



MINUTES : Firearms Community Advisory Forum

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| SUBJECT | Firearms Community Advisory Forum |
| DATE | Wednesday 19 April 2017 |
| TIME | 0930 - 1230 |
| VENUE | Level 15 Conference Room 3 & 4 |
| ATTENDEES | CATHERINE PETREY, GEOFF DUNN, ROB NGAMOKI, CHRIS SCAHILL, JULIA PENNEY, RAY VINE, ALASTAIR (ROLY) WILLIAMS, CHRIS JAMIESON, RICHARD SMITH, KIRSTY MARSHALL, PAUL CLARK, HELEN MORGAN, NICOLE MCKEE, MIKE DAISLEY, JOHN HERBERT, TREVOR DYKE, ANDREW EDGCOMBE, DEBBIE WAKKER, JOHN HOWAT, RACHAEL DEAN, TRENT SMITH, PETER NOBLE |
| APOLOGIES | SANDRA KEENAN, PAUL GATLAND, MICHELLE PODMORE, DELL HIGGIE, NATHAN WATSON |

PREVIOUS MINUTES: confirmed

Item 1 – Welcome and introduction

The Chair welcomed the Forum's members and advised them of safety procedures, evacuation protocol and restated Chatham House Rules to support the free flow of comment.

Item 2 – Confirm previous Minutes and Update Action Points

The minutes from the previous meeting were confirmed.

1. Place Brokering – Arms Trade Treaty as a standing item on the agenda. Completed
2. Send Powerpoint from Poh Boey to all Forum members. Completed.
3. Send out document on security of firearms to Forum members. Completed.
4. Forum members/Police to get information for the purchase of chamber safety tags. Completed.
5. Put link to Arms Officers on website in Minutes. Completed.
6. Police to look at adding the ability for a permit applicant to look up progress on not being able to find information and contacts. Completed.
7. Add permit statistics and relevant information to the Quarterly update. Still in progress.
8. Complete a draft Terms of Reference for the Security Subcommittee. Completed.
9. Measurement of the length of firearms issues to be looked at by Police and whether Crown Law advice necessary. Completed.

10. Put a link or document that outlines 'what Police do' currently in relation to the measurement of MSSAs and why. Completed.
11. Send the permit form link in Minutes. Completed.
12. Police to send information to Forum members covered in letter to Taylor. Completed.
13. Police to investigate the use of the term 'Biographies' by Arms Officers. Completed.

There was some discussion on the last action point. It was noted that 'Biographies' is a term used by some Arms Officers relating to the requirement for detailed information in an application for importing a firearm for special reason from firearms dealers, importers and collectors. There have been a couple of instances where an Arms Officers wanted a Biography for a one-off importation; however, this is unusual. It was noted that Biographies is an incorrect term and should be more correctly described as Supporting Information for an application. A message has gone to Arms Officers to this effect.

The Chair altered the original agenda so that items 5 and 6 were bumped up ahead of item 3 to fit with Supt Chris Cahill's availability.

Item 5 – Arms Safety and Control Project

Police is currently focusing on completing 3 ICT changes for the National Intelligence Application (NIA). In the meantime, critical issues in the business as usual (BAU) space need care and attention. Police wants any changes to be built on a solid foundation to prevent further systemic problems arising in the BAU.

Police is devising possible short, medium and long term solutions. Police wants to make sure that its base supports future solutions. Both Police National Headquarters and Police Districts have been consulted on this issue. On the whole, Police is confident that it is getting a clearer picture of what changes are required in NIA. Preliminary thinking is to have centralised control over the permit system. This has not yet been decided. In the meantime the Project will concentrate on support for the current permit process in the first instance.

A member inquired about what needs to happen before Police receives the 'go ahead', and that it is important to build a more comprehensive picture as soon as possible. Police advised that it could consider making a one-off bid from the Justice Sector fund.

Another member advised that not everyone would be comfortable or able to use a computer-based system, and entering on line at a Police station or similar could be problematic as required information may not be readily available. While they may be a small proportion of the population they needed to be provided for.

A member suggested there needed to be some rural proofing in any new system. Police acknowledged that there is not a lot more it can do to help with this issue, but noted that some electronic changes may make it easier as it will minimise the personal contact required and limit the paper-based demands.

With this in mind, the Chair emphasised that the Arms Safety and Control project has short, medium and long term elements.

A member outlined that issues with permits and applications have improved considerably, and that they were very impressed with the turnaround – people who suffer from geographical constraints are often met with very accommodating Arms Officers.

Another member outlined that rural proofing can be quite difficult, and that applications sometimes must be completed twice. It was suggested that if the application process was done at a local level perhaps this will be less of an issue. With this in mind, the member indicated that a local centralised system should be considered as part of any long term plan.

It was noted that Police is confident that there is no outstanding permit application held in PNHQ greater than 30 days but recognises that there may still be some permits in Districts not yet entered into the system and some permits issued from PNHQ that have not yet reached the applicant. As advised to representatives of the Wairarapa Pistol and Shooting Sports Club, Police is advising people who have been waiting for more than 40 days to contact PNHQ and to use the email address project.firearms@police.govt.nz.

Police noted that based on information from the Districts, a backlog may be looming. Consequently, it is working towards a proactive system. Police wants to be ahead of the game and able to predict demand so that it can coordinate and manage responses effectively.

In relation to the Law and Order Committee's Inquiry, one member asked whether Police considered the scope of the Arms Safety and Control project capable of covering all of the Committee's recommendations. Specifically, the member asked whether it would be capable of handling the Committee's pseudo-registration recommendation (this may have been referring to either the voluntary recording of serial numbers or to the proposed permit to procure for A cats recommended by the Committee). Police noted that while the serial number of A category firearms it is an additional field in the data field, it should be able to add this to its capability.

A member noted that previously there had been some discussion on Arms Officers being appointed by Police National Headquarters, and asked whether this has been rejected or followed. Police outlined that there has not yet been a decision on that point. Currently Police is more concerned about whether there are enough Arms Officers currently available to provide a good service, but indicated that it will look into this proposal at a later stage.

Police is working towards the consistent application of existing standards. Training at the Police College organised by Response and Operations is the first step in this process, and recently took place. It was designed to outline the requirements for the Arms Officer job. Police captured just under half the country's Arms Officers. Another course is scheduled for next year, and it is hoped that Arms Officers will be able to attend an annual refresher course. Police is also hoping to give arms training to arms licensing staff. Police is confident that Arms Officers have a good understanding of what is going on, including the Arms Safety and Control project. Police advised that Nicholas Taylor was invited to attend the course (and did so), so that he could understand how everything runs from Police's side.

Item 6 – Select Committee – Inquiry into issues relating to the illegal possession of firearms

The Law and Order Committee published its final report on 7 April 2017 on the Parliamentary website, and it was sent out to members along with the agenda for this meeting. The Committee made 20 recommendations, which the government will then consider and provide a response to be tabled in Parliament within 60 working days. Police notes that if the government wishes to proceed with any of the recommendations, it will need to go through the full normal processes required to change legislation or regulations.

One of the Committee's recommendations related to the introduction of Firearms Prohibition Orders (FPOs). FPOs are based on the Australian FPO regime. Basically, they prevent specified people from accessing firearms, but also ensure that they cannot reside or be in a place that stores firearms. They are also unable to use a firearm under the supervision of a firearms licence holder. Breaching a FPO would also carry a significant penalty.

Police commented that it is very unlikely that firearms legislation and regulations will change before the election and that the government's response could well suggest that more work needs to be done.

A member noted that the Inquiry specifically related to the illegal possession of firearms and that its terms of reference related to how unlicensed persons come into possession of firearms. The member considered the recommendations in the report did not seem to focus on the purpose of the Inquiry. Police commented that the Committee could not fully understand how unlicensed persons come into the possession of firearms illegally because of a lack of data – the methodology from Sir Thomas Thorp's 1997 report can only take you so far. The Committee had very little hard information on this matter and Police data has limitations.

With this in mind, the member suggested that the recommendations were predominantly based on information that the Committee did not know. In particular, the member was concerned that there was going to be firearms "registration by stealth" as a result (referring to police recording the serial numbers of firearms when renewing someone's firearms licence). They also noted the issues with data integrity.

Police outlined that firearms registration involves firearms owners voluntarily giving Police a number of firearm details, including the serial number, of all their firearms. Over the years Police has not recommended universal registration of firearms. Police sees benefit in collecting better information over time but sees limited benefit in trying to register all firearms that may be in legal ownership at a single point in time. In that regard Police's view is consistent with that of the government.

In relation to the so called 'secret submission' it was explained that Police, having been invited to be advisers to the Committee, was bound by the parliamentary process and parliamentary privilege. – this is fully described in Standing Orders of Parliament that is publicly available. The Committee's deliberations were subject to parliamentary privilege, so neither Police nor Members of Parliament could comment on the Committee's discussions until their report was tabled, at which point the Police advice and any other advice requested by the Committee became public. This is a long established practice and is one of the strengths of the Westminster parliamentary process.

A member noted that firearms owners are not happy with some of the Committee's recommendations – particularly over the sale and supply of firearms. The member also stated that he and others were disappointed in some incorrect statements that were made on *Breakfast* by the President of the Police Association. The member went on to say that everyone in the firearms community is worried about a lack of trust of Police, and that this probably originated with the pistol grip fiasco in 2009. Firearms owners are also worried about additional compliance obligations. Finally, the member stipulated that some of the recommendations were not necessarily made to help lawful firearms owners, but burden them.

Another member noted that they have looked at similar recommendations in the past which looked more like job creation schemes. With this in mind, the member stated that since 1843 there have been hundreds of changes, but that the system will not succeed if firearms owners do not buy into

it. For this reason, they suggested that it may be wise to start a new system and include firearm users during the policy development process.

Police noted that it receives a number of different messages from the firearms community. The general 'fit and proper person' approach works well, but policy changes may be required in a number of other areas. One member noted that the current system works well, but that it would be useful to tighten aspects of the system to make sure it works consistently across the board.

Another member discussed the recommendation for a new category of firearms licences for certain semi-automatics to replace the current MSSA category. It was alarming that a modified shotgun for duck hunters and .22 calibre semi-automatics (probably New Zealand's biggest selling firearm) could fall under this criteria. The member insisted that if these firearms fell under a newly prohibited classification, there would be a surge in grey firearms. Police sympathised but outlined that the ability to convert certain A category firearms into semi-automatic weapons is becoming more and more of an issue.

A member expressed concern that that semi-automatic A cats may be required to adhere to more stringent and more expensive storage requirements. This is significant, especially for someone who lives in an apartment block – how would they build a strong room in that situation? It was thought that people will just ignore the requirements and leave their firearms in the present storage arrangements. It seems easy in principle, but it is often very difficult to comply with stronger regulations.

Another member noted that they agreed with three of the Committee's recommendations, but did not list them. Further, they would be interested in working with Police on what should change. Other members agreed that it would be advantageous to discuss possible changes with Police in a formal setting. Members agreed that it would be useful to form a Subcommittee on the Select Committee's recommendations. Police agreed to using the Subcommittee on a consultative basis to inform the advice it put through to the Minister. Police noted that any changes to regulations and/or legislation would require consultation, and this includes consultation with both sides – not just firearms owners and their representatives.

There have been a significant number of Official Information Act requests relating to the seizure of firearms (roughly about 70-90 seizures per month). Based on annual figures, Police believes that approximately 10 restricted firearms are seized each month. One member asked if these were truly restricted firearms as many people could not distinguish MSSAs from A cat semi-automatics.

Possible action point –Police to provide the Forum with more detailed information on the types of restricted firearms seized by the Police, noting that this information would be limited to what is known at the Wellington armoury and would not provide a comprehensive national picture of restricted firearms seized

A member noted that all restricted firearms are registered, and enquired about how that would affect statistics. Police noted that when seizing firearms, police do not always enter specific firearm details, such as the type of firearm. For example, it might note that it is a restricted firearm, but officers will not necessarily specify that it is a pistol, a MSSA or whether it is a converted/modified firearm.

The member also suggested that Police should be capable of providing data on where firearms come from, at least in relation to firearms that were originally restricted (not converted into a restricted firearm). Police stated that this is a key part of the Arms Safety and Control project. With some changes, seizure data may become more comprehensive, and data quality is likely to

improve. The member then indicated that it would be very beneficial for seized military-style semi-automatics and restricted firearms to be given back to their lawful owner and that data should be kept on this.

Noting time constraints and the availability of some members, the Chair stopped these discussions for the time being to ensure that item 3 – the Arms Trade Treaty (ATT) update could take place

Item 3 – Arms Trade Treaty Update

It was noted that there have not been any major developments in relation to the ATT since December. Police and the Ministry of Foreign Affairs (MFAT) are working on the ATT report on the import and export of weapons¹. The Brokering Bill is still being drafted, but there is no indicative timeframe on when it will start the parliamentary process – this depends on Cabinet decision making. However, work is actively being done on it.

The Notification of exempted sporting firearms export form has been working well, and MFAT has been receiving a lot of notifications.

International import certificates are now used around the world – they have universal meaning. You need the right authority to import controlled goods, like firearms or their component parts.

A member noted that it is not 'kosher' to use the word 'weapon' during a firearms forum, as it carries negative connotations and paints members and firearms in an unfair light. The presenter noted that their work involves weapons and the ATT relates to weapons, including firearms. However, they also said that they would take this on board in the future.

The presenter outlined that MFAT would keep the forum in the loop regarding the Brokering Bill, and New Zealand's ATT.

Item 6 resumed – Select Committee – Inquiry into issues relating to the illegal possession of firearms

The forum decided that it would be useful to create a Subcommittee, including three representatives from Police and four members from the forum to work together and discuss the Committee's recommendations. Police supported the formation of a Subcommittee to go through the pros and cons of the recommendations. Police noted that there was no guarantee that any conclusions reached by the sub-committee would be supported by Government.

It was agreed that the Subcommittee should meet on Wednesday, 3 May (one-off meeting) and would be run as a workshop. The Committee elected four members of the Forum, including:

- Nicole McKee
- John Herbert
- Andrew Edgcombe
- Debbie Wakker

[Nicole McKee was later appointed as an independent advisor to the Minister of Police on the Select Committee report. Nicole nominated Trevor Dyke as a substitute. Trent Smith was also nominated]

¹ MFAT uses the term weapon in the context of the Arms Trade Treaty

A member discussed the classification of seized firearms and proposed a long term solution. The member outlined that it would be advantageous to differentiate between different firearm categories. For example, pistols used in crimes are not necessarily the registered pistols that each lawful pistol owner uses – the category includes modified firearms that later fall under the pistol category. The member suggested that if this point is clarified, Police may be able to compile more meaningful statistics.

Police noted that there will be a transition period where it will need to refine data. There will be a period where it goes through the data and notes where changes should be made. If there are any questions on the Arms Safety and Control project, they should be emailed to project.firearms@police.govt.nz.

Another member suggested that it might be best for local Arms Officers to enter the details of seized firearms into the database, and that this may improve data quality.

Police said that it is dedicated to enhancing data quality, and will be as accurate as possible in the future. However, Police also noted that serial numbers are often removed, so Police cannot always tell who the legal owners were.

Item 4– Subcommittee firearms storage

The members had been provided with the Subcommittee's terms of reference before the meeting took place.

It was agreed that the Subcommittee would be represented by three forum members and three Police representatives, with the Chair shared between members of the Subcommittee. While the group is to be restricted to these six people, an agreed subject matter expert could also join the group for certain discussions. In terms of decision making, the Subcommittee's powers would not exceed the forums.

It was confirmed that the Subcommittee is there to ensure that what is being proposed is achievable for ordinary licensed firearms owners.

The Committee agreed to the following representatives:

- New Zealand Retail (Trent Smith)
- Council of Licensed Firearms Owners (Michael Dowling)
- Rural Women New Zealand (Rachael Dean)
- Police (Insp Roly Williams, Paul Gatland and Richard Smith)

One member noted that there are many ways of being secure, and indicated that the price and quality of containers is perhaps not as important as the combination of measures including monitoring alarms. Similar concerns were raised in the Wairarapa meeting mentioned earlier in the Minutes. Police agrees that this is worth considering.

A member asked whether the Subcommittee is also going to look at the legal requirements and how they are working. They were concerned that very little has changed in this space for a long time. Police noted that it first needs to validate the current process, and then it can go on to look at changes/recommendations.

Firearms prohibition orders (FPOs)

FPOs are likely to be one of the amendments to legislation that would progress. The Committee's recommendation about gang members not being fit and proper links to FPOs. If the amendment goes ahead, it is likely that a limited number of people will be subject to it initially. It is also important to note that FPOs may not just be limited to gang members. Other than those relating to FPO/gang related matters, Police considers any further changes are unlikely before the election.

FPOs prohibit someone from obtaining a firearms licence, possessing a firearm and associating with people in possession of firearms. A member raised concerns about this – could a licensed firearms owner be penalised for associating with someone subject to a FPO? Police reconfirmed that relatively few people would be subject to FPOs and considers it extremely unlikely that a licensed firearms owner would befriend someone subject to a FPO.

Police is still leading work on FPOs, although it will need to go through the Ministry of Justice and the normal parliamentary process before it is included in legislation and implemented.

In relation to gang membership, Police has to provide evidence that someone is in a gang. Police has intelligence on patched members and some prospects on their way to becoming patched members.

A member asked what the advantages were of having FPOs, compared to someone not being granted a firearms licence. Police outlined that without a licence someone can still use a firearm under the supervision of a firearms licence holder. A lot of ideas in respect of FPOs are being taken from Australia. In New Zealand, FPOs are being predominantly looked at as part of the Gang Action Plan. Interestingly, there is already evidence from Australia that it is much more difficult for someone to take on a leadership role in a gang if they are subject to a FPO.

Penalties for firearms offences

A member asked about whether it was possible to impose instant fines for firearms offences in New Zealand, rather than full prosecution. The member indicated that this might be a good alternative option – there is a better closeness to the offence with an instant fine, whereas a long and drawn out court process is not as good. The member indicated that there is an unhelpful disconnect between an offence which is committed now, and the court process which takes place a lot longer down the track. Police outlined that there is no provision for officers to impose fines for firearms offences. Nevertheless, Police noted that under a new Arms Amendment Bill, the whole penalty structure would be reviewed. During this review, there may potentially be scope to provide for some offences to be punishable by infringement fees.

Item 8 – Representatives' attendance at Forum involved in litigation with Police

The Chair noted that the primary aim of the Firearms Community Advisory Forum is for members to establish open lines of communication, and for members to be confident that their comments will not be attributed to the other members outside of the meeting. If it gets to the situation where a number of members take legal action against Police, then the confidentiality ordinarily guaranteed under the Chatham House Rules may no longer apply. If a case went to court, a member may need to testify under oath and could be forced to identify and repeat the comments made by individuals at the forum.

Police noted that if the Forum is to work, there needs to be a robust process in place for free and frank flow of discussion – it is essential to lay down some basic rules. With this in mind, it might be worth taking up one of two options:

1. When a topic comes up that touches on a member's litigation, it may be prudent for them to leave the room during discussion of that particular topic.
2. The member could delegate their authority to someone else within their organisation to attend the meeting instead.

For either of these options to work, members need to be quite clear about their position/situation from the beginning, and it needs to be quite clear when a specific topic is going to be discussed in the meeting.

A member suggested that judicial review is different from an individual's own decision to litigate – if judicial review is underway, then contributing to the ongoing conversation may not be as problematic but time will tell.

The Committee agreed to adopt the rules as described.

Item 9 – Firearms Safety Council of Aotearoa

The proposed membership in the Forum of Jo Green as a representative of the Firearms Safety Council of Aotearoa (FSCofA) had been tabled at the Arms Safety and Control project workshop in February, but no formal decision taken. The Committee was advised that an email had been sent to FSCofA which noted criteria for consideration of membership which are:

- Relevant skills, knowledge and understanding of firearms and issues/legislation relating to firearms
- Relevant practical experience and networks within the firearms community
- Personal attributes and ability to work constructively with and make a contribution to the Forum different from that provided by current membership
- Being a representative of an incorporated group (who can represent the views of the group rather than their individual view).

That email acknowledged that some of the required information had been provided and that Joe Green's personal knowledge and experience is well known, but the applicant was asked for:

- the list of organisations that are members, and an indication of membership size,
- what aspects of the Council's objectives distinguish the Council from the firearm safety and safe use representatives already on the Committee; and
- an indication if the AGM has been held or if you remain in an interim chair role.

A member provided some additional information around membership of FSCofA, and the Forum membership agreed in-principle (by majority), to the FSCofA membership subject to receipt of adequate additional information from them.

Item 10 – Other Business

A member raised a concern about the number of roadblocks that some Australian visitors had to go through in order to participate in a firearms event that took place over Easter weekend. At first, they were not licensed to use restricted firearms because they did not have the equivalent endorsement in Australia. The issue is that civilians cannot lawfully own those firearms in Australia, so there was no way for them to obtain an equivalent endorsement there.

Police noted that this issue was resolved quickly. There were processes that could be put in place to address risks. Nevertheless, Police noted that it may be useful to clarify policy on this issue.

Police indicated that it requires 30 days minimum to complete the visitor licensing process.

The member then asked what would happen if a citizen from the United States of America wanted to come over and use firearms – a country without firearm categories. Police replied that it would make inquiries and ensure that the visitor had a certificate from the relevant law enforcement agency in the United States showing that they have authority to possess the firearm in question.

The member indicated that the recent Australian situation should have been a very low risk for Police – the competition was taking place on a fully controlled range on a military base, with secure firearms storage facilities. Police noted that according to New Zealand's firearms legislation, a person must have an E Category licence, even if they are shooting under appropriate supervision. Police cannot provide authority for someone to obtain E category firearms without the correct endorsement.

The member stated that this has not been a problem over the past decade, but it appears to be at the moment because of a change in policy. Police noted there was no change in policy. Visitors need to be properly identified to determine eligibility. Anyone applying for a visitor's firearms licence should have a good chance of getting it. They just need to provide Police with the right details, including a copy of their current licence. It is important for Police to have appropriate checks and balances in place.

Police noted that it will seek to provide greater transparency of process, and will note flagged issues.

The member suggested that when firearms licensing is carried out for sporting teams it should be conducted in a centralised fashion.

The Chair noted that it is important for both sides of the debate to recognise the difficult decisions that need to be made, and that it is imperative to have a transparent process in place.

Another member suggested that the meeting was particularly productive on this occasion, and that it may be because there was some continuity from the Arms Safety and Control workshop that took place in February (full day workshop). With that in mind, they suggested that at least one Forum meeting each year should be in the form of an all-day session. The benefit of this is that nothing would be rushed. Police agreed to this.

AGREED ACTIONS:

| ACTION | ASSIGNED TO | COMPLETED DATE |
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| POLICE TO PROVIDE THE FORUM WITH MORE DETAILED INFORMATION ON THE TYPES OF RESTRICTED FIREARMS SEIZED BY THE POLICE, NOTING THAT THIS INFORMATION WOULD BE LIMITED TO WHAT IS KNOWN AT THE WELLINGTON ARMOURY AND WOULD NOT PROVIDE A COMPREHENSIVE NATIONAL PICTURE OF RESTRICTED FIREARMS SEIZED | POLICE | |
| AGREE THAT 7 DECEMBER 2017 BE AN ALL DAY FCAF MEETING | FCAF/POLICE | |
| POLICE TO PROVIDE GREATER TRANSPARENCY OF VISITOR PERMIT PROCESS, AND WILL NOTE FLAGGED ISSUES. | POLICE | |
| A SUBCOMMITTEE TO WORKSHOP THE RECOMMENDATIONS OF THE SELECT COMMITTEE INQUIRY INTO ISSUES RELATING TO THE ILLEGAL POSSESSION OF FIREARMS. TO TAKE PLACE ON 3 MAY | POLICE | COMPLETED |
| FIREARMS SAFETY COUNCIL OF AOTEAROA FOLLOW UP OF MEMBERSHIP | POLICE | |
| REPRESENTATIVES' ATTENDANCE AT FORUM INVOLVED IN | FACAF/POLICE | AGREED AND |

| | | |
|--|--------|--------------------------|
| LITIGATION WITH POLICE: RULES GOVERNING THIS | | COMPLETED |
| SUBCOMMITTEE ON FIREARMS STORAGE TO MEET | POLICE | TO MEET IN EARLY JUNE |