

# ACT's plan for fair firearms laws

a consultation document



## Background

Labour's knee-jerk response to our nation's tragedy in Christchurch on 15 March 2019 has failed to make New Zealand safer.

Several rounds of rushed legislation have created a broken licencing system which is costly and needlessly bureaucratic. Two rounds of firearms and ammunition 'buy-backs', the establishment of an 'independent' Firearms Safety Authority, and the creation of a firearms registry has cost over \$340 million to date – the equivalent cost of employing and supporting 587 frontline Police officers.

But New Zealanders are now experiencing increasing rates of firearms-related crime, and are less safe as a result. Half of New Zealand's annual average of fatal shootings have occurred in just 17 days, between July 20 and August 6 2023. Criminal gangs continue to use illegal, unregistered firearms as they always have.

Licensed firearms owners (LFOs) were the scapegoat during Labour's rushed, illogical lawmaking. Now they must navigate a needlessly complex, confusing and bureaucratic system.

There is deep frustration in the firearms community with the current Arms Act. That is why ACT has committed to repealing Labour's rushed legislation and implementing a fair, fit-for-purpose Arms Act that New Zealand can be proud of.

## ACT's Arms Bill consultation document

This is a consultation document and nothing in it is final. We encourage you to engage with the ideas in this document, assess their practicality, and provide feedback so that together we can create a robust, fair, and fit-for-purpose Arms Act.

### Four main objectives

- Enhance safety and prevent misuse
- Respond to Christchurch terror attack recommendations
- Reduce bureaucracy and waste
- Create a truly independent Firearms Licencing Authority

## Enhance safety and prevent misuse

The current approach to firearms licencing and vetting lacks a distinct risk management approach. Setting a minimum standard for licencing has failed to acknowledge that risks posed by an individual's firearms ownership can decrease and increase over time.

By focusing on the firearms instead of continued fit-and-proper status, the current system fails to acknowledge that all firearms pose a threat in the wrong hands, and that licencing the individual is the key to preventing misuse.

The facts speak for themselves. Since 2017, unlicensed individuals committed 93 percent of firearms offences<sup>1,2</sup>. 5,164 of those were committed by unlicensed gang members<sup>3</sup>. Between January and July 2023, thirteen of the seventeen pistols seized by Police could not be linked to prior LFO ownership<sup>4</sup>. Criminals have and always will find new ways to obtain firearms for illegal use.

ACT is proposing a more stringent firearms licencing system by:

- Introducing a three-tier licencing system consisting of:
  - A standard firearms licence category: The standard firearms licence will allow the holder to own and use the standard sporting firearms currently afforded to them under existing laws. This licence will be issued at first for a period of five years, and for a period of 10 years thereafter if the holder maintains their fit-and-proper status.
  - A restricted licence category: The restricted licence category will allow vetters to issue licences with provisional conditions to mitigate potential risks that they have identified. These may include provisional conditions such as shorter licence periods, different storage arrangements, a mental health referee, or the provision of additional personal referees for a licence.
  - An enhanced licence for firearms which possess enhanced capabilities over standard (sporting) firearms: LFOs in New Zealand own a variety of firearms for several legitimate reasons. However, we acknowledge that some firearms

1. [https://www.parliament.nz/en/pb/order-paper-questions/written-questions/document/WQ\\_21805\\_2023/21805-2023-nicole-mckee-to-the-minister-of-police](https://www.parliament.nz/en/pb/order-paper-questions/written-questions/document/WQ_21805_2023/21805-2023-nicole-mckee-to-the-minister-of-police)

2. [https://www.parliament.nz/en/pb/order-paper-questions/written-questions/document/WQ\\_21782\\_2023/21782-2023-nicole-mckee-to-the-minister-of-police](https://www.parliament.nz/en/pb/order-paper-questions/written-questions/document/WQ_21782_2023/21782-2023-nicole-mckee-to-the-minister-of-police)

3. [https://www.parliament.nz/en/pb/order-paper-questions/written-questions/document/WQ\\_21730\\_2023/21730-2023-nicole-mckee-to-the-minister-of-police](https://www.parliament.nz/en/pb/order-paper-questions/written-questions/document/WQ_21730_2023/21730-2023-nicole-mckee-to-the-minister-of-police)

4. <https://www.nzherald.co.nz/nz/politics/strong-public-support-for-gun-registry-but-act-doubles-down-on-repeal-plans/ZL7VB6NHLVHRJLLYBXSUAN74Y/>

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have enhanced capabilities due to their design or use of unique integral parts. ACT will require that LFOs with a legitimate purpose to own these enhanced firearm types must subject themselves to the conditions of tighter security arrangements, more stringent fit-and-proper checks, private record keeping of integral firearms parts, and, when required, mental health checks and regular shooting club attendance. Pistol, collector, and theatrical endorsements will be retained under the umbrella of the enhanced licence.

- **Scrapping the firearms registry:** The registry does not address the true source of firearms offending because it targets LFOs, not criminals. Criminals in New Zealand have and always will attempt to access illegal firearms to commit crimes. The fact that only one third of firearms seized by Police between January and July 2023 had a serial number on them proves this. The registry will not stop criminals and gangs, it simply punishes law-abiding LFOs.
- **Requiring parental/guardian consent for 16 and 17-year-old firearms licence applicants.**
- **Instantly disqualifying gang members from holding a firearms licence and ensuring tougher scrutiny for people with gang connections:** Under no circumstances should any gang member or gang associate ever possess a firearms licence. Nonetheless, due to the small size of New Zealand, it is inevitable that through no fault of their own people are indirectly connected to gangs through family members or friends of friends. ACT agrees that these people should face increased scrutiny, but they should not be automatically disqualified from firearms ownership outright because of the actions of others.
- **Enabling the ongoing inspection of firearms and secure storage by arms officers with a minimum of a week's notice.**

## Responding to Christchurch terror attack recommendations

The Government failed to act on the crucial findings and recommendations of the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019 when drafting

their legislation. ACT proposes to act on these recommendations:

- **Equivalent overseas offences:** Treat offences which occurred overseas as equivalent to those which occurred in New Zealand when vetting an applicant for a firearms licence.
- **Offshore intelligence:** Use intelligence gathered by overseas agencies during the vetting process. This is designed to prevent suspected overseas terrorists from accessing legal firearms in New Zealand to commit terrorist acts.
- **Better provision for LFO and applicant mental health assessments:** Allow for risk mitigating conditions such as mental health assessments to be imposed upon applicants, restricted, and enhanced licence holders when necessary.
- **A centralised licencing regime:** The Royal Commission's report found that the absence of a centralised licencing regime meant that some regions would perform better than others in vetting applicants and processing applications efficiently. ACT would maintain a centralised licencing regime to share financial and administrative burdens felt by the regions at a national level.
- **Stricter requirements for referees:** Proper scrutiny of referees by Police would have prevented the Christchurch terrorist from obtaining a firearms licence. ACT proposes to put in place fit-and-proper requirements for referees to ensure that socially isolated individuals cannot use illegitimate referees during their application.

## Reducing bureaucracy and waste

In rushing through two rounds of firearms law reform, Labour failed to account for the costs that come with additional bureaucracy. LFOs are frustrated with a complicated and unaffordable licencing system. They want a system which guarantees that applications and security checks are completed on time and with efficiency. Police have proposed fee increases for new licences of up to 475% to recover costs<sup>5</sup>. Not only would this deter people from applying for licences, but if LFOs are having to pay more money, they should be getting better service in return. ACT will ensure the Firearms Safety Authority to operate with efficiency and avoid unnecessary costs by:

5. <https://www.newshub.co.nz/home/politics/2023/03/act-says-if-firearms-licence-fees-increase-safety-of-kiwis-will-decrease.html>

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- **Scrapping the firearms registry:** Overseas experience shows that the firearms registry will be a costly bureaucratic blunder. No sooner than one month after it went live 147 LFOs had their emails leaked<sup>6</sup>. It has the potential to become a \$10 million shopping list for criminals<sup>7</sup>. ACT will scrap the registry and focus attention where it really matters: firearms licence vetting and targeting illegal firearms held by criminals.
  - **Establishing an in house firearms disputes process:** Currently, disputes over firearms licencing play out through lengthy and expensive proceedings in District Courts. ACT would require that the Firearms Safety Authority establish an in house firearms disputes process to swiftly manage disputes, taking the pressure off of the courts and taxpayers.
  - **Restoring pre-2019 regulations governing clubs and ranges:** Current legislation puts unnecessary red tape on community firearms clubs and ranges. These clubs and ranges are the eyes and ears of the community. Many are closing because they cannot manage the onerous requirements forced upon them. ACT would restore the pre-2019 regulations governing clubs and ranges to provide LFOs and prospective LFOs with safe places to practice, compete, and learn.
  - **Introducing longer licence periods for trusted firearms dealers:** Firearms dealers have the most stringent requirements out of all LFOs, yet they are still required to renew their dealer's licence annually. ACT would require that dealer licences be renewed annually for the first five years only, after which they will be valid for five-year periods. This will reduce red tape and costs for firearms dealers who have proven their trustworthiness.
  - **Introducing annual importation permits for trusted firearms dealers:** ACT proposes allowing trusted dealers who hold a five-year dealer's licence to apply for annual importer's permits as opposed to per import-style permits. This will reduce administrative costs for firearms dealers and the Firearms Safety Authority.
- and enforcement in the hands of Police. ACT will create a truly independent Firearms Safety Authority responsible for administration of the firearms licencing system.
- **Let Police target real criminals:** ACT will limit the role of Police to enforcement and intelligence sharing. This will allow them to focus on enforcing the law and policing illegal firearms held by the gangs.

## Have your say

In 2019, ACT was the only party to stand up for what was right and vote against Labour's rushed firearms law reforms.

ACT made a commitment to licenced firearms owners that we would start again and rewrite the Arms Act. Now we are making good on that commitment.

We invite New Zealanders to have their say on this consultation document so we can move forward together and develop a fair, fit-for-purpose Arms Act for the benefit of all New Zealanders.

**You can have your say by emailing [firearmspolicy@act.org.nz](mailto:firearmspolicy@act.org.nz).**

## Independent Firearms Licencing Authority

- **A standalone authority:** The current regime leaves both firearms licencing, administration,

6. <https://www.nzherald.co.nz/nz/new-firearms-safety-authority-criticised-after-gun-owner-data-leak/fzjwnyomhbb4zakf2juxqe7o6i/>

7. [https://www.parliament.nz/en/pb/order-paper-questions/written-questions/document/WQ\\_22111\\_2023/22111-2023-nicole-mckee-to-the-minister-of-police](https://www.parliament.nz/en/pb/order-paper-questions/written-questions/document/WQ_22111_2023/22111-2023-nicole-mckee-to-the-minister-of-police)