

# Arms Legislation Bill

Government Bill

## Explanatory note

### General policy statement

This is an omnibus Bill introduced under Standing Order 263(a). The amendments in the Bill deal with an inter-related topic that can be regarded as implementing a single broad policy. That policy is to improve public safety by adjusting legislative frameworks to impose tighter controls on the use and possession of arms.

The role of the Government is to enable a regulatory regime that provides for licence holders to legitimately use firearms in their work and recreation. It is also important to put in place sufficient regulatory controls, risk management systems, and enforcement powers to give the public confidence that the Government can minimise the likelihood of misuse and consequent harm to the wider community.

The Bill—

- introduces a new purpose statement for the Arms Act 1983 (the **Act**):
- creates a registry to store information on firearms and link them to licence holders in order to keep better track of firearms throughout their life cycle:
- strengthens the licensing regimes to focus more on filtering out high-risk people and behaviour, aiming to ensure firearms remain accessible only to appropriate people acting in the interests of personal and public safety:
- strengthens the Act by improving the tools available to the Police to enable them to function better as a regulator, including a more graduated suite of interventions aimed at increasing compliance with the regime:
- introduces an advisory group with membership from the firearms and non-firearms communities:
- enables more robust and transparent information-sharing and cost-recovery regimes:

- enables the issue of further guidance on aspects of the Act through a notice-making provision:
- strengthens regulatory oversight of the importation and sale of ammunition and blank-firing guns, advertising, and manufacturers of parts:
- provides for a review of the Act to commence 5 years after the Bill is fully in force:
- introduces new offences and penalties and strengthens existing offences and penalties:
- enables New Zealand to accede to the United Nations Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (the **Firearms Protocol**):
- includes other minor and technical changes.

The majority of the provisions are intended to come into force on the day after enactment date. Some provisions are intended to be staggered (as outlined below) to give Police and other affected parties, such as businesses, sufficient time to prepare information, systems, and processes to implement the changes.

#### *Purpose of Act*

The purpose statement emphasises that the Act establishes a regulatory regime to promote the safe possession and use of firearms and other weapons and imposes controls on their possession and use. It reflects that the possession and use of arms is a privilege and that persons authorised to import, manufacture, sell, supply, possess, or use arms have a responsibility to act in the interests of personal and public safety.

#### *Registry to store information on firearms and licence holders*

Currently, there is limited knowledge of how many firearms are in New Zealand, who has them, who is selling them and to whom, and how secure they are. This situation makes it easy for firearms to be acquired by criminals, via sale or theft, who then hold them outside the regulatory system. The Bill enables the creation of a full registry to store information about licence holders, their licence details, and the firearms, registered weapons, and prohibited magazines they possess.

The Bill provides for regulations to be made for the efficient operation of the registry. This may include setting out in more detail the information that licence holders or others are required to provide, the manner in which information will be provided, and additional requirements for those with permits relating to prohibited items, gun shows, and importation.

There are obligations on persons undertaking activities within the firearms regime to enter information into the registry.

It is intended that the majority of the provisions related to the registry will come into effect 2 years from the date of enactment or earlier by Order in Council.

*Licensing system design*

The most important entry point to the firearms regulatory regime is through licensing. The Bill strengthens the licensing regime to enhance public safety.

The Bill enables positive behaviours, skills, and knowledge to be indicators that a person is likely to be a fit and proper person to hold a firearms licence. It also outlines behaviours that would either disqualify someone from holding a firearms licence, or indicate that a person may not be a fit and proper person to hold a firearms licence. A person who has had a conviction for serious offending, or a final protection order made against them, would not be able to apply for or hold a licence for 10 years.

The circumstances that may indicate a person may not be a fit and proper person to possess a firearm or an airgun include having been charged with or convicted of certain offences, having had a temporary protection order against them, not complying with the provisions in the Act or regulations made under the Act, exhibiting significant mental health or substance abuse issues that might adversely affect their ability to safely possess firearms or might impair judgement or behaviour, having close associations with a gang or organised criminal group, showing concerning patterns of behaviour relating to, for example:

- hatred:
- extremism:
- being assessed as a risk to national security.

In order to ensure that a licence holder continues to be a fit and proper person to hold a licence, they will be required to inform Police if a circumstance arises where they may no longer meet the requirements.

Health practitioners will have a responsibility to consider notifying Police if, after seeing or being consulted about a patient, they consider the person should not be permitted to use or possess firearms or should only do so subject to limitations that may be warranted by their mental or physical condition. Part of this notification will include an assessment of whether they believe the person poses a risk of harm to themselves or to others. Licence holders may then be required to undergo a further medical assessment or surrender their licence. To assist with this, applicants for firearms licences must provide contact details for their health practitioner to Police.

Individual firearms licences will be issued for 5 years to enable a more regular reassessment of a licence holder's patterns of behaviour, living and security arrangements, and whether there are any circumstances that may mean they are not a fit and proper person to hold a licence. Existing licence holders on a 10-year licence will be able to see out the duration of their current licence, with some transitional arrangements for applications made since the content of the Bill was announced on 22 July 2019 and before its coming into force.

General conditions on all firearms licences will require licence holders to act in a way that does not pose a risk to themselves or others when using a firearm, and permit Police to inspect firearms and their storage and security arrangements, with Police

being required to give reasonable notice of an inspection. Police will also be able to inspect the security arrangements in vehicles when firearms are in transit.

A licence will be required to possess non-prohibited magazines, parts of firearms, and ammunition.

Currently, a person who is a visitor to New Zealand who intends to reside here for less than 1 year may be granted a firearms licence with a duration of up to 1 year. Such a person will not be able to acquire ownership of a firearm or restricted weapon that they will possess and use in New Zealand.

Before lodging an appeal to the District Court, licence holders will be able to request that the refusal of a firearms licence application or a decision to revoke a firearms licence be reviewed by a delegate of the Commissioner of Police (the **Commissioner**) who was not involved in the original decision.

It is intended that the majority of the provisions related to individual licensing will come into effect 6 months from the date of enactment.

#### *Dealers licensing regime*

The Bill broadens the activities covered by a dealer's licence to be in the business of selling, possessing, supplying, hiring, manufacturing (for which approval is required), repairing, modifying, displaying, or otherwise carrying out commercial transactions involving a class of arms items. It expands the criteria for being a fit and proper person to hold a dealer's licence (who must first have a firearms licence and therefore meet those criteria) to encompass their character and reputation and whether they have:

- the appropriate competencies and resources:
- ever been adjudicated bankrupt or been a director of a company that has been put into receivership or liquidation:
- any convictions:
- a sound knowledge of firearms, licences and the legal obligations that attach to them.

If the dealer is a senior manager of a body corporate, the body corporate must have appropriate record keeping and other systems to comply with the requirements under the Act and regulations, have suitable staff, and have appropriate control and oversight.

It is intended that the provisions related to the dealer licensing regime will come into effect 12 months after the date of enactment.

#### *Licensing for shooting clubs and shooting ranges*

The Bill provides for licensing of shooting clubs, including pistol clubs, and shooting ranges. It defines shooting clubs and shooting ranges and specifies requirements for shooting clubs to be granted a certificate of approval and for shooting ranges to be certified, both by the Commissioner.

Shooting clubs must have rules relating to the safe operation of firearms and promoting their safe possession and use, be appropriately administered, and be able to safely manage shooting activities. Shooting ranges must meet safety standards. The duty manager of a certified shooting range must have a firearms licence and be appropriately trained in shooting range management.

Police will also be able to inspect shooting clubs and shooting ranges and their documents.

It is intended that the provisions related to the licensing for shooting clubs and shooting ranges will come into effect 2 years after the date of enactment.

*Acceding to United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition*

The Bill contains amendments that enable New Zealand to accede to the Firearms Protocol. Those amendments include—

- a requirement that all firearms manufactured in New Zealand or imported have an identifying mark:
- new offences, which can be applied extraterritorially, relating to the illegal manufacture of arms items, the illegal trafficking of firearms, parts, and ammunition, and the falsifying, altering, or removal of firearms markings:
- a requirement that records of firearms manufactured in New Zealand be kept for at least 10 years:
- 2 technical changes to the definition section to add silencers to the definition of parts for all firearms, and to clarify that antique firearms do not include firearms manufactured after 1899:
- consequential amendments to the Mutual Assistance in Criminal Matters Act 1992 and the Extradition Act 1999 to reference the Firearms Protocol and new offences to enable New Zealand to co-operate with other State Parties under the Firearms Protocol, and the Convention (the consequential amendments would come into effect by Order in Council as these are dependent on accession to the Firearms Protocol).

In accordance with Standing Orders, all multilateral treaties must be presented to the House for parliamentary treaty examination. New Zealand completed this process in 2004. The Government intends to accede to the Firearms Protocol following passage of this Bill.

*Clarifying and strengthening Act*

Amendments are being made to clarify and strengthen the Act.

The Bill recognises the risk of harm to the public that can result from ready access to ammunition and strengthens the ammunition regime by requiring a permit to import any quantity of ammunition and requiring an ammunition seller to hold a current firearms licence with conditions for record-keeping.

The Bill requires a permit for importing blank-firing guns. This will enable Police to receive a sample and test it before it is imported. This is so Police can determine whether it can be readily converted to fire ammunition, therefore meeting the definition of a firearm.

In relation to the transitional provisions in the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019, the Bill confirms that the exemption for existing businesses will be made permanent for manufacturing prohibited parts and allowing the use of prohibited items for testing those parts.

The Bill enables the Commissioner to issue notices that provide guidance or administrative details about any aspect of the Act or regulations made under the Act (such as security requirements, identification numbers for firearms and magazines manufactured in or imported into New Zealand, and how to demonstrate the positive behaviours, skills, and knowledge that indicate a person is fit and proper to hold a licence). The Commissioner must consult the new Firearms Advisory Group, and may consult others, before issuing a notice.

The Ministry of Foreign Affairs and Trade, the New Zealand Customs Service, and the Department of Conservation will be able to access information from the registry, to assist the agencies in performing or exercising the functions, duties, and powers of their roles. More detail setting out the manner of gaining access, the level of authority to gain access, and conditions on the use and disclosure of information will be set out in direct data access agreements that are approved by Ministers.

The Bill establishes a Firearms Advisory Group to advise the Commissioner on matters that contribute to achieving the objectives of the Act. It also provides for the Minister of Police to undertake a review of the Act when the amendment Act (this Bill once enacted) has been in force for 5 years.

The Bill clarifies that endorsements on licences that enable an individual to possess restricted weapons, pistols, and prohibited firearms last for the length of time left on the licence that is being endorsed and a new application for an endorsement must be made when an application is made for a new licence. The exception to this is wild animal recovery and pest-control endorsements, which will last for 2 years or the length of the licence, whichever is shorter.

#### *Compliance, enforcement, offences, and penalties*

The Bill provides a new tool where there are minor infringements against the Act or the Arms Regulations 1992 to enable action to be taken at an early stage. Improvement notices will be able to be issued to firearms and dealer licence holders, ammunition sellers, or shooting range operators, that will outline requirements that are not being, or unlikely to be, met. Improvement notices may include remedial steps that should be taken by a particular date. If the identified requirements in the notice are not met, that could result in the licence being revoked. Improvement notices will also be able to be given to shooting clubs and shooting ranges following an inspection.

The Bill also provides for immediate temporary suspension of a firearms or dealer's licence in certain circumstances at the commencement of a revocation process, and

the potential immediate seizure of firearms and other items. There is a five year stand down period before someone can apply for a firearms licence after having had an earlier licence revoked. A shooting club or shooting range may be required to suspend its operations for failing to comply with an Improvement Notice.

The Bill updates a number of penalties in the Act to make them more fit for purpose and commensurate with the seriousness of the offending. The Bill also includes new offences related to—

- the supply of information required for the registry:
- selling or supplying ammunition without a firearms licence:
- failure to permit inspection of firearms and security:
- possession of non-prohibited parts, magazines, or ammunition without a firearms licence:
- conducting or operating an unapproved shooting range.

#### *Clarification of fee setting powers to enable cost recovery*

The Bill enables Police to recover their costs for certain activities under the Act (which does not include responding to calls for service relating to potential offending, conduct of criminal investigations, or prosecuting criminal offences). It provides for the Minister of Police to develop regulations for the charging of a fee if the proposed charge is consistent with a set of criteria and the Commissioner has consulted with affected parties. The criteria include that—

- the fee or charge is not more than the actual and reasonable costs of the activity:
- the fee is generally obtained from the users and is as far as practicable commensurate with a user's own use of the service to which the activity relates:
- the costs are efficiently incurred:
- the relationship between the costs and the nature and duration of the activity is clear.

#### *How Act binds the Crown*

The Bill changes how the Act applies to the Crown by expanding and clarifying the categories of government employees or agents who are exempted from some of the Act's provisions. The changes fall into 3 categories—

- the classes of person in the Crown's service who may lawfully import, carry, or possess firearms or other items is expanded to include visiting law enforcement officers (when approved by the Commissioner), Ministry of Defence staff (under direct supervision), people approved to provide training to Police or New Zealand Defence Force personnel, and Customs officers:
- the exemption that allows the Crown to import, possess, or manufacture firearms or parts now extends to agents acting on the Crown's behalf:

- clarifying that certain requirements in the Act do not apply to the Crown, unless regulations provide that they do.

### *Regulations*

In addition to the new regulation-making powers outlined above, the Bill provides for a number of additional regulation making powers.

### *Other minor and technical changes*

The Bill includes minor and technical changes to improve the operation of the Act, including changes for modernisation purposes.

## **Departmental disclosure statement**

The Police are required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2019&no=177>

## **Regulatory impact assessment**

Police produced a regulatory impact assessment in June 2019 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact assessment can be found at—

- <https://www.police.govt.nz/arms-legislation-bill-regulatory-impact-analysis>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

## **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause. The Bill's regulation-making provisions will come into force on the day after the date of Royal assent. The rest of the Bill's provisions will be brought into force by 1 or more Orders in Council, by 1 December 2021.

## **Part 1**

### **Amendments to Arms Act 1983**

*Clause 3* provides that *Part 1* amends the Arms Act 1983 (the **principal Act**).

*Clause 4* repeals the Long Title of the principal Act.

*Clause 5* inserts, after section 1 of the principal Act, a *new Part 1 heading* (preliminary provisions). *Clause 5* also inserts a *new section 1A*, which is a purpose clause. It states that the purposes of the principal Act are to promote the safe possession and use of firearms and other weapons and to impose controls on their possession and use.



The regulatory regime established by the principal Act reflects certain principles, including the principle that the possession and use of arms is a privilege.

*Clause 6* amends section 2 of the principal Act, which defines various terms used in the principal Act. This clause inserts definitions for new terms used, including ammunition seller, arms item, dealer activity, health practitioner, registry, and visitor. This clause also amends the definition of antique firearm so that it does not include a firearm manufactured after 1899 and amends the definition of part to include a silencer. The definition of arms office is repealed.

*Clause 7* amends section 3 of the principal Act, which provides that the Act binds the Crown. The amendments in this clause—

- allow the carriage or possession of firearms or other regulated items by any person in the course of that person's duties as a Customs officer:
- enable the Commissioner and the Chief of Defence Force to authorise persons to provide training to members of their respective forces in the use of any firearms or other regulated items:
- allow the carriage or possession of firearms or other regulated items by a civilian employee of the Ministry of Defence, so long as the person carries or possesses any firearms or other items under the direct supervision of a member of the New Zealand Defence Force:
- allow the importation or possession by any agent of the Crown of firearms or other regulated items imported on behalf of the Crown:
- allow the assembly or manufacture by the Crown, or on behalf of the Crown by any agent of the Crown, of any firearms or other regulated items:
- allow the importation, carriage, or possession of any firearm or other item regulated by the principal Act by any person who is a visiting law enforcement officer from another country and is authorised by the Commissioner to import, possess, or carry the firearm or other item while in New Zealand:
- exempt the Crown, subject to any regulations, from compliance with reporting and other requirements of the principal Act in relation to firearms and other items regulated by the principal Act that are owned by the Crown.

*Clause 8* amends section 4A of the principal Act to include as exempt persons—

- a person who before 12 April 2019 was in the business of manufacturing prohibited parts for permitted supply and who continues for that purpose to manufacture prohibited parts:
- a person who before 12 April 2019 was in the business of permitted supply and who continues for the purposes of permitted supply to use prohibited items to test and demonstrate prohibited parts.

This amendment provides a permanent exemption for those persons and replaces the current transitional arrangement that expires in December 2020. However, the current transitional arrangement relating to the manufacture of prohibited magazines that expires on 31 December 2020 is not continued.

*Clause 8* also amends section 4A to delete from the list of exempt persons employees and agents of licensed dealers.

*Clause 9* replaces the cross-heading above section 5 of the principal Act with a *new Part 2 heading* (licensed dealers).

*Clause 10* replaces sections 5 and 6 of the principal Act, which relate to dealer licensing, with *new sections 5, 5A, 5B, and 6*.

*New section 5* specifies the activities that, if carried on in relation to any class of arms item, require a dealer's licence. These dealer activities include the following:

- selling, hiring, lending, or otherwise supplying a class of arms items:
- possessing, for the purposes of auction, a class of arms items:
- repairing or modifying a class of arms items:
- displaying, as the director or curator of a bona fide museum, a class of arms items:
- manufacturing for sale, hire, lending, or other supply, any class of arms items:
- manufacturing for permitted supply prohibited parts and using prohibited items to test and demonstrate those parts.

A body corporate may carry on a dealer activity if a senior manager of the body corporate has a dealer's licence.

A person who contravenes this section without reasonable excuse commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000.

*New section 5A* provides that an application for a dealer's licence must be made on a form provided by the Police, or in a manner approved by the Police, and must specify the dealer activities for which the licence is sought and the class or classes of arms items in respect of which those activities will be carried on.

*New section 5B* provides for the issue of a dealer's licence authorising the applicant to carry on 1 or more dealer activities in respect of 1 or more classes of arms items. A dealer's licence may only be issued to an applicant who holds a firearms licence that bears appropriate endorsements, and who a commissioned officer of Police is satisfied is a fit and proper person to carry on dealer activities and has appropriate secure storage facilities.

*New section 6* sets out the matters that the Police must take into account when deciding whether an applicant is a fit and proper person to hold a dealer's licence. These matters include whether the applicant has the competencies and resources to carry on the dealer activities for which the licence is sought, has any convictions, and has an understanding of the legal obligations of a licensed dealer. In any case where a dealer activity is to be carried on by a body corporate, the Police must also be satisfied that the body corporate has suitable staff, has appropriate record-keeping systems, and that the applicant will have appropriate oversight and control of the dealer activities.

*Clause 11* inserts *new section 6B* into the principal Act, which provides that a dealer's licence that is issued for the purposes of carrying on a dealer activity relating to the manufacture for sale of specified classes of arms items is subject to the condition that the dealer obtain the written approval of the Commissioner before manufacturing any of those classes of arms items.

*Clause 12* amends section 7A of the principal Act. Dealers will no longer be required to close their place of business in respect of which their licence was issued when conducting a gun show at another place of business.

*Clause 13* amends section 9 of the principal Act to provide that when a dealer's licence is revoked, it must be immediately surrendered to the Police and that an employee of the dealer may not then carry on a dealer activity for the dealer.

*Clause 14* amends section 10 of the principal Act, which imposes restrictions on a licensed dealer possessing pistols, restricted weapons, prohibited firearms, and prohibited magazines. A new restriction is inserted to provide that a dealer may not possess a pistol, restricted weapon, prohibited firearm, or prohibited magazine for the purpose of carrying on a dealer activity unless their dealer's licence specifies that they may carry on that activity in respect of those items and the dealer has an appropriate endorsement on their licence. A person who contravenes section 10 without reasonable excuse commits an offence and on conviction is liable to imprisonment for a term not exceeding 6 months, or a fine not exceeding \$10,000.

*Clause 15* replaces section 11 of the principal Act. An employee of a licensed dealer must not perform any duties that include carrying on a dealer activity unless the employee holds a firearms licence. If the duties include activities in respect of pistols, restricted weapons, prohibited firearms, or prohibited magazines, the licence must bear the appropriate endorsements. A person who contravenes this section without reasonable excuse commits an offence and on conviction is liable to a fine not exceeding \$10,000.

*Clause 16* amends section 12 of the principal Act, which relates to the record of dealings by licensed dealers. Section 12(1) currently requires licensed dealers to keep a book that records the receipt, sale, or manufacture of any firearms, airguns, pistols, prohibited items, or restricted weapons. Section 12 is amended to provide that licensed dealers must also record any particulars that may be prescribed relating to the transactions conducted in the course of their activities. Records must be kept for 10 years. The amendments also require a licensed dealer to immediately surrender to the Police the dealer's prescribed records if the dealer's licence is revoked under the principal Act.

*Clause 16* also inserts *new subsections (3) and (5)* into section 12 of the principal Act. *New subsection (3)* increases the penalty for breaching section 12. A person who, without reasonable excuse, contravenes section 12 is liable on conviction to a term of imprisonment not exceeding 6 months, or a fine not exceeding \$10,000. *New subsection (5)* exempts a licensed dealer from the obligation to record certain particulars that are exempted by regulations or provided to the Police for inclusion in the registry.

*Clause 17* amends section 13 of the principal Act, which relates to the seizure of firearms, ammunition, airguns, pistols, prohibited items, and restricted weapons held by licensed dealers. The amendment adds magazines and parts to this list so that magazines and parts held by licensed dealers may also be seized.

*Clause 18* amends section 14 of the principal Act, which provides for the disposal of firearms, ammunition, airguns, pistols, prohibited items and restricted weapons by a licensed dealer after the revocation of their licence. The amendment adds magazines to this list so that a licensed dealer may also dispose of magazines in their possession when their licence is revoked.

*Clause 19* replaces section 15 of the principal Act, which provides that it is an offence for a dealer to carry on business after the revocation of their licence. *New section 15* extends this offence to apply in the case where a dealer's licence is revoked under *new section 27C* (inserted by *clause 39*), and also increases the maximum penalty on conviction to a term of imprisonment not exceeding 1 year or a fine not exceeding \$15,000.

*Clause 20* replaces the cross-heading above section 16 of the principal Act with a *new Part 3 heading* (permits to import).

*Clause 21* replaces section 16 of the principal Act, which requires a person to have a permit to bring arms into New Zealand. References to a blank-firing gun replace the current references to a starting pistol, and a permit must now be obtained to bring non-prohibited ammunition into New Zealand. The maximum fine on conviction for bringing firearms, pistols, restricted airguns, restricted weapons, blank-firing guns, parts of those items, or non-prohibited ammunition into New Zealand without a permit is increased from \$2,000 to \$15,000.

*Clause 22* replaces section 16A of the principal Act, which provides that it is an offence to bring into New Zealand any prohibited ammunition. The amendment clarifies that in this context, as in section 16 of the principal Act, New Zealand does not include harbours and other territorial waters of New Zealand. This offence is not intended to apply in respect of prohibited ammunition on craft transiting through New Zealand waters. The penalty for this offence is unchanged (a term of imprisonment not exceeding 5 years).

*Clause 23* repeals section 17 of the principal Act, which provides that in proceedings for an offence against section 16 of the principal Act the defendant has the burden of proving that they acted under a permit. This reverse onus of proof will no longer apply.

*Clause 24* amends section 18 of the principal Act, which provides for the issue of permits to import. That provision is amended to align with the amendments to section 16 in *clause 21* and provides for the issue of a permit to import blank-firing guns and non-prohibited ammunition. Section 18 is also amended to clarify that a permit is issued in respect of items brought into or sent within New Zealand in a single consignment so that goods cannot be imported in multiple shipments under a single permit. A permit is automatically revoked if the firearms licence of the person importing

the item, or on whose behalf the item is imported, is revoked. A permit is also automatically revoked if a licensed dealer's licence is revoked.

*Clause 25* replaces section 18B of the principal Act, which sets out the requirements for providing a sample, at the request of the Police, of any goods proposed to be imported, and for the subsequent disposal of any goods imported that do not correspond with the sample. This provision is divided into 2 new provisions.

*New section 18B* is substantially the same as existing section 18B, which requires that samples of items proposed to be imported must, if required, be produced for examination and testing as soon as practicable. This section is amended to include reference to blank-firing guns (replacing starting pistols) and non-prohibited ammunition and to provide that the Crown is not liable to pay compensation in respect of damage caused to the sample arising from examination and testing. Samples are also required to be exported or disposed of if they are not approved.

*New section 18C* requires the disposal, not only of any imported goods that do not correspond with a sample, but of the sample itself. The goods and sample must be exported or disposed of, or otherwise dealt with, in the manner directed by the Commissioner.

*Clause 26* amends section 19 of the principal Act, which deals with the seizure of illegally imported items. The amendment ensures that illegally imported blank-firing guns and non-prohibited ammunition are also captured within the scope of this provision.

*Clause 27* inserts a *new Part 4 heading* (general restrictions) after section 19 of the principal Act and *new sections 19A and 19B*.

*New section 19A* expressly provides that a person may not have in their possession a prohibited firearm or prohibited magazine unless they hold a dealer's licence, or a firearms licence that bears an appropriate endorsement that, following the issue of a permit to possess, has been made specific to the particular prohibited firearm or prohibited magazine. A person who possesses a prohibited firearm or prohibited magazine in breach of this provision commits an offence under section 50A (unlawful possession of prohibited firearm) or section 50B (unlawful possession of prohibited magazine) of the principal Act.

*New section 19B* expressly provides that a person may not have in their possession a prohibited part unless they are an exempt person of at least 18 years of age and hold a licence that bears an endorsement permitting them to possess a prohibited firearm or prohibited magazine. A person who possesses a prohibited part in breach of this provision commits an offence under section 50C (unlawful possession of prohibited part).

*Clause 28* repeals the cross-heading above section 20 of the principal Act.

*Clause 29* amends section 20 of the principal Act, which imposes restrictions on the possession of firearms. The amendments clarify that section 20 does not apply in respect of prohibited firearms. The maximum penalties on conviction for breaching

the requirements of this section are increased to a term of imprisonment not exceeding 1 year, or a fine not exceeding \$15,000.

*Clause 30* amends section 21 of the principal Act, which imposes restrictions on the possession of airguns. A term of imprisonment is no longer a penalty for breaching the requirements of this section.

*Clause 31* inserts *new sections 22A to 22F* into the principal Act.

*New section 22A* provides that a person may not have in their possession a non-prohibited magazine or a non-prohibited part unless they hold a firearms licence. A breach of this provision, without reasonable excuse, is an offence that has a penalty on conviction of a fine not exceeding \$10,000.

*New section 22B* provides that a person may not have in their possession any ammunition unless the person holds a firearms licence or is under the immediate supervision of a holder of a firearms licence. A breach of this provision, without reasonable excuse, is an offence that has a penalty on conviction of a fine not exceeding \$10,000.

*New section 22C* imposes restrictions on the selling or supplying of ammunition. Ammunition can only be sold or supplied by a person who holds a firearms licence, and supplied or sold to a person who is the holder of a firearms licence. A breach of this provision is an offence that has a penalty on conviction of a fine not exceeding \$10,000.

*New section 22D* requires an ammunition seller to keep at their place of business a book that records details of the ammunition they sell or supply, and to make this book available for inspection and copying by the Police. Records, whether in hard copy or electronic form, must be kept for 10 years. A breach of this provision is an offence that has a penalty on conviction of a fine not exceeding \$10,000. However, this section does not apply if recording these details is exempted by regulations or if the ammunition seller provides the details to the Police for inclusion in the registry.

*New section 22E* provides that a visitor who holds a firearms licence may not, during their stay in New Zealand, acquire ownership of any firearm or restricted weapon for possession in New Zealand. A visitor is a person who intends to stay in New Zealand less than 1 year. If a visitor breaches this provision, their firearms licence is revoked.

*New section 22F* provides that no person, other than a manufacturing business that is an exempt person under *new section 4A(1A)* of the principal Act (inserted by *clause 8*) may manufacture a prohibited item. To do so would engage the offences in sections 50A, 50B, and 50C of the principal Act.

*Clause 32* replaces the cross-heading above section 23 of the principal Act with a *new Part 5 heading* (firearms licences, endorsements, and permits to possess).

*Clause 33* inserts *new section 22G* into the principal Act, which sets out the matters that disqualify a person from holding a firearms licence. These matters are that the person—

- has, within the previous 10 years, been convicted, or released from custody after being convicted, of specified offences, including a serious violent offence as defined in section 86A of the Sentencing Act 2002; or
- has, or has had in the previous 10 years, a final protection order in force against them.

*Clause 34* amends section 23 of the principal Act, which relates to applications for a firearms licence. *New section 23(1)* provides that a person who is at least 16 years of age, has not had a firearms licence revoked in the previous 5 years, and is not disqualified under *new section 22G* (inserted by *clause 33*) from holding a firearms licence may apply to the Police for a firearms licence. A *new subsection (2A)* is also inserted, requiring an applicant to provide to the Police, at the time of making an application for a firearms licence, the name and contact details of their health practitioner.

*Clause 35* amends section 24 of the principal Act, which relates to the issue of a firearms licence. Before issuing a licence, a member of the Police must inspect the applicant's storage facilities and be satisfied that the facilities comply with the requirements for the secure storage of firearms and ammunition.

*Clause 36* inserts *new sections 24A to 24C* into the principal Act.

*New section 24A* relates to determining whether an applicant is a fit and proper person to hold a firearms licence. The Police may consider any matters they think appropriate, but *new section 24A(1)* lists circumstances detrimental to an application that the Police may take into account. Those matters include whether the applicant has—

- been charged with or convicted of an offence, in New Zealand or overseas, punishable by imprisonment;
- been charged or convicted of an offence under the principal Act;
- at any time had a temporary protection order made against them;
- exhibited significant mental health issues or issues with drugs or alcohol that adversely affects their ability to safely possess firearms.

The Police may seek and consider information from any source and must give an applicant the opportunity to refute or comment on any information that is or may be prejudicial to the application.

*New section 24B* sets out 5 general conditions that every firearms licence is subject to. Those conditions include the holder of the firearms licence not using a firearm in a way that poses a risk to any person, producing any firearm within their possession to the Police on demand, and permitting the Police to inspect the holder's firearms and storage arrangements. Any breach of these conditions would be a ground for the temporary suspension of a licence (*see new section 60A(1)(a)(ii)* inserted by *clause 75*).

*New section 24C* imposes on a firearms licence issued to an ammunition seller the condition that the seller have appropriate storage facilities for all the ammunition they possess.

*Clause 37* amends section 25 of the principal Act, which relates to the duration of a firearms licence. A licence will be issued for a period of 5 years (not 10 years as currently).

*Clause 38* replaces section 27A of the principal Act, which provides that the Police may decide that a person is not a fit and proper person to possess a firearm or an air-gun if the Police are satisfied that there are grounds under the Family Violence Act 2018 for applying for a protection order against the person, or if the Police are satisfied that a protection order is already in force against the person. Reference to the latter consideration is repealed as a consequence of *new section 22G* (inserted by *clause 33*) and *new section 24A(1)(d)* (inserted by *clause 36*).

*Clause 39* inserts *new sections 27B and 27C* into the principal Act, which relates to the revocation and surrender of a firearms licence and the revocation of a dealer's licence.

*New section 27B* provides that a firearms licence is immediately revoked and must be surrendered if the holder becomes disqualified under *new section 22G* (inserted by *clause 33*) from holding a licence.

*New section 27C* allows the Police to revoke a licence that has been temporarily suspended. The prohibition in *new section 15* (inserted by *clause 19*) against carrying on business as a dealer applies if a dealer's licence is revoked under this section. *New section 27C* also provides that, if a person's firearms licence is revoked and the person holds a dealer's licence, the dealer's licence is automatically revoked.

*Clause 40* amends section 28 of the principal Act, which requires the holder of a firearms licence that has been revoked or surrendered to deliver to the Police items in their possession. The penalty on conviction for failing to do so is increased to a term of imprisonment not exceeding 6 months, or a fine not exceeding \$10,000.

*Clause 41* inserts a new cross-heading after section 28 of the principal Act.

*Clause 42* amends section 29 of the principal Act, which provides that an endorsement to own a kea gun may be granted if the person has been the registered owner of a kea gun since before 1984. Any person obtaining a kea gun after that date would need an endorsement permitting them to possess the gun in one of the capacities specified in section 29(2). Most kea gun owners have a collector's endorsement under section 29(2)(b) to (d). As it is considered that there is now no valid reason to own a kea gun other than as a collector, section 29(1) is repealed.

*Clause 42* also amends section 29 of the principal Act to provide that an applicant for a dealer's licence or the holder of a dealer's licence may apply for an endorsement on their dealer's licence permitting them to possess a pistol or restricted weapon. This is to clarify that the endorsement is made on the person's dealer's licence, not their firearms licence.

*Clause 43* amends section 30 of the principal Act to provide that an endorsement permitting possession of a pistol or restricted weapon may be made on a dealer's licence.

*Clause 44* replaces section 30A of the principal Act, which relates to applications for endorsements in respect of prohibited firearms and prohibited magazines. *New sec-*



*tion 30A* separately identifies, as persons who may make an application under this section, exempt persons described in **section 4A(1)(b) to (i)**.

*Clause 45* amends section 30B of the principal Act to provide that an endorsement permitting possession of a prohibited firearm or prohibited magazine may be made on a dealer's licence.

*Clause 46* inserts *new section 33C* into the principal Act to expressly provide that an endorsement on a firearms licence continues in force as long as the licence continues in force. However, an endorsement made on a firearms licence held by an employee of a licensed dealer continues in force for 1 year only (unless the employee's firearms licence is earlier surrendered or revoked, the dealer's licence earlier expires or is surrendered or revoked, or the employee ceases to be employed by the licensed dealer). And in the case of an endorsement made on a firearms licence held by a person involved with animal or pest control, the endorsement continues for a maximum period of 2 years.

*Clause 47* amends section 34 of the principal Act, which requires firearms licence holders to notify the Police of any change of their address or the address at which a firearm in their possession is kept. Currently, section 34(1) requires the change to be notified to the nearest Arms Office within 30 days. The amendment replaces that requirement with a requirement to give notice of the change to the Police within the time and in the manner prescribed by regulations made under section 74 of the principal Act. The penalty for breaching this requirement is increased to a fine not exceeding \$2,000.

*Clause 48* amends section 34B of the principal Act to replace a reference to the Arms Office, which is an outdated term.

*Clause 49* amends section 35 of the principal Act to provide that a permit to possess a pistol or restricted weapon may be issued to an applicant who holds a dealer's licence that bears an endorsement made under section 30 of the principal Act.

*Clause 50* amends section 35A of the principal Act to provide that a permit to possess a prohibited firearm or prohibited magazine may be issued to an applicant who holds a dealer's licence that bears an endorsement made under section 30B of the principal Act.

*Clause 51* amends section 36 of the principal Act, which is an offence provision relating to the carrying of pistols or restricted weapons without authority. The scope of this section is extended to include prohibited firearms and prohibited magazines. The penalty on conviction for this offence is also increased to a term of imprisonment not exceeding 6 months or a fine not exceeding \$10,000. Also, the burden of proof placed on the defendant by section 36(4) is repealed.

*Clause 52* amends section 38 of the principal Act, which requires that a person intending to remove any pistol, prohibited firearm, prohibited magazine, or restricted weapon out of New Zealand must give not less than 4 days' notice to an Arms Office. Notice must now be given to a member of the Police. The penalty on conviction for failing to comply with this provision is increased to a fine not exceeding \$2,000.

*Clause 53* inserts *new Parts 6 and 7* into the principal Act.

*New Part 6* imposes requirements for shooting clubs (*new sections 38B to 38J*) and shooting ranges (*new sections 38K to 38S*).

*New section 38A* is an interpretation provision for *new Part 6* and defines terms used in that Part, including shooting activities, shooting club, and shooting range.

*New section 38B* requires all shooting clubs that use a shooting range to hold a certificate of approval issued by the Commissioner. Contravention of this requirement is an offence punishable by a fine not exceeding \$10,000.

*New section 38C* sets out the requirements for making an application for a certificate of approval.

*New section 38D* provides that, after receiving an application, the Commissioner may make inquiries and require the applicant to provide further information.

*New section 38E* requires the Commissioner to be satisfied of certain matters before issuing a certificate of approval, including that the shooting club will use a certified shooting range for its shooting activities and will safely manage its shooting activities.

*New section 38F* requires that, if the Commissioner grants an application, the Commissioner must issue a certificate of approval to the shooting club. A certificate of approval may be issued subject to any conditions that the Commissioner considers appropriate.

*New section 38G* provides that a certificate of approval continues until it is surrendered or cancelled.

*New section 38H* provides for the cancellation of a certificate of approval by the Commissioner.

*New section 38I* provides for the renewal of a certificate of approval.

*New section 38J* requires shooting clubs to provide to the Commissioner each year a report on their operations which must include prescribed particulars.

*New section 38K* requires all shooting ranges to be certified.

*New section 38L* sets out the requirements for making an application for certification.

*New section 38M* provides that, on receiving an application, the Commissioner may make inquiries and request the applicant to provide further information.

*New section 38N* requires the Commissioner to be satisfied of certain matters before issuing a certificate.

*New section 38O* requires that, if the Commissioner grants an application, the Commissioner must issue a certificate to the applicant.

*New section 38P* provides for conditions to be imposed on a certificate. All certificates are issued subject to the condition that whenever the shooting range is operating there must be on duty a manager who holds a firearms licence and is appropriately trained in shooting range management. The Commissioner may impose any other conditions the Commissioner considers appropriate, which may include restrictions

on the types of firearms and ammunition that may be used at the shooting range and the competitions that may be conducted.

*New section 38Q* provides that a certificate expires 5 years from its date of issue unless sooner surrendered or cancelled.

*New section 38R* provides for the cancellation of the certification by the Commissioner.

*New section 38S* provides for a renewal of a certification.

*New section 38T* provides for inspections by the Police of shooting clubs and shooting ranges.

*New section 38U* provides for the issue of an improvement notice to a shooting club or shooting range if the club or range is contravening, or likely to contravene, the principal Act or any regulations made under the principal Act.

*New section 38V* provides for the suspension of the operations of a shooting club or shooting range that fails to comply with an improvement notice.

*New Part 7* provides, in *new sections 38W to 38ZF*, for certain government agencies to have direct access to the registry.

*New section 38W* is an interpretation provision for *new Part 7* and defines terms used in that Part, including accessing agency, import and export information, and licence information.

*New section 38X* sets out the relationship between *new Part 7* and other laws relating to information disclosure.

*New section 38Y* provides that the Department of Conservation may have direct access to a licence holder's licence information recorded in the registry to provide administrative assistance to the Director-General of Conservation in relation to the issue of hunting permits under section 38 of the Conservation Act 1987.

*New section 38Z* provides that the Ministry of Foreign Affairs and Trade and the New Zealand Customs Service may have direct access to a licence holder's import and export information recorded in the registry to assist those agencies in performing or exercising their functions, duties, and powers more efficiently or effectively.

*New section 38ZA* requires the direct access authorised by *new section 38Y* or *38Z* to be in accordance with a written direct access agreement entered into between the Minister responsible for the accessing agency and the Minister of Police.

*New section 38ZB* sets out the matters that the Ministers must have regard to before entering into an agreement.

*New section 38ZC* provides that, before entering into an agreement, the Ministers must consult the Privacy Commissioner and the Commissioner's Firearms Advisory Group established under *new section 88* (inserted by *clause 83*).

*New section 38ZD* specifies the matters that must be included in the content of an agreement.

*New section 38ZE* provides for the variation of the agreement.

*New section 38ZF* sets out the requirements for the publication of the agreement.

*Clause 54* repeals sections 39 to 41 of the principal Act and the cross-heading above section 39.

*Clause 55* inserts *new section 41A* into the principal Act, which relates to the marking of firearms. The new section applies to all firearms, parts, and magazines possessed by firearm licence holders, including those manufactured in or imported into NZ, but does not apply to antique firearms. Those items will be required to be marked in accordance with regulations made under section 74, and no compensation is payable for any loss of value that results or for the costs of marking an item.

*Clause 56* replaces the cross-heading above section 42 of the principal Act with a *new Part 8 heading* (offences).

*Clause 57* replaces section 42 of the principal Act (offences in respect of licences). *New section 42* is substantially the same as existing section 42, but increases the penalty on conviction to a term of imprisonment not exceeding 2 years or a fine not exceeding \$20,000, but both penalties cannot be imposed. It will also be an offence to use another person's licence intending to obtain a magazine or ammunition.

*Clause 58* replaces section 43 of the principal Act (selling or supplying firearm or air-gun to unlicensed person). *New section 43* is substantially the same as existing section 43, but increases the penalty on conviction to a term of imprisonment not exceeding 2 years, or a fine not exceeding \$20,000, but both penalties cannot be imposed.

*Clause 59* replaces section 43A of the principal Act, which relates to the sale, by mail order or an Internet transaction, of firearms and ammunition. The burden of proof imposed on a defendant by section 43(2) is retained, and the penalty on conviction for breaching section 43A, without reasonable excuse, is increased to a term of imprisonment not exceeding 6 months or a fine not exceeding \$10,000.

*Clause 60* repeals section 43A of the principal Act once the registry and the associated obligations are operating.

*Clause 61* repeals section 43B of the principal Act, as *new section 22C* (inserted by *clause 31*) now deals with the restrictions on the sale and supply of ammunition.

*Clause 62* replaces the offence in section 44 of the principal Act (selling or supplying pistol or restricted weapon to person who does not hold permit to possess). The provisions in existing section 44 that place the burden of proof on the defendant no longer apply, and the penalty, on conviction, is increased.

*Clause 63* replaces the offence in section 46 of the principal Act (carrying of imitation firearm, except for lawful, proper, and sufficient purpose). The penalty, on conviction, is decreased, but the burden of proving that the defendant is carrying an imitation firearm for some lawful, proper, and sufficient purpose remains with the defendant.

*Clause 64* replaces the offence in section 48 of the principal Act (discharging firearm, airgun, pistol, or restricted weapon in or near dwellinghouse or public place). The

amendment increases the penalty on conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding \$10,000.

*Clause 65* amends section 50D of the principal Act, which provides that it is an offence to carry or possess a prohibited firearm in a public place without a lawful purpose. The amendment decreases the penalty, on conviction, from a term of imprisonment not exceeding 7 years to a term of imprisonment not exceeding 5 years.

*Clause 66* amends section 52 of the principal Act, which provides that it is an offence to present a firearm, airgun, pistol, or restricted weapon at another person. The amendment increases the penalty, on conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding \$10,000.

*Clause 67* amends section 53A(2) of the principal Act, which provides that it is an offence to possess a prohibited firearm at the time of committing an offence punishable by a term of imprisonment for 3 years or more. The penalty for this offence is decreased from a term of imprisonment not exceeding 7 years to a term of imprisonment not exceeding 5 years.

*Clause 68* amends section 54 of the principal Act (use or attempted use of firearm, etc, to resist or prevent arrest or commit offence). This offence provision is extended to apply to airguns.

*Clause 69* amends section 55B of the principal Act (offence of failing to produce firearm, etc, on demand or to permit inspection of firearm, etc) to clarify in its heading that it does not apply to non-prohibited firearms. The penalty for this offence, on conviction, is also increased to imprisonment for a term not exceeding 6 months or a fine not exceeding \$10,000.

*Clause 70* inserts *new section 55C* into the principal Act, which creates an offence for failing to produce a firearm (other than a pistol, restricted weapon, or prohibited firearm) if demanded by a member of the Police, or failing to permit a member of the Police to inspect the firearm or where it is kept. It is a companion provision to section 55B (amended by *clause 69*). The penalty for this offence is a fine not exceeding \$10,000.

*Clause 70* also inserts *new sections 55D to 55I* into the principal Act, which relate to offences that are intended to enable New Zealand to accede to the Firearms Protocol.

*New section 55D* creates offences that relate to using illegal parts, manufacturing without a dealer's licence, and failing to mark a firearm in accordance with the principal Act or the regulations. The maximum penalty on conviction for those offences is imprisonment for a term of 10 years.

*New section 55E* creates offences that relate to illegal trafficking of firearms, parts, or ammunition. The maximum penalty on conviction for those offences is imprisonment for a term of 10 years.

*New section 55F* creates offences that relate to falsifying firearm markings. The maximum penalty on conviction for those offences is imprisonment for a term of 10 years.

*New section 55G* creates an offence that relates to removing or altering firearm markings. The maximum penalty on conviction for that offence is imprisonment for a term of 3 years.

*New section 55H* provides for extraterritorial jurisdiction for the offences against *new sections 55D, 55E, 55F, and 55G*.

*New section 55I* requires the Attorney-General's consent to a prosecution for those new offences.

*Clause 71* inserts *new section 58A* into the principal Act, which creates offences relating to the registry. The new offences are,—

- without reasonable excuse, failing to provide information to the Police in accordance with *new section 94* (inserted by *clause 83*);
- intentionally failing to provide information to the Police in accordance with *new section 94*;
- providing information to the Police for inclusion in the registry knowing the information to be false or misleading in a material respect.

The penalty, on conviction, for the first of those new offences is a fine not exceeding \$10,000. The penalty, on conviction, for the second and third of those new offences is to a term of imprisonment not exceeding 2 years or a fine not exceeding \$20,000.

*Clause 72* amends section 59 of the principal Act, which empowers the Police to serve on the owner of any unsafe firearm or pistol a notice requiring the owner to have the firearm or pistol repaired to a safe standard. Failure to comply with a notice without reasonable excuse is an offence and the penalty, on conviction, is increased to a term of imprisonment not exceeding 6 months or a fine not exceeding \$10,000.

*Clause 73* inserts a *new Part 9 heading* (miscellaneous provisions) after section 59 of the principal Act.

*Clause 74* amends section 59A of the principal Act to replace references to an Arms Office, which is an outdated term, and to provide that a licensed dealer who takes into their possession a pistol, restricted weapon, or prohibited item does not contravene section 10 if within 5 working days they surrender it to the Police.

*Clause 75* inserts *new sections 60 to 60B* into the principal Act.

*New section 60* enables the Police to issue an improvement notice if they reasonably believe that a person with a firearms or dealer's licence is failing, or is likely to fail, to comply with 1 or more applicable provisions of the principal Act or regulations.

*New section 60A* provides for the temporary suspension of a firearms or dealer's licence on any ground specified in the section, including failure to comply with an improvement notice.

*New section 60B* states the effect of a temporary suspension of a licence. If a firearms licence is suspended, the holder is treated as not being licensed under the principal Act and section 28(1) and (2) applies so that the holder must hand over the affected firearms or other items on demand by the Police, although the holder may sell or dis-

pose of a firearm and other items with Police approval. If a dealer's licence is suspended, the holder, and employees of the holder, are treated as being unauthorised to carry out any dealer activity. This section also provides that, if a person's firearms licence is suspended and the person holds a dealer's licence, the dealer's licence is automatically suspended.

*Clause 76* replaces section 62 of the principal Act with new *sections 62 to 62C*.

Currently, section 62 provides a right of appeal to the District Court against certain official decisions under the principal Act that affect licences, permits, endorsements, or conditions. The new sections provide for a new first step in the case of a decision to refuse an application for, or to revoke, a firearms licence. That new step involves a review of the decision concerned. This review will be a prerequisite for an appeal to the District Court.

*New section 62* relates to the review of a decision to refuse an application for, or to revoke, a firearms licence.

*New section 62A* specifies how a review is to be conducted. The Commissioner must delegate this task to a person not involved in making the original decision. The review will be conducted on the papers within a 28-day period that starts on the day after the day on which the application is lodged.

*New sections 62B and 62C* continue the existing right of appeal to the District Court, subject to completion of the review process in an applicable case.

*Clause 77* consequentially amends section 64 of the principal Act to continue the right of appeal to the High Court on a question of law against the District Court's decision under *new section 62B*.

*Clause 78* replaces the cross-heading above section 66 of the principal Act.

*Clause 79* inserts *new sections 66A to 66D* into the principal Act.

*New section 66A* replaces section 39 of the principal Act and requires the owner of a firearm, prohibited magazine, prohibited part, restricted weapon, non-prohibited part, or non-prohibited magazine that is lost, stolen, or destroyed to immediately notify the Police and give the Police all information in their possession relating to the loss, theft, or destruction. Failure to do so is an offence with a maximum penalty on conviction of \$10,000.

*New section 66B* replaces section 40 of the principal Act, which requires a person in possession of a firearm, airgun, pistol, magazine, part, or restricted weapon or ammunition to give their name, address, and date of birth to the Police if requested. Failure to do so is an offence and *new section 66B* increases the penalty, on conviction, to a term of imprisonment not exceeding 6 months or a fine not exceeding \$10,000.

*New section 66C* replaces section 41 of the principal Act, which requires a person who is not the holder of a licence to surrender to the Police on demand any airgun or antique firearm in the person's possession. The Police may demand the surrender of the item if it is considered that the person is not a fit and proper person to have possession of that item. Failure to surrender the item is an offence and *new section 66C*

increases the penalty, on conviction, to a term of imprisonment not exceeding 6 months or a fine not exceeding \$10,000.

*New section 66D* requires the owner or operator of a craft temporarily berthed in New Zealand to provide details of all arms items on board the craft and to comply with any directions they are given relating to the secure storage of those items. If they fail to do so, the Police or a Customs officer may board the craft and seize and detain the arms items, using any reasonably necessary force to do so.

*Clause 80* replaces section 69 of the principal Act with a new provision which is substantially the same as existing section 69, but provides that, in any case where a person is convicted of an offence of using, carrying, or being in possession of a specified item, the convicting court need not order the forfeiture of the item if the court considers it would be unjust to make that order.

*Clause 81* amends section 72A of the principal Act, which relates to the service of notices and other documents. The amendment provides for a notice or document to be made available electronically through the registry, so long as an email is sent to an address supplied by the person to tell them the notice or document has been made available and the person has agreed to receive notices or documents in this way.

*Clause 82* amends section 74 of the principal Act, under which regulations may be made. This clause expands section 74 to enable regulations to be made in relation to the following:

- advertising, promoting, and displaying of any firearm, firearm part, magazine, or ammunition by persons who sell or hire any of those items:
- notices given by health practitioners under *new section 91* (inserted by *clause 83*):
- the operation of the registry:
- the marking of firearms, parts, and magazines:
- the provision of information:
- the Advisory Group established under *new section 88* (inserted by *clause 83*).

*Clause 83* inserts *new sections 79 to 95* into the principal Act.

*New sections 79 to 86* provide for the making of cost recovery regulations for activities undertaken by the Police under the principal Act. These provisions are based on the cost recovery regime in Part 4A of the Policing Act 2008.

*New section 79* states the purpose of those provisions.

*New section 80* lists the activities that may be the subject of cost recovery regulations.

*New section 81* sets out the criteria for cost recovery.

*New section 82* requires the Minister of Police to consult relevant people before recommending the making of cost recovery regulations under *new section 86(a)*.

*New section 83* specifies the different methods of cost recovery.

*New section 84* relates to payment of fees and charges.



*New section 85* provides for exemptions, waivers, and refunds that relate to fees and charges.

*New section 86* sets out the regulation-making powers.

*New section 87* enables the Commissioner to issue guidance notices for the purposes of the principal Act.

*New sections 88 to 90* provide for the appointment and operation of the Commissioner's Firearms Advisory Group.

*New section 91* obliges health practitioners to consider notifying the Police if they think there are medical grounds for preventing a patient who is a firearms licence holder from using or possessing a firearm or for limiting the patient's use or possession of a firearm. If the Police receive a notice under this section, the Commissioner can require the licence holder to undergo a further medical assessment or surrender their licence. The Police may temporarily suspend a licence under *new section 60A*. Section 27 of the principal Act enables a commissioned officer of the Police to revoke a person's firearms licence if satisfied that the person is not a fit and proper person to be in possession of a firearm.

*New sections 92 and 93* provide for a registry to be kept and operated for the purposes of the principal Act. The registry must record, for every licence held under the principal Act, the licence holder's full name, date of birth, address, and licence number, the date of expiry of the licence, every endorsement on the licence, every condition on an endorsement, and particulars that regulations made under section 74 of the principal Act require to be recorded in the registry.

*New section 94* imposes an obligation to provide information to the Police for the registry.

*New section 95* provides for the Minister of Police to review of the operation of the principal Act, including the impact of the provisions in this Bill, when the amendments have been fully in force for 5 years.

*Clause 84* inserts *new Part 2* of Schedule 1 into the principal Act.

## **Part 2**

### **Amendments to other enactments**

#### **Subpart 1—Amendments to Extradition Act 1999**

*Clause 85* amends the Extradition Act 1999 to deem the offences in *new sections 55C to 55F* of the Arms Act 1983 (inserted by *clause 70*) to be offences described in extradition treaties concluded between New Zealand and any country party to the Protocol against Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (the Protocol).

#### **Subpart 2—Amendment to Intelligence and Security Act 2017**

*Clause 86* amends the Intelligence and Security Act 2017 to enable the New Zealand Security Intelligence Service to have direct access to the Police database holding information about people and firearms collected in connection with the performance or exercise of a function, duty, or power under the Arms Act 1983. This sharing of information will assist Police in determining whether a person is a fit and proper person to possess firearms or airguns.

### Subpart 3—Amendment to Mutual Assistance in Criminal Matters Act 1992

*Clause 87* amends the Mutual Assistance in Criminal Matters Act 1992 to enable a foreign country that is a party to the Protocol to request New Zealand's assistance in relation to the commission or suspected commission of offences that correspond to offences under *new sections 55D to 55G* of the Arms Act 1983 (inserted by *clause 70*).

### Subpart 4—Consequential amendments

*Clause 88* consequentially amends the Acts and regulations set out in *Schedule 2* of the Bill.

*Hon Stuart Nash*

## **Arms Legislation Bill**

Government Bill

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Arms Legislation Act **2019**.

## 2 Commencement

- (1) **Section 82** and **clause 17 of Schedule 1** come into force on the day after the date on which this Act receives the Royal assent.
- (2) The rest of this Act comes into force on a date appointed by the Governor-General by Order in Council, and 1 or more orders may be made appointing different dates for different provisions and for different purposes. 5
- (3) Any provisions not previously brought into force under **subsection (1) or (2)** come into force on **1 December 2021**.
- (4) In this section, **provision** includes—
  - (a) a new section or other provision inserted into the principal Act by a section of this Act: 10
  - (b) any item, or any part of an item, in any of the schedules.

## Part 1

### Amendments to Arms Act 1983

- 3 **Principal Act** 15  
This Part amends the Arms Act 1983 (the **principal Act**).
- 4 **Long Title repealed**  
Repeal the Long Title.
- 5 **New Part 1 heading and section 1A inserted** 20  
After section 1, insert:

## Part 1

### Preliminary provisions

#### 1A Purposes of this Act

- (1) The purposes of this Act are to—
  - (a) promote the safe possession and use of firearms and other weapons; and 25
  - (b) impose controls on the possession and use of firearms and other weapons.
- (2) The regulatory regime established by this Act to achieve those purposes reflects the following principles:
  - (a) that the possession and use of arms is a privilege; and 30
  - (b) that persons authorised to import, manufacture, supply, sell, possess, or use arms have a responsibility to act in the interests of personal and public safety.

## 6 Section 2 amended (Interpretation)

- (1) In section 2(1), insert in their appropriate alphabetical order:

**ammunition seller** means a person who is responsible for the day-to-day management of a business that includes selling or supplying ammunition

**arms item** means an item of any of the following classes of arms:

- (a) firearms (including prohibited firearms):
- (b) magazines (including prohibited magazines):
- (c) parts (including prohibited parts):
- (d) airguns:
- (e) pistols:
- (f) restricted weapons

**blank-firing gun**—

- (a) means anything that—
  - (i) has the shape of a firearm or restricted weapon, or otherwise resembles a firearm or restricted weapon; and
  - (ii) is capable of firing blank cartridges, but incapable of discharging any shot, bullet, missile, or other projectile; and
- (b) includes a starting pistol that fires a blank cartridge or a cap

**Customs officer** has the meaning given in section 5(1) of the Customs and Excise Act 2018

**dealer activity** means any activity of a kind specified in **section 5(1)**

**health practitioner** has the meaning given in section 5(1) of the Health Practitioners Competence Assurance Act 2003

**improvement notice** means a notice issued under **section 60**

**manufacture**, in relation to an item, includes the assembly of that item

**registry** means the registry kept and operated under **section 92**

**senior manager**, in relation to a body corporate, means a person who is not a director but occupies a position that allows the person to exercise significant influence over the management or administration of the body corporate (for example, a chief executive)

**visitor** means a visitor to New Zealand who intends to be in New Zealand for less than 1 year

- (2) In section 2(1), replace the definition of **antique firearm** with:

**antique firearm**—

- (a) means—
  - (i) any firearm that—

- (A) is held in the possession of any person solely as an antique (but not as a copy or replica of an antique); and
- (B) is not designed for firing, and is not capable of firing, rim-fire or centerfire cartridge ammunition; or
- (ii) any firearm declared by regulations made under this Act to be an antique firearm for the purposes of this Act; but
- (b) does not include any firearm manufactured after 1899
- (3) In section 2(1), repeal the definition of **arms office**.
- (4) In section 2(1), definition of **part**, paragraph (d), after “folding or telescopic stock,”, insert “silencer,”.
- 7 Section 3 amended (Act to bind the Crown)**
- (1) In section 3(2)(a)(ii), after “employed”, insert “or engaged”.
- (2) Replace section 3(2)(a)(v) with:
- (v) a person authorised by the Commissioner or the Chief of Defence Force to provide training to members of their respective organisations referred to in this paragraph in the use of any firearm, pistol, restricted weapon, ammunition, magazine, part, or explosive; or
- (va) a civilian employee of the Ministry of Defence, so long as the person carries or possesses any firearms or other items under the direct supervision of a member of the New Zealand Defence Force; or
- (vb) a Customs officer; or
- (3) After section 3(3)(a), insert:
- (ab) the importation or possession by any agent of the Crown of firearms, air-guns, pistols, magazines, parts, restricted weapons, ammunition, or explosives imported on behalf of the Crown, so long as the importation or possession is within the scope of the agent’s written authority; or
- (ac) the manufacture by the Crown, or on behalf of the Crown by any agent of the Crown, of any firearms, airguns, pistols, magazines, parts, restricted weapons, ammunition, or explosives, so long as any assembly or manufacture by an agent is within the scope of the agent’s written authority; or
- (4) After section 3(3), insert:
- (4) Nothing in this Act makes unlawful the importation, carriage, or possession of any firearm or other item regulated by this Act by any person who is a visiting law enforcement officer from another country and is authorised by the Commissioner to import, carry, or possess the firearm or other item while in New Zealand.

- (5) The following requirements of this Act do not apply in relation to any firearms, airguns, pistols, magazines, parts, restricted weapons, ammunition, or explosives, or other items regulated by this Act that are owned by the Crown, except to the extent provided by regulations made under section 74:
- (a) any requirement to notify or report any event or circumstance to the Police: 5
  - (b) any requirement to mark any firearm or other item with a unique number:
  - (c) any requirement to provide any particulars to the Police for inclusion in the registry: 10
  - (d) any requirement to record any particulars, whether in the registry or elsewhere.
- 8 Section 4A amended (Persons who may apply to import, sell, supply, possess, or use prohibited items)**
- (1) In the heading to section 4A, after “**import,**”, insert “**manufacture,**”. 15
  - (2) In section 4A(1)(a), delete “or an employee or agent of a licensed dealer”.
  - (3) After section 4A(1), insert:
    - (1A) A person who before 12 April 2019 was in the business of manufacturing prohibited parts for the purposes of permitted supply is an exempt person in their capacity as a manufacturing business if the person continues, for the purposes of permitted supply, to manufacture prohibited parts. 20
    - (1B) A person who before 12 April 2019 was in the business of permitted supply is an exempt person in their capacity as a permitted supply business if the person continues, for the purposes of carrying out permitted supply, to use prohibited items to test and demonstrate prohibited parts. 25
    - (1C) A person employed or engaged by a person referred to in **subsection (1A) or (1B)** is an exempt person for the purpose of carrying out their duties in accordance with their contract of employment or engagement.
  - (4) After section 4A(2), insert:
  - (3) In this section, **permitted supply** means— 30
    - (a) the supply of prohibited parts to the Crown that is permitted under section 3(2) or (3):
    - (b) the export of prohibited parts to any person that is permitted or authorised under the Customs and Excise Act 2018:
    - (c) the supply of prohibited parts to other persons expressly permitted or authorised under this Act to possess prohibited parts (other than by clause 5 of Schedule 1). 35

**9 Cross-heading above section 5 replaced**

Replace the cross-heading above section 5 with:

**Part 2**  
**Licensed dealers**

**10 Sections 5 and 6 replaced**

5

Replace sections 5 and 6 with:

**5 Dealers to be licensed**

- (1) A person must not carry on any of the following activities in relation to a class of arms items without a dealer's licence that authorises the person to carry on the activity in relation to that class of arms items: 10
- (a) selling, hiring, lending, or otherwise supplying, in the course of carrying on business, a class of arms items:
  - (b) possessing, for the purposes of an auction, a class of arms items:
  - (c) repairing or modifying, in the course of carrying on business, a class of arms items: 15
  - (d) displaying, as the director or curator of a bona fide museum, a class of arms items:
  - (e) manufacturing for sale, hire, lending, or other supply a class of arms items:
  - (f) manufacturing (for the purposes of permitted supply (as defined in **section 4A(3)**)) prohibited parts and using prohibited items to test and demonstrate those prohibited parts. 20
- (2) A dealer's licence may not be issued for the carrying on of any of the activities specified in **subsection (1)** in relation to— 25
- (a) anti-personnel mines; or
  - (b) cluster munitions.
- (3) Despite **subsection (1)**, a body corporate may carry on any of the activities specified in that subsection in relation to a class of arms items if a senior manager of the body corporate has a dealer's licence authorising the senior manager to carry on the activities in relation to the class of arms items. 30
- (4) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, contravenes **subsection (1)**.
- 5A Application for dealer's licence**
- (1) An application for a dealer's licence must— 35

- (a) be made on a form provided by a member of the Police, or in any way approved by a member of the Police; and
- (b) specify—
- (i) the dealer activities for which the dealer’s licence is sought; and
  - (ii) the class or classes of arms items in respect of which those activities will be carried on. 5
- (2) An application for a dealer’s licence to carry on the dealer activity specified in **section 5(1)(e)** in relation to the manufacture of any prohibited items may only be made by a person described in **section 4A(1A)**.
- (3) An application for a dealer’s licence to carry on the dealer activity specified in **section 5(1)(f)** may only be made by a person described in **section 4A(1A)**. 10
- 5B Issue of dealer’s licence**
- (1) A commissioned officer of Police may issue a dealer’s licence to an applicant authorising the applicant to carry on 1 or more dealer activities in respect of 1 or more classes of arms items if— 15
- (a) the applicant holds a firearms licence; and
  - (b) the commissioned officer of Police is satisfied that the applicant—
    - (i) is a fit and proper person to carry on the dealer activity or activities; and
    - (ii) has secure storage facilities appropriate for the class and number of arms items that may be possessed in the course of carrying out the activity or activities. 20
- (2) A dealer’s licence that is issued to an applicant for the carrying on of a dealer activity in respect of any of the following classes of arms items must bear an appropriate endorsement made under section 30 or 30B: 25
- (a) prohibited firearms;
  - (b) prohibited magazines;
  - (c) pistols;
  - (d) restricted weapons.
- (3) A dealer’s licence is personal to the person to whom it is issued and may not be transferred to any other person, and must specify— 30
- (a) the dealer activity or activities the person may carry on; and
  - (b) the class or classes of arms items in respect of which that activity or those activities may be carried on.
- (4) However, if the person to whom a dealer’s licence is issued is a senior manager of a body corporate, the senior manager may, on behalf of the body corporate, carry out the dealer activities specified in the dealer’s licence in relation to the class or classes of arms items specified in the dealer’s licence. 35



<b>6</b>	<b>Fit and proper person to hold dealer's licence</b>	
	In deciding whether, for the purposes of <b>section 5B(1)(b)(i)</b> , an applicant is a fit and proper person to hold a dealer's licence, the commissioned officer of Police—	
	(a) must take into account the character and reputation of the applicant, and whether the applicant—	5
	(i) has the competencies and resources to carry on the dealer activity or activities for which the dealer's licence is sought; and	
	(ii) has ever been adjudicated bankrupt, or been a director of a company that has been put into receivership or liquidation in New Zealand or overseas; and	10
	(iii) has any convictions; and	
	(iv) has a sound knowledge of firearms; and	
	(v) understands the legal obligations of a holder of a dealer's licence; and	15
	(vi) understands the legal obligations of a holder of a firearms licence, including an understanding of the endorsements that may be made on a firearms licence, and is able to provide advice on those obligations; and	
	(b) in the case of an applicant who is a senior manager of a body corporate, and who, in reliance on <b>section 5(3)</b> , is applying for a dealer's licence to enable the body corporate to carry on a dealer activity, the commissioned officer of Police must take into account whether—	20
	(i) the body corporate has suitable staff; and	
	(ii) the body corporate has appropriate record-keeping systems and other systems to comply with the requirements of this Act and any regulations made under this Act; and	25
	(iii) the applicant will have appropriate oversight and control of the proposed dealer activity or activities for which the dealer's licence is sought; and	30
	(c) may take into account any other matters the commissioned officer of Police considers relevant.	
<b>11</b>	<b>New section 6B inserted (Special condition of dealer's licence relating to manufacture of firearms, etc)</b>	
	After section 6A, insert:	35
<b>6B</b>	<b>Special condition of dealer's licence relating to manufacture of firearms, etc</b>	
	(1) Every dealer's licence issued for the purpose of carrying on a dealer activity relating to the manufacture for sale, hire, lending, or other supply of any of the	

- following classes of arms items is issued subject to the condition in **subsection (2)**:
- (a) non-prohibited firearms:
  - (b) non-prohibited magazines:
  - (c) non-prohibited parts: 5
  - (d) airguns:
  - (e) pistols:
  - (f) restricted weapons.
- (2) Before manufacturing of any class of arms items referred to in **subsection (1)**, a dealer must obtain the Commissioner’s written approval for the manufacture of that class of item. 10
  - (3) An approval may, for any class of arms items specified in **subsection (1)**, specify the number, or maximum number, of arms items of that class that the dealer may manufacture.
  - (4) The Commissioner, when considering whether to approve the manufacture of any class of arms items specified in **subsection (1)**, must be satisfied that there are special reasons why the arms items that are proposed to be manufactured should be in New Zealand. 15
- 12 Section 7A amended (Gun shows)** 20
- (1) In section 7A(1), replace “sections 6 and 7” with “section 7”.
  - (2) Replace section 7A(3) with:
  - (3) Any consent given under subsection (1) may be given subject to any conditions specified by the commissioned officer of Police.
  - (3) Repeal section 7A(4).
- 13 Section 9 amended (Revocation of dealer’s licence)** 25
- In section 9, insert as subsection (2):
- (2) When a dealer’s licence is revoked,—
    - (a) the dealer must immediately surrender the licence to a member of the Police; and
    - (b) an employee of the dealer may not carry on a dealer activity for the dealer. 30
- 14 Section 10 amended (Restriction on possession of pistol, prohibited items, or restricted weapon by licensed dealer)**
- (1) In the heading to section 10, replace “**prohibited items,** ” with “**prohibited firearm, prohibited magazine,** ”. 35
  - (2) Replace section 10(1) with:

- (1) A licensed dealer may not take an arms item that is a pistol, restricted weapon, prohibited firearm, or prohibited magazine into their possession for the purpose of carrying on a dealer activity, unless the licensed dealer—
- (a) is the holder of a dealer’s licence that—
- (i) specifies that the dealer may carry on that activity in respect of a pistol, restricted weapon, prohibited firearm, or prohibited magazine; and 5
- (ii) bears an appropriate endorsement made under section 30 or 30B; and
- (b) obtains the arms item under— 10
- (i) a permit to import issued under section 18; or
- (ii) a permit to possess issued under section 35 or 35A from—
- (A) the holder of a firearms licence endorsed under section 30 or 30B; or
- (B) another licensed dealer. 15
- (3) Replace section 10(3) with:
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, contravenes **subsection (1)** or (2).
- 15 Section 11 replaced (Dealers and their employees and agents to hold firearms licences) 20**
- Replace section 11 with:
- 11 Employees of licensed dealer to hold firearms licence bearing appropriate endorsements**
- (1) An employee of a licensed dealer must not perform any duties that include carrying on a dealer activity unless the employee holds a firearms licence. 25
- (2) If the employee’s duties include the carrying on of a dealer activity in respect of pistols, restricted weapons, prohibited firearms, or prohibited magazines, the employee’s firearms licence must also bear appropriate endorsements made under section 30 or 30B that authorise the employee to possess any such items in connection with their duties as an employee. 30
- (3) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, contravenes this section.
- 16 Section 12 amended (Record of dealings by licensed dealers)**
- (1) Replace section 12(1) with: 35
- (1) A licensed dealer must keep at the place of business referred to in their licence a book that records the particulars prescribed by regulations made under this Act relating to—

- (a) the transactions conducted in the course of carrying on a dealer activity; and
- (b) the firearms, airguns, pistols, prohibited items, or restricted weapons received, sold, supplied, or manufactured in the course of carrying on their business. 5
- (1A) A licensed dealer who keeps their book under **subsection (1)** in hard copy form must retain the book for at least 10 years from the date of the last entry in the book.
- (1B) A licensed dealer who keeps their book under **subsection (1)** electronically must retain each electronic record for at least 10 years from the date on which the record is entered. 10
- (2) After section 12(2), insert:
- (2A) If a person's dealer's licence is revoked under this Act, the person must immediately surrender to a member of the Police every book and associated document kept by the person for the purposes of this section. 15
- (3) Replace section 12(3) with:
- (3) Every licensed dealer commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, contravenes **subsection (1), (2) or (2A)**. 20
- (4) After section 12(4), insert:
- (5) Despite **subsection (1)**, a licensed dealer need not record particulars under that subsection if—
- (a) the particulars are declared by regulations made under section 74 to be exempt from the requirement in that subsection; or 25
- (b) the dealer provides the particulars to the Police for inclusion in the registry in accordance with the regulations.
- 17 Section 13 amended (Seizure of firearms, ammunition, airguns, pistols, prohibited items, and restricted weapons held by licensed dealers)**
- (1) Replace the heading to section 13 with “**Seizure of items held by licensed dealer**”. 30
- (2) In section 13(1), (2), (4), and (5), after “firearms,”, insert “magazines, parts,”.
- 18 Section 14 amended (Disposal of firearms, ammunition, airguns, pistols, prohibited items, and restricted weapons of dealer whose licence is revoked)** 35
- (1) Replace the heading to section 14 with “**Disposal of items of dealer whose licence is revoked**”.
- (2) In section 14, after “firearms,”, insert “magazines,”.

**19 Section 15 replaced (Offence for licensed dealer to carry on business following revocation of his licence)**

Replace section 15 with:

- 15 Offence to carry on dealer activities following revocation of dealer's licence** 5
- (1) A licensed dealer whose dealer's licence is revoked under section 9 or **27C** may not—
- (a) carry on any dealer activity; or
  - (b) have any business interest in any of the kinds of items specified in section 14. 10
- (2) However, nothing in **subsection (1)** applies to a dealer who—
- (a) sells or otherwise disposes of any of the kinds of items specified in section 14 in accordance with that section; or
  - (b) after the revocation of their dealer's licence is, at any subsequent time, issued with another dealer's licence. 15
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year, or to a fine not exceeding \$15,000, if the person contravenes this section.

**20 Cross-heading above section 16 replaced**

Replace the cross-heading above section 16 with:

**Part 3  
Permits to import**

**21 Section 16 replaced (Offence to import firearms, etc, without permit)**

Replace section 16 with:

- 16 Offence to import firearms, etc, without permit** 25
- (1) A person must have a permit to bring or cause to be brought into or sent within New Zealand any of the following items:
- (a) a firearm (other than a prohibited firearm), pistol, restricted airgun, restricted weapon, or blank-firing gun;
  - (b) any part of a firearm (other than a prohibited firearm), pistol, restricted weapon, or blank-firing gun; 30
  - (c) non-prohibited ammunition;
  - (d) a prohibited item.
- (2) In **subsection (1)**, **New Zealand** does not include the harbours and other territorial waters of New Zealand. 35

- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year, or to a fine not exceeding \$15,000, if the person contravenes **subsection (1)(a), (b), or (c)**.
- (4) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years if the person contravenes **subsection (1)(d)**. 5
- 22 Section 16A replaced (Offence to import prohibited ammunition)**
- Replace section 16A with:
- 16A Offence to import prohibited ammunition**
- (1) A person must not, without reasonable cause, bring or cause to be brought or sent into New Zealand any prohibited ammunition. 10
- (2) In **subsection (1)**, **New Zealand** does not include the harbours and other territorial waters of New Zealand.
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years if the person contravenes **subsection (1)**.
- 23 Section 17 repealed (Burden of proof)** 15
- Repeal section 17.
- 24 Section 18 amended (Issue of permit to import)**
- (1) In section 18(1), replace “starting pistols, restricted airguns, prohibited magazines, prohibited parts, or restricted weapons” with “restricted airguns, restricted weapons, blank-firing guns, prohibited magazines, prohibited parts, or non-prohibited ammunition”. 20
- (2) In section 18(2)(a), replace “starting pistol” with “blank-firing gun”.
- (3) After section 18(2)(b), insert:
- (c) any non-prohibited ammunition.
- (4) Replace section 18(4) with: 25
- (4) A permit issued for the purposes of **section 16(1)**—
- (a) may be revoked at any time by a commissioned officer of Police; and
- (b) is automatically revoked if—
- (i) the applicant’s firearms licence is revoked; or
- (ii) the applicant’s dealer’s licence is revoked (if the applicant is a licensed dealer); or 30
- (iii) the firearms licence of the person for whom a licensed dealer is acting as agent is revoked.
- (5) After section 18(5), insert:

- (6) A permit may be issued under subsection (2) or (2A) in relation to items that are to be brought into or sent within New Zealand in a single consignment at the same time.
- (7) If, subsequent to the issue of a permit referred to in **subsection (6)**, any item to which the permit relates is not included in the consignment (an **outstanding item**), the permit ceases to apply to that outstanding item. 5

## 25 Section 18B replaced (Samples)

Replace section 18B with:

### 18B Production of samples

- (1) If an applicant is required, under section 18(1), to produce for examination and testing a sample of a firearm, pistol, prohibited item, restricted airgun, restricted weapon, blank-firing gun, or non-prohibited ammunition, the applicant must produce the sample as soon as practicable. 10
- (2) Before producing a sample, an applicant must ensure it has not been modified in any way. 15
- (3) The Crown is not liable to pay compensation in respect of any damage caused to a sample resulting from the examination and testing of the sample.
- (4) If, following examination and testing, the sample is not approved, the applicant who produced it must, within 12 months after being informed in writing by a member of the Police that the sample is not approved,— 20
- (a) export the sample from New Zealand; or
  - (b) cause the sample to be exported from New Zealand.
- (5) If the sample is not exported as required by **subsection (4)**, the sample must be disposed of or dealt with in the manner that the Commissioner directs.

### 18C Export of specified items not corresponding with sample or otherwise approved for importation 25

- (1) This section applies if—
- (a) a specified item is brought into New Zealand under a permit issued for the purposes of **section 16(1)**; and
  - (b) the specified item— 30
    - (i) does not correspond with a sample produced to a member of the Police as required by the description of the specified item in the permit; or
    - (ii) is not otherwise approved for importation into New Zealand.
- (2) If this subsection applies, the person who brought the specified item into New Zealand or caused it to be brought or sent into New Zealand must, within 12 months after being informed in writing by a member of the Police that the specified item does not correspond with the sample or is not otherwise approved 35

- for importation into New Zealand, export or cause to be exported from New Zealand—
- (a) the specified item; and
  - (b) the sample.
- (3) If a specified item or sample to which **subsection (2)** relates is not exported as required by that subsection, the specified item or sample must be disposed of or dealt with in the manner that the Commissioner directs. 5
- (4) In this section, **specified item** means any firearm, pistol, prohibited item, restricted airgun, restricted weapon, blank-firing gun, or non-prohibited ammunition. 10

## 26 Section 19 amended (Seizure of illegally imported items)

Replace section 19(1) with:

- (1) **Subsection (1A)** applies if a member of the Police or a Customs officer suspects on reasonable grounds that an item that is a firearm, pistol, restricted airgun, restricted weapon, prohibited item, blank-firing gun, or non-prohibited ammunition (or a part of a firearm, pistol, restricted weapon, prohibited firearm, or blank-firing gun)— 15
- (a) has been brought into New Zealand in breach of **section 16(1)**; or
  - (b) has been brought into the harbours or other territorial waters of New Zealand and is intended to be brought into New Zealand in breach of **section 16(1)**. 20
- (1A) If this subsection applies, the member of the Police or the Customs officer may—
- (a) seize and detain the item; and
  - (b) use any reasonable necessary force to seize the item. 25
- (1B) If an item is seized and detained under **subsection (1A)**, sections 65 and 70 apply, with all necessary modifications, in respect of that item.

## 27 New Part 4 heading, cross-heading and sections 19A and 19B inserted

After section 19, insert:

- Part 4** 30  
**General restrictions**
- General restrictions on possession of firearms, airguns, magazines, parts, and ammunition*
- 19A Restriction on possession of prohibited firearms and prohibited magazines**
- (1) No person may have in their possession a prohibited firearm or prohibited magazine unless the person is— 35



- (a) the holder of a dealer’s licence and has obtained the prohibited firearm or prohibited magazine in any of the ways specified in **section 10(1)(b)**; or
- (b) the holder of a firearms licence and—
- (i) has been issued, under section 35A, a permit to possess a prohibited firearm or prohibited magazine; and
  - (ii) the endorsement made on the person’s firearms licence under section 30B is made specific to the prohibited firearm or prohibited magazine in respect of which the permit referred to in **subparagraph (i)** was issued.
- (2) This section does not apply to an employee of a licensed dealer when—
- (a) acting in their capacity as an employee; and
  - (b) carrying on a dealer activity (if they are qualified under **section 11** to do so).
- (3) A person who contravenes this section commits an offence under section 50A or 50B (as the case may be).
- 19B Restriction on possession of prohibited parts**
- (1) No person may have in their possession a prohibited part unless the person—
- (a) is an exempt person of or over the age of 18 years; and
  - (b) either—
    - (i) is the holder of a dealer’s licence that bears an endorsement made under section 30B permitting the holder to possess a prohibited firearm or prohibited magazine and the holder has obtained the prohibited part in any of the ways specified in section 10(2); or
    - (ii) is the holder of a firearm’s licence that bears an endorsement made under section 30B that permits the holder to possess a prohibited firearm.
- (2) This section does not apply to an employee of a licensed dealer when—
- (a) acting in their capacity as an employee; and
  - (b) carrying on a dealer activity (if they are qualified under **section 11** to do so).
- (3) A person who contravenes this section commits an offence under section 50C.
- 28 Cross-heading above section 20 repealed**  
Repeal the cross-heading above section 20.
- 29 Section 20 amended (Restrictions on possession of firearms)**
- (1) Replace the heading to section 20 with “**Restriction on possession of non-prohibited firearms**”.

- (2) In section 20(1), replace “firearm” with “non-prohibited firearm”.
- (3) In section 20(2), delete “, prohibited item,”.
- (4) Replace section 20(3) with:
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year, or to a fine not exceeding \$15,000, if the person contravenes subsection (1). 5

### 30 Section 21 amended (Restrictions on possession of airguns)

Replace section 21(2) with:

- (2) A person commits an offence and is liable on conviction to a fine not exceeding \$1,000 if the person contravenes subsection (1). 10

### 31 New sections 22A to 22F and cross-headings inserted

After section 22, insert:

#### 22A Restriction on possession of non-prohibited magazines and non-prohibited parts

- (1) A person must not have in their possession either of the following unless the person is the holder of a firearms licence: 15
- (a) a magazine that is not a prohibited magazine;
  - (b) a part that is not a prohibited part.
- (2) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, contravenes **subsection (1)**. 20

#### 22B Restriction on possession of ammunition

- (1) A person must not have in their possession any ammunition unless the person— 25
- (a) is the holder of a firearms licence; or
  - (b) is not the holder of a firearms licence, but is under the immediate supervision of a person who is the holder of a firearms licence; or
  - (c) is an employee of an ammunition seller who is performing their duties at their place of work under the immediate supervision of a person who is the holder of a firearms licence. 30
- (2) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, contravenes **subsection (1)**.

*Restrictions on sale or supply of ammunition***22C Restrictions on selling or supplying ammunition**

- (1) A person who sells or supplies ammunition must hold a firearms licence.
- (2) A person may only sell or supply ammunition to a person who holds a firearms licence. 5
- (3) **Subsection (1)** does not apply to an employee of an ammunition seller performing their duties under the supervision of a person who is the holder of a firearms licence.
- (4) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, contravenes **subsection (1) or (2)**. 10
- (5) It is a defence to a prosecution for an offence against **subsection (1) or (2)** if—
- (a) the defendant proves that the defendant took reasonable steps to ascertain whether the person to whom the defendant sold or supplied the ammunition (A) was the holder of a firearms licence; or 15
- (b) the defendant proves that—
- (i) the ammunition was sold or supplied to A for use under the immediate supervision of another person who holds a firearms licence (B); and 20
- (ii) at all times while A was in possession of the ammunition, A was under the immediate supervision of B.
- (6) Nothing in **subsection (3)** applies in relation to any ammunition sold or supplied for a firearm of the kind described in section 22(1)(a), (b), or (c).

**22D Ammunition seller to keep record of ammunition sales** 25

- (1) An ammunition seller must keep at their place of business a book that records the following details in respect of all ammunition sold or supplied in the course of their business:
- (a) the name of the person to whom the ammunition was sold or supplied; and 30
- (b) the quantity and type of ammunition sold or supplied to the person; and
- (c) the person's firearms licence number, or, if the ammunition was sold or supplied to the person for use under the immediate supervision of another person who holds a firearms licence, the name and firearms licence number of that other person. 35
- (2) Despite **subsection (1)**, an ammunition seller need not record details under that subsection if—

- (a) the details are declared by regulations made under section 74 to be exempt from the requirement in that subsection; or
- (b) the dealer provides the details to the Police for inclusion in the registry in accordance with the regulations.
- (3) An ammunition seller must, at all times, permit any member of the Police to inspect and make copies of any entries in the book referred to in **subsection (1)**. 5
- (4) If an ammunition seller's firearms licence is revoked or cancelled under this Act, the ammunition seller must immediately surrender to a member of the Police the book referred to in **subsection (1)**. 10
- (5) An ammunition seller who keeps their book under **subsection (1)** in hard copy form must retain the book for at least 10 years from the date of the last entry in the book.
- (6) An ammunition seller who keeps their book under **subsection (1)** electronically must retain each electronic record for at least 10 years from the date on which the record is entered. 15
- (7) An ammunition seller commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the ammunition seller, without reasonable excuse, contravenes any of **subsections (1) to (4)**.
- Restriction on ownership of firearms, airguns, and restricted weapons by visitors* 20
- 22E Visitors may not take ownership of firearm, airgun, or restricted weapon**
- (1) A visitor who holds a firearms licence may not, during their stay in New Zealand, acquire ownership of any firearm or restricted weapon for possession in New Zealand. 25
- (2) If a person contravenes **subsection (1)**, that person's firearms licence is automatically revoked.
- Restriction on manufacture of prohibited items*
- 22F Restriction on manufacture of prohibited items**
- (1) No person may manufacture a prohibited item. 30
- (2) **Subsection (1)** does not apply to an exempt person described in **section 4A(1A)**.
- (3) A person who contravenes this section commits an offence under section 50A, 50B, or 50C (as the case may be).
- 32 Cross-heading above section 23 replaced** 35
- Replace the cross-heading above section 23 with:

## Part 5

### Firearms licences, endorsements, and permits to possess

#### *Firearms licences*

- 33 New section 22G inserted (Persons disqualified from holding firearms licence)** 5
- Before section 23, insert:
- 22G Persons disqualified from holding a firearms licence**
- A person is disqualified from holding a firearms licence if—
- (a) the person has, within the previous 10 years, been convicted, or been released from custody after being convicted, of any of the following offences: 10
    - (i) an offence under section **16(4)**, **16A**, 44A, 50A, 50D, 51A, 53A, 54, 54A, 55, 55A, **55D**, **55E**, or **55F**;
    - (ii) a serious violent offence as defined in section 86A of the Sentencing Act 2002: 15
    - (iii) an offence under section 92, 98, 98A, 189A, 199, 202C, 238, 267(1), 269(1) and (3), or 306 of the Crimes Act 1961;
    - (iv) an offence under section 6, 9, 10, 11, 12, 12A, 12AB, or 12F of the Misuse of Drugs Act 1975; or
  - (b) the person has, or has had within the previous 10 years, a protection order, other than a temporary order, made against them under— 20
    - (i) section 79 of the Family Violence Act 2018; or
    - (ii) section 14 of the Domestic Violence Act 1995.
- 34 Section 23 amended (Application for firearms licence)**
- (1) Replace section 23(1) with: 25
- (1) A person may apply to a member of the Police for a firearms licence if the person—
- (a) is of or over the age of 16 years; and
  - (b) has not had a firearms licence revoked in the previous 5 years; and
  - (c) is not disqualified under **section 22G** from holding a firearms licence. 30
- (2) After section 23(2), insert:
- (2A) An applicant must, at the time of making an application for a firearms licence, provide to a member of the Police the name and contact details of their health practitioner.

**35 Section 24 amended (Issue of firearms licence)**

Replace section 24(1) with:

- |     |   |    |
|-----|---|----|
| (1) | Subject to subsection (2), a firearms licence may be issued by a member of the Police who is satisfied that—  |    |
| (a) | the applicant—  | 5  |
|     | (i) is of or over the age of 16 years; and  |    |
|     | (ii) is a fit and proper person to be in possession of a firearm or air-gun; and  |    |
| (b) | the applicant's storage facilities for their firearms and ammunition have been inspected by a member of the Police and are compliant with the requirements for the secure storage of firearms and ammunition. | 10 |

**36 New sections 24A to 24C inserted**

After section 24, insert:

**24A Fit and proper person to hold firearms licence**

- |     |  |    |
|-----|--|----|
| (1) | A member of the Police may, for the purposes of <b>section 24(1)(a)(ii)</b> , find an applicant is not a fit and proper person to be in possession of a firearm or air-gun if the member of the Police is satisfied that 1 or more of the following circumstances exist: | 15 |
| (a) | the applicant has been charged with or convicted of an offence in New Zealand or overseas that is punishable by a term of imprisonment (including, but not limited to, an offence involving violence, drugs, or alcohol):  | 20 |
| (b) | the applicant has been charged with or convicted of an offence under this Act:   |    |
| (c) | the applicant has been charged with or convicted of an offence against—  | 25 |
|     | (i) section 231A of the Crimes Act 1961; or  |    |
|     | (ii) the Wildlife Act 1953; or   |    |
|     | (iii) the Wild Animal Control Act 1977:  |    |
| (d) | the applicant has, or has had at any time, a temporary protection order made against them under—   | 30 |
|     | (i) section 79 of the Family Violence Act 2018; or   |    |
|     | (ii) section 14 of the Domestic Violence Act 1995:   |    |
| (e) | the applicant has engaged in any conduct involving non-compliance with any requirements of—  |    |
|     | (i) this Act; or   | 35 |
|     | (ii) any regulations made under this Act; or   |    |

- (iii) any conditions to which a permit, licence, or endorsement previously issued to the applicant under this Act was subject:
- (f) the applicant has exhibited significant mental health issues, including attempted suicide or other self-injurious behaviour, that might adversely affect their ability to safely possess firearms: 5
- (g) the applicant abuses alcohol, or is dependent on alcohol, to an extent that affects detrimentally their judgement or behaviour:
- (h) the applicant uses drugs (illegal or legal) in a way that affects detrimentally their judgement or behaviour:
- (i) the applicant is a member of, or has close affiliations with, a gang or an organised criminal group: 10
- (j) the applicant has shown patterns of behaviour demonstrating a tendency to exhibit, encourage, or promote violence, hatred, or extremism:
- (k) the applicant has been assessed as a risk to a State's national security.
- (2) In determining whether, for the purpose of **section 24(1)(a)(ii)**, an applicant is a fit and proper person to be in possession of a firearm or an airgun, the member of the Police may take into account— 15
- (a) whether the applicant—
- (i) has a sound knowledge of the safe possession and use of firearms:
- (ii) understands the legal obligations of a holder of a firearms licence, including the endorsements that may be made on a firearms licence; and 20
- (b) any other matters the member of the Police considers appropriate.
- (3) The member of the Police may, for the purpose of determining whether a person is a fit and proper person to be in possession of a firearm or an airgun,— 25
- (a) seek and receive any information that the member of the Police thinks appropriate; and
- (b) consider information obtained from any source.
- (4) If the member of the Police proposes to take into account any information that is or may be prejudicial to an applicant's application, the member of the Police must, subject to **subsection (5)**, disclose that information to the applicant and give the applicant a reasonable opportunity to refute or comment on it. 30
- (5) Nothing in **subsection (4)** requires the member of the Police to disclose any information to an applicant if that disclosure would be likely to—
- (a) endanger the safety of any person; or 35
- (b) prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand; or

- (c) prejudice the entrusting of information to the Police, the New Zealand Security Intelligence Service, or the Government Communications Security Bureau on a basis of confidence by—
- (i) the government of any other country; or
  - (ii) any international organisation. 5
- (6) In this section,—
- gang** has the meaning given in section 4 of the Prohibition of Gang Insignia in Government Premises Act 2013
- organised criminal group** has the meaning given in section 98A of the Crimes Act 1961. 10
- 24B General conditions of firearms licence**
- (1) Every firearms licence is issued subject to the conditions that the holder of firearms licence must,—
- (a) when using a firearm, act in a way that does not pose a risk to themselves or others; and 15
  - (b) produce any firearm within the licence holder’s possession to a member of the Police on demand; and
  - (c) permit a member of the Police to inspect all firearms in the licence holder’s possession, and the place or places where the firearms are kept and, for that purpose, to enter at all reasonable times upon the premises where that place or those places are situated; and 20
  - (d) permit a member of the Police to inspect the security arrangements in any vehicle used by the holder to transport the licence holder’s firearms; and
  - (e) inform a member of the Police if, after the issue of the licence, any of the circumstances described in **section 24A(1)** apply to the licence holder. 25
- (2) It is the duty of every member of the Police exercising any power conferred by **subsection (1)(c) or (d)**—
- (a) to give notice of the proposed inspection under **subsection (1)(c)**; and 30
  - (b) to identify themselves to the holder of the firearms licence; and
  - (c) to tell the holder of the firearms licence that the power is being exercised under **subsection (1)(c) or (d)**, as the case may be; and
  - (d) if they are not in uniform, to produce on initial entry, and, if requested, at any subsequent time, evidence that they are a member of the Police. 35
- (3) **Subsections (1)(c) and (2)** are subject to section 31A if the licence bears an endorsement made under section 30 or 30B.



<b>24C</b>	<b>Special condition of firearms licence relating to sale or supply of ammunition</b>	
	Every firearms licence issued to an ammunition seller relating to the sale or supply of ammunition is subject to the condition that the ammunition seller have appropriate facilities to ensure the secure storage of all ammunition that, at any time, they possess.	5
<b>37</b>	<b>Section 25 amended (Duration of firearms licence)</b>	
	(1) Replace section 25(1) with:	
	(1) A firearms licence comes into force on the date specified in the licence and, unless revoked or surrendered earlier, expires 5 years from that date.	10
	(2) In section 25(2), delete “to New Zealand and intends to reside in New Zealand for 1 year or less”.	
<b>38</b>	<b>Section 27A replaced (Family violence and firearms licences)</b>	
	Replace section 27A with:	
<b>27A</b>	<b>Family violence and firearms licences</b>	15
	Without limiting the generality of <b>section 24A</b> or 27, a commissioned officer of Police may decide that a person is not a fit and proper person to be in possession of a firearm or an airgun if that commissioned officer of Police is satisfied that there are grounds under the Family Violence Act 2018 for making an application for a protection order against that person.	20
<b>39</b>	<b>New sections 27B and 27C inserted</b>	
	After section 27A, insert:	
<b>27B</b>	<b>Revocation and surrender of licence if holder becomes disqualified</b>	
	If the holder of a firearms licence becomes disqualified under <b>section 22G</b> from holding a firearms licence,—	25
	(a) the holder’s licence is immediately revoked; and	
	(b) section 28 applies.	
<b>27C</b>	<b>Revocation of suspended firearms or dealer’s licence</b>	
	(1) A member of the Police may, by notice in writing to the holder of a firearms or dealer’s licence that is temporarily suspended under <b>section 60A</b> , revoke the licence if the officer—	30
	(a) has considered any submissions made by the holder before the day stated in the notice of suspension on whether the licence should be revoked on the ground stated in that notice; and	
	(b) is satisfied that the licence should be revoked on that ground.	35

- (2) A member of the Police must give the holder written notice of a decision on whether to revoke a firearms or dealer's licence temporarily suspended under **section 60A** promptly after the decision is made.
- (3) On the revocation of a firearms or dealer's licence, its holder ceases to be licensed to possess firearms, airguns, restricted weapons, magazines, parts, or ammunition by virtue of the licence or any endorsement on it. 5
- (4) If a person's firearms licence is revoked, and the person holds a dealer's licence, the dealer's licence is automatically revoked.
- 40 Section 28 amended (Effect of revocation or surrender of firearms licence)** 10  
Replace section 28(5) with:
- (5) A person commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, contravenes subsection (1).
- (6) *See section 60B(2)(b)* for the application of this section where a licence is temporarily suspended under **section 60A**. 15
- 41 New cross-heading after section 28 inserted**  
After section 28, insert:
- Endorsements*
- 42 Section 29 amended (Application for endorsements in respect of pistol or restricted weapon)** 20
- (1) Repeal section 29(1).
- (2) In section 29(2), replace "at an Arms Office to a member of the Police for an endorsement" with "to a member of the Police for an endorsement on their firearms licence".
- (3) Replace section 29(2)(a) with: 25
- (a) a member of an incorporated pistol shooting club that holds a certificate of approval issued under **section 38F**; or
- (4) Replace section 29(2)(f) with:
- (f) an employee of a licensed dealer; or
- (5) After section 29(2), insert: 30
- (2A) An applicant for a dealer's licence or the holder of a dealer's licence may apply to a member of the Police for an endorsement on their dealer's licence permitting them to possess a pistol or restricted weapon (other than an anti-personnel mine or a cluster munition).
- (6) Replace section 29(4) with: 35
- (4) An application under subsection (2) or **(2A)** must be made on a form provided by a member of the Police.

- 43 Section 30 amended (Power to make endorsement in respect of pistols or restricted weapons)**  
In section 30(2), after “firearms licence”, insert “or dealer’s licence”.
- 44 Section 30A replaced (Application for endorsement in respect of prohibited firearm or prohibited magazine)** 5  
Replace section 30A with:
- 30A Application for endorsement in respect of prohibited firearm or prohibited magazine**
- (1) An exempt person described in any of paragraphs (b) to (i) of section 4A(1) who is of or over the age of 18 years, and who is the holder of a firearms licence or is applying for a firearms licence, may apply for an endorsement on their firearms licence permitting them to possess a prohibited firearm or prohibited magazine in their capacity as an exempt person. 10
- (2) A person who is of or over the age of 18 years, and who is the holder of a dealer’s licence or is applying for a dealer’s licence, may apply for an endorsement on their dealer’s licence permitting them to possess a prohibited firearm or prohibited magazine in their capacity as a licensed dealer. 15
- (3) A person who is of or over the age of 18 years, and who is the employee of a licensed dealer, may apply for an endorsement on their firearms licence permitting them to possess a prohibited firearm or prohibited magazine in their capacity as an employee of the licensed dealer. 20
- (4) An application under this section must—  
(a) be made on a form provided by a member of the Police; and  
(b) state in which capacity referred to in **subsection (1), (2), or (3)** the applicant is making the application. 25
- (5) An applicant must permit a member of the Police to take, or cause to be taken, for the purposes of the application, 1 or more photographs of the applicant.
- 45 Section 30B amended (Power to make endorsement in respect of prohibited firearm or prohibited magazine)**
- (1) In section 30B(1), after “firearms licence”, insert “or dealer’s licence”. 30
- (2) In section 30B(5), after “firearms licence”, insert “or dealer’s licence”.
- 46 New section 33C inserted (Duration of endorsements)**  
After section 33B, insert:
- 33C Duration of endorsements**
- (1) An endorsement made under section 30 or 30B on a firearms licence held by an employee of a licensed dealer continues in force for 1 year after the date on which the endorsement was made, unless one of the following first occurs: 35

- (a) the employee’s firearms licence is surrendered or revoked; or
- (b) the licensed dealer’s licence expires; or
- (c) the licensed dealer’s licence is surrendered or revoked; or
- (d) the employee ceases to be employed by the licensed dealer.
- (2) However, unless earlier revoked or surrendered, an endorsement made under section 30B at any time after 12 April 2019 on a firearms licence held by a person described in section 4A(1)(f), (g), (h), or (i) continues in force until the earlier of the following dates: 5
- (a) the date that is 2 years after the date on which the endorsement was made: 10
- (b) the date on which the licence ceases to be valid or expires.
- (3) Unless earlier revoked or surrendered, an endorsement made under section 30 or 30B on a firearms licence held by any other person, or on a dealer’s licence, continues in force for so long as the licence continues in force.
- 47 Section 34 amended (Notification of change of address) 15**
- (1) Replace section 34(1) with:
- (1) A holder of a firearms licence who changes their address or any address at which a firearm in their possession is kept (if a different address) must, within the time and in the manner prescribed by regulations made under section 74, give notice of the change to the Police. 20
- (2) In section 34(2), replace “an Arms Office” with “the Police in the manner specified in **subsection (1)**”.
- (3) Replace section 34(3) with:
- (3) A person commits an offence and is liable on conviction to a fine not exceeding \$2,000 if the person, without reasonable excuse, contravenes **subsection (1) or (2)**. 25
- 48 Section 34B amended (Effect of non-compliance with requirements in relation to photographs or to calling-in of licences)**
- In section 34B(b), replace “an Arms Office” with “a Police station”.
- 49 Section 35 amended (Issue of permit to possess pistol or restricted weapon) 30**
- Replace section 35(2) with:
- (2) A permit to possess a pistol or restricted weapon may be issued if the member of the Police to whom the application is made is satisfied—
- (a) that the applicant holds a dealer’s licence that bears an endorsement made under section 30; or 35
- (b) that the applicant (not being an employee of a licensed dealer) holds a firearms licence that bears an endorsement made under section 30 and

that, by virtue of that licence and endorsement, the applicant is permitted to have possession of the pistol or restricted weapon, as the case may be.

- 50 Section 35A amended (Issue of permit to possess prohibited firearm or prohibited magazine)**
- Replace section 35A(2) with: 5
- (2) A permit to possess a prohibited firearm or prohibited magazine may be issued if—
- (a) the applicant holds a dealer’s licence that bears an endorsement made under section 30B; or
- (b) the applicant (not being an employee of a licensed dealer) holds a firearms licence that bears an endorsement made under section 30B permitting the applicant to possess a prohibited firearm or prohibited magazine and the member of the Police is satisfied that it is appropriate for the applicant to possess the prohibited firearm or prohibited magazine. 10
- 51 Section 36 amended (Offence to carry pistol or restricted weapon without authority)** 15
- (1) Replace the heading to section 36 with “**Offence to carry pistol, prohibited firearm, prohibited magazine, or restricted weapon without authority**”.
- (2) In section 36(1), after “pistol”, insert “, prohibited firearm, prohibited magazine, ”. 20
- (3) Replace section 36(3) with:
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person contravenes subsection (1).
- (4) Repeal section 36(4). 25
- 52 Section 38 amended (Removal of pistol, prohibited firearm, prohibited magazine, or restricted weapon out of New Zealand)**
- (1) Replace section 38(1) with:
- (1) A holder of a firearms licence who intends to remove any pistol, prohibited firearm, prohibited magazine, or restricted weapon from New Zealand must— 30
- (a) give not less than 4 days’ notice of the intended removal to a member of the Police; and
- (b) deliver to a Police station their firearms licence for amendment of the endorsement.
- (2) Replace section 38(2) with: 35
- (2) A person commits an offence and is liable on conviction to a fine not exceeding \$2,000 if the person, without reasonable excuse, contravenes **subsection (1)**.

**53 New Parts 6 and 7 inserted**

After section 38, insert:

<b>Part 6</b>		
<b>Shooting clubs and shooting ranges</b>		
<b>38A Interpretation</b>		5
In this Part,—		
<b>application for approval</b> means an application made under <b>section 38C</b> to have a shooting club approved		
<b>application for certification</b> means an application made under <b>section 38K</b> to have a shooting range certified		
		10
<b>certified shooting range</b> means a shooting range certified under <b>section 38O</b>		
<b>shooting activities</b> —		
(a)	means activities that are carried out using a firearm or airgun for the purpose of shooting at inanimate targets (whether fixed or moving); but	
(b)	excludes—	15
(i)	paintball shooting; and	
(ii)	airsoft shooting	
<b>shooting club</b> means a voluntary association of people who—		
(a)	act in accordance with a set of written rules; and	
(b)	participate in, or intend to participate in, shooting activities on a regular basis	20
<b>shooting range</b> —		
(a)	means a facility (whether indoor or outdoor), or a designated area of land, used by a shooting club or members of the public for the primary purpose of carrying out shooting activities; and	25
(b)	includes any defence area (as that term is defined in section 2(1) of the Defence Act 1990) used by a shooting club.	
<i>Shooting clubs</i>		
<b>38B Shooting club must have certificate of approval</b>		
(1)	A shooting club that uses a shooting range for its shooting activities must hold a certificate of approval issued by the Commissioner.	30
(2)	A person who establishes or continues to operate a shooting club without the club holding a certificate of approval commits an offence and is liable on conviction to a fine not exceeding \$10,000.	

<b>38C</b>	<b>Application to have shooting club approved</b>	
(1)	An application for approval of a shooting club must be made,—	
(a)	if the shooting club is a body corporate, by a person who is authorised to make the application; or	
(b)	if the shooting club is not a body corporate, by the club’s representative who is authorised by the club to make the application.	5
(2)	An application for approval must be made to the Commissioner in the manner prescribed by regulations made under this Act, and must—	
(a)	be in a form approved by the Commissioner; and	
(b)	be supported by any information and documents that are prescribed; and	10
(c)	be accompanied by the prescribed application fee (if any).	
<b>38D</b>	<b>Commissioner may make inquiries and request further information</b>	
	On receipt of an application for approval made under <b>section 38C</b> , the Commissioner—	
(a)	may make whatever inquiries the Commissioner considers necessary to determine whether the application should be granted; and	15
(b)	may request the applicant to provide any further information or documents that the Commissioner considers necessary to determine whether the application should be granted.	
<b>38E</b>	<b>Decision on application for certificate of approval</b>	20
	The Commissioner may grant an application for approval made under <b>section 38C</b> if the Commissioner is satisfied that the shooting club—	
(a)	will be using a certified shooting range for its shooting activities; and	
(b)	has rules relating to the safe operation of firearms and promotes the safe possession and use of firearms; and	25
(c)	is appropriately administered; and	
(d)	is able to safely manage its shooting activities.	
<b>38F</b>	<b>Issue of certificate of approval</b>	
(1)	If the Commissioner grants an application for approval, the Commissioner must issue to the shooting club a certificate of approval.	30
(2)	A certificate of approval may be granted subject to any conditions that the Commissioner considers appropriate.	
<b>38G</b>	<b>Duration of certificate of approval</b>	
	A certificate of approval granted to a shooting club continues until—	
(a)	surrendered by the shooting club; or	35
(b)	cancelled by the Commissioner.	

**38H Cancellation of certificate of approval**

- (1) The Commissioner must cancel a shooting club's certificate of approval if the Commissioner is satisfied that—
- (a) the shooting club is not using a certified shooting range for its shooting activities; or 5
  - (b) the shooting club is no longer carrying on its operations; or
  - (c) the shooting club no longer meets the requirements in **section 38E**.
- (2) The Commissioner may cancel a shooting club's certificate of approval if the Commissioner is satisfied that—
- (a) the shooting club has failed to comply with any conditions to which its certificate of approval is subject; or 10
  - (b) the shooting club has failed to report any serious firearms-related safety incident; or
  - (c) any activity of the shooting club has raised any reasonable concern about the safety of its members or the public. 15

**38I Renewal of certificate of approval**

- (1) A certificate of approval may be renewed on 1 or more occasions.
- (2) **Sections 38C to 38H** apply to an application for renewal of a certificate of approval as if the application were an application for a certificate of approval.
- (3) A renewed certificate of approval is to be treated for all purposes as a new certificate issued under **section 38F**. 20

**38J Annual reports**

- (1) A shooting club must, not later than 3 months after the end of its financial year, provide to the Commissioner an annual report on its operation.
- (2) The annual report must include the particulars prescribed in regulations made under this Act. 25

*Shooting ranges***38K Shooting ranges must be certified**

- (1) A person may not operate a shooting range unless the shooting range is a certified shooting range. 30
- (2) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person contravenes **subsection (1)**.

**38L Application to have shooting range certified**

- (1) An application for certification of a shooting range may be made,—
- (a) if the person who is proposing to operate the range is an individual, by that individual; or 35



- (b) if the person who is proposing to operate the range is a body corporate, by a person who is authorised to make the application; or
- (c) if the person who is proposing to operate the range is not an individual or a body corporate, by the person's representative who is authorised by the person to make the application. 5
- (2) An application for certification must be made to the Commissioner in the manner prescribed by regulations made under this Act, and must—
- (a) be in a form approved by the Commissioner; and
- (b) be supported by any information and documents that are prescribed; and
- (c) be accompanied by the prescribed application fee (if any). 10
- 38M Commissioner may make inquiries and request further information**
- On receipt of an application for certification made under **section 38L**, the Commissioner—
- (a) may make whatever inquiries the Commissioner considers necessary to determine whether the application should be granted; and 15
- (b) may request the applicant to provide any further information or documents that the Commissioner considers necessary to determine whether the application should be granted.
- 38N Decision on application to have shooting range certified**
- The Commissioner may grant an application for certification made under **section 38L** if the Commissioner is satisfied that— 20
- (a) the shooting range meets all required safety standards published by the Commissioner; and
- (b) all necessary local council and regional council consents to operate the shooting range have been obtained; and 25
- (c) the owner of the shooting range has appropriate public liability insurance.
- 38O Grant of certification**
- If the Commissioner grants an application for certification in respect of a shooting range, the Commissioner must issue a certificate to the applicant. 30
- 38P Certification granted subject to conditions**
- (1) A certificate granted under **section 38O** is subject to the condition that, at all times while the certified shooting range is in use, a manager is on duty who—
- (a) holds a firearms licence; and
- (b) is appropriately trained in shooting range management. 35

- (2) Certification granted under **section 380** may be made subject to any other conditions that the Commissioner considers appropriate, which may include conditions relating to—
- (a) maintenance of the shooting range:
  - (b) public access to the shooting range: 5
  - (c) restrictions on the types of firearms and ammunition that may be used at the shooting range:
  - (d) competitions that may be conducted at the shooting range.
- 38Q Duration of certification** 10
- A certificate issued in respect of a shooting range remains in force 5 years after the date it is issued unless the certificate is sooner surrendered or cancelled.
- 38R Cancellation of certification**
- The Commissioner may cancel certification in respect of a shooting range if the Commissioner is satisfied that—
- (a) the shooting range is no longer being operated as a shooting range; or 15
  - (b) the shooting range is not being operated with proper regard to individual or public safety; or
  - (c) the owner or operator of the shooting range is not complying with any conditions imposed under **section 38P**; or
  - (d) having regard to the matters specified in **section 38N**, it is no longer 20 appropriate that the shooting range be certified.
- 38S Renewal of certification**
- (1) A certificate granted under **section 380** may be renewed on 1 or more occasions.
  - (2) **Sections 38L to 38R** apply to an application for renewal of certification as if 25 the application were an application for certification.
  - (3) A renewed certificate is to be treated for all purposes as a new certification granted under **section 380**.
- Compliance*
- 38T Inspections of shooting clubs and shooting ranges** 30
- (1) For the purpose of ensuring that a shooting club or shooting range is operated in accordance with this Act, a person who is a member of the Police and authorised in writing by the Commissioner may—
    - (a) enter and inspect the shooting club or shooting range:

<p>(b) inspect, print, copy, or remove any documents that the person believes on reasonable grounds to be those of the shooting club or shooting range.</p> <p>(2) The provisions of Part 4 of the Search and Surveillance Act 2012 (apart from subpart 3) apply.</p> <p>Compare: 1989 No 80 s 319; 2002 No 40 s 39</p> <p><b>38U Improvement notices</b></p> <p>(1) This section applies if a person carrying out an inspection reasonably believes that a shooting club or shooting range is contravening, or is likely to contravene, a provision of this Act or regulations made under this Act.</p> <p>(2) If this section applies, the person may issue an improvement notice to the shooting club or shooting range that requires the shooting club or shooting range, within a reasonable period of time specified in the notice, to—</p> <p style="padding-left: 20px;">(a) remedy the contravention; or</p> <p style="padding-left: 20px;">(b) prevent a likely contravention from occurring.</p> <p>Compare: 2015 No 70 s 101</p> <p><b>38V Suspension</b></p> <p>If the shooting club or shooting range fails to comply with an improvement notice, it must suspend operations on the date specified in the notice.</p>	<p>5</p> <p>10</p> <p>15</p>
<p><b>Part 7</b></p> <p><b>Direct access by certain government agencies to registry</b></p>	
<p><b>38W Interpretation</b></p> <p>In this Part,—</p> <p><b>accessing agency</b> means—</p> <p style="padding-left: 20px;">(a) the Department of Conservation; and</p> <p style="padding-left: 20px;">(b) the Ministry of Foreign Affairs and Trade; and</p> <p style="padding-left: 20px;">(c) the New Zealand Customs Service</p> <p><b>arms item</b> has the meaning given in section 2(1) and includes, as an additional class of item, ammunition</p> <p><b>direct access</b>, in relation to the registry, means to do either or both of the following (whether remotely or otherwise):</p> <p style="padding-left: 20px;">(a) search the registry;</p> <p style="padding-left: 20px;">(b) copy any information stored on the registry</p>	<p>20</p> <p>25</p> <p>30</p>

<b>import and export information</b> , in relation to a licence holder, means details relating to—	
(a) any permit to import issued to the licence holder under section 18(2) or (2A):	
(b) any class or classes of arms items exported by the licence holder	5
<b>licence holder</b> means—	
(a) a person who is the holder of a firearms licence; and	
(b) a person who at any time held a firearms licence	
<b>licence information</b> , in relation to a licence holder, means—	
(a) the licence holder's—	10
(i) name; and	
(ii) date of birth; and	
(iii) residential address; and	
(b) the following details about the licence holder's firearms licence:	
(i) the firearms licence number; and	15
(ii) the date of expiry of the firearms licence; and	
(iii) any endorsements on the firearms licence.	
<b>38X Relationship between this Part and other law</b>	
This Part does not prevent or limit the collection, use, or disclosure of information that—	20
(a) is authorised or required by or under any enactment; or	
(b) is permitted under any enactment.	
<b>38Y Direct access to licence information</b>	
(1) The Department of Conservation may have direct access to a licence holder's licence information recorded in the registry.	25
(2) The purpose of the direct access is to provide administrative assistance to the Director-General of Conservation in relation to the issue, under section 38 of the Conservation Act 1987, of permits for hunting.	
<b>38Z Direct access to import and export information recorded in registry</b>	
(1) The Ministry of Foreign Affairs and Trade and the New Zealand Customs Service may have direct access to a licence holder's import and export information recorded in the registry.	30
(2) The purpose of the direct access is to assist the agencies in performing or exercising their functions, duties, and powers more effectively or efficiently.	

**38ZA Direct access must be in accordance with direct access agreement**

All direct access authorised by **section 38Y or 38Z** must be in accordance with a written direct access agreement entered into between—

- (a) the Minister responsible for the accessing agency; and
- (b) the Minister of Police.

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**38ZB Matters to which Ministers must have regard before entering into direct access agreement**

Before entering into a direct access agreement, the Ministers referred to in **section 38ZA** must be satisfied—

- (a) that—
  - (i) in the case of direct access authorised by **section 38Y**, the direct access will enable the Director-General of Conservation to more effectively or efficiently issue permits for hunting; or
  - (ii) in the case of direct access authorised by **section 38Z**, the direct access will enable the Ministry of Foreign Affairs and Trade or the New Zealand Customs Service to perform and exercise their functions, duties, and powers more effectively or efficiently; and
- (b) that there are adequate safeguards to protect the privacy of individuals, including that the proposed compliance and audit requirements for the direct access, use, disclosure, and retention of the information are sufficient; and
- (c) that the agreement includes appropriate procedures for direct access, use, disclosure, and retention of the information.

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**38ZC Consultation before entering into direct access agreement**

(1) Before entering into a direct access agreement, the Ministers referred to in **section 38ZA** must consult and invite comment on the proposed agreement from—

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- (a) the Privacy Commissioner; and
- (b) the advisory group established under **section 88**.

(2) When consulted on a direct access agreement, the Privacy Commissioner must have particular regard to the matters that the Ministers need to be satisfied of before entering into the agreement that are specified in **section 38ZB(b) and (c)**.

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(3) The Ministers must have regard to any comment received from the Privacy Commissioner and the advisory group on the proposed agreement.

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**38ZD Content of direct access agreements**

A direct access agreement must specify—

(a)	the particular information in relation to licence holders that may be accessed:	
(b)	the particular purpose or purposes for which the information may be accessed:	
(c)	the particular function, duty, or power being, or to be, performed or exercised by the accessing agency for which the information is required:	5
(d)	the mechanism by which the information is to be accessed:	
(e)	the position or designation of the person or persons in the accessing agency who may access the information:	
(f)	the records to be kept in relation to each occasion on which the registry is accessed:	10
(g)	the safeguards that are to be applied for protecting information:	
(h)	the requirements relating to storage, retention, and disposal of information obtained from the registry:	
(i)	the circumstances (if any) in which the information may be disclosed to another agency, and how that disclosure may be made:	15
(j)	the requirements for reviewing the agreement.	
<b>38ZE</b>	<b>Variation of direct access agreement</b>	
	<b>Sections 38ZB and 38ZC</b> apply with any necessary modifications in respect of a proposal to enter into an agreement varying a direct access agreement.	20
<b>38ZF</b>	<b>Publication of direct access agreements</b>	
(1)	An agreement, and all variations to the agreement, must be published on—	
(a)	an Internet site maintained by or on behalf of the accessing agency; and	
(b)	an Internet site maintained by or on behalf of the Police.	
(2)	However, <b>subsection (1)</b> does not apply to—	25
(a)	an agreement or a variation of an agreement that may be withheld on a request made under the Official Information Act 1982:	
(b)	a provision of an agreement or a variation of an agreement that may be withheld on a request made under the Official Information Act 1982.	
(3)	If, in reliance on <b>subsection (2)(a)</b> , an agreement or a variation of an agreement is not published, a summary of the agreement or variation of the agreement must be published on—	30
(a)	an Internet site maintained by or on behalf of the accessing agency; and	
(b)	an Internet site maintained by or on behalf of the Police.	
<b>54</b>	<b>Sections 39 to 41 and cross-heading repealed</b>	35
	Repeal sections 39 to 41 and the cross-heading above section 39.	

**55 New section 41A inserted (Marking of firearms)**

After section 41, insert:

**41A Marking of firearms**

- (1) This section applies to all firearms, parts, and magazines possessed by firearm licence holders, including those manufactured in or imported into NZ, but does not apply to antique firearms. 5
- (2) Firearms, parts, and magazines to which this section applies must be marked in accordance with regulations made under section 74.
- (3) The Crown is not liable to pay compensation in respect of— 10
- (a) the loss of value in the case of any firearm, part, or magazine that results from it being marked in accordance with the regulations; or
  - (b) the cost of marking the firearm, part, or magazine.

**56 Cross-heading above section 42 replaced**

Replace the cross-heading above section 42 with:

**Part 8**  
**Offences**

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**57 Section 42 replaced (Offences in respect of licences)**

Replace section 42 with:

**42 Offences in respect of licences**

- A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years, or to a fine not exceeding \$20,000, if the person,— 20
- (a) with intent to deceive,—
    - (i) adds to a licence any words or figures extraneous to the licence as issued; or
    - (ii) alters on or erases from any licence any words or figures; or 25
    - (iii) uses or retains any licence—
      - (A) to which have been added any words or figures extraneous to the licence as issued; or
      - (B) from which any words or figures have been erased from the licence as issued; or 30
      - (C) on which any words or figures on the licence as issued have been altered; or
  - (b) being the holder of a licence, wilfully parts with possession of that licence in order that it may be used by another person; or

- (c) uses or attempts to use a licence issued in the name of another person with the intention of procuring the possession of any firearm, airgun, pistol, restricted weapon, magazine, or ammunition; or
- (d) supplies particulars or answers in any application for a licence under this Act, knowing them to be incorrect or misleading.

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**58 Section 43 replaced (Selling or supplying firearm or airgun to unlicensed person)**

Replace section 43 with:

**43 Selling or supplying firearm or airgun to unlicensed person**

- (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$20,000, if the person—
  - (a) sells or supplies a firearm (other than a pistol, prohibited item, or restricted weapon) to any person who is not the holder of a firearms licence, a dealer's licence, or a permit issued for the purposes of **section 16(1)**; or
  - (b) sells or supplies an airgun to any individual who is under the age of 18 years and is not the holder of a firearms licence.
- (2) It is a defence to a prosecution for an offence against **subsection (1)(a)** if the defendant proves—
  - (a) that the defendant took reasonable steps to ascertain whether the person to whom they sold or supplied the firearm (**A**) was the holder of a firearms licence; or
  - (b) that—
    - (i) the firearm was sold or supplied to **A** for use under the immediate supervision of another person, not being a visitor to New Zealand, who holds a firearms licence (**B**); and
    - (ii) at all times, while **A** was in possession of the firearm, **A** was under the immediate supervision of **B**.
- (3) It is a defence to a prosecution for an offence against **subsection (1)(b)** if—
  - (a) the defendant proves that the defendant took reasonable steps to ascertain whether the individual to whom they sold or supplied the airgun (not being a specially dangerous airgun) (**C**) was the holder of a firearms licence and was a person of or over the age of 18 years; or
  - (b) the defendant proves—
    - (i) that the airgun was sold or supplied to **C** for use under the immediate supervision of another person (**D**) who holds a firearms licence and was a person of or over the age of 18 years; and
    - (ii) that at all times while **C** was in possession of the airgun, **C** was under the immediate supervision of **D**.



**59 Section 43A replaced (Mail order sale of firearm or ammunition)**

Replace section 43A with:

**43A Mail order or Internet sale of arms items or ammunition**

- (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, sells by mail order or a transaction on the Internet any arms item, or any ammunition for a firearm or restricted weapon, otherwise than under a written order—
- (a) signed by the purchaser; and
  - (b) stating the identification number marked on the arms item; and
  - (c) bearing an endorsement signed by a member of the Police and stating that the member of the Police—
    - (i) has inspected the purchaser's firearms licence; and
    - (ii) is satisfied that the purchaser is a fit and proper person to purchase the arms item or ammunition.
- (2) Nothing in this section applies in relation to—
- (a) any pistol, restricted weapon, or prohibited item; or
  - (b) any ammunition for a firearm of the kind described in section 22(1)(a), (b), or (c).

**60 Section 43A repealed (Mail order sale of firearm or ammunition)**

Repeal section 43A.

**61 Section 43B repealed (Restriction on sale of ammunition)**

Repeal section 43B.

**62 Section 44 replaced (Selling or supplying pistol or restricted weapon to person who does not hold permit to possess)**

Replace section 44 with:

**44 Selling or supplying pistol or restricted weapon to person who does not hold permit to possess**

- (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years, or to a fine not exceeding \$30,000, if the person sells or supplies a pistol or restricted weapon to any person other than a person who is authorised—
- (a) by a permit issued for the purposes of **section 16(1)** to bring or cause to be brought or sent into New Zealand that pistol or restricted weapon; or

- (b) by a permit issued under section 35 to possess that pistol or restricted weapon.
- (2) It is a defence to a prosecution for an offence against **subsection (1)** if—
- (a) the defendant proves that they took reasonable steps to ascertain whether the person to whom they sold or supplied the pistol or restricted weapon **(A)** was the holder of a permit of the kind described in **subsection (1)(a) or (b)**; or
- (b) the defendant proves, in the case of a prosecution relating to the sale or supply of a pistol,—
- (i) that the pistol was supplied to A for use—
- (A) on a range of an incorporated pistol shooting club for the time being recognised by the Commissioner for the purposes of section 29; and
- (B) under the immediate supervision of another person **(B)** who holds a firearms licence bearing an endorsement permitting them to have that pistol or a pistol of that kind; and
- (ii) that, at all times while A was in possession of the pistol, A was—
- (A) on a range of the kind described in **subparagraph (i)(A)**; and
- (B) under the immediate supervision of B.

**63 Section 46 replaced (Carrying of imitation firearm, except for lawful, proper, and sufficient purpose)**

Replace section 46 with:

- 46 Carrying of imitation firearm, except for lawful, proper, and sufficient purpose**
- (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year, or to a fine not exceeding \$4,000, if the person, except for some lawful, proper, and sufficient purpose, carries an imitation firearm.
- (2) In any prosecution for an offence against **subsection (1)** in which it is proved that the defendant was carrying an imitation firearm, the defendant has the burden of proving the existence of some lawful, proper, and sufficient purpose.

**64 Section 48 replaced (Discharging firearm, airgun, pistol, or restricted weapon in or near dwellinghouse or public place)**

Replace section 48 with:

<b>48</b>	<b>Discharging firearm, airgun, pistol, or restricted weapon in or near dwellinghouse or public place</b>	
	A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, discharges a firearm, airgun, pistol, or restricted weapon in or near a dwellinghouse or a public place so as to—	5
	(a) endanger property; or	
	(b) endanger, annoy, or frighten any person.	
<b>65</b>	<b>Section 50D amended (Unlawfully carrying or possessing prohibited firearm in public place)</b>	10
	In section 50D, replace “7 years” with “5 years”.	
<b>66</b>	<b>Section 52 amended (Presenting firearm, airgun, pistol, or restricted weapon at other person)</b>	
	In section 52(1) and (2), replace “3 months or to a fine not exceeding \$1,000 or to both” with “6 months, or to a fine not exceeding \$10,000,”.	15
<b>67</b>	<b>Section 53A amended (Use or attempted use of prohibited firearm to resist or prevent arrest or commit offence)</b>	
	In section 53A(2), replace “7 years” with “5 years”.	
<b>68</b>	<b>Section 54 amended (Use or attempted use of firearm, etc, to resist or prevent arrest or commit offence)</b>	20
	(1) In the heading to section 54, replace “firearm” with “airgun”.	
	(2) In section 54(1), before “restricted weapon”, insert “airgun,”.	
<b>69</b>	<b>Section 55B amended (Offence of failing to produce firearm, etc, on demand or to permit inspection of firearm, etc)</b>	
	(1) In the heading to section 55B, replace “firearm” with “prohibited firearm”.	25
	(2) In section 55B, replace “3 months” with “6 months”.	
	(3) In section 55B, replace “\$1,000” with “\$10,000”.	
	(4) In section 55B, replace “fails” with “fails without reasonable excuse”.	
<b>70</b>	<b>New sections 55C to 55I inserted</b>	
	After section 55B, insert:	30
<b>55C</b>	<b>Offence of failing to produce firearm other than pistol, restricted weapon, or prohibited firearm on demand or to permit inspection of firearm</b>	
	A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, fails to—	

<ul style="list-style-type: none"> <li>(a) produce a firearm (other than a pistol, restricted weapon, or prohibited firearm) in their possession to a member of the Police on demand; or</li> <li>(b) permit a member of the Police to inspect a firearm (other than a pistol, restricted weapon, or prohibited firearm) or the place where it is kept, or to enter that place.</li> </ul>	5
<b>55D Offences relating to illegal manufacturing of arms items</b>	
<ul style="list-style-type: none"> <li>(1) A person commits an offence if the person— <ul style="list-style-type: none"> <li>(a) intentionally manufactures or assembles a firearm using parts that have been illegally manufactured, imported, or trafficked; or</li> <li>(b) intentionally enters into a contract or an arrangement, or arrives at an understanding, to manufacture or assemble a firearm using parts that have been illegally manufactured, imported, or trafficked; or</li> <li>(c) does not hold a dealer’s licence, but intentionally manufactures for sale, transfer, rental, or other supply— <ul style="list-style-type: none"> <li>(i) a firearm, pistol, prohibited firearm, or restricted weapon; or</li> <li>(ii) a part of a firearm, pistol, prohibited firearm, or restricted weapon; or</li> </ul> </li> <li>(d) does not hold a dealer’s licence, but intentionally enters into a contract or an arrangement, or arrives at an understanding, to manufacture for sale, transfer, rental, or other supply— <ul style="list-style-type: none"> <li>(i) a firearm, pistol, prohibited firearm, or restricted weapon; or</li> <li>(ii) a part of a firearm, pistol, prohibited firearm, or restricted weapon; or</li> </ul> </li> <li>(e) intentionally fails to mark a firearm, or part of a firearm, manufactured by the person in accordance with this Act or regulations made under section 74.</li> </ul> </li> <li>(2) A person who commits an offence against <b>subsection (1)</b> is liable on conviction to imprisonment for a term not exceeding 10 years.</li> <li>(3) For the purposes of this section, anything that purports to be, or is intended to have the effect of, a contract, an arrangement, or an understanding must be treated as a contract, an arrangement, or an understanding (as the case may be).</li> </ul>	10 15 20 25 30
<b>55E Offences relating to illegal trafficking of firearms, parts, or ammunition</b>	
<ul style="list-style-type: none"> <li>(1) A person commits an offence if the person intentionally— <ul style="list-style-type: none"> <li>(a) moves, delivers, sends, or transfers any firearm, pistol, prohibited firearm, or restricted weapon, or any part or ammunition, into New Zealand without lawful authority, or if the item is not marked in accordance with this Act and regulations made under section 74, whether or not the person intends to export the item from New Zealand; or</li> </ul> </li> </ul>	35

- (b) moves, delivers, sends, or transfers any firearm, pistol, prohibited firearm, or restricted weapon, or any part or ammunition, from New Zealand to another country, without lawful authority, or if the item is not marked in accordance with this Act and regulations made under section 74; or
- (c) moves, delivers, sends, or transfers any firearm, pistol, prohibited firearm, or restricted weapon, or any part or ammunition, through or across New Zealand to another country without lawful authority; or 5
- (d) moves, delivers, sends, or transfers any firearm, pistol, prohibited firearm, or restricted weapon, or any part or ammunition, into another country from or through New Zealand without lawful authority. 10
- (2) A person commits an offence if the person intentionally enters into a contract or an arrangement, or arrives at an understanding, to do anything described in **subsection (1)(a) to (d)**.
- (3) A person who commits an offence against **subsection (1) or (2)** is liable on conviction to imprisonment for a term not exceeding 10 years. 15
- (4) For the purposes of this section, anything that purports to be, or is intended to have the effect of, a contract, an arrangement, or an understanding must be treated as a contract, an arrangement, or an understanding (as the case may be).
- (5) Any firearm, pistol, prohibited firearm, or restricted weapon, or any part or ammunition, that is imported within the meaning of the Customs and Excise Act 2018 and that arrives in New Zealand in any manner in contravention of this section, must be treated, on importation, as a prohibited good for the purposes of the Customs and Excise Act 2018, except sections 388 and 389 of that Act. 20
- 55F Offences relating to falsifying firearm markings** 25
- (1) A person commits an offence if the person intentionally—
- (a) marks a complete firearm, or a complete but unassembled firearm, with false markings at the time of manufacture; or
- (b) marks an imported firearm with false markings.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to imprisonment for a term not exceeding 10 years. 30
- 55G Offences relating to removing or altering firearm markings**
- (1) A person commits an offence if the person, without reasonable excuse, obliterates, removes, or alters a marking on a firearm or part.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to imprisonment for a term not exceeding 3 years. 35
- (3) If any mark is removed for a lawful and proper purpose, the firearm or part must be re-marked in accordance with the marking requirements of this Act and regulations made under section 74.

**55H Extraterritorial jurisdiction for offences against section 55D, 55E, 55F, or 55G**

- (1) Even if the acts or omissions alleged to constitute the offence occurred wholly outside New Zealand, proceedings may be brought for any offence against **section 55D, 55E, 55F, or 55G**— 5
- (a) if the person to be charged—
- (i) is a New Zealand citizen; or
  - (ii) is ordinarily resident in New Zealand; or
  - (iii) has been found in New Zealand and has not been extradited; or
  - (iv) is an entity incorporated or registered under the law of New Zealand; or 10
- (b) if any of the acts or omissions are alleged to have occurred on board—
- (i) a ship registered, or required to be registered, under the Ship Registration Act 1992; or
  - (ii) a ship used as a ship of the New Zealand Defence Force; or 15
  - (iii) an aircraft registered, or required to be registered, in New Zealand under the Civil Aviation Act 1990; or
  - (iv) an aircraft for the time being used as an aircraft of the New Zealand Defence Force; or
  - (v) an aircraft that is leased to a lessee whose principal place of business is in New Zealand, or who is a New Zealand citizen or a person ordinarily resident in New Zealand. 20
- (2) The following sections do not apply to an offence against **section 55D, 55E, 55F, or 55G**:
- (a) section 8 of the Crimes Act 1961 (which relates to jurisdiction in respect of crimes on ships or aircraft beyond New Zealand): 25
  - (b) section 400 of the Crimes Act 1961 (which requires the consent of the Attorney-General to proceedings in certain cases for offences on ships or aircraft).
- (3) Nothing in this section limits— 30
- (a) the application of **section 55D, 55E, 55F, or 55G** to acts or omissions that occurred wholly in New Zealand; or
  - (b) the application of section 7 of the Crimes Act 1961 to the occurrence in New Zealand of—
    - (i) an act or omission forming part of an offence; or 35
    - (ii) an event necessary to the completion of an offence; or  - (c) the application of section 8A of the Crimes Act 1961.

**55I Attorney-General's consent required**

- (1) No charging document may be filed against any person in relation to an offence against **section 55D, 55E, 55F, or 55G** unless the Attorney-General consents to the filing of the charging document.
- (2) A person alleged to have committed an offence against **section 55D, 55E, 55F, or 55G** may be arrested without a warrant or a warrant for their arrest may be issued and executed, and they may be remanded in custody or on bail, even though the consent of the Attorney-General has not yet been obtained under **subsection (1)**, but no further or other proceedings may be taken until the consent has been obtained.

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**71 New section 58A inserted (Offences relating to registry)**

After section 58, insert:

**58A Offences relating to registry**

- (1) A person commits an offence who, without reasonable excuse, fails to provide information to the Police in accordance with **section 94**.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding \$10,000.
- (3) A person commits an offence if the person intentionally fails to provide information to the Police in accordance with **section 94**.
- (4) A person commits an offence if the person provides information to the Police for inclusion in the registry, knowing the information to be false or misleading in a material respect.
- (5) A person who commits an offence against **subsection (3) or (4)** is liable on conviction to a term of imprisonment not exceeding 2 years, or to a fine not exceeding \$20,000.

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**72 Section 59 amended (Unsafe firearms or pistols)**

Replace section 59(4) with:

- (4) An owner of a firearm or pistol commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the owner, without reasonable excuse, fails to comply with a notice given to them under subsection (2) in respect of that firearm or pistol.

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**73 New Part 9 heading inserted**

After section 59, insert:

**Part 9**  
**Miscellaneous provisions**

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**74 Section 59A amended (Surrender by licensed dealer of firearms, etc)**

- (1) In section 59A(1) and (2), replace “Arms Office” with “Police station”.
- (2) In section 59A(1), replace “immediately” with “within 5 working days”.

**75 New sections 60 to 60B inserted**

After section 59B, insert:

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**60 Improvement notices**

- (1) This section applies if a member of the Police reasonably believes that a person with a firearms or dealer’s licence, an ammunition seller, or a shooting range operator is failing, has failed, or is likely to fail to comply with—
  - (a) 1 or more applicable provisions of this Act or regulations made under this Act; or 10
  - (b) any conditions on a licence, an endorsement, or a permit.
- (2) The member of the Police may issue an improvement notice that—
  - (a) states the applicable provision or provisions, or condition or conditions, that the member of Police reasonably believes the person is failing, has failed, or is likely to fail to comply with; and 15
  - (b) requires the person to remedy the failure or prevent a failure from occurring; and
  - (c) states the date by which the person is required to remedy the failure or prevent a failure from occurring. 20
- (3) An improvement notice must be in writing and be sent to the person by post or electronic means to their last known address.
- (4) The member of Police may extend the time within which the person is required to remedy the failure or prevent a failure from occurring.
- (5) A person issued with an improvement notice must comply with the notice within the time specified in the notice (or within any extended time allowed by the officer). *See sections 60A and 60B* for possible suspension and revocation of a licence if a person fails to comply with an improvement notice. 25

**60A Temporary suspension of licence pending possible revocation**

- (1) A member of the Police may, by notice in writing to the holder of a firearms or dealer’s licence, temporarily suspend the licence if satisfied that 1 or more of the following apply: 30
  - (a) the holder is not a fit and proper person to be in possession of any firearm or airgun, which includes a case where—
    - (i) the holder has failed or refused to secure any firearms, parts, magazines, ammunition, airguns, or restricted weapons in the person’s possession, in accordance with regulations made under this Act; or 35



- (ii) the holder has failed to comply with any conditions imposed on their licence; or
- (iii) the holder has failed to comply with an improvement notice issued under **section 60**; or
- (iv) the member of the Police is so satisfied on the basis of a notice given under **section 91** by a health practitioner: 5
- (b) the holder, being the holder of a dealer's licence, is not a fit and proper person to hold a dealer's licence:
- (c) the licence has been seized under section 18 of the Search and Surveillance Act 2012: 10
- (d) access to any firearm or airgun in the possession of the holder is reasonably likely to be obtained by—
  - (i) a person whose application for a firearms licence has been refused; or
  - (ii) a person whose firearms licence has been revoked; or 15
  - (iii) a person who, in the opinion of a member of the Police, is not a fit and proper person to be in possession of a firearm or an airgun; or
  - (iv) a person whose application for a permit under section 7 of the Arms Act 1958, or for a certificate of registration under section 9 of that Act, was refused on the ground that the person was not a fit and proper person to be in possession of a firearm or an airgun; or 20
  - (v) a person whose certificate of registration as the owner of a firearm was revoked under section 10 of the Arms Act 1958 on the ground that the person was not a fit and proper person to be in possession of a firearm; or 25
  - (vi) a person, other than the holder, whose firearms licence has been temporarily suspended.
- (2) A notice of temporary suspension of a licence must state—
  - (a) the ground on which the notice is given; and
  - (b) that the suspension is to enable the Police to consider revoking the licence on that ground; and 30
  - (c) that the holder may, at any time before a day stated in the notice, make oral or written submissions on whether the licence should be revoked on that ground; and
  - (d) that the suspension lasts until notice of the decision as to whether the licence has been revoked is given to the holder; and 35
  - (e) that the effect of the notice is that the holder is treated as not holding the licence for the purposes of this Act until a final determination on revocation of the licence is made (*see* **section 60B**); and

- (f) that the holder may commit an offence if the holder carries on any activities that require the holder to be licensed under this Act; and
- (g) that the holder may be required immediately to surrender to Police the holder's licence and the firearms, parts, magazines, ammunition, airguns, and restricted weapons in the holder's possession. 5
- (3) The day stated under **subsection (2)(c)** must not be sooner than, in the opinion of the Police, is reasonable to enable the holder to prepare and make submissions.
- 60B Effect of temporary suspension of licence**
- (1) When, or at any time after, a temporary licence suspension notice is given to the holder, any member of the Police may require the holder (orally or in writing) to surrender the licence and, in that case, the holder must immediately do so. 10
- (2) On and after the date on which the holder of a firearms licence is given a notice,— 15
- (a) this Act applies as if the holder is not licensed to possess firearms, parts, magazines, ammunition, airguns, or restricted weapons by virtue of the licence or any endorsement on it; and
- (b) section 28 (except subsections (3) and (4)) applies if the suspended licence is a firearms licence as if the licence had been revoked. 20
- (3) On and after the date on which the holder of a dealer's licence is given a notice,—
- (a) this Act applies as if the holder is not authorised to carry on any dealer activity; and
- (b) an employee of the holder may not carry on a dealer activity for the holder. 25
- (4) On and after the date on which the holder is given a notice or if the holder fails to surrender the arms items concerned, a member of the Police may seize and take possession of all or any firearms, parts, magazines, ammunition, airguns, or restricted weapons in the possession or under the control of the holder. 30
- (5) If the suspended licence is a firearms licence, **subsection (4)** applies despite **subsection (2)(b)**.
- (6) If a person's firearms licence is suspended, and the person holds a dealer's licence, the dealer's licence is automatically suspended while the firearms licence remains suspended. 35
- 76 Section 62 replaced (Right of appeal from official decisions)**  
Replace section 62 with:

**62 Right of review of official decisions**

- (1) This section applies to a decision to refuse an application for, or to revoke, a firearms licence.
- (2) A person who is the subject of a decision to which this section applies may apply in the prescribed manner to the Commissioner for a review of the decision. 5
- (3) An application must state—
- (a) the decision that the applicant wishes to be reviewed; and
  - (b) the reasons why the applicant thinks the decision should be reviewed; and 10
  - (c) the outcome the applicant is seeking.
- (4) An application must, subject to **subsection (5)**, be made within 28 days after the date on which notice of the relevant decision is given to the person.
- (5) The Commissioner may accept a late application no later than 28 days after the closing date in **subsection (4)** if satisfied that there are extenuating circumstances that affected the ability of the claimant to make the application by the closing date. 15

**62A How review to be conducted**

- (1) The Commissioner must delegate the responsibility for reviewing a decision to which **section 62** applies to 1 or more persons other than the person who made the original decision. 20
- (2) The reviewer must review the decision on the papers within 28 days after the date on which the application for review was lodged.
- (3) The Commissioner must give the applicant a written or an electronic notice of the reviewer's decision, and that decision has effect according to its terms. 25
- (4) The original decision remains in force until the reviewer's decision is notified to the applicant.

**62B Right of appeal to District Court**

- (1) A person who is the subject of a decision referred to in **paragraph (a) or (b)** or is a person described in **paragraph (c)** may, by way of originating application, appeal to a District Court Judge against the decision as follows: 30
- (a) a decision to refuse an application for any of the following:
    - (i) a dealer's licence:
    - (ii) consent under section 7A:
    - (iii) a permit for the purposes of **section 16(1)**: 35
    - (iv) a firearms licence:
    - (v) an endorsement under section 30, 30B, or 36:

- (vi) a permit under section 35 to possess a pistol or restricted weapon:
- (vii) a permit under section 35A to possess a prohibited item:
- (b) a decision to issue subject to conditions imposed by a member of the Police, or to revoke, any of the following:
- (i) a dealer's licence: 5
- (ii) a permit for the purposes of **section 16(1)**:
- (iii) a firearms licence:
- (iv) an endorsement under section 30, 30B, or 36:
- (v) a permit under section 35 to possess a pistol or restricted weapon:
- (vi) a permit under section 35A to possess a prohibited item: 10
- (c) a person who has been served with a notice under section 41 or 59.
- (2) However, in the case of a decision to which **section 62** applies, a person has no right of appeal under this section unless the person has—
- (a) first applied under **section 62** for a review of the decision; and
- (b) been notified of the reviewer's decision. 15
- (3) On hearing an appeal under **subsection (1)**, the District Court Judge may, subject to **subsection (5)**, confirm, vary, or reverse the decision appealed against.
- (4) **Subsection (5)** applies if—
- (a) an application for a firearms licence has been refused on the ground set out in section 24(2); or 20
- (b) a firearms licence has been revoked on the ground set out in section 27(1)(b).
- (5) If this subsection applies, the District Court Judge may, even though the Judge finds that ground established, vary or reverse the decision appealed against if satisfied that, since the decision was given, adequate measures have been taken to deny access to the firearm to the person whose likelihood of access to it was the basis of the refusal or revocation. 25
- 62C Further provisions relating to appeals**
- (1) Despite the fact that any appeal under **section 62B** may have been determined in favour of the appellant, any commissioned officer of Police, in the exercise of powers conferred on the officer by this Act, may, subject to the like right of appeal, revoke any licence or permit to which the appeal related, or any licence or permit granted in compliance with the decision of the District Court Judge on the appeal, on any sufficient grounds supported by facts or evidence discovered since the hearing of the appeal. 30
- (2) The decision of the District Court Judge on any appeal under this section is final and conclusive, subject to **subsection (1)** and to section 64. 35

(3)	No person is excused from complying with any of the provisions of this Act on the ground that—	
(a)	the person has applied for a review under <b>section 62</b> and the review is pending; or	
(b)	the person has appealed under <b>section 62B</b> and the appeal or the decision on the appeal is pending.	5
<b>77</b>	<b>Section 64 amended (Appeal on a question of law)</b> In section 64(1), replace “section 62” with “ <b>section 62B</b> ”.	
<b>78</b>	<b>Cross-heading above section 66 replaced</b> Replace the cross-heading above section 66 with:	10
	<i>Other miscellaneous provisions</i>	
<b>79</b>	<b>New sections 66A to 66D inserted</b> After section 66, insert:	
<b>66A</b>	<b>Loss, theft, or destruction of firearm, etc</b>	
(1)	This section applies if—	15
(a)	a firearm, prohibited magazine, prohibited part, or restricted weapon is lost, stolen, or destroyed; or	
(b)	a non-prohibited part or non-prohibited magazine that is required to be recorded in the registry is lost, stolen, or destroyed.	
(2)	The owner of the firearm, magazine, part, or restricted weapon must—	20
(a)	immediately notify a member of the Police of the loss, theft, or destruction; and	
(b)	give all information in their possession relating to the loss, theft, or destruction to the member of the Police.	
(3)	A notification under <b>subsection (2)</b> must be given in the form or manner approved by the Commissioner.	25
(4)	Every person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, contravenes <b>subsection (2)</b> .	
<b>66B</b>	<b>Person in possession of firearm, etc, must give identifying information to Police</b>	30
(1)	A person in possession of any firearm, airgun, pistol, magazine, part, restricted weapon, or ammunition, must, on demand, give their full name, address, and date of birth to any member of the Police who is in uniform or who produces evidence that they are a member of the Police.	35

- (2) If any person refuses to give their name, address, or date of birth, or gives false particulars about their name, address, or date of birth, a constable—
- (a) may caution that person; and
  - (b) if that person persists in the refusal or fails or continues to refuse to give the correct particulars, may arrest the person without warrant. 5
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, in response to a demand under **subsection (1) or (2)**,—
- (a) refuses to give their name, address, or date of birth; or
  - (b) gives false particulars, without reasonable excuse, about their name, address, or date of birth. 10
- 66C Powers of Police to require surrender of airguns or antique firearms**
- (1) If any person who is not the holder of a firearms licence or a dealer’s licence is in possession of an airgun or antique firearm, a commissioned officer of Police may, by notice in writing served on that person, require that person to surrender the airgun or antique firearm to a member of the Police, if that officer is of the opinion that that person is not a fit and proper person to be in possession of the airgun or antique firearm. 15
- (2) If any person is served with a notice under **subsection (1)**, that person must, on demand, deliver the airgun or antique firearm to a member of the Police, and section 28(2) to (4) applies accordingly with all necessary modifications. 20
- (3) Any person required under this section to surrender an airgun or antique firearm may appeal under **section 62** against the requirement, and that section applies accordingly with all necessary modifications.
- (4) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, fails to comply with a notice given to them under **subsection (1)**. 25
- 66D Obligations of owner or operator of craft temporarily visiting New Zealand and carrying firearms, etc** 30
- (1) If a craft arriving from a foreign country is, at any time, temporarily berthed, moored, or anchored in any harbour or territorial waters of New Zealand, and has on board any arms items that are not being off-loaded, the owner or operator of the craft must—
- (a) include details of all arms items on board the craft— 35
    - (i) in an advance notice of arrival that is required to be provided to the New Zealand Customs Service by section 12 of the Customs and Excise Act 2018; or

- (ii) in an inward report that is required to be provided to the New Zealand Customs Service by section 24 of the Customs and Excise Act 2018; and
- (b) comply with any directions given by the New Zealand Customs Service or a member of the Police relating to the secure storage of those arms items, which may include a direction that the arms items be temporarily surrendered to a member of the Police or a Customs officer. 5
- (2) If the owner or operator of a craft does not comply with any direction given under **subsection (1)(b)**, a member of the Police or a Customs officer may—
- (a) board the craft; and 10
- (b) seize and detain the arms items; and
- (c) in effecting the seizure and detention of the arms items, use any reasonably necessary force.
- (3) In this section,—
- arms items** means any firearms, pistols, restricted airguns, prohibited items, restricted weapons, or ammunition 15
- craft** has the meaning given in section 5(1) of the Customs and Excise Act 2018
- operator** has the meaning given in section 5(1) of the Customs and Excise Act 2018 20
- owner** has the meaning given in section 5(1) of the Customs and Excise Act 2018.

## 80 Section 69 replaced (Forfeitures)

Replace section 69 with:

- 69 Forfeitures** 25
- (1) If a person is convicted of an offence of using, carrying, or being in possession of any specified item, the convicting court must, as part of the sentencing, order that the specified item be forfeited to the Crown.
- (2) However, **subsection (1)** does not apply and the convicting court need not make an order under that provision if the court considers that, given the circumstances of the offending, it would be unjust to make that order. 30
- (3) Any specified item ordered under **subsection (1)** to be forfeited to the Crown—
- (a) is forfeited to the Crown accordingly; and
- (b) may be disposed of in any manner that the Commissioner directs. 35
- (4) In this section, **specified item** means any firearm, airgun, pistol, restricted weapon, imitation firearm, prohibited item, ammunition, or explosive.

**81 Section 72A amended (Service of documents)**

After section 72A(1)(c), insert:

- (d) made available to that person electronically through the registry, so long as an email is sent to an address supplied by the person to tell them that the notice or other document has been made available and the person has agreed to receive notices or documents in that way. 5

**82 Section 74 amended (Regulations)**

- (1) In section 74(1)(b), after “licences,”, insert “certificates of approval, certifications,”.

- (2) After section 74(1)(ba), insert: 10

- (bb) providing criteria, not inconsistent with this Act, for finding that an applicant for a firearms licence is a fit and proper person to be in possession of a firearm or an airgun:

- (3) In section 74(1)(e), after “licences,”, insert “certificates of approval, certifications,”. 15

- (4) Repeal section 74(1)(f) and (2).

- (5) After section 74(1)(g), insert:

- (ga) prescribing the details that persons carrying on business are required under **section 22D** to enter in the registry relating to the sale or supply of ammunition: 20

- (gb) prescribing the particulars that are required to be included in annual reports of shooting clubs, including (but not limited to) finances, storage, safety, discipline, training, competitions, office holders, membership, participating non-members, and ratios of members who are licence holders, endorsement holders, or trained range officers to those who are not: 25

- (6) In section 74(1)(h), after “licensed dealers”, insert “and the period for which any of those records must be kept”.

- (7) After section 74(1)(j), insert:

- (ja) regulating 1 or more of the following: the advertising, promotion, or display of any firearm, firearm part, magazine, or ammunition by persons who sell or let out on hire any of those items: 30

- (jb) without limiting **paragraph (ja)**, requiring those sellers and persons who let out on hire to provide specified information to customers about—

- (i) the legal conditions and requirements that apply to the purchase, possession, and use of firearms, parts, magazines, and ammunition (such as the legal age of purchase, licence or endorsement requirements, and safe storage requirements); and 35



- (ii) specific requirements and restrictions relevant to the item that is for sale or hire:
- (jc) providing for 1 or more of the following in relation to notices given by health practitioners for the purposes of **section 91**:
- (i) the information that the Police must provide to a licence holder when notifying the holder that a report has been received from a health practitioner: 5
- (ii) the period within which a licence holder must undergo a further assessment or surrender their licence, for the purposes of **section 91(3)**: 10
- (iii) the kinds or classes of health practitioners who may make a further assessment under **section 91** and any time limits or other requirements that apply to the assessment:
- (iv) the responsibilities of a health practitioner who makes a further assessment: 15
- (8) Replace section 74(1)(l) with:
- (l) making provisions that relate to any marking required for any firearms, magazines, and parts with identifying marks:
- (9) After section 74(1)(p), insert:
- (pa) providing for any matters necessary or desirable for the efficient operation of the registry, including provisions that— 20
- (i) require licence holders or other persons to provide specified information to the Police for inclusion in the registry and specify the circumstances in which the requirement applies:
- (ii) specify the manner or form in which information is required to be provided to the Police for inclusion in the registry: 25
- (iii) impose additional requirements or conditions to be met by persons who apply under section 4A (permit to import, sell, supply, possess, or use a prohibited item), 7A (gun shows), or 18 (permit to import firearms): 30
- (iv) impose different requirements for different kinds of licences, conditions, or endorsements:
- (pb) without limiting **paragraph (pa)(i)**, requiring specified persons to provide specified information to the Police in accordance with the regulations in relation to firearms, parts, and magazines that are not required to be marked with an identifying mark (for example, antique firearms and firearms exempted from or not covered by regulations made under **paragraph (l)**): 35
- (pc) requiring specified particulars to be recorded in the registry for the purpose of **section 93(1)(f)**: 40

- (10) In section 74(1)(r), replace “\$400” with “\$2,000”.
- (11) After section 74(1)(ra), insert:
- (rb) providing for matters not inconsistent with this Act that relate to the operation of the advisory group appointed under **section 88**, including provisions that—
    - (i) state the quorum necessary for the transaction of the group’s business:
    - (ii) require members to disclose any direct or indirect interest in a matter on which the group is providing advice:
    - (iii) prohibit members from disclosing any information provided to them in confidence in their capacity as members of the group:
    - (iv) enable the appointment of subcommittees:
    - (v) relate to the immunity from civil liability of members of the advisory group:
  - (rc) providing for matters not inconsistent with this Act that relate to the operation of the review process under **section 62**, including provisions that prescribe, or authorise the Commissioner to prescribe, the form of applications for a review under **section 62**:
  - (rd) without limiting any class of persons who are authorised to do so under section 3, providing for other persons to be authorised to carry or possess firearms, airguns, pistols, prohibited magazines, prohibited parts, restricted weapons, ammunition, or explosives belonging to the Crown:

### 83 New sections 79 to 95 and cross-headings inserted

After section 78, insert:

- Cost recovery*
- 79 Purpose of sections 80 to 86**
- The purpose of **sections 80 to 86** is to enable the Police to recover its costs in respect of certain activities undertaken by the Police under this Act.
- Compare: 2008 No 72 s 79A
- 80 Activities that may be subject to cost recovery**
- (1) The Minister of Police may recommend the making of a regulation under **section 86** only if satisfied that the fee or charge concerned relates to an activity in respect of any licence, application, or other matter under this Act that is undertaken by the Police in administering this Act.
  - (2) The activities for which fees or charges may be imposed under **section 86**—
    - (a) include—

- (i) the development, provision, or approval of training materials, and testing of applicants, for any licence, endorsement, certificate, or approval; and
- (ii) the assessment of applications for any licence, endorsement, permit, certificate, or approval; and 5
- (iii) the issue of, administration relating to, and recording of any licence, endorsement, permit, certificate, approval, transaction, or notice; and
- (iv) the monitoring and audit of compliance or non-compliance with the requirements and conditions relating to any licence, endorsement, permit, transaction, certificate, approval, or notice; but 10
- (b) do not include—
  - (i) the response of the Police to calls relating to potential offending; or
  - (ii) the conduct of criminal investigations; or 15
  - (iii) the prosecution of criminal offences.

Compare: 2008 No 72 s 79B

## 81 Criteria for cost recovery

The Minister of Police may recommend that regulations be made under **section 86(a)** only if the Minister is satisfied that,— 20

- (a) subject to the provisions of **section 86**, the fee or charge recovers no more than the actual and reasonable costs (including both direct and indirect costs) of the activity to which the fee or charge relates; and
- (b) the fee or charge for the activity or class of activities to which the fee or charge relates is generally obtained from the users or beneficiaries of the service or class of services to which the activity relates (for example, from firearms licence holders, if the activity is updating the registry) at a level commensurate, as far as practicable, with their use of the service; and 25
- (c) the costs of the activity to which the fee or charge relates are efficiently incurred; and 30
- (d) the relationship between the costs of the activity to which the fee or charge relates and the nature and duration of the activity is clear.

Compare: 2008 No 72 s 79C

## 82 Consultation

- (1) The Minister of Police may recommend that regulations be made under **section 86(a)** only if the Minister is satisfied that the Commissioner has done everything reasonable on the Commissioner's part to consult the persons or 35

	organisations (or representatives of those organisations) that appear to the Commissioner to be affected or likely to be affected by the fee or charge.	
(2)	The process for consultation must, to the extent practicable in the circumstances, include—	
	(a) the giving of appropriate notice of the intention to make the regulation and of the contents of the proposed regulation;	5
	(b) a reasonable opportunity for interested persons to make submissions; and	
	(c) the adequate and appropriate consideration of those submissions.	
(3)	A failure to comply with this section does not affect the validity of any regulations made under <b>section 86</b> .	10
	Compare: 2008 No 72 s 79D	
<b>83</b>	<b>Methods of cost recovery</b>	
(1)	Regulations for the recovery of costs may provide for the following:	
	(a) fixed fees or charges:	15
	(b) fees or charges based on a scale or formula or at a rate determined on an hourly or other unit basis:	
	(c) the recovery by way of a fee or charge of estimated actual and reasonable costs expended in, or associated with, the performance of an activity:	20
	(d) fees or charges based on costs incurred from charges by third parties:	
	(e) any combination of the above.	
(2)	Without limiting the way in which a fee or charge may be set, a fee or charge may be set at a level or in a way that—	
	(a) is determined by calculations that involve an averaging of costs or potential costs:	25
	(b) takes into account costs or potential costs of activities that are not services to be provided directly to the person who pays the fee or charge, but are an indirect or potential cost arising from the undertaking of the activity in question in relation to a class of persons or all persons who use the service or class of services to which the activity relates:	30
	(c) takes into account indirect costs, which include the costs and potential costs of support, maintenance, and development associated with provision of the activity.	
	Compare: 2008 No 72 s 79E	35

**84 Payment of fee or charge**

- (1) A fee or charge prescribed by regulations made under **section 86** is payable at the time prescribed in respect of a particular activity, whether that time is before, during, or after completion of the relevant activity.
- (2) All fees and charges prescribed by regulations made under **section 86** and received by the Police or any other government agency must be paid into a departmental bank account.

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Compare: 2008 No 72 s 79F

**85 Exemptions, waivers, and refunds**

- (1) Regulations made under **section 86** may provide for exemptions from, or waivers or refunds of, any fee or charge prescribed by regulations made under this Act, in whole or in part, in any class of case.
- (2) Regulations made under **section 86** may authorise the Commissioner, as the Commissioner thinks fit in the circumstances specified in those regulations, to exempt, waive, or refund the whole or any part of a fee or charge prescribed by the regulations.

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Compare: 2008 No 72 s 79G

**86 Regulations relating to cost recovery**

The Governor-General may, by Order in Council,—

- (a) on the recommendation of the Minister of Police made after consultation in accordance with **section 82**, make regulations prescribing fees or charges for specified activities in accordance with **sections 79 to 85**:
- (b) make regulations prescribing the time when a fee or charge prescribed under this Act becomes payable:
- (c) make regulations providing for exemptions from, or waivers or refunds of, any fee or charge prescribed under this Act, in whole or in part, in any class of case:
- (d) make regulations authorising the Commissioner, as the Commissioner thinks fit in the circumstances specified in those regulations, to exempt, waive, or refund the whole or any part of a fee or charge prescribed by regulations made under this Act.

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Compare: 2008 No 72 s 102A

*Guidance notices***87 Guidance notices**

- (1) The Commissioner may issue notices that provide guidance or details of an administrative nature that relate to 1 or more of the following:
- (a) the requirements of regulations made under section 74(1)(i) that relate to the security of licensed dealer premises:

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<ul style="list-style-type: none"> <li>(b) the requirements of regulations made under section 74(1)(j) that relate to the security of premises where firearms are kept:</li> <li>(c) the issuing of identification numbers for firearms and magazines manufactured in or imported into New Zealand:</li> <li>(d) the approval of any shooting club or certification of any shooting range:</li> <li>(e) how to demonstrate the positive behaviours, skills, and knowledge that are expected of a fit and proper person:</li> <li>(f) how to manage specific situations where non-licensed persons come into possession of a firearm:</li> <li>(g) matters that health practitioners consider when determining whether to notify the Police under <b>section 91</b>:</li> <li>(h) generally, about any aspect of the Act or regulations made under this Act where the Commissioner thinks further guidance or detail is useful.</li> </ul>	<p>5</p> <p>10</p> <p>10</p>
<p>(2) The Commissioner must consult the Commissioner’s Firearms Advisory Group, and may consult any other person or organisation that the Commissioner thinks appropriate, before issuing any notice.</p>	<p>15</p>
<p>(3) The Commissioner must—</p> <ul style="list-style-type: none"> <li>(a) publish the notice in the <i>Gazette</i>; or</li> <li>(b) notify in the <i>Gazette</i> the fact that the notice has been made and state in that notification where members of the public can access a copy of the notice in electronic form.</li> </ul>	<p>20</p>
<p>(4) A notice issued under this section is neither a disallowable instrument nor a legislative instrument for the purposes of the Legislation Act 2012.</p>	
<p><i>Commissioner’s Firearms Advisory Group</i></p>	
<p><b>88 Commissioner’s Firearms Advisory Group</b></p>	<p>25</p>
<p>(1) The Commissioner must establish a Commissioner’s Firearms Advisory Group (the <b>advisory group</b>) comprising a chairperson appointed by the Minister of Police and up to 8 other members appointed by the Commissioner.</p>	
<p>(2) The purpose of the advisory group is to advise the Commissioner on matters that contribute to achieving the objectives of this Act, in particular, the safe use and control of firearms.</p>	<p>30</p>
<p>(3) The advisory group may provide advice on any matter relating to firearms in New Zealand, including legislative proposals, policies for regulating New Zealand’s firearms regime, and the promotion of firearms safety.</p>	
<p><b>89 Operations of advisory group</b></p>	<p>35</p>
<p>(1) The members of the advisory group must appoint a deputy chairperson from among their number at their first meeting.</p>	

- (2) The advisory group may determine its own procedure, subject to compliance with any relevant provisions of this Act and regulations made under this Act.
- (3) The advisory group must, as soon as practicable after the end of each financial year, provide the Commissioner with an annual report of its proceedings and operations during that year. 5
- (4) The Commissioner must provide the resources and administrative support necessary to enable the advisory group to perform its functions.
- (5) The members of the advisory group are immune from liability in civil proceedings for good-faith actions or omissions in pursuance, or intended pursuance, of the duties, functions, or powers of the group, subject to any regulations made in relation to the group under this Act. 10
- 90 Provisions relating to appointment of members of advisory group**
- (1) The membership of the advisory group must comprise a balance of people from both the firearm-owning and the non-firearm-owning community, including people who are concerned about the mitigation of harm from firearms from a health perspective. 15
- (2) In appointing any member of the advisory group, the Minister of Police or the Commissioner (as the case may be) must have regard to the need for the advisory group to possess knowledge and experience in some or all of the following areas: 20
- (a) New Zealand and international firearms regulatory systems:
  - (b) public health and safety, particularly as it relates to firearms:
  - (c) firearms research:
  - (d) firearms safety and the use of firearms:
  - (e) membership of any community organisation or group involved in firearms awareness, safety, or law reform: 25
  - (f) any other matters the Minister or the Commissioner (as the case may be) considers relevant.
- (3) A member may be appointed for a term of up to 3 years as specified in the notice of appointment and be reappointed in the same manner. 30
- (4) The Commissioner must, by notice in the *Gazette*, notify the appointment of members and their terms of office.
- (5) A member is entitled to be— 35
- (a) paid remuneration at a rate and of a kind determined in accordance with the fees framework; and
  - (b) reimbursed for actual and reasonable travelling and other expenses in accordance with the fees framework.

- (6) In this section, **fees framework** means the framework determined by the Government for the classification and remuneration of statutory and other bodies in which the Crown has an interest.

*Medical assessments*

**91 Health practitioners may give Police medical reports of persons unfit to use firearm** 5

- (1) This section applies if a health practitioner who has attended or been consulted in respect of a person who the practitioner knows or has reason to believe is a firearms licence holder considers that the mental or physical condition of the licence holder is such that, in the interests of the safety of individuals or the public, the licence holder— 10
- (a) should not be permitted to use or possess a firearm; or
  - (b) should only be permitted to use or possess a firearm subject to any limitations that may be warranted by the mental or physical condition of the licence holder. 15
- (2) If this section applies, the health practitioner must consider notifying the Police as soon as practicable—
- (a) of the opinion under **subsection (1)**; and
  - (b) the grounds on which it is based; and
  - (c) whether the practitioner believes the licence holder poses an immediate or imminent danger of self-harm or harm to others. 20
- (3) The Commissioner may require a licence holder to undergo a further medical assessment by a health practitioner and, in that case, the licence holder must either—
- (a) undergo the further assessment; or 25
  - (b) surrender their licence under section 27(2).
- (4) Regulations made under section **74(1)(jc)** (if any) apply in relation to any notice given for the purpose of this section and to any action required under **subsection (3)**.
- (5) A health practitioner is not liable to criminal, civil, or disciplinary proceedings by disclosing personal information in the course of performing any function or responsibility under this section, as long as the practitioner acts in good faith. 30

*Registration of firearms and dealings*

- 92 Commissioner to keep registry** 35
- The Commissioner must keep and operate a registry for the purposes of this Act.



<b>93</b>	<b>Content of registry</b>	
(1)	The following particulars must be recorded in the registry:	
	(a) the number and date of expiry of every licence held by a person under this Act:	
	(b) every licence holder's full name, date of birth, and address:	5
	(c) every endorsement on a licence:	
	(d) every condition on a licence or an endorsement that is additional to conditions imposed by this Act or regulations made under section 74:	
	(e) the particulars of the make, model, and identifying markings of every firearm, restricted weapon, and prohibited magazine possessed by a licence holder, and of the location of the firearm, restricted weapon, and prohibited magazine, if the particulars are held by the Police:	10
	(f) every particular that regulations made under section 74 require to be recorded in the registry.	
(2)	The registry may include—	15
	(a) photographs provided under section 34A; and	
	(b) any other information that the Commissioner considers necessary or desirable—	
	(i) to ensure that the registry is complete and accurate; or	
	(ii) for the administration of this Act and regulations made under it;	20
	and	
	(c) any other photographs that the Commissioner considers necessary or desirable.	
<b>94</b>	<b>Obligation to provide information to registry</b>	
(1)	This section applies to the following persons:	25
	(a) every holder of a firearms licence:	
	(b) every holder of a dealer's licence:	
	(c) every other person who is or intends to be in possession of a firearm or other item controlled by or under this Act.	
(2)	This section also applies to the following events in relation to any firearm or other item controlled by or under this Act:	30
	(a) its sale or supply, including a temporary transfer:	
	(b) its purchase or receipt (including a temporary receipt):	
	(c) its importation:	
	(d) its exportation:	35
	(e) its manufacture:	
	(f) its theft, loss, or destruction:	

- (g) any other event specified for the purpose of this section in regulations made under section 74.
- (3) Every person to whom this section applies, and every person who has responsibility in relation to any event to which this section applies, must provide the relevant details to the Police in accordance with the time and any other requirements prescribed by regulations made under section 74. 5

*Review of operation of this Act*

**95 Review of this Act**

- (1) The Minister of Police must—
- (a) review the operation of this Act, including the impact of the **Arms Legislation Act 2019** (the **amendment Act**), when the amendment Act has been fully in force for 5 years; and 10
- (b) prepare a report on that review, including recommendations for amendments to this Act.
- (2) The review must be completed within 18 months after the amendment Act has been fully in force for 5 years. 15
- (3) The Minister must present the report to the House of Representatives as soon as practicable after it has been completed.

**84 New Part 2 of Schedule 1 inserted**

In Schedule 1, after Part 1, insert the **Part 2** set out in **Schedule 1** of this Act. 20

**Part 2**

**Amendments to other enactments**

Subpart 1—Amendments to Extradition Act 1999

**85 Amendments to Extradition Act 1999**

- (1) This subpart amends the Extradition Act 1999. 25
- (2) After section 101B(1)(a), insert:
- (aa) every offence against any of **sections 55C, 55D, 55E, and 55F** of the Arms Act 1983:
- (3) In section 101B(5), insert in its appropriate alphabetical order:
- firearms protocol** means the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime, done at New York on 31 May 2001 30
- (4) In section 101B(5), definition of **foreign country**, paragraph (b), after “(as the case may be)”, insert “the firearms protocol,”. 35

## Subpart 2—Amendment to Intelligence and Security Act 2017

**86 Amendment to Intelligence and Security Act 2017**

- (1) This subpart amends the Intelligence and Security Act 2017.
- (2) In Schedule 2, after the item relating to information about people and locations identified as posing a possible physical threat to GCSB or NZSIS employees, insert: 5

NZSIS	Information about people and firearms collected in connection with the performance or exercise of a function, duty, or power under the Arms Act 1983, to be used for the purpose of assisting Police in determining whether a person is a fit and proper person to possess firearms or airguns	New Zealand Police
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## Subpart 3—Amendment to Mutual Assistance in Criminal Matters Act 1992

**87 Amendment to Mutual Assistance in Criminal Matters Act 1992**

- (1) This subpart amends the Mutual Assistance in Criminal Matters Act 1992. 10
- (2) In Schedule 1, after item 32, insert:

33	Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime, done at New York on 31 May 2001	An offence against any of the following sections of the Arms Act 1983:	
		<i>section</i>	<i>subject matter</i>
		<b>55D</b>	Offences relating to illegal manufacturing of firearms or parts
		<b>55E</b>	Offences relating to illegal trafficking of firearms, parts, or ammunition
		<b>55F</b>	Offences relating to falsifying firearm markings
		<b>55G</b>	Offences relating to removing or altering firearm markings

### Subpart 4—Consequential amendments

#### **88 Consequential amendments to other enactments**

Amend the enactments specified in **Schedule 2** as set out in that schedule.

**Schedule 1**  
**New Part 2 of Schedule 1 inserted**

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<b>Part 2</b>		
<b>Provisions relating to Arms Legislation Act 2019</b>		5
<b>8</b>	<b>Interpretation</b>	
	In this Part,—	
	<b>Act</b> means the Arms Act 1983	
	<b>amendment Act</b> means the <b>Arms Legislation Act 2019</b>	
	<b>enactment date</b> means the date on which the amendment Act receives the Royal assent.	10
<b>9</b>	<b>Duration of firearms licences issued or applied for before enactment date</b>	
(1)	Nothing in the amendment Act affects the duration of—	
	(a) a firearms licence that was issued on or before <b>22 July 2019</b> ; or	
	(b) a firearms licence issued after <b>22 July 2019</b> on an application that was made on or before that date; or	15
	(c) a firearms licence that was issued after <b>22 July 2019</b> on an application that was made—	
	(i) at any time during the period beginning on <b>23 July 2019</b> and ending on the day before the enactment date; and	20
	(ii) by an applicant who is the holder of a firearms licence that expires before the enactment date.	
(2)	In any other case, a firearms licence that was issued or applied for before the enactment date will continue in force for a period of 5 years from the date on which the licence comes into force.	25
(3)	In <b>subclauses (1) and (2)</b> , <b>firearms licence</b> includes a duplicate of a firearms licence that has been lost, destroyed, or mutilated, or become illegible.	
<b>10</b>	<b>Disqualification from holding firearms licence</b>	
(1)	This clause applies to a person who is the holder of a firearms licence immediately before the date of commencement of <b>section 22G</b> .	30
(2)	The holder is not disqualified under <b>section 22G</b> from holding the firearms licence even if the holder has, within the previous 10-year period ending on the date of commencement of <b>section 22G</b> ,—	
	(a) been convicted of any of the offences specified in that section; or	

- (b) been released from custody after being convicted of any of those offences.
- 11 Rights of holders of existing firearms licences**
- (1) This clause applies to every person who, immediately before the commencement of **section 24A** (as inserted by **section 36** of the amendment Act), holds a valid firearms licence. 5
- (2) If, on or after the commencement of **section 24A**, any of the circumstances set out in **section 24A(1)** arise in connection with the person, a member of the Police may—
- (a) take into account those circumstances and any other circumstances arising prior to the commencement of **section 24A**; and 10
- (b) find that the person is no longer a fit and proper person to hold the licence for the purposes of this Act; and
- (c) deal with the person under this Act accordingly.
- 12 Rights of holders of existing dealer’s licence** 15
- (1) This clause applies to every person who, immediately before the commencement of **section 6** (as inserted by **section 10** of the amendment Act), holds a valid dealer’s licence.
- (2) If, on or after the commencement of **section 6**, any of the circumstances set out in **section 6** arise in connection with the person or the person’s senior manager, a member of the Police may— 20
- (a) take into account those circumstances and any other circumstances arising prior to the commencement of **section 6**; and
- (b) find that the person is no longer a fit and proper person to hold the licence for the purposes of this Act; and 25
- (c) deal with the person under this Act accordingly.
- 13 Kea guns**
- (1) This clause applies to a person who—
- (a) is the registered owner of a kea gun; and
- (b) has a firearms licence that bears an endorsement made under section 29(1) (as it read immediately before its repeal by **section 42(1)** of the amendment Act). 30
- (2) The person must, within 6 months after the commencement of **section 42(1)** of the amendment Act,—
- (a) obtain an endorsement under section 30 permitting the person to have possession of the kea gun in a capacity specified in section 29(2)(b), (c), or (d); or 35
- (b) surrender the kea gun to a member of the Police.

- 14 Shooting clubs** 5
- (1) **Subclause (2)** applies to an incorporated pistol shooting club that, immediately before the date of commencement of **Part 6**, was recognised by the Commissioner for the purposes of section 29 (as in force immediately before the commencement of **section 42** of the amendment Act). 5
- (2) On and after the commencement of **Part 6**, the incorporated pistol shooting club is to be treated as if the club has been issued with a certificate of approval under **section 38F**.
- (3) In the case of any other shooting club that existed as a shooting club immediately before the commencement of **Part 6**, **section 38B** does not apply to that club until 12 months after the date of commencement of **Part 6**. 10
- 15 Shooting ranges**
- (1) **Subclause (2)** applies to a shooting range that at the date of commencement of **Part 6** was approved by the Commissioner.
- (2) The shooting range is to be treated as if the range has been issued with a certificate under **section 38O** during the period that— 15
- (a) commences on the date of commencement of **Part 6**; and
- (b) ends on whichever of the following dates first occurs:
- (i) the date of cancellation of the Commissioner’s approval of the shooting range given before the commencement of **Part 6**: 20
- (ii) the date that is 5 years after the date of commencement of **Part 6**.
- (3) In the case of any other shooting range that existed as a shooting range immediately before the commencement of **Part 6**, **section 38K** does not apply to that shooting range until 12 months after the commencement of **Part 6**.
- 16 Obligations relating to registry** 25
- (1) This clause applies if a person is a licence or permit holder under this Act immediately before the date of commencement of **section 94** or is a prescribed person for the purposes of this clause.
- (2) In **subclause (1)**, **prescribed person** means any person who belongs to a class of persons declared by regulations made under **clause 17** to be prescribed persons for the purposes of **subclause (1)**. 30
- (3) The person must provide the Police with the relevant information within the time and in accordance with any other requirements prescribed by regulations made under section 74 or **clause 17** (as the case may be) if the person—
- (a) is applying for a licence or endorsement; or 35
- (b) is notifying a change in circumstances (such as a change of address); or
- (c) has responsibility in relation to an event referred to in **section 94(2)**; or

- (d) is subject to compliance or enforcement action by the Police under this Act.
- (4) If none of the circumstances in **subclause (3)** apply to the person within 5 years after the registry starts operating, the person must, from the close of that 5-year period, provide the Police with the relevant information in accordance with regulations made under section 74. 5
- (5) If none of the circumstances in **subclause (3)** apply to a licence holder within 5 years after the registry starts operating and the holder no longer possesses a firearm, part, magazine, or ammunition at the end of that 5-year period, the holder must notify the Police of that fact as soon as practicable after that period ends. 10
- 17 Regulations providing for transitional matters**
- (1) The Governor-General may, by Order in Council, make regulations—
- (a) providing that, subject to any conditions stated in the regulations, transitional or savings provisions prescribed by the regulations that relate to the implementation of the amendment Act (in addition to, or in substitution for, any other transitional provisions in the amendment Act) apply during the whole or any part of a specified transitional period: 15
- (b) providing that, subject to any conditions that are specified in the regulations, during a specified transitional period,— 20
- (i) specified provisions of this Act (including definitions) do not apply, or are to continue to apply, or apply with modifications or additions, or both:
- (ii) specified terms have the meanings given to them by the regulations: 25
- (iii) specified provisions repealed, amended, or revoked by the Amendment Act are to continue to apply:
- (c) providing for any other matters necessary for facilitating or ensuring an orderly transition from the legislative regime that applies under this Act before the amendment Act comes fully into force to the legislative regime that applies when the amendment Act comes fully into force. 30
- (2) No regulations made under this clause may be made, or continue in force, later than 5 years after the commencement of this clause.



## Schedule 2

### Consequential amendments to other enactments

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#### Part 1

#### Amendments to other Acts

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##### **Criminal Investigations (Bodily Samples) Act 1995 (1995 No 55)**

In Schedule 1, Part 3, insert the following items relating to the Arms Act 1983 in their appropriate numerical order:

Offence to import firearms, etc, without permit	<b>section 16(4)</b>
Offence to import prohibited ammunition	<b>section 16A</b>
Offence to assemble prohibited firearm	section 55A
Offences relating to illegal manufacturing of arms items	<b>section 55D</b>
Offences relating to illegal trafficking of firearms, parts, or ammunition	<b>section 55E</b>
Offences relating to falsifying firearms markings	<b>section 55F</b>

##### **Search and Surveillance Act 2012 (2012 No 24)**

Replace section 45(1)(b) with:

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- (b) against section **16(4)**, **16A**, **44**, 44A, 45, 50, 50A, 50B, 50D, 51, 53A(2), 54, 55, or 55A of the Arms Act 1983; or

Replace section 45(2)(b) with:

- (b) against section **16(4)**, **16A**, **44**, 44A, 45, 50, 50A, 50B, 50D, 51, 53A(2), 54, 55, or 55A of the Arms Act 1983; or

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#### Part 2

#### Amendments to legislative instruments

##### **Arms Regulations 1992 (SR 1992/346)**

In regulation 3(1A)(b), replace “Arms Office” with “Police Station”.

In regulation 6(1A)(b), replace “Arms Office” with “Police Station”.

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In regulation 7(7A)(b), replace “5-year period specified in subclause (10)” with “10-year period specified in **section 12(1B)** of the Act”.

Revoke regulation 7(9) and (10).

In regulation 10(2)(b), replace “Arms Office” with “Police Station”.

In regulation 12(1), replace “pistol” with “firearm, pistol” in each place.

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After regulation 12(1A), insert:

**Arms Regulations 1992 (SR 1992/346)—continued**

(1B) Every person who manufactures or assembles a firearm, pistol, prohibited firearm, restricted airgun, or restricted weapon (other than a pistol, prohibited firearm, restricted airgun, or restricted weapon that is an antique firearm) must stamp or engrave an identification number on it at the time of manufacture (if it does not already bear one).

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In regulation 13(1A)(a), replace “Arms Office” with “Police Station”.

In regulation 16(2)(b)(i) and (ii), replace “Arms Office” with “Police Station”.

In regulation 22(1)(a), replace “approved by the Commissioner for the purpose” with “that has been certified under **section 380**”.

Replace the heading to regulation 28E with “**Definitions for regulation 28G**”.

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In regulation 28E, replace “regulations 28F and 28G” with “regulation 28G”.

In regulation 28E, revoke the definitions of **existing manufacturing business**, **existing supply business**, and **permitted supply**.

Revoke regulation 28F.

In regulation 29A(a), replace “Arms Office” with “Police Station”.

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**Health and Safety at Work (Hazardous Substances) Regulations 2017 (LI 2017/131)**

In Part 9, regulation 9.2, definition of **firearms dealer’s licence**, replace “section 5” with “**section 5B**”.