firearms that are out of sight, and the vehicle is locked and has closed windows?

Yes, as outlined above.

33. Are there other options regarding having firearms in vehicles? If so, what option/s should also be considered?

No comment.

34. Do you agree with the proposals to prescribe conditions when carrying firearms in public places or on public transport?

Most public transport providers have rules in place for firearms carriage, therefore regulation in this area is unlikely to achieve significantly more.

Further guidance is necessary to what 'does not identify the contents' means. People with a familiarisation to firearms are likely to be able to identify a firearms case.

As noted previously, concealment is the best security. This also provides the best peace of mind to members of the public. Particularly in urban areas, some people would be concerned if a firearm was being carried. Therefore, the best option for someone travelling with a firearm would be to place it inside their pack (so it is not seen) rather than carrying it separately in a case. To achieve this the firearm is normally disassembled to reduce its length, thereby further rendering it inoperable in most cases.

35. Are there other options to regulate the carrying of firearms in public? If so, what option/s should also be considered?

No comment.

36. Do you agree with the proposal to develop draft Commissioner's guidance notices on securing firearms, to supplement regulations, in consultation with FCAF and the Minister's Arms Advisory Group?

Any guidance notices should be proactively provided at time of application so people can ensure their storage meets requirements. Improving consistency between arms officers in different regions is supported.

The development of these notes should be made with the assistance of the firearms community.

37. Are there other options for developing guidance on security precautions for firearms? If so, what option/s should also be considered?

38. Do you agree with the proposal to regulate that firearm licence holders must notify Police if they are ammunition sellers?

Regulation of ammunition is unnecessary. The issue identified in the consultation document appears to be created by an oversight in drafting of the Arms Legislation Act.

39. Are there other options for regulating ammunition sellers? If so, what option/s should also be considered?

There is no reason to regulate ammunition sellers to the extent they have been. Further restrictions would be redundant.

40. Do you agree with the proposal to regulate that ammunition sellers must store ammunition in steel cabinets of storerooms not accessible to the public when it is not on display and when on display it is to be in a locked container or display case?

Ammunition is not inherently dangerous. Once again there is a strong commercial incentive for sellers not to leave their goods so they can be easily stolen. Creating additional regulation will not enhance public safety.

Storing ammunition inside a steel container increases the risk of harm in the case of a fire, by converting the explosive nature from small individual explosions to a single larger force.

41. Are there other options for regulating the security of ammunition held by ammunition sellers? If so, what option/s should also be considered?

No comment.

42. Do you agree with the proposals to regulate that ammunition sellers must record the type and quantities of ammunition that they acquire?

This is completely unnecessary. Consultation document does not provide what problem is trying to be solved. Any recording keeping could only be of minor assistance post commission of a crime. It will not help identify anyone with ill-intent.

Additionally, the acquisition of ammunition is already regulated by the Hazardous Substances and New Organisms Act 1996. Therefore any concerns about the safety of the actual components of ammunitions is already regulated for.

43. Are there other options for regulating the record keeping of transfers of ammunition by ammunition sellers? If so, what option/s should also be considered?

No comment.

44. Do you agree with the proposal that the current regulations are amended to require identifying marking for the following:

- a) all imported pistol carbine conversion kits and blank-firing guns?**
- b) major firearms parts at the point of import, manufacture or possession by dealer?**

Marking is likely to only assist in the investigation of a small number of criminal offences as those illegally using firearms either do not mark, or remove any markings that do exist. In regard to manufacturer parts, these are generally already marked by the manufacturer. Enforcement of this proposal is likely to be very time consuming due to the variable nature of the markings found upon existing firearms.

45. If you agree with b) above. Do you have any comments on the proposed list of those parts that need marking?

Due to the already numerous markings that manufacturers put on their firearms and parts, there is unlikely to ever be a standardised system of marking. This issue was identified in the Thorp Report. Additionally, many parts are made with the feature of being able to be used across different firearms. Therefore you are never going to be able to identify 'a firearm'.

46. Do you have any views as to the likely consequences, including costs, of requiring the marking of major parts?

We appreciate Police are actually considering the cost of this proposal but the lack of analysis presented indicate either it hasn't been done or is so considerable it would not be advantageous to the proposal to present it.

47. Do you think there are there other options regarding the marking of firearms and parts that could be considered? If so, what are these?

No comment.

48. Do you agree with the proposal to amend regulation 29A

- (a) to reflect the language and scope of the Arms Act 1983 in relation to mail order / internet sales?**
- (b) to provide that the written purchase order signed by Police must be sent by Police directly to the seller, as is current practice?**
- (c) to exclude the transfer between dealers of non-prohibited parts (other than the action of a firearm) from the requirements in section 43A(1) and (2)?**

Alignment of the legislation and regulation is important as this can be a complex area for LFOs to navigate.

49. Are there other options for regulating mail order / internet sales? If so, what option/s should also be considered?

No comment.

50. Which of the following options do you prefer for applications to Police to review a decision to refuse an application for, or to revoke, a firearms licence?

Option One: no specific regulation – use of existing powers to prescribe or approve forms for applications

Option Two: new regulations that would specify the requirements for an application for review

Regardless of the option chosen, the ability to seek a review and on what grounds should not be limited in any way by regulation or form.

Having a form available would assist people in seeking a review. However, it should be made clear applicants are not limited to just proving the information on the form, nor should a failure to fully complete the form prevent them from seeking a review or seeking appeal to that review.

We remain concerned that currently Police do not have the resources or capability to meet the timeframes outlined.

51. Are there other options for regulating the Police review process under section 62? If so, what option/s should also be considered?

Police should consider making (non-identifiable) case notes of reviews public. This will aid people in firstly applying for the licence and in their review.

52. Do you agree with the proposals to amend Regulation 15 to:

- (a) **Require an applicant for a firearms licence to list the countries they have travelled to or lived in over the previous 10 year**
- (b) **Require a criminal record check for any country in which the applicant has resided for over 6 months in total in the past 10 years**
- (c) **Clarify that inquiries will be made of the applicant's spouse, partner or near relative**
- (d) **Require the details of all parents and legal guardians if the applicant is 16 or 17 years of age**
- (e) **Clarify that where there is not a spouse, partner or near relative who knows the applicant well, they will need to provide a close associate who knows them well**
- (f) **Require details of any previous spouse or partner of the applicant in the past five years**
- (g) **Clarify that the second referee should be someone who resides in NZ**
- (h) **Require a further NZ-based referee where the spouse, partner, near relative, or close connection is resident overseas**

There is no need to state where they have travelled and limited usefulness in identifying where someone has lived.

We note the term suggested is equivalent to the term required for high level security clearance and suggest the threat level is not the same and does not justify the cost of checking the information.

We disagree with providing previous spouse details. Relationship breakdowns happen for a reason. Former spouses may not be willing to participate or LFOs may not want them to be aware they are applying (for privacy reasons).

53. Do you agree with the proposal to specify new criteria that may indicate that a person is not fit and proper to possess firearms if:

- (a) the applicant has spent time outside New Zealand in the last 10 years and Police has sought reasonable information about this to inform a decision as to whether the person is fit and proper to possess firearms and has been unable to obtain it**
- (b) referees are found to be insufficient to enable Police to be satisfied that a person is fit and proper to possess firearms**
- (c) the identity of any overseas referee cannot be confirmed**

COLFO agrees with a robust assessment of 'fit and proper' and acknowledge there will always be a degree of human judgment involved. That is why transparent and accountable review processes are necessary. It had been assumed the type of enquiries outlined above were already in place. The Royal Commission Report showed they were not.

We are also concerned that travel to another country does not in itself mean that a person is not 'fit and proper', travel can occur for employment, conference, tourism, volunteerism. It would not be appropriate to revoke an LFO's license after they return home due to them retiring and having an extended holiday overseas to see the places they had not been able to see when they were working full time.

COLFO supports better training and education of arms officers and believes this would be better if within a separate arms administration authority. We are concerned the judgement is becoming a 'tick box' exercise. This could in turn actually make it easier for people who are not 'fit and proper' to challenge decisions.

54. Do you agree with the proposal that the current regulations reflect the changes to the Arms Act 1983 relating to the import and possession of pistol carbine conversion kits?

COLFO acknowledges that changes to the Arms Act must be reflected in the regulation. Pistol carbine conversion kits need to be clearly defined.

55. Are there other options for regulating the changes to the import and possession of pistol carbine conversion kits? If so, what also should be considered?

No comment.

56. Do you have any comments on the proposal to amend regulation 9 to correct a wrong reference to regulation 7?

Only that errors can occur when processes are rushed.

57. Do you have any comments on the proposal to amend regulation 10 to provide that the requirements for applications for permits to import include:

- (a) references to blank-firing guns, pistol carbine conversion kits, air pistol carbine conversion kits, and ammunition**
- (b) a requirement that the description of any firearm to be imported include its make, model, calibre, and serial number**
- (c) a requirement to provide the reason for the application and, in the case of a pistol, prohibited item, prohibited part, restricted airgun, pistol carbine conversion kit or restricted weapon, a special reason why the item should be allowed into New Zealand.**
- (d) a requirement to provide any other relevant information required by the Commissioner**

In regard to (a) and (b) we do not foresee any issues.

In regard to (c), if the importation is allowed under that person's licence there should be no further reasons required. The Commissioner should not be making a value judgment on whether the item is required.

58. Do you have any comments on the proposal to amend regulation 13 to also require notifications of the imports of blank-firing guns, pistol carbine conversion kits, air pistol carbine conversion kits, and ammunition?

The amendment to regulation should be reflective of the change in the Arms Act and go no further.

59. Do you have any comments on the proposal to amend regulation 20B concerning applications for endorsements to include a reference to a prohibited magazine?

The amendment to regulation should be reflective of the change in the Arms Act and go no further.

60. Do you agree with the proposal to amend regulation 28C to provide that the Commissioner may make directions in respect of who may issue improvement notices and temporary suspension notices?

This is a practical proposal that should aid with administrative burden.

61. Do you agree with the proposal to make amendments to regulation 28Y to clarify that a person who possesses prohibited ammunition needs to be recognised by Police as being in

the categories of persons who can be in possession under the regulation, have a firearms licence, and be able to securely store the prohibited ammunition in an approved manner?

It provides clarity of how to apply to hold prohibited ammunition (therefore reflecting legislation) but COLFO remains of the view what has been defined as prohibited ammunition is incorrect and does not reflect the level of risk involved.

62. Do you agree with the proposal that regulations provide that Police may, when conducting an inspection of a licence holder's firearms under section 24B, record the numbers and types of those firearms?

COLFO is fundamentally opposed to this collection and see it as precursor to the firearms registry. The consultation document states it would provide "significant advantages relating to public safety" but does not provide any information on how. There is no power for police to collect this information.

As we have previously stated, Police have not demonstrated information can be accurately collected or securely stored. This creates risk for LFOs.

Any registration of firearms will require significant protections to be put in place. This is a waste of public resources, especially trained staff, and could be used to actually improve community safety.

63. Do you agree with the proposal that regulations provide that Police may, after receiving any firearms, pistols, restricted weapons or pistol carbine conversion kits from dealers under section 59A, and establishing that there are no lawful owners of these items, return them to the dealer, provided in the case of pistols, restricted weapons and prohibited firearms that the dealer has the necessary permit and subject to any conditions that Police places on the permit?

Yes. This will incentivise dealers to hand in any firearms that inadvertently come in to their possession.

64. Do you agree with the proposal that the regulations provide that no compensation is payable for prohibited items handed in to Police by either dealers or other persons?

Compensation should be available when property rights are surrendered. If Police want to have less of these items available in the community they should provide the incentives to get them off streets.

65. Are there other options for regulating how Police may deal with the receipt of firearms, pistols, restricted weapons, and pistol carbine conversion kits from dealers under section 59A?

No comment.

66. Do you agree with the proposal that regulations provide that whenever a firearm, pistol, prohibited magazine, prohibited part or restricted weapon has been ordered by a firearms licence holder and that item has not been delivered, the licence holder shall, as soon as they have established that the item has gone missing, notify a member of Police of this occurrence; and a person commits an offence and is liable on conviction to a fine not exceeding \$500 if they contravene this?

COLFO understands the issue Police are seeking to resolve. However, it is difficult to determine when 'gone missing' has occurred. The disruption to shipping, particularly international shipping, in the last year has demonstrated receiving items in NZ can be complex and patience is required. Further information on how this would be used is required before we can support such a measure.

There are numerous examples of items going missing since March 2019, only to subsequently find they are still in the care of NZ Post, who have refused to disclose the location to the lawful owner or NZ Customs.

67. Are there other options for regulating for situations when firearms that have been ordered go missing in transit?

No comment.

68. Do you have any additional suggestions on how Police could monitor, evaluate and / or review the performance of the proposed regulatory changes?

COLFO has argued consistently for a new arms administration body. The Arms Legalisation Act has the requirement it be reviewed. We strongly support this.