

Note to Labour Caucus on the Firearms Inquiry undertaken by the Law and Order Select Committee.

The report titled ‘Inquiry into issues relating to the illegal possession of firearms in New Zealand’ was presented to House on 7th April 2017.

Background to the current issue re the report

I am well aware that a number of MPs have received emails from members of the firearms community concerned about the recommendations made in a Law and Order Select committee report titled ‘Inquiry into issues relating to the illegal possession of firearms in New Zealand’ and presented to House on 7th April 2017

Personally, I have never had as much negative feedback on any issue in my time in politics, and in hindsight these petitioners probably do have reasonable cause to feel aggrieved. By (quietly) releasing a revised set of recommendations that address their concerns, we will demonstrate Labour is in touch with the issues facing gun owners and we do listen.

My recommendations

1. There is no change to the current licensing laws meaning no change in category classification.
2. There appears to be a lack of consistency across the country in the way in which Police-employed Arms officers are interpreting the law regarding the safe storage of firearms (for example, what constitutes ‘appropriate storage’). This needs to be acknowledged and rectified.
3. That Police allocate extra budget to solving burglaries and prioritise any theft involving firearms.
4. Any register of firearms has a thorough and independent cost benefit analysis undertaken, as there are a number of international examples where such a move has proved exceptionally expensive and inefficient.

There is one other recommendation that came out of a public meeting I held that I resolved to follow up

5. Police appear to be changing the legal requirements for firearms owners through Orders in Council rather than legislation and this is catching owners off-guard. I stated that I would review the Order in Council route to legislative change in order to assess its fairness and applicability (I have a written question into the Minister to determine how many times Orders in Council have been used) to change the regulations.

The rest of this brief paper discusses the substantive issues raised and suggests a response to any inquiries you have received (keeping in mind a number of emails have been sent to all MPs).

Rationale for the inquiry (as appeared in the report)

“In March 2016, the New Zealand Police seized 14 illegally owned firearms from a home in Takanini. Among the firearms seized were military-style semi-automatic firearms (MSSAs). As a result of this discovery and a general increase in firearm seizures by the Police, we resolved to carry out an inquiry into the illegal possession of firearms in New Zealand. We decided on the following terms of reference to guide the inquiry:

- how widespread firearm possession is among criminals, including gangs
- how criminals, gangs, and those who do not have a licence come into possession of firearms
- what changes, if any, to the current situation may further restrict the flow of firearms to criminals, gangs, and those who do not have a licence.

New Zealand has a very low crime rate with firearms, at about 1.4 percent of all violent crime. The Police believe that most illicit firearms in New Zealand have entered the illicit market through theft of individuals’ firearms or firearms from dealers’ premises, illegal transfer from a licensed owner to an unlicensed owner, or illegal importation into New Zealand.

In 2014/15, there were 242,056 licensed firearm holders in New Zealand. We note that the overriding majority of firearms users in New Zealand are law abiding. Thus, our recommendations aim to reduce the flow of firearms to criminals, gangs, and those who do not have a licence, without unfairly impinging on law-abiding firearms users.

There are three broad categories of firearms in the New Zealand market:

- those that are lawfully possessed by licence holders (with correct endorsements)
- those that are possessed by unlicensed people and are not held or used for criminal purposes (“grey” firearms)
- those that are used by criminals and gangs (unlicensed) in the commission of offences.”

The Report

The committee received 102 submissions and heard oral evidence from 20 submitters.

The report made 20 recommendations; the majority of which have been rejected by the firearms community on the basis that they will not make a difference to the way in which criminals are accessing firearms and, therefore, outside the terms of reference of the inquiry.

There are two major criticisms of the report:

1. the report’s recommendations will only criminalise legal firearms owners and do nothing to stop criminals and gangs getting their hands on firearms; and
2. The report failed to stick to the terms of reference.

The issue for me is thus: ‘is there any legitimacy to this claim or it is merely a self-interested group refusing to acknowledge the facts and face reality?’

There are six recommendations in particular that are more contentious than most¹. These are:

- Recommendation 1. that the law be amended so that a firearms licence is required to possess ammunition, unless the person in possession of the ammunition is under the immediate supervision of a firearms licence holder.
- Recommendation 5. that the permit to procure process be extended to cover the sale or transfer of all firearms
- Recommendation 6. that the Police investigate the creation of a category of restricted semi-automatic firearm (rifle and shotgun) to replace the MSSA firearm endorsement category.
- Recommendation 11. that the law be amended to require the Police to record the serial numbers of all firearms possessed by licence holders upon renewal of their licence or inspection of their premises
- Recommendation 16. that it extend the power under regulation 29 to allow the Police to enter premises to inspect the security of “A” category firearms

Of all these, Recommendations 6, 11 and 16 seem to have created the most consternation.

I organised a public meeting with a group from the Hawke’s Bay firearms community to discuss the issues with the report. The attendees reiterated the concerns above and the recommendations listed on page one are partly as a result of this meeting and subsequent feedback.

There was universal support for recommendation 12 to review the penalties in the Arms Act. Most thought that the penalties for using a firearm to commit an offence are too lenient.

It should be noted that there wasn’t universal condemnation over the proposal to register firearms (for example, the owner of Hunting and Fishing believed that it was a good idea) but overall, this was not received well.

¹ Even though dealers did have slightly different issues than firearms owners

It should also be noted that there is a surprisingly (and alarmingly) level of distrust between the firearms community I spoke with and who have been in touch via email and Facebook, and the Police. This needs to be addressed.

In conclusion

I do think the report over-reached in certain areas and that *perhaps* the Police used this inquiry as an opportunity to have a conversation about firearms law that was outside the terms of reference of the inquiry.

Criticism that a number of the recommendations (and certainly the contentious recommendations 6, 11 and 16) will not actually stop firearms getting into the hands of criminals and gangs, is valid, therefore the majority of criticisms voiced by most of the firearms community are actually valid.

By and large, the law, as it stands, works well, but it just needs to be enforced consistently, and in hindsight, the report could have summed up the finding by saying so.

I do think that this report is contentious enough for the Minister of Police to just let this slip quietly under the waves and, apart from a review of penalties in the Arms Act, I don't think there will be much else that is adopted from the report.

Stuart Nash