

ARMS ACT REWRITE GUIDANCE DOCUMENT

COLFO has produced this document to assist you and your organisation in submitting on the Arms Act Rewrite. This is a once-in-a-lifetime opportunity to shape, and fix, our firearms legislation. Particularly in the last five years, the Arms Act has become a complex, unworkable political statement. During that time illegal firearm use has risen.

It is very important that you submit. As part of the firearms community, you are the experts on how the laws currently operate and the problems it creates. You will also need to live with the laws written using the submissions from this process.

Follow the steps below to ake the consultation process easier to understand and contribute your views to:

- 1. To make your submission <u>follow THIS LINK</u> and scroll to the bottom of the page. This is the preferred and best method to make your submission.
- 2. COLFO has also provided a Word version of the question document, so you can type your answers in. You can access it via the consultation page on COLFO under the Additional References Section. Once you've completed this, email the document to firearms@justice.govt.nz
- 3. You can find the original consultation materials here
- 4. The Ministry of Justice put the definitions of terms used in regulation into Appendices 3 and 5. To make it as easy as possible for you to describe the changes you would like to those definitions, we have created Word tables that you can enter which are on the COLFO Arms Act Submission Guide page.

You do not need to submit on every question. Please focus on the questions you feel strongly about or have technical expertise. It is better to get a submission in with some questions answered, than to not make any submission at all.

Remember submissions to the Ministry of Justice close on 28 February 2025.



Theme	Questions	Suggested answer
Theme 1: Purpose of regulating firearms access, possession, and use		
	What do you consider the main principles and purposes of the Act should be?	The Purpose in an Act is important. If there is ambiguity in other parts of the Act, the courts will look to the Purpose to guide them on how to apply the law. It is therefore important that the Purpose reflects how you think the firearms regulation should be defined. Part of the changes in the last few years was to make it clear that use of firearms is a privilege. You should consider: Promote the and facilitate safe possession and use of firearms. Impose controls on the possession and use of firearms. Promote compliance from licenced firearms holders Promote efficient service delivery by the regulator. This is an opportunity to remove "weapons" from the Act. This word has a lot of negative and emotive connotations and many people then view the Arms Act as dealing with a 'bad' thing.



	Are there any additional considerations that should be included?	
Theme 2: Products controlled by the Act		
	In your view does the Act define a	Consider what is a firearm.
	'firearm' well?	should a "specially dangerous" airgun be classified as an firearm.
	In your view, is the focus on regulating firearms (and associated products) based on the risk profile of each product an appropriate approach to the maintenance of public safety?	 While certain firearms may be perceived as higher risk due to their mechanical functionality or aesthetic design, they only present a danger when possessed by individuals who fail to meet the "fit and proper" criteria and have malicious intent. Therefore, the focus of legislation should prioritize robust legislation of access through comprehensive licensing processes and stringent standards. Ensuring that potentially higher-risk firearms, such as pistols, are more difficult to access could be effectively achieved through a tiered licensing system. Such a system would require progressively rigorous vetting for individuals at each subsequent licensing tier. Overregulating specific firearms or related products risks complicating the licensing framework and detracts from the critical emphasis on thoroughly vetting individuals. Ensuring all firearm



Do you have any other common a risk-based approach?	owners meet the "fit and proper" standard is fundamental to maintaining safety and accountability in firearm ownership and use. The legislation should adopt a risk-based approach to licensing. This is because individuals who use firearms to commit crimes are unlikely to be influenced or regulated by the Act. Instead, the Act primarily governs and impacts law-abiding New Zealanders who own firearms responsibly.
What product definitions outly Appendix 5 do you think need reviewed and what changes you recommend?	ed to be magazines, detachable box magazines, and others, need to be
Should there be options to so people to surrender, dispose	• • • • • • • • • • • • • • • • • • • •



	modify firearm products that the licence holder can no longer legally use? If so, what should these be?	program should be implemented. This would allow firearms and firearm-related products to be voluntarily surrendered to a licensed holder with the appropriate endorsement, or directly to the New Zealand Police, at any time. It is crucial that the Arms Act does not impose restrictions that prevent firearms from transitioning from the grey market into legitimate ownership. This would help ensure that firearms are lawfully registered and regulated under appropriate legal frameworks.
Theme 3: Responsible		
possession and		
use		
	What are your views on the length of	
	time a firearms licence is issued for?	we are concerned that an increase in renewals as a result of first-time licences being issues for five years may have impacted on
		mist-time incendes being issues for five years may have impacted on



Do you have any other comments on firearms licences?	 the regulators ability to meet their other requirements, such as conducting secure storage checks upon a change of address. Current inability to deliver timely licencing services need to be carefully considered when setting the period for which a licence is valid. The current situation where many people's licences have expired, and they have been waiting a year or more for a renewal increases the risk of non-compliance. Changes to the periods for which a licence is valid could create a 'peak' for licences reaching renewal, such as what occurred in 1992. This is not desirable as it causes issues with service delivery and bad customer experiences, which may deter compliance with the law.
What are your views on the fit and proper person test?	 The fit and proper test is a sensible way of determining whether someone is deemed worthy to possess firearms. The current fit and proper includes (Sect 24A (2) (c)) any other relevant matters the member of Police considers appropriate. This Should be removed. This can lead to Police considering non-mainstream political or social affiliations as an excuse not to grant "fit and proper", and may lead to corruption. However, it has been concerning to hear of some licenced firearms owners having their licence revoked upon attempted renewal



	 post-2019 for historic run-ins with the law. In some instances, these infractions occurred more than 20 years ago, with the individual having only exemplary behaviour since then. (Sect 33 Revocation) Fit and proper status should only be revoked by the courts and not FSA or the NZ Police. This should a person be convicted of a crime that directly impacts their ability to use firearms safely and responsibly. Historical non-violent crimes over 10 years before the application, or renewal such as speeding should not be a factor. A law-abiding licenced firearms owner should not have their licence revoked based on other individuals not being fit and proper. The test needs to allow some leeway when perceived risks are simply out of an individual's control.
What are your views on the minimum age?	 Maintaining the minimum age at 16 years old strikes a balance between allowing young people to use firearms to hunt for food, engage in pest control, and enjoy shooting as a competitive sport or recreational activity, while ensuring they have the matureness to understand why firearms safety is important. There is no evidence that young people using firearms under the close supervision of a licensed individual is inherently more risky. As such there is no reason to introduce a minimum age.



Do you have any other comments on the fit and proper person test?	 Modification of firearms by skilled individuals for personal use is not uncommon in New Zealand. A practical example of this is re-barrelling a rifle, something which needs to be done when a rifle barrel becomes worn to the extent that it may not shoot accurately or reliably, impacting one's ability to hunt ethically. Personal 3D parts manufacture of rifle stocks and chassis systems is already occurring. This presents a low risk as these components are not integral nor do they increase the firearm's mechanical abilities. Personal 3D printing of integral components such as receivers should however remain illegal for individuals without additional vetting by the regulator (such as that which occurs during the dealers licence process), as there is no ability to regulate the manufactured products compliance with regulatory settings.
What are your views on people with a standard firearms licence being able to manufacture products for their own use, including the use of 3D printing?	 For commercial manufacture there should be some oversight, however the current dealers licence system imposed upon gunsmiths currently is overly burdensome as many gunsmiths only modify or repair existing firearms, they do not retail or manufacture new ones.



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Do you think specific requirements are needed for the manufacture of ammunition and firearm parts?	For commercial manufacture there should be some oversight, however the current dealers licence system imposed upon gunsmiths currently is overly burdensome as many gunsmiths only modify or repair existing firearms, they do not retail or manufacture new ones.
Do you think the Act provides appropriate controls on manufacturing of firearms and related products?	If anything, it is overly burdensome for those who engage in professional firearms repair, modification, and in some instances manufacture.
What role should the FSA play in ensuring licence holders follow the rules relating to firearms possession?	 The FSA, regardless of what Government entity it is transferred to, should play a role in ensuring that barriers to compliance and following the rules are minimalised for licenced firearms owners. The FSA should focus on timely checks, in accordance with licence validity periods, verifying safe storage of firearms, something which has been lacking since 2019. The FSA should not play an enforcement or surveillance role, this should be left to New Zealand Police. FSA should solely be handling vetting and the administration associated with firearms licencing.
What are your views on licence compliance?	The law as it is written is confusing and unnecessarily complex.



	What are your views on the FSA checking of security and storage?	 The FSA should be checking safe storage requirement upon licence application and renewal. They should ensure the process is as non-invasive as possible and avoid recording information that could cause privacy breaches, such as the location of secure storage. FSA should be diligent in ensuring that when address changes occur, appropriate checks are undertaken to confirm adequate and compliant storage is in place at the new address
	What are your views on the role of health practitioners in the licensing process?	• Mental Health is important, however, requiring licence holders or applicants to get sign off from a health practitioner upon licence application/renewal is overly burdensome. Some GPs have indicated they are not specialists regarding mental health. It is also noted that many people have difficulties accessing GP appointments, particularly in rural areas. Many people have not met their registered GP, yet they must ask their GP to pass a judgement on them. Perhaps the role of health practitioners could be on a case-by-case basis where a person has a history of mental health or has a mental health emergency.
	What are your views on rules relating to unlicensed use?	 It is incredibly important for unlicensed individuals to be able to use firearms under the immediate supervision of licenced firearms owners. Most New Zealander's first introduction to the safe use of firearms occurs in this way. If we are to produce safer outcomes relating to firearms use in New Zealand, we need to maintain a legal



	 means by which unlicensed individuals can use firearms under the immediate supervision of licenced firearms owners. Illegitimate use of firearms impacts negatively upon public safety and the reputation of licenced firearms owners who make great efforts to comply with the law. Punishment for the illegitimate use of firearms by unlicensed individuals needs to be more severe to be an effective deterrent.
What are your views on the regulation of airguns?	 Current regulations are sufficient, however, more education is needed to prevent harm associated with airguns. Especially dangerous airguns, such as those designed to kill large game, should be restricted to those with firearms licences. Regulation of weapons which use crossbow bolts with compressed air acting as the force generator also need to be developed to keep pace with technology.
What are your views on the processes for visitor's licences?	There is no question that New Zealand benefits economically from visitors travelling to hunt game and compete in sport shooting events. Current processes for visitors' licences are overly burdensome because they require a new application for each visit. Many visitors will come to New Zealand more than once a year, and despite their visitor's licence being valid for a year, they must reapply for each visit. A more efficient system would be for the licence to remain valid for up to one year, and the visitor only needs



	to notify the regulator each time they re-enter the country within that period. • There could also be a trusted firearms license system between countries such as Australia where their license is considered acceptable as a substitute in NZ, similarly to how foreign drivers licenses are accepted here.
What are your views on endorsements relating to pistols, prohibited firearms and restricted weapons?	 There should be an enhanced level of monitoring for people who can possess firearms which pose a greater risk if misplaced, misused, are stolen such as pistols and automatic firearms. Consider if the word "prohibited" is the appropriate word for centre fire semi-automatic firearms. Noting that there is an endorsement to enable a "fit and proper" licence holder to possess these firearms. The current endorsement structure is excessive and confusing. It should to be simplified into a straightforward tiered system in which each 'tier' of licence granted allows individuals to own the firearms deemed appropriate under that category. It is non-sensical for firearms which can be legally held under multiple endorsement categories to be tied exclusively to one single endorsement category. A tiered licencing system would clarify what firearms are able to be legally held and the corresponding licence category.



	What are your views on the requirements for approved ammunition sellers?	 It is sensible for approved ammunition sellers to maintain records of ammunition sales for a reasonable period of time and have secure storage for the ammunition they stock.
	What are your views on the permit to possess system, and how it interacts with endorsements?	 The process is overly bureaucratic and time consuming, increasing costs to the taxpayer and the end user. If the individual has the corresponding licence endorsement or licence needed to procure a firearms product, then they should be able to procure that product promptly with minimal delay. Consider if the endorsements should be simplified and if so, at what level.
	In your view, are there any areas that would benefit from having more guidance/education?	There are many, but unfortunately the law has become so complex that the average licenced firearms owner struggles to understand what they need to do to comply with it. Simplifying the legislation, particularly by pursuing a tiered licencing system, would address this, and allow effective and targeted education to be more impactful.
Theme 4: Supplying,		

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importing, and buying products		
	What are your views on standard licence holders' ability to sell privately?	Firearms licence holders should undoubtedly be able to sell firearms privately just as they can any other goods or items.
	What are your views on the types of activities that require a person to hold a dealer's licence?	 Gunsmiths who solely repair and modify firearms are burdened by having to go through the dealer licence system. They should not be lumped in with dealers unless they are producing new firearms for commercial benefit. Not-for-profit museums and collections struggle with the financial commitment required to obtain and maintain a dealer's licence. E.g. Wellington Branch of the NZDA shares its meeting place with National Branch of the NZDA, which operates a hunting museum out of the same building. This museum displays many iconic and historic firearms used by the hunting fraternity in New Zealand over many decades. To have frequent renewals for museums such as these who seldom ever change their secure storage or layout threatens their very existence and threatens the preservation of history for future generations. Auctioneers are increasingly giving up on holding auctions because the regulations are simply too onerous. They are generally facilitating transactions between parties for commission on a handful



		of days each year. They should therefore not be treated the same as a dealer who purchases stock to sell at any given time, often holding it for long periods of time.
Do you have views of matters relating to do	•	Currently Dealers are required to renew their Dealers licence annually. The cost and bureaucratic burden on Dealers is excessive. Consider whether a Dealer should have a licence for 5 or 10 years. To support a longer Dealer licence a move to a model which reduces the burden of dealers and preserves the value that their operation provides to the community should be considered.
What are your views proper person tests ascertain the suitabi licence applicants?	applied to	It is appropriate to apply a fit and proper test to dealer licence applicants.
Do you have any oth rules for licensing de		An option for reducing the burden on dealers could be a 'trusted dealer' model. If a dealer has been operating without incident for a period, they should have less frequent licence renewal periods to reduce costs. Additionally, if a dealers secure storage remains unchanged since they were last required to renew their licence, then they should not require a yearly inspection of storage as they do currently.



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What are your views on the dealer licence endorsement and permits system?	 A dealer's licence should be all inclusive. Having separate endorsements within that licence is an example of unnecessary bureaucracy which drives up costs for the end user and the taxpayer.
What are your views on licensing requirements for employees?	Employees should need to be licenced wherein they can access firearms or ammunition.
What are your views on the rule that only dealers are able to manufacture and supply some firearm items?	What are your views on only dealers should be able to manufacture firearms receivers for commercial benefit.
Do you have any other comments on dealers and controls on manufacturing?	
Do you consider the rise of 3D printing requires specific rules to control it? If so, what should these be?	 Individuals printing 3d parts or firearms should comply with the existing licensing framework consistent with laws regarding the manufacture or sale of firearms.



	If you hold a firearms licence do you think there needs to be any additional requirements to 3D printing parts consistent with your licence and any endorsements?
What are your views on the current rules for a permit to import?	 Current rules are overly burdensome and cause dealers and individuals licence holders a great deal of stress. The unpredictability of international shipping to the Southernmost country in the world means that the 30-day period is troublesome. Consider how additional time periods could lower the burden on licence holders and Customs / FSA. A trusted importer system could be adopted to reduce strain on regulator resources, similar to the trusted dealers system recommended earlier in this submission. The requirement to import a specimen of new designs to seek approval is expensive, time consuming and impractical. New types of firearms can be initially assessed from manufacturers descriptions and specifications. Consider if it is just a new model with no changes to its mechanical or loading features, such as single shot target rifle or bolt action non removable magazine etc. Then there should not be any requirement to inspect the new model unless there are grounds to require it.



Theme 5: Compliance, offences, and penalties		
	If you are a licence holder, what has been your experience with understanding your legal obligations in the Act?	 Many existing licence holders struggle to understand their legal obligations due to the complexity of the Act. Resources produced by the regulator help with this, but the underlying issue leading to confusion is the complexity of the Act and the regulations derived from the Act. Consider how simplifying the Arms Act would increase compliance and lower bureaucratic burden.
	Do you think current offences and penalties are contributing to public safety? If yes, how?	 Consider if "Yes" is the appropriate answer. Consider how Penalties are necessary to deter the improper use of firearms. Consider how deterring illegal behaviour and punishing those who engage in that behaviour.
	What are your views on the current offences and penalty levels in the Act? Are they too high? Too low?	 Consider if any or many penalties related to serious criminal offending could be set higher to deter illegitimate use of firearms by non-licenced individuals.



	Do you think there are other ways we could encourage compliance?	 Consider how more efficient and effective delivery of services by the regulator would remove barriers to compliance. Clarifying both the wording of the Act and its implementation through regulation.
	Do you have any other views on the offences and penalties regime in the Act?	 The reputation of the law-abiding hunters is frequently tarnished by criminals who knowingly commit firearms offences while undertaking legal hunting, more commonly referred to as poaching. This issue is prevalent in rural areas, and stricter punishment needs to be considered to deter offending, particularly for repeat offenders.
Theme 6: Cost recovery		
	What are your views on how fees are set or processed?	 Fees should be, and remain, set at a level which does not deter compliance. It is critical that firearms licencing remains financially accessible to New Zealanders. If it is not financially accessible, then illegal firearms use may occur, and the benefits of firearms safety training gained from a firearms licencing course will not be realised.
	Do you think any changes are required?	 Consider if fees need to increase, and if so by what percentage? And should it be tied to real measures of the economy such as inflation.



- Beware many non-licence holders and Government officials think that full cost recovery is acceptable even if it makes compliance of the law less likely and therefore making New Zealand less safe.
- Note that Government rules should set limits on cost recovery.
- Note that the rushed changes to the Arms Act in 2019 saw a significant increase in bureaucracy and which led to Police / FSA workloads increasing significantly, leading to higher costs for delivering services. Should licence holders bear the burden of over regulation?
- The total costs of administering firearms legalization should be reduced by direct benefits LFOs provide to all New Zealand for example:
 - pest control; care of native flora and fauna; care of infrastructure such as huts and tracks huts (add your own examples)
 - The financial gains to the New Zealand taxpayer (from both volunteer and paid activities);
 - The savings to the New Zealand taxpayer for example the health budget due to the well-documented health



and wellbeing benefits from outdoor activity and/ or participation in community activities.

- All general public benefits (as opposed to private benefits)
- The increased safety considerations of having people properly trained and vetted to get a firearms license
- The FSA/ Police should be required to comply with the Office of the Auditor-General ("OAG") guidance on cost recovery including the four Principles that is: equity, efficiency, justifiability; and transparency. The total costs of administering firearms legalization must not include any enforcement costs.
- As well as complying with the OAG guidelines and Principles, the
 total costs of firearms administration and the value of the benefits
 should be calculated by a competent professional who is
 independent of the FSA and Police and whose expertise should
 include qualifications in management/ costing accountancy and
 should have sector knowledge. A professional services firm that
 already provides services to FSA and/or Police is not independent.
- The above calculations, assumptions and data should then be independently audited by appropriately qualified people who also



		have sector knowledge. To be independent this firm cannot be the same professional services firm that carried out the calculations nor one that already provides services to FSA and/or Police.
Theme 7: Agencies that control the possession and use of firearms		
	What are your views on the role of the Minister's Arms Advisory Group?	 The MAAG has been operating since 2019 under consecutive Governments. There should be a minimum level of expertise required to participate in MAAG that ensures the input is actually valuable when considering how to make effective firearm laws. Qualifications, or work that directly affects communities involved with the outcomes of the decisions should be prioritised. Should well-meaning activists who are neither experts nor working in the sector be included? What value would they add?



What are your views on the FSA's roles and responsibilities? Are there any changes that you would recommend?	 Consider the role of FSA in the facilitation of safe possession of a firearm. Consider how the FSA should refined its focus to delivering key services (such a licencing), checking continued compliance with the Arms Act, and providing education with the aim of increasing compliance rates.
What education and guidance should the FSA provide to help people understand risks associated with possession and use of firearms products and best practices?	 Consider the following: A clear and modern Arms Code which allows laymen to understand their requirements. A comprehensive standard for firearms licencing courses, regardless of who they will be delivered by. Multiple vendors across New Zealand providing training services. Guideline documents for specific topics, such as safe storage requirements.
What are your views on the role of the Firearms Community Advisory Forum and the Arms Engagement Group?	 Consider how the FCAF should function as a community consultation forum and as an advisory function. Consider how to prevent the FCAF being captured by regulators to deliver edicts not seek views and responses. How can the FCAF provide a conduit for community engagement?





	Do you think the FSA has been successful in reaching members of the firearms community with its education and compliance work?	 Consider the role of the FSA as a regulator separate from enforcement of the law which is a Police function. How can the FSA improve its regulatory role to better serve Licence Holders?
	Which roles and responsibilities do you think should be retained by the Police within its law enforcement role?	 Consider enforcement of the law as the Police function. Policing illegally held firearms. Addressing instances of continued and intentional non-compliance that require legal intervention.
	Are there roles and responsibilities which should be shared between the FSA and Police?	Consider Intelligence sharing to target continued and intentional non-compliance.
Other matters		
	Are there any matters related to the firearms regulatory system that have not been covered in this document that are not out of scope that you have views on?	Consider if there is too much regulation, or where there is over regulation.



Do you have any other views not
covered in this document on how
the Act protects public safety?

This is the opportunity to consider the how safety is enhanced by clear, concise, and practical legislation. Some things to consider are:

- The Arms Act should be understood as a framework that enables fit-and-proper individuals to lawfully possess, use, and enjoy firearms. Treating it primarily as a tool to target criminal activity is misguided.
- The Arms Act should fit within the principles of New Zealand Law where everyone is considered innocent until proven guilty in a court of Law
- The Arms Act focused on integrating law-abiding individuals into the system and equipping them with the necessary education to be responsible firearm users, it would inherently lead to stronger public safety outcomes.
- Over-regulating every aspect of firearm use, possession, manufacture, and import risks diverting attention from core issues such as vetting, education, and compliance monitoring. Prioritizing the fundamentals, to deliver meaningful improvements to public safety.
- Any proceeds generated from the delivery of services to firearms licence holders should be ringfenced in that they cannot be used in other areas of Government.



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