



## MINUTES : Firearms Community Advisory Forum

<b>SUBJECT</b>	Firearms Community Advisory Forum
<b>DATE</b>	Thursday 7 December 2017
<b>TIME</b>	0930 - 1630
<b>VENUE</b>	PNHQ, 180 Molesworth Street, Wellington
<b>ATTENDEES</b>	CATHERINE PETREY, GEOFF DUNN, RAY VINE, KIRSTY MARSHALL, PAUL CLARK, HELEN MORGAN, NICOLE MCKEE, JOHN HERBERT, ANDREW EDGCOMBE, , JOHN HOWAT, SANDRA LOW (LEFT 1130), PAUL GATLAND, MIKE MCILRAITH, ADAM SMITH, BILL O'LEARY, EWAN KELSALL, JOE GREEN, MIKE DOWLING (LEFT 1050), RICHARD KEEYS (GUEST), CLAUDIA JOHNSTON
<b>APOLOGIES</b>	RACHAEL DEAN, DEBBIE WAKKER, TRENT SMITH

### Item 1 – Welcome and introduction

The Chair welcomed the Forum's members. Everyone advised of safety procedures, evacuation protocol.

Discussion regarding secure storage was undertaken. Point was made by Forum member that wider distribution of information and guidance should be undertaken for Arms Officers and Arms staff so that there was not individual interpretations and advice being given but more consistent uniform information nationally.

Trent Smith had been working on questions around safes. It is generally not the brand of safe but where the safe was manufactured. Remedial options are required and consistency. There are two issues: historic sales and new importations/sales. For safes that have been passed and compliant in the past but are subsequently found to be below standard, Police stated that the owner will be given an opportunity for remedial action. Safes and secure firearms storage guide document is currently being worked on through the FCAF sub-committee.

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

Previous minutes confirmed.

#### **FIREARMS COMMUNITY ADVISORY FORUM – ACTION POINTS FROM 19 APRIL MEETING**

ACTION POINTS AUGUST MEETING	ASSIGNED TO	STATUS
REPORT BACK ON PROGRESS OF VISITORS PERMITS	POLICE	COMPLETED
UNDERSTANDING OF WHAT SAFES ARE SPECIFICALLY CAUSING THE ISSUE AND HOW MANY?	POLICE – C PETREY	IN PROGRESS
PUT THE OPTIONS FOR SURRENDERING 'GREY' FIREARMS ON THE POLICE WEBSITE: TO POLICE STATION, BUT PHONE FIRST OR TO DEALER TO RECEIVE ON BEHALF OF.	POLICE	COMPLETED
POLICE SUPPLY THE FIGURES FOR SEIZURES WITHOUT WARRANT UNDER SECTION 18 OF THE SEARCH AND SURVEILLANCE ACT.	POLICE	COMPLETED

MSSA PARTS IMPORTATION LEGAL OPINION: FOLLOW UP ON THIS OPINION AND CIRCULATE TO MEMBERS.	POLICE	ADVICE WAS RECEIVED SOME TIME AGO; HOWEVER, POLICE WILL NOT BE RELEASING THIS DUE TO LEGAL PRIVILEGE.
CHAMBER SAFETY DEVICES: POLICE TO DISTRIBUTE THESE TO THOSE DOING TRAINING	POLICE	COMPLETED

### Item 3 – Arms Code Presentation – Richard Keeys

Police have been working on the draft of the Arms Code and presented some aspects of the work that has been undertaken to date.

The intention is to modernise the code. The use of electronic links to enable more information to be easily gained and the benefit of not having to ‘re-invent the wheel’. The code should not be used for technical advice but should concentrate on safety and use up to date examples such as a ‘safe direction’ to point a firearm.

Additionally there is an opportunity to put information into the code for educational purposes, such as the magazine size changing an A cat to an E Cat. Not everyone is aware of this and education on this would be beneficial. The Arms Code also needs to cover off the correct ammunition for the firearm being used. Having a small section on replica pistols and some basic information could be helpful. More emphasis on air rifles and the spectrum of power can assist parents in decisions regarding purchases for their children.

The entire Arms Code requires updated pictures and more than one photo, rather a series to show the safety aspects can be helpful for visual impact. Another area that could be used to promote safety is the use of chamber safety flags and the importance they play in safety of a firearm. It is important to expand pictures to ensure awareness of ricochet, mis-identification of targets and awareness of the firing zone.

FCAF member commented that the Arms Code over-represents hunters and needs to cover off other types of shooting such as ranges and rules around Pistols clubs. A question was asked why women were overrepresented in pictures in the Code. The answer was that it was highlighting women firearms users and visibility and that was who was available at the time.

The Arms Code should cover good preparation of those who are shooting, such as first aid kits and the ability to self-treat or care for others who have injuries. It was suggested that all non-legislative and non-safety information be removed.

#### **Feedback**

Good visuals. Comment on using the term ‘weapons’, should be ‘firearms’.

Good photos and wording should be tested to age 12 level.

A section on Replica vs Real.

Comment that high visibility clothing has been a target of late and there has been some discussion on whether it increases safety. However, current practice is to emphasise the value of wearing high visibility clothing and this is unlikely to change.

A comment was made regarding a photo of a firearm with a bullet with an ammo stamp. It was noted that many people do their own re-loading and that it is not always safe to rely on the stamp as it may not reflect the re-load.

Requirements for air rifles should be in the Arms Code.

One photo showed the kill shot on a deer off target and it was noted that it should show the correct humane kill shot.

The testing for a licence needs to align with the Arms Code and vice versa.

A member asked if a video could be made as many people especially younger people, look to pictures and learn through videos. It was noted that there are many videos available already and maybe the Arms Code would likely include links to these videos.

FCAF asked if they will see the draft Code prior to wider consultation. The answer was yes. A further comment was made that there needs to be more than one media option for the Arms Code, such as a booklet and online.

The current code is light on safety for semi-automatics so needs more information, as there has been a culture change and lots of new users now use semi-automatics.

The Coroner will look at the Arms Code as the standard so it needs to cover off MSSA's.

**Action point one:** As the development of the Code continues Police should consider all feedback points above.

**Action point two:** FCAF to send suggested video links to Police for consideration to go in the Arms Code.

#### **Item 4– Subcommittee firearms storage**

The subcommittee members took the secure storage in sections over three meetings.

The draft has been put out for consultation and closed December 1. Submissions have been received and are being reviewed by Police currently. There are approximately 600 that came through the automated FOUNZ portal of these about two-thirds of which were sent anonymously. There were a further 114 Individual submissions where people had taken the time to give specific feedback.

A couple of recurrent themes were the requirement for consistency in the document and consistency in application and that the consultation period was not sufficient. Police enquiries revealed that Property investors who were relaxed about the rules and did not see a problem with respect to their application to rental properties, providing tenants returned the property to the original state when the tenancy ended.

All submissions will be reviewed before a further consultation paper can be released.

Police apologise for getting the wrong email address out for feedback provided an assurance this was not intentional in any way, as has been suggested in a couple of submissions.

FCAF member comment: Both the April and the November 2017 drafts are inadequate around Regulation 19. The subcommittee did state that the Regulations could be looked at.

The Secure Storage document should be guidance and not change the regulations or Legislation.

#### **Agenda Item 5: Web Forms**

Police demonstrated one example of firearms forms that are being modernised by way of web form development.

Questions resulting from the representation:

Can you use an existing firearms licence as ID?

- Drivers licence is the preferred ID as Police need to cater for first time applicants that do not have a firearms licence yet.

What about those with no computer access?

- Paper based forms will continue, however Police is encouraging everyone to use the electronic applications.

It was noted that there may be teething issues as there inevitably always is with starting new processes, and it will take time to establish a smooth process.

Will web forms be available to Dealers?

- Yes and for endorsements applicants.

Do web based forms take priority over paper forms?

- Yes. Web forms take 20 minutes less to process than paper applications.

As applicants will be able to pay online for a licence will American Express be available?

- No, MasterCard and Visa only.

Why not use RealMe?

- There is not a huge uptake on RealMe.

Will there be a warning to the applicant on the application form that any information given will be checked.

- Yes.

What about clean slate Act?

- Police will check this and look at each case.

People are embarrassed about mental health issues and may not state this issue at time of application.

- Having mental health issues does not preclude you and each case will be looked at holistically.

What about other forms and agencies?

- Within legislative constraints, Police will provide the relevant information to agencies such as Customs/MFAT.

Ammunition weight limit for visitors might be a problem? Forum member commented that most people re-load for competitions so shouldn't be too much of a problem.

What about Australians coming to NZ to use MSSAs?

- An option could be to have them apply for a NZ firearms licence with an E endorsement. More work is required in this area.

Need to be careful with the wording in the forms as something like “have you been involved in domestic violence” can capture victims and re-victimise them.

- Noted.

### **Agenda Item 6: 30 Day Licensing Window**

Police raised challenges faced by Arms Officers and vettors in terms of applicant availability e.g. going on holiday after applying as well as trouble contacting referees.

Timeframe currently refers to 30 calendar days and could be more appropriate to be 30 working days.

Vettors currently have limited management oversight and it has been shown that districts who manage their vettors better have better results. An FCAF member stated that this process was noticeably improved, but that expectations were still not being fully met. Current standard is 90% of people are done on time and the 10% caters for the delayed applications.

Are centralised Arms Officers on the agenda?

- Yes, a centralised administrative hub, with staff still in districts. There is still work to be done in this area and Police is looking for a systems approach = safety and control.

### **Agenda Item 7: Firearms Safety Training**

Police are developing an online learning portal. This was subject to a Request for Information to the market earlier in the year.

Could Police get funding from industry?

- No, conflict of interest.

Will online be the only way to license?

- No.

### **Agenda Item 8: Arms Safety and Control Project Update**

This project has been re-scoped. A Business Case for change is at an advanced stage.

### **Agenda Item 9: Arms Act Service Delivery Group Update**

Mail order and procurement will be centralised to free up district staff so they can focus on other parts of the Act such as service delivery and timeliness.

- The new team are in a training phase and can expect to be up and running early in the New Year.

Why is it not public information that the central team is in place?

- Police were not yet ready to deliver the intended service as the team are still under training and the large volume of OIAs have been slowing down the process a lot.

How will District Commanders feel about a centralised service hub?

- They will have no extra workload and their staff will be freed up to deliver other services.

A member commented that while a lot can be done on line it is still essential to be able to approach and talk through matters with the Arms Officers. It is important that dealers, in particular, can have access to Arms Officers.

There was a comment about the importance of making appointments with Arms Officers.

A comment was also made about Police front desk at stations and their understanding of the need for accessibility to Arms Officers. Keeping in mind that an Arms Officer can have up to 4500 customers each.

Police Apology to Firearm Safety Specialists NZ Ltd: Link to firearm safety on Police website was absent and is now reinstalled.

### **Agenda Item 10: Illegal Firearms**

Historical point of view of firearms incidents from FCAF member.

In the past many people have bought back firearms and war souvenirs. There has been light, moderate and heavy 'immobilisation' of these souvenirs.

A summary of the presentation was tabled.

Story about successful licensing and stopping improper storage.

Firearms do not stop working if they are old – long term storage has no effect.

That the key message is that possession of high risk firearms is not a new issue.

The point is to make people understand the history – noted that this must go into the minutes.

A FCAF member commented that ammunition purchases for historic firearms were popular in the 1980s but have tapered off now. Possible reasons for this may be that there are no guns, the prices are too high or the customers are going elsewhere.

Can Police seize and sell historic firearms?

- No, violates UN rules. Any firearms in state control can be destroyed.

Could there be some discretion over destroying a historically significant guns?

- It is already at the discretion of the Arms Officer and arrangements can and have been made to avoid destruction.

When a firearms holder dies often their firearms are not thought about and become "grey firearms"

It would be helpful if lawyers ask firearm licence holders' family about the location of the guns on death of licence holder.

There is progress being made on this in the form of an information sharing agreement with DIA.

Implementation needs to be a focus. One member commented that they knew of one instance where an Arms Officer was alerted to 'grey firearms' and did nothing.

### **Presentation to John Howatt on his retirement from the Forum**

Police thanked John Howatt for his many years of contributions in the firearms community and presented him with a Certificate of Appreciation.

### **Agenda item 11: Magazine Size**

This item was put on the agenda for two reasons. One that it had been raised as a point of discussion at the previous FCAF meeting but because of limited time there was limited discussion. The second was that a large capacity magazine was found associated with a fatal shooting.

An incident was reported about someone being sold semi-automatics by a dealer and then later on the same day purchasing a large capacity magazine. Many people are unaware that inserting a large capacity mag into an A Cat firearm will change it to an MSSA and this is illegal.

A member commented that prior to 1992 Amendments there was no E endorsement.

There was some proliferation of MSSAs and large capacity magazines prior to the Arms Act Amendments in 1992. There are a large number in circulation now.

Three local manufactures make 30 round mags.

FCAF member commented that the definition of 'fit and proper' can be applied as a control – fit and proper users do not fit large mags to A Cats illegally.

There are no restrictions in sales of large capacity magazines. The behaviour should be around supporting good legal practice.

### **White Board session.**

Safety – Perception – Education – Controls – Enforcement

Enforcement is necessary.

If Police do not want the public to have access to large capacity magazines, why are they widely available for sale?

Public do not understand the law and need greater education around MSSAs and endorsements.

Should MSSAs be redefined in the Arms Act? An experienced shooter can change a magazine in 1.3 seconds, while an inexperienced shooter in 3 seconds.

Rate of fire is the issue. Would there be confiscation if banned or restricted?

Government decision not Police.

Agreement at this point that education is important.

Outcomes:

1. Regulation of magazine size per se would be very difficult due to the large number in circulation, local manufacture and cost/capability to enforce.

2. Appropriate use of magazine size (i.e. by a person with an appropriate endorsement) was agreed by the group. The proposed actions were:
  - a. Provide clarity (Police websites, dealers, community fora) on what was legal: magazine size by endorsement type.
  - b. Educate on the reasons for the approach.
  - c. Take action where flagrant breaches occurred: person could be consider not 'fit and proper'.

### **Agenda Item 12: Select Committee Recs**

New Government is reviewing the previous decisions.

Police proposed a set of recommendations to review, both on those that generated the most interest/discussion at previous meetings.

**#5:** Permit to procure extended to cover all sales or transfers of firearms

Previously rejected. Decision of FCAF – no change, still reject

**#11:** Require Police to record serial number of all firearms upon renewal or inspection of premises

The licensee has security reflecting the number of firearms they possess. Security is in place prior to licence being obtained.

This item led to a broader discussion, which at times touched on items 15 and 16 as well. In relation to Arms Officer checking: Opposition to Police noting which types of firearms present.

No data should be collected apart from number of firearms in the safe at the time that Police carry out the inspection.

Safety issues are being clouded by workload and potential problems. Too high a workload to record all serial numbers.

Human error when recording serial numbers.

Would altogether reject this, however; the visual inspection aspect should be kept.

30 days to advise change of address and for Police to inspect new premises.

Previously rejected. Decision of FCAF – no change, still reject.

**#15:** Secure storage confirmed prior to licence or endorsement received.

Police has been doing this but were challenged in Court by Mr Lincoln in respect of endorsements. The High Court expressed doubt over the validity of this prior confirmation (although it did not make a declaration on the issue). No rule regarding this.

Police is applying storage requirements in Regulations.

Issues around the relationship of AO/Police with their community.

Wording suggests that it does not limit it to endorsement holders. Why was it rejected?

(It was considered unnecessary because it was already Police practice, however the legal framework that allows for this practice is less clear than it could be. Clarity in legislation makes it easier to apply in practice.)

Comment made that people really need to know they are eligible before investing money. People will be concerned about spending money without having their licence confirmed. There was concern that a person might apply for their licence, install storage and then have the application rejected, leaving them substantially out of pocket.

If firearms are used only at work – no need for storage at home, address and safe could be at workplace. A person can have two addresses and only one place where the firearms are stored.

There was discussion and support for the concept that ‘storage should be appropriate to the number and nature of firearms held’ but the FCAF group were not prepared to endorse such a recommendation with further debate and the language being clearly spelled out.

**#16:** Allow Police to enter premises to inspect security of A Category firearms.  
This causes firearms owners to feel demonised and targeted.

Police have better things to do.

Agreement to reject as no reason to do this.

Previously rejected. Decision of FCAF – no change, still reject

**#19:** Police publicise amnesty provisions

This summarised the actual recommendation that Police develop policy guidance around not prosecuting those who hand in guns to Police under an ‘amnesty’ provision of the Arms Act. Government rejected this as Police currently has discretion regarding prosecution and is done on a case by case basis (so no need for guidelines).

Rejected because of Police discretion regarding prosecution.

Problem with the wording. People are scared they will be prosecuted.

Rejected as currently written but discuss further.

### **Agenda item 13: Other Business**

There was a question raised about a possible change to the list of firearms approved for use in New Zealand. Police responded that the list had not been updated recently and was due to be updated.

There was also an issue raised about the need to produce samples of firearms imported when there have only been very small (cosmetic) changes to previous types imported (e.g. a slight change in a pistol grip) – this seemed unnecessary.

The high number of Official Information Act requests was discussed. There was a comment that this was because of the low trust in Police. Can Police release data regularly online which may reduce the number of requests?

Thanking everyone and merry Christmas.

Meeting Concluded 1545hrs.

### **AGREED ACTIONS:**

<b>ACTION POINTS AUGUST MEETING</b>	<b>ASSIGNED TO</b>	<b>STATUS</b>
SEND SUGGESTED VIDEO LINKS FOR ARMS CODE	FCAF	
AS THE DEVELOPMENT OF THE CODE CONTINUES POLICE SHOULD CONSIDER ALL FEEDBACK POINTS ABOVE.	POLICE	