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Consultation on proposed regulations to support the new Firearms Registry

New Zealand Game Animal Council

The New Zealand Game Animal Council (GAC), established under the Game Animal Council Act 2013, is a statutory agency with responsibilities for, *inter alia*, advising and making recommendations (in relation to game animals) to the Minister of Conservation, raising awareness of the views of the hunting sector, and advising on and managing aspects of game animals and hunting.

Game animals are defined under the Game Animal Council Act 2013 as wild pigs, chamois, tahr and all species of deer. Game animals are also recognised as valued introduced species in *Te Mana o te Taiao – the Aotearoa New Zealand Biodiversity Strategy 2020*.

New Zealand Hunting Sector

Hunters play a key role in the management of wild animals and conservation, and it is estimated that recreational hunters alone are responsible for harvesting approximately half a million game animals and pest goats each year.¹ This management is important to maintain the health of game animal herds and the environment.

Outdoor recreation, food gathering and commercial harvesting through hunting are an important part of New Zealand life and culture. Reasonable access to firearms is critical to ensure that New Zealanders can participate in hunting and contribute to the management of game animals on both public and private land.

Firearms are a hunter's tool; they are not in themselves the reason people go hunting. Rather they are like the tennis racket to the tennis player – equipment required to undertake the activity.

¹ GN Kerr & W Abell (2014) Big game hunting in New Zealand: per capita effort, harvest and expenditure in 2011–2012, *New Zealand Journal of Zoology*, 41:2, 124-138, DOI: 10.1080/03014223.2013.870586

Overview

1. The GAC has read and considered the submission form and questionnaire *“Proposals for New Regulations under the Arms Act 1983 – Phase Three: Consultation on the Firearms Registry.”* We welcome the opportunity to provide a written submission.
2. The following submission focuses on areas which directly affect the GAC, its statutory mandate and the various industries and interests within the game animal sector.
3. The GAC represent the views of not only private recreational and meat hunters, but also industries involved in hunting and game animal management such as commercial harvesting and tourism.
4. The GAC accepts that a national register of firearms will be created and the organisation is not attempting to relitigate the decision to establish that register in this submission. However, the GAC is committed to ensuring the eventual registration system and the requirements it places on licensed firearm owners are as simple, straightforward and easy to comply with as possible.
5. To help ensure this happens, the GAC asks that Parliament’s original goals of ensuring the safety of all New Zealanders and tackling illegal firearm ownership remain the priority when designing the Firearms Registry.
6. The intent of the amendments to the firearm laws are to address illegal use of firearms. The registry and its operation should not subsume this intent by diverting money away from tackling illegal use and possession of firearms for the sake of creating an overly complicated and administration-heavy operation.
7. The GAC is concerned that if this focus on illegal activity is not prioritised during the design of the new registry, then the result will be an overly complex and bureaucratic system. This would unreasonably place the focus on licence holders and monopolise resources and budgets better utilised to target criminal use and possession of firearms.
8. New Zealanders who privately own firearms play an important role in managing wild animal numbers in New Zealand’s forests and mountains. The GAC is concerned that making it too onerous or difficult for individuals to obtain, hold and renew their firearm licences will hamper the hunting sector from contributing to the effective management of game animals. This risks the unintended consequence of adversely affecting the environment and conservation efforts, issues New Zealanders are passionate about.

Simplicity

9. The GAC believes that the new firearms registry must be designed to be as simple and user friendly as possible. It should not require complicated forms or compliance procedures.

10. It is important that the new firearms registry, the regulations surrounding it and any forms or other communication to firearm licence holders use consistent language, including descriptions and definitions.
11. Examples already exist of the lack of consistency in language such as the interchangeable use of “identifying features” and “identification markings”, and “safe storage” and “secure storage”. The GAC suggests that if there is any doubt, all such definitions and descriptions be consistent with what is written in the legislation.
12. The process for firearm licence holders to provide the information required to register their firearms should also be as straightforward as possible to encourage maximum compliance.
13. The GAC agrees with the proposal that information can be provided digitally through a secure internet site or by physically filling in an appropriate form. This form should be available from local police stations, downloadable from the internet or be physically mailed to a person on request. This would ensure people in isolated and remote communities without digital connections are not disadvantaged.
14. The GAC also notes Parliament is presently considering the Plain Language Bill, which if it becomes law, will require all public service agencies and Crown entities to use clear and accessible language that is easily understood on its first reading. While it is not yet law, the principles of this Bill should form the basis of all advice, communication and information to firearm licence holders to ensure easy and stress-free compliance with the new registry.

Security of Information

15. The GAC firmly holds the position that the new firearms registry must have the very highest levels of security to ensure the personal details of firearm owners are not vulnerable to misuse, unauthorised access, hacking and ransom attacks.
16. The GAC views with concern the apparent ease with which firearm owners’ confidential details were able to be stolen from the former Auckland Central Police Station. It is imperative that the safety of firearm owners is not compromised and that they are not left vulnerable to attack, theft or intimidation through the criminal use of information stored in the new registry.
17. The GAC wants the registry to have its own dedicated staff who are well trained and closely monitored and that access to detailed registry information is strictly controlled and not readily available to all members of the police. For routine police inquiries, only the barest information should be available.
18. The GAC remains to be convinced that access to the registry should be allowed for organisations outside the police, such as Customs, the Ministry for Foreign Affairs and Trade and the Department of Conservation.

Privacy

19. The GAC believes that one of the key guiding principles of the new firearms registry must be preservation of firearm owners' privacy, with the Privacy Act 2020 viewed as the minimum standard.
20. Information held on the registry should only be what is necessary and information must not be gathered unless it is specifically required by firearms legislation.
21. The GAC believes that all information should only be held as long as required under the law and questions the need for the proposal to extend this time to five years beyond the expiry of an individual's firearm licence.
22. Information on who has accessed their personal information, when and for what purpose should be available to any firearms licence holder on request.

Shared Firearm Use

23. As mentioned earlier in this submission, the GAC represents a wide range of industries involved in hunting, game animal management and pest control. In some cases, firearms used for these purposes are owned by a business and used by a range of people, including employees and family members during the course of their daily work. If the requirements of the new registry will affect this practice, then the GAC asks that this be addressed.
24. The GAC agrees with the suggestion that the Department of Conservation should be required to provide Police with details on relevant arms items it holds or owns.

Major Firearm Part Definition

25. In support of the GAC's desire for simplicity and ease of compliance, it is suggested that a major firearm part be defined as the action frame or receiver and any interchangeable barrels.

Identification Markings

26. The GAC believes that the identification markings put on a firearm by the manufacturer, such as model and serial number, are sufficient to meet the needs of the firearms registry.
27. The GAC submits that the existing regulation 12(4) requiring dealers to place identifying markings on arms items or parts should remain as it is and not be extended to individuals. This is consistent with the GAC's position of making the new system as easy to administer and comply with as possible.

Prescribed Person

28. The GAC agrees with the proposal for the definition of a prescribed person to include anyone in possession of a firearm who may temporarily be technically unlicensed while their application for a firearm licence renewal is processed.
29. The GAC agrees with the proposal for a prescribed person to include an executor or administrator of the property of, and a person with power of attorney for, individuals who were or are in possession of firearms.

Ammunition

30. The GAC does not agree with using the new firearm registry to record ammunition held by firearm licence holders. The onerous compliance and impracticality of undertaking this must be considered. We also question the intent of this proposal and how it will keep New Zealanders safer.
31. Ammunition is a readily consumed product and is often in a firearm owner's possession for a short time. This is particularly true for businesses involved in commercial and contract hunting, which may buy and use large quantities of ammunition in the course of their efforts to control pests and help manage game animals.
32. The consultation document does not address how hand-loaded ammunition will be treated and the GAC suggests that this requires further clarification. Many hunters and gamebird shooters hand-load their own ammunition for specific hunting applications and it would be impractical and onerous to require these people to register each individual item produced.
33. The GAC believes it serves no useful purpose for a firearms registry to hold information on ammunition. Further, trying to keep track of the ebb and flow of ammunition as it is held, produced and consumed by hundreds of thousands of firearm licence holders is wasteful in time, money and resources.

Theft or Loss

34. In the interests of public safety and providing the opportunity for a quick response from police, reporting the theft or loss of a firearm should be as easy and straightforward as possible. The Arms Act simply requires that the loss, theft or destruction of a firearm is reported. GAC believes this is sufficient and that the new firearms registry contain a specific, easily accessed portal to allow this to happen.

Summary

35. Parliament's intent when it amended the firearm laws in the wake of the Christchurch Mosque attack was to address the illegal use of firearms. The GAC is firmly of the view that the firearm registration system and its operation should not subsume this intent by

diverting money away from tackling illegal use and possession of firearms by instead focussing on unnecessary bureaucratic processes.

36. The GAC asks that the eventual registration system and its requirements on licensed firearm owners are as simple, straightforward and easy to comply with as possible.
37. The GAC suggests that all such definitions and descriptions be consistent with what is written in legislation.
38. The GAC asks that the principles of the Plain Language Bill now before Parliament are adopted and used for all advice, communication and information to firearm licence holders to ensure easy and stress-free compliance with the new registry.
39. Privately-owned firearms play an important role in controlling wild animal numbers in New Zealand. The GAC is concerned that making a firearms registry too complicated will hamper the GAC's ability to fulfil its statutory mandate of effectively managing game animals.
40. The GAC believes that one of the key guiding principles of the new firearms registry must be preservation of firearm owners' privacy, with the Privacy Act 2020 viewed as the minimum standard for this.
41. The GAC firmly holds the position that the new firearms registry must have the very highest levels of security to ensure the personal details of firearm owners are not vulnerable to misuse, unauthorised access, hacking and ransom attacks.
42. The GAC wants the registry to have its own dedicated staff who are well trained and closely monitored. Access to detailed registry information must be strictly controlled and not readily available to all members of the police or outside agencies.
43. The GAC suggests that information could be provided by firearm licence holders digitally through a secure internet site or by physically filling in an appropriate form. This form should be available from local police stations, downloadable from the internet or be physically mailed to a person on request.
44. The GAC does not agree with using the new firearm registry to record ammunition held by firearm licence holders.

Contact

If you have any queries relating to this submission, please contact me on 021 688 531 or at tim.gale@nzgac.org.nz.

Yours sincerely

A handwritten signature in blue ink that reads "Tim Gale". The signature is written in a cursive, flowing style.

Tim Gale
General Manager
New Zealand Game Animal Council