



## MINUTES : Firearms Community Advisory Forum

<b>SUBJECT</b>	Firearms Community Advisory Forum
<b>DATE</b>	Wednesday 16 August 2017
<b>TIME</b>	0930 - 1230
<b>VENUE</b>	Upper Hutt Police Station, 863 Fergusson Drive, Upper Hutt
<b>ATTENDEES</b>	CATHERINE PETREY, GEOFF DUNN, ROB NGAMOKI, RAY VINE, KIRSTY MARSHALL, PAUL CLARK, HELEN MORGAN, NICOLE MCKEE, JOHN HERBERT, ANDREW EDGCOMBE, DEBBIE WAKKER, JOHN HOWAT, TRENT SMITH, PETER NOBLE, SANDRA LOW, PAUL GATLAND, MIKE MCILRAITH, ADAM SMITH, BILL O'LEARY, EWAN KELSALL, JOE GREEN
<b>APOLOGIES</b>	RACHAEL DEAN, MIKE DAISLEY, TREVOR PULLEN

### Item 1 – Welcome and introduction and Safety and Evacuation Procedure

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

A one page document was handed out for everyone containing the Chatham House Rules; the expectation that any member who has a legal challenge against Police will leave the room when that subject is discussed; and applying confidentiality to some information shared in the Forum meetings.

The Chair offered to members some statistics on firearm seizures that had been released under an OIA request.

A round table introduction sessions was undertaken due to new faces at the table.

### Item 2 – Confirm previous Minutes and Update Action Points

#### PREVIOUS MINUTES: confirmed

ACTIONS FROM APRIL MEETING	ASSIGNED TO	COMPLETED DATE
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	COMPLETED AT 16 AUGUST MEETING
AGREE THAT 7 DECEMBER 2017 BE AN ALL-DAY FCAF MEETING	FCAF/POLICE	AGREED
*POLICE TO PROVIDE GREATER TRANSPARENCY OF VISITOR PERMIT PROCESS, AND WILL NOTE FLAGGED ISSUES.	POLICE	ONGOING
A SUBCOMMITTEE TO WORKSHOP THE RECOMMENDATIONS OF THE SELECT COMMITTEE INQUIRY INTO ISSUES RELATING TO THE	POLICE	COMPLETED

ILLEGAL POSSESSION OF FIREARMS. TO TAKE PLACE ON 3 MAY		
FIREARMS SAFETY COUNCIL OF AOTEAROA FOLLOW UP OF MEMBERSHIP	POLICE	COMPLETED
REPRESENTATIVES' ATTENDANCE AT FORUM INVOLVED IN LITIGATION WITH POLICE: RULES GOVERNING THIS	FACAF/POLICE	AGREED AND COMPLETED
SUBCOMMITTEE ON FIREARMS STORAGE TO MEET	POLICE	FIRST MEETING COMPLETED SECOND MEETING 15 SEPTEMBER

\* There was a question in relation to visitors wanting to use E Category firearms in New Zealand. It was conveyed that a directive has been given to look at a workable solution. An FCAF member stated they will provide a high level summary with security measures and options.

**Action Point:** Report back on progress of visitors permits by Police

### Item 3 – Arms Trade Treaty update

Police and the Ministry of Foreign Affairs (MFAT) have completed the second Annual Report on exports and imports of firearms in accordance with the ATT. This can be found on the MFAT website. It was noted that there is work to be done around Police collection of import figures, a work in progress.

The Brokering (Weapons and Related Items) Controls Bill has started the parliamentary process – it had its first reading in the House on the 15<sup>th</sup> August and was referred to Select Committee. It will now be after 23<sup>rd</sup> September 2017 Election before anything further is done and it is some way off becoming an Act. A question was asked about goods that are transhipped? The answer was that this was not brokering and was covered by NZ law on importing and exporting.

### Item 4– Subcommittee firearms storage

The first meeting has been held and minutes were being circulated to subcommittee members (to date not all members had had the opportunity to review them). The next meeting is to be 15 September 2017.

Many ideas and issues had been discussed at the first meeting including having an easier document with tidier categories, requirements for E Category safes and best handling and issues around those whose safes had been approved in the past and which were not considered adequate now. There was mention that there was 'noise' around couriering of firearms, carriage on ferries and in campervans. The subcommittee will look at security in these situations also.

A question was asked, should the number of firearms someone has make a difference to the level of security needed to match the level of risk? It was mentioned that Arms Officers have difficulty with measuring thickness and are inconsistent in application of 'rules'; this requires an easy guide for them to ensure the same standards are applied across New Zealand. Further discussion was had around thickness <6mm vs >6mm. It was suggested that the measure should be based on the product and not only on the thickness. It was asked that if an angle grinder was used to cut them could we work out some measurements to make it much harder or would this just be based on what people felt to be the case?

It was asked if there were figures on the number of safes not approved now that were in the past. There are no figures on this.

Firearm security is always going to be about stopping the opportunistic thief; someone who is 'targeting' firearms will have established best times to 'hit' and if intent on thief will work out a method regardless. Best to be done in this case is to make it harder for them.

A member asked why vettors are in some cases rejecting previously approved safes when the policy around safes had not yet been finalised? In the interim – PNHQ will answer any questions regarding any confusion in the application of rules around safes. This may mean that the outcome changes but equally it may not. Police accepts that the application of standards needs clarity and consistency.

**Action Point:** Their needs to be identification of what safes are specifically causing the problems and how many. To be done by the Security Sub Committee.

### **Item 5 – Changed from Item 9: Police Armoury Statistics**

A sample of statistics for seizures of firearms that were sent to the Police Armoury for examination purposes was circulated for review by members. Other Police seizure statistics cover a wider group of firearms seized with and without warrant and include seized and returned firearms, and those not needed to be examined (although not surrendered firearms).

A couple of case examples were discussed:

1. A case where 60 firearms had been purchased in the preceding 12 months and A category parts had been used to construct E Cat firearms. Police asked the supplier if they had become at all suspicious about the purchases, they said no.
2. Two undercover police officers posed as offering to purchase two fully automatic firearms. The person who was to sell them was charged, although has now got their licence back.

FCAF member noted that these type of people give the majority of 'fit and proper' people a bad name and cause restrictive rules for all.

Discussion took place on the frequency of Arms Officer visits to dealerships and clubs and that there are differences in each police district.

There was a discussion around Webley revolvers and post war family inherited firearms that used to be able to be bought without a licence. There are many in the community already and not everyone is likely to have handed these in when the rules changed.

**Action Point:** Police to put the options for surrendering 'grey' firearms on their website: these are either to hand in at a police station, but phone first or to a Dealer to pass onto Police.

There was a question asking if 'pistols' in Police armoury seizure statistics included sawn off firearms that are under 762mm. The Police response was that in all likelihood the firearms would be entered as sawn offs, not pistols. It was stated that there is an issue if 'sawn offs are being classified as pistols.

MSSAs were also discussed. Police pointed out that A Cat firearms seized with high capacity mags were automatically MSSAs, although there are other MSSA features such as pistol grips, flash suppressor etc. Police reaffirmed that firearms are classified as they are seized.

**Action Point:** Can Police supply the figures for seizures of firearms without warrant under section 18 of the Search and Surveillance Act. Police.

Discussion was had that it is useful to look at the percentage of MSSAs seized compared to what is 'out there'. Some committee members felt that MSSAs are under scrutiny at present due to high profile incidents (recent Whangarei homicide and Morrinsville shooting). Police confirmed they supplied data to Select Committee on previous years data. A question was asked regarding how many are smuggled over the border. Simple answer is it is impossible to know. Customs is happy to receive any information that will help target this type of smuggling. There is always potential, however, it is likely there would be more evidence of illegal importation if this was more prolific. The borders are also monitored by MPI (physical searches) and Police.

**Shared a challenge:** FCAF members were invited to consider a couple of examples of firearms that Police has concerns over. The question was should these be accepted? This was a positive opportunity to share knowledge and thoughts on firearms and for FCAF to see the issues police face.

### **Item 6 (was item 5) – Arms Act Service Delivery Group**

The change of name for the group that includes a number of workstreams relating to the management of firearms-related issues is to emphasise that it is customer focused. It will include work toward a centralised permit hub and business improvements.

### **Item 7 – TradeMe**

Police has been working with TradeMe to improve the process for establishing the licencing process of those purchasing firearms on TradeMe.

TradeMe has completed an update to advise that all persons wishing to ask a question, bid or purchase a firearm will be asked for the name and number on their firearms licence. This will be the subject of a query to Police to search on the Police database for confirmation that the information TradeMe has is correct. Only a Yes or No answer will be received so information (other than licence currency) will be withheld.

Police would like to see this taken up by other online sellers of firearms.

### **Item 7b – Social Media and Organisation View**

Police will not comment on what is in social media as it is often unbalanced.

We will educate and inform people by putting more information on the Police website and encourage people to ask questions.

### **Item 8 – Opportunities for AGMs or Similar**

Police has undertaken to attend AGMs of firearms organisations and similar if invited. Mike McIlraith will attend Pistol NZ AGM on 23 September 2017.

### **Item 9 dealt with as Item 5**

### **Item 10 – MSSA Parts Importation**

Police need to look at importation of parts from several perspectives.

Comment from a committee member was if I am a fit and proper person and I say I am importing parts for A Cat, should that not be trusted? If not this could be a subjectively based view on what 'might' happen. There is a lack of trust and it is very confusing. The firearms community needs

consistent and timely permitting, based on accepting the stated intention of fit and proper persons to sell parts they wish to import as A Cat parts.

Someone remembered a Police Legal Opinion (maybe 2005).

**Action Point:** Police to follow up whether there has been previous legal advice sought.

Police position is to look at each import application on its merits. There is an issue with not knowing how parts will be used (intention).

MSSA controls were about ensuring safety and that these firearms were in the hands of fit and proper people. A comment suggested that Police should have no involvement (in import of A Cat parts) and it was Customs that should be involved when the items come in. Further comment was that the market has changed significantly and so has technology.

High capacity magazines require no licence to purchase in NZ. This is significant when it comes to people assembling MSSAs and attempts have been made to try and control these. A committee member commented that they should be restricted.

Someone asked “why are we talking about permits for parts that do not require permits at the moment?” FCAF could come up with a solution. It could mean better education. There are currently three firearms manufacturers in NZ.

The onus should rest squarely with the firearms user to ensure they comply with the current law and get correct information.

A committee member stated that the continuous shift of police personnel makes consistency very difficult. This area needs someone who has in-depth knowledge and stays. Police commented that this is the reason there is investment in ASAC project, which will include career roles. The Police Executive have recognised this area needs investment. Looking at a centralised management Hub of vetting with validation through District Arms Officers. Currently things look like they always have but the Police are looking at a number of potential changes. One possibility is that there could be graduated applicant tiers, with new licence applicants having greater scrutiny while current licence holders have a streamlined process when they renew their licence. The project is a huge undertaking and will likely take longer than we would all like. Police note that processes will work better when firearms users bring issues to Police attention. Such as when the licence number was visible in the clear view panel on the envelopes sent out. This was fixed on the same day it was brought to police attention. We will continue working together jointly to fix things.

### **Item 11 – Training Provider RFP**

Police has extended the current training providers to 30 June 2018 in order to sort firearms training properly rather than rushing into a RFP. It was acknowledged that it is a complex area and personnel new to the role are doing their best to come up to speed and learn the ropes. Discussion and meetings are welcome.

### **Item 12 – Fish and Game New Zealand Membership on FCAF**

**Action Point:** Police to correspond with FCAF members to seek feedback on membership.

### **Item 13 - Other Business**

MSSA parts: It was noted that there has been no change in policy; but it is acknowledged that a change in process in some areas has occurred and that it was noted that an FCAF members was

disappointed that there was no prior consultation. It was pointed out that the police website had been updated in June with a media release on this issue. It was agreed that further consultation with FCAF members and Operations Group be undertaken.

Chamber safety devices: Agreed that Wellington District would provide tags to Whakatupato. Other Organisations can send their name to PNHQ and will be given the right to purchase the chamber safety devices (without having the cost of the mould) directly from the manufacturer.

2013 Arms Code re-write: Once this has been drafted it will be consulted with FCAF members and then a wider consultation process will be undertaken. Looking at getting a document out for consultation in October 2017.

Select Committee Inquiry into Illegal Possession of Firearms: With regard to the Committee recommendations and Government response, no further decisions will occur until after the election.

It was noted that the Armourer does not classify firearms on the request from public, these need to go through PNHQ.

Meeting Concluded 1250hrs.

**AGREED ACTIONS:**

<b>ACTION POINTS AUGUST MEETING</b>	<b>ASSIGNED TO</b>	<b>STATUS</b>
REPORT BACK ON PROGRESS OF VISITORS PERMITS	POLICE	
IDENTIFICATION OF WHAT SAFES ARE SPECIFICALLY CAUSING A PROBLEM AND HOW MANY?	FCAF/POLICE SECURITY SUB COMMITTEE	
PUT THE OPTIONS FOR SURRENDERING 'GREY' FIREARMS ON THE POLICE WEBSITE: EITHER TO POLICE STATION, BUT PHONE FIRST OR TO DEALER TO PASS ONTO POLICE.	POLICE	
POLICE SUPPLY THE FIGURES FOR SEIZURES OF FIREARMS WITHOUT WARRANT UNDER SECTION 18 OF THE SEARCH AND SURVEILLANCE ACT.	POLICE	
MSSA PARTS IMPORTATION LEGAL OPINION: POLICE TO FOLLOW UP IF THERE HAS BEEN PREVIOUS LEGAL ADVICE ON THIS.	POLICE	
CHAMBER SAFETY DEVICES: WELLINGTON DISTRICT TO DISTRIBUTE THESE TO WHAKATUPATO.	POLICE	
ORGANISATIONS WANTING TO PURCHASE CHAMBER SAFETY DEVICES ARE TO CONTACT POLICE AND POLICE WILL ADVISE THE MANUFACTURER THAT THOSE GROUPS CAN PURCHASE THE DEVICES DIRECTLY FROM THEM (COST OF TAGS ONLY)	FCAF TO CIRCULATE TO MEMBER ORGANISATIONS	
POLICE TO CORRESPOND WITH FCAF MEMBERS TO SEEK FEEDBACK ON MEMBERSHIP	POLICE	