



## MINUTES : Firearms Community Advisory Forum

<b>SUBJECT</b>	Firearms Community Advisory Forum
<b>DATE</b>	Thursday 8 December 2016
<b>TIME</b>	0930 – 1230
<b>VENUE</b>	Level 9 Conference Room Wellington Central
<b>ATTENDEES</b>	Catherine Petrey, Julia Penney, Geoff Dunn (Partial), Sandra Keenan, Nicole McKee, Michael Dowling, Alastair Williams, Paul Gatland, John Herbert, Kirsty Marshall, Andrew Edgcombe, Debbie Wakker, Ray Vine, Trevor Dyke, Richard Smith, Poh Boey, Andrew Smith, Rachael Dean, Michelle Podmore, Dell Higgle, Nicole Salmon, Chandrika Kumaran
<b>APOLOGIES</b>	Rob Ngamoki, Chris Scahill, Matthew Gibson, Helen Morgan, John Howat, Trent Smith

### PREVIOUS MINUTES: confirmed

The Chair welcomed members, followed by a Health and Safety emergency evacuation procedure and personal conveniences discussion followed by a round table introduction.

Chair covered Chatham House Rules applying. Open and honest communication and no names assigned.

The minutes from the previous meeting were confirmed.

### RECAPPED ACTIONS FROM LAST MEETING:

1. Police to send out to the Forum the safe requirements checklist and advise the Forum of the certification expectations when that exercise is completed. Still in Progress.
2. Police to do some tidying up of the mail order system to ensure it can work smoothly. This issue can be revisited at the next meeting. Police will try to notify the forum ahead of this time if there are any changes. Still in progress.
3. Official Information Act Database. There was a discussion regarding the fact that Police has the highest number of OIA requests of any Government Agency. There is currently a review team looking at how to improve the timeliness of OIA responses. One solution is to have monthly Police statistics online. Still in progress.

### MINISTRY OF FOREIGN AFFAIRS AND TRADE – ARMS TRADE TREATY UPDATE

MFAT provided a background and overview of the ATT and New Zealand's reporting requirements.

The Arms Trade Treaty (ATT) is the first treaty to regulate the international transfer of conventional arms, from handguns, to tanks, to battleships. It entered into force on 24 December 2014. The ATT focuses on strengthening import and export legislation, policies and processes, and increasing transparency around arms transfers. The ATT now has nearly 100 signatories. The next (third) meeting is to be held in Geneva 11 – 14 September 2017. The submission of States Parties' first annual reports, which will be publicly available, is a major milestone.

NZ provided an initial report and subsequent yearly reports are a requirement.

The Civil Society criticised the ATT for not addressing the most significant issues, such as transfer of arms to Saudi Arabia (Yemen). However, the first two years has concentrated on gaining signatories and attending to procedural frameworks and 'housekeeping' to ensure a good structural base from which to focus on furtherance of the ATT. 'Housekeeping' has included setting consistent templates and setting up a voluntary trust fund to help countries that are struggling to meet ATT criteria. New Zealand has provided 'workshops' on barriers for Africa which has no legislative framework to enable them to meet the ATT requirements.

A question was put to MFAT about whether China and Russia are signatories to the ATT. They are not, but have said they will be keeping a watching brief and reviewing their position. India is not a signatory. The USA has signed the ATT but has not ratified it due to the Senate rules. The UK and France have signed and ratified the ATT, while Israel has signed but is yet to ratify the Treaty.

There are a number of important developments relating to the ATT this year, including:

1. The creation of three working groups looking at Transparency and Reporting, Implementation and Universalisation;
2. The establishment of a voluntary trust to help states overcome barriers to join the ATT;
3. A set of Governing criteria; and
4. The appointment of the first head of the Secretariat for a four year term.

### *ATT and Brokering*

New Zealand currently has no controls on brokering, which is the negotiation, arrangement or facilitation of a transaction involving the international movement of arms and/or military equipment.

Article 10 of the ATT requires each state party to take measures, pursuant to its national laws, to regulate brokering under its jurisdiction for conventional arms covered under Article 2(1). Such measures may include requiring brokers to register or obtain written authorisation before engaging in brokering. Unregulated brokering can undermine the Treaty.

In directing that New Zealand should ratify the UN Arms Trade Treaty, Cabinet also directed officials to develop proposals to address brokering. The proposed Bill will establish a regime that prevents New Zealand individuals and entities from engaging in brokering where there is a risk of arms and/or military equipment being transferred to illegitimate users or undesirable destinations.

This will be achieved by requiring individuals and entities wanting to engage in brokering to register with the New Zealand Government and obtain a permit for brokering activities. Permits would not be granted where there is a risk of the movement of arms and military equipment to illegitimate users or destinations. Brokering without a permit would be an offence. The regime would have extraterritorial effect and apply not only to persons in New Zealand, but also New Zealanders and New Zealand entities operating abroad.

The Brokering Bill is currently being drafted.

The ATT covers all weapons on New Zealand's Strategic Goods List. It is important to note that the Treaty does not cover imports, and exports to and from New Zealand and the domestic sale of firearms in New Zealand, as these activities are already covered by the Arms Act 1983 and MFAT processes.

A member queried what a "transaction" is for the purposes of the proposed brokering legislation. MFAT responded that the definition is unclear at the moment and that it will be clarified in law, although they mentioned that transactions would relate to items on the Strategic Goods List as shown on the website. Each country has scope to define "brokering" themselves.

It was noted that it is unclear where the Bill will fit in the 2017 Legislative Programme. The Bill's expected progress will be outlined at the start of next year, but unforeseen events may throw this into disarray. However, this Bill is expected to have cross-party support, which may help its progress.

MFAT noted that the ATT and its corresponding Bill should have no practical impact on New Zealand. The key point is that New Zealand has to make sure that it is not the weak link among the countries ratifying the Treaty. Nevertheless, a member raised a concern that the Bill may result in increased import costs.

## **ARMS SAFETY AND CONTROL PROJECT**

Police gave a presentation on the Arms Safety and Control (ASAC) project. Police provided a very brief overview of what was discussed at the previous meeting. Before discussing the project in detail, Police noted that the project's name had changed from the 'Firearms Administration and Management' project at the previous meeting to ASAC. A copy of the slideshow presentation has been sent to all Forum members.

The project has identified three key issues, including resourcing, effective management of firearm licensing and the Arms Act keeping pace with the changing environment. These issues have corresponding risks to be managed, including feelings of community safety, inconsistent support to the firearms community and Police not managing the firearms environment effectively. In relation to the risks, Police outlined how it wants to provide more consistent support for the firearms community.

Police listed the following goals:

1. Reduce the opportunities for harm from firearms
2. Improve user and stakeholder satisfaction with firearms management practice
3. Create a trusted firearms management system.

There were also a number of critical success factors including strategic fit, potential value for money (whether the market can sustain it), supplier capacity, and potential affordability and achievability.

Police also offered a likely framework (boundaries to work within) for the project:

1. Scope – Police seeks to effectively deliver services that address the needs of the firearms community and firearms environment
2. Service solution option – Police will implement a new national system to meet the needs of the firearms environment
3. Service delivery – Police (internal) or Police with other providers may deliver the services
4. Implementation – Police will deliver these services with a staged approach
5. Funding – Current funding, increased fees and potentially greater Crown funding will provide the revenue required.

A member asked whether a new ICT solution would impact on funding. Police advised that it would not necessarily have an impact, and that it is possible that funding will be entirely internal. Noting this, another member raised a concern that greater overheads would require more funding, and fees should not necessarily be increased.

Police also noted that it is hoping to complete the business case by the second quarter in 2017. However, it will require approval after June., In early 2017 (date to be confirmed), Police will hold a workshop for community members of the Forum in the hope of understanding the firearms community's needs, and align them with wider organisational outcomes where possible.

An email has been set up specifically for information around the firearms change project. Anyone with concerns or questions regarding the Police project should email:

[project.firearms@police.govt.nz](mailto:project.firearms@police.govt.nz)

## **POLICE ENGAGE SAFETY CAMPAIGN**

Police then discussed its firearms safety campaign, noting that it was previously unable to access its target market with its \$90,000 budget. Police talked to its public affairs team and analysed how to improve its message and access more people. Police has now coordinated an advertising campaign with Ogilvy & Mather, which will play advertisements across a number of different platforms (namely radio and internet) at important times of the year. This strategy keeps costs down whilst also hitting the target market. The campaign includes strong themes of storage, handling, shooting and transport of firearms. It will be run under the banner "engage Safety". The current Storage advertisement states "If it is not in a safe, it is not safe".

The advertisements were shown to the members, who largely agreed that the messages were simple, focused and effective. A number of members advised that they were happy to work with Police on the advertising campaign.

Police's firearms and safety webpage is found at <http://www.police.govt.nz/advice/firearms-and-safety>

## **CHAMBER SAFETY TAGS**

There was some discussion about firearms tags and that they used to be given out by the Mountain Safety Council. It was noted by a member of the Forum that there is a manufacturer in Taita who can produce these for about 69 cents per unit. Together, Police and this member are to investigate this further and report back at the next meeting.

There was also some discussion on the safety of shooting sports. Some members suggested that the firearms safety advertising should be targeted more towards hunters than shooters generally.

## **PERMITS**

Police noted that it has received an influx of letters on permits recently, however this does not reflect the general situation. Most districts have minimal or no import permits backlogged. There was a major backlog at the end of 2015 but now there is a 30 day turnaround. There are 250 import permit applications for parts waiting to be processed, although this is purely because of IT issues.

The permit application system is essentially electronic. Once it is printed on watermarked paper, it should go to the Arms Officer and the applicant. There is no way of tracing that at the moment. Once printed, it goes to Police and then to the applicant. There is an issue where Police thinks that it has done its job, but the hard copy of the permit may not have been received by the applicant. The way around this is to send email advice that a permit has been forwarded.

## **SUBCOMMITTEE – FIREARMS SECURITY**

A Forum member provided a written proposal that there should be a subcommittee on firearms security and storage to further inform the review of security arrangements. The member was not present at the meeting, but a number of members agreed that they were interested in joining the subcommittee as the concept of security has changed. Another member indicated that they would not necessarily like to be a part of the subcommittee, but that they would like any proposal run by them to ensure it is rural-proofed. Police will draft Terms of Reference for the subcommittee in the New Year.

## **SELECT COMMITTEE INQUIRY**

The Law and Order Committee conducting the Inquiry into the Illegal Possession of Firearms has drafted their report. Police has provided comment and has attended a number of meetings. The timeframe for the release of the Committee's Report will likely be March or April 2017.

## **FIREARMS LEGISLATION**

The former Minister of Police has advised officials there will be no movement on the Arms Act until after the Select Committee release their report.

## **OTHER BUSINESS:**

Forum members expressed their concern that changes being made by Police are piecemeal and not coordinated. Some members are concerned that members of their own organisations are losing trust and confidence in Police, so it is crucial to establish better lines of communication. Police noted that this is one of the key reasons behind the consultation and workshop scheduled in early 2017, as it will ensure that stakeholders can contribute to the review process.

A member indicated that there was a fear in their organisation that if someone speaks up, they will be earmarked for lesser service in the future. Police outlined that there is more of a dialogue between Police and the firearms community than there has been in the past, and that if people are experiencing issues, they should contact their Arms Officer. If the Arms Officer does not know how to help, the Arms Officer can contact Police National Headquarters. Contact information for Arms Officers can be found at:

<http://www.police.govt.nz/advice/firearms-and-safety/firearms-offices-and-contact-details>

There was also comment regarding a previous Arms Manager who spent significant time with the firearms community understanding what their requirements were and why, and worked hard to establish a good relationship with them, which included fair policies and procedures. An invitation was put to the new Arms Manager to attend firearms meetings and other events.

One forum member suggested that all Arms Officers should report through PNHQ Wellington as there was a significant amount of inconsistency in the application of policy, often to the detriment of the firearms community.

## **MEASUREMENT OF FIREARMS**

There was a lengthy discussion on the fact that the measurement of MSSAs has changed. Consequently, some licensed firearms owners no longer lawfully own their firearms because they do not hold the required handgun endorsement. This is fundamentally because some shortened MSSAs are now defined as pistols because of their length.

Police noted that a document has been made available that covers the measurement of firearms (link attached). Based on this opinion, Police advises that if a firearm (when folded) is less than 762mm and can still be fired, then it is classed as a pistol under the Arms Act 1983. This interpretation is considered to be based on the intention of the Act when it was drafted.

Police has agreed to look into getting a further legal view on this.

## **PERMITS**

A question was put forward "what would delay a permit for a 'standard' part for an E Cat firearm"?

Police responded that that there are essentially two things that can produce delays:

1. Staffing and training (new staff and the time it takes to train them)
2. IT systems, the current one is standalone and can only be used by one person to input data at a time.

It was mentioned that a template for permits is online and could speed the process up if more people used it. The link is set out below:

<http://www.police.govt.nz/sites/default/files/publications/application-to-import-firearms-restricted-weapons-parts-pol-67b-oct-2014.pdf>

It was suggested, and Police agreed, to add a section on permit numbers (including applications still being processes) in the Quarterly review newsletter.

One member noted that Police requested a “biography” in relation to a request for an import permit by a member of his organisation. The member had written to Police asking if this request was as a result of some policy change in PNHQ. Police responded that there was no policy change with respect to information being sought from applicants as to why they wished to import particular firearms, and Police in attendance did not know about “biographies” being requested. The forum member passed on the email that he received and Police will follow up on this issue.

Meeting closed 12.40

**AGREED ACTIONS:**

<b>ACTION</b>	<b>ASSIGNED TO</b>	<b>COMPLETED DATE</b>
PLACE BROKERING – ATT AS A STANDING ITEM ON THE AGENDA	POLICE	13/12/2016
SEND POWERPOINT FROM POH BOEY TO ALL FORUM MEMBERS	POLICE	13/12/2016
SEND OUT DOCUMENT ON SECURITY OF FIREARMS TO FORUM MEMBERS	POLICE	09/12/2016
FORUM MEMBERS/POLICE TO GET INFORMATION FOR THE PURCHASE OF CHAMBER SAFETY TAGS	POLICE AND FORUM MEMBER	
PUT LINK TO ARMS OFFICERS ON WEBSITE IN MINUTES	POLICE	13/12/2016
POLICE TO LOOK AT ADDING THE ABILITY FOR PERMIT APPLICANTS TO LOOK UP PROGRESS ON THEIR APPLICATIONS	POLICE	
SEND TO FORUM MEMBERS A PROCESS ON NOT BEING ABLE TO FIND INFORMATION AND CONTACTS.	POLICE	
ADD PERMIT STATISTICS AND RELEVANT INFORMATION TO THE QUARTERLY UPDATE	POLICE	
COMPLETE A DRAFT TERMS OF REFERENCE FOR THE SECURITY SUBCOMMITTEE (2017)	POLICE	
MEASUREMENT OF THE LENGTH OF FIREARMS ISSUES TO BE LOOKED AT BY POLICE CROWN LAW ADVICE	POLICE	
PUT A LINK OR THE DOCUMENT THAT OUTLINES 'WHAT POLICE DO' CURRENTLY IN RELATION TO THE MEASUREMENT AND WHY	POLICE	
SEND THE PERMIT FORM LINK IN MINUTES	POLICE	
POLICE TO SEND INFORMATION TO FORUM MEMBERS COVERED IN LETTER FROM TAYLOR	POLICE	
POLICE TO INVESTIGATE THE USE OF THE TERM 'BIOGRAPHIES' BY ARMS OFFICERS	POLICE	