

ARMS AMENDMENT BILL

EXPLANATORY NOTE

This Bill amends the Arms Act 1983 for the purpose of permitting personal protection officers of foreign Heads of State and other dignitaries visiting New Zealand to carry firearms (including pistols and restricted weapons) in New Zealand, subject to both the written approval of the Commissioner of Police and to whatever conditions the Commissioner of Police thinks fit to impose.

The powers conferred by this Bill are intended to be available only while the 1999 APEC meetings are being held. This Bill therefore provides that those powers expire at the end of December 1999.

Hon Clem Simich

ARMS AMENDMENT

ANALYSIS

Title	
1. Short Title and commencement	
2. New heading and sections inserted	
<i>Foreign Personal Protection Officers</i>	
65A. Interpretation	65C. Power to permit temporary importation of firearms, etc, by foreign personal protection officer
65B. Power to authorise foreign personal protection officer to carry and have possession of firearms, etc	65D. Grounds for issue of written authority or written permit
	65E. Conditions of written authority or written permit
	65F. Power to revoke
	65G. Expiry of sections 65A to 65F

A BILL INTITULED

An Act to amend the Arms Act 1983

BE IT ENACTED by the Parliament of New Zealand as follows:

5 **1. Short Title and commencement**—(1) This Act may be cited as the Arms Amendment Act 1998, and is part of the Arms Act 1983* (“the principal Act”).

(2) This Act comes into force on the day after the date on which it receives the Royal assent.

10 **2. New heading and sections inserted**—The principal Act is amended by inserting, after section 65, the following heading and sections:

“Foreign Personal Protection Officers

15 **“65A. Interpretation**—In this section, and in sections 65B to 65F,—

“ ‘Foreign personal protection officer’ means any person employed by a foreign government or international organisation to protect a protected person:

*1983, No. 44

Amendments: 1985, No. 5; 1987, No. 166; 1992, No. 95

“ ‘International organisation’ means any organisation of States or Governments of States or any organ or agency of any such organisation; and includes the Commonwealth Secretariat:

“ ‘Protected person’ means—

5

“(a) An internationally protected person within the meaning of the Crimes (**Internationally Protected Persons and Hostages**) Act 1980:

“(b) Any other person whom the Commissioner considers warrants protection by a foreign personal protection officer.

10

“**65B. Power to authorise foreign personal protection officer to carry and have possession of firearms, etc—**

(1) Notwithstanding anything in this Act, the Commissioner may issue to any foreign personal protection officer a written authority authorising the officer, when acting in the course of his or her duties as a foreign personal protection officer, to carry or have in his or her possession in New Zealand, while that written authority is in force, such firearms, airguns, pistols, and restricted weapons, and such quantities and types of ammunition as are specified in that written authority.

15

20

“(2) Nothing in this Act renders unlawful the carriage or possession of firearms, airguns, pistols, restricted weapons, or ammunition by any foreign personal protection officer in accordance with the terms and conditions of a written authority issued to that officer under **subsection (1)**.

25

“(3) Every written authority issued under **subsection (1)** must state—

“(a) The full name of the foreign personal protection officer to whom it is issued:

30

“(b) The name of the foreign government or international organisation by which the foreign personal protection officer is employed:

“(c) The name of the protected person who is being protected by the foreign personal protection officer:

35

“(d) The date on which the written authority is issued:

“(e) The date on which, unless sooner revoked under **section 65F**, the written authority expires (which date is a date specified in the written authority as the date on which it expires or any earlier date on which the person to whom the written authority is issued leaves New Zealand):

40

“(f) Particulars of the number and type of firearms, airguns, pistols, restricted weapons, or ammunition that the

foreign personal protection officer may carry or have in his or her possession by virtue of the written authority:

5 “(g) The condition specified in **section 65E (1)** and any other conditions imposed by the Commissioner under **section 65E (2)**.

“**(4)** Where the foreign personal protection officer is or may be 1 of a number of foreign personal protection officers deployed at the same time to protect any protected person, a
10 written authority issued under **subsection (1)** may state the total number of firearms or the total number of any type of firearms or both that may, by virtue of that authority, be deployed by all of the foreign personal protection officers on any shift.

“**65C. Power to permit temporary importation of firearms, etc, by foreign personal protection officer—**
15 **(1)** Notwithstanding anything in this Act, the Commissioner may issue to any foreign personal protection officer a written permit permitting the officer to import into New Zealand for use—

20 “(a) By the officer in the course of his or her duties as a foreign personal protection officer; or

“**(b)** By the officer and other foreign personal protection officers in the course of their duties as foreign personal protection officers,—

25 such firearms, airguns, pistols, and restricted weapons and such quantities and types of ammunition as are specified in the written permit.

“**(2)** Nothing in this Act renders unlawful the importation into New Zealand of any firearms, airguns, pistols, restricted
30 weapons, or ammunition by any foreign personal protection officer in accordance with the terms and conditions of a written permit issued to that officer under **subsection (1)**.

“**(3)** Every written permit issued under **subsection (1)** must state—

35 “(a) The particulars specified in **paragraphs (a) to (c) of section 65B (3)**:

“**(b)** The full name of each foreign personal protection officer who may, while holding a written authority under **section 65B (1)**, carry or have in his or her possession the
40 firearms, airguns, pistols, restricted weapons, or ammunition to which the permit relates or any of them:

“**(c)** The date on which the written permit is issued:

“**(d)** The date on which the written permit, unless sooner revoked under **section 65F**, expires (which date is a

date specified in the written permit as the date on which it expires or any earlier date on which the person to whom the written permit is issued leaves New Zealand):

“(e) Particulars of the number and type of firearms, airguns, pistols, and restricted weapons and the quantity and types of ammunition that may be imported into New Zealand under the authority of the written permit: 5

“(f) The condition specified in **subsection (4)**: 10

“(g) The condition specified in **section 65E (1)** and any other conditions imposed by the Commissioner under **section 65E (2)**.

“(4) Every written permit issued under **subsection (1)** is subject to the condition that the foreign personal protection officer to whom it is issued remove from New Zealand, before the permit expires, the firearms, airguns, pistols, restricted weapons, and ammunition to which the permit relates. 15

“(5) Where any foreign personal protection officer has in his or her possession on his or her arrival in New Zealand any firearms, airguns, pistols, restricted weapons, or ammunition, he or she must produce or declare them to the New Zealand Customs Service or the Police. 20

“(6) Unless the importation of the items produced or declared under **subsection (5)** is authorised by a permit under **subsection (1)** or any other provision of this Act or any provision of any other Act, any Customs officer or member of the Police may seize the items so produced or declared. 25

“(7) Any items seized under **subsection (6)** must be returned to the foreign personal protection officer on his or her departure from New Zealand. 30

“**65D. Grounds for issue of written authority or written permit**—(1) The Commissioner may issue a written authority under **section 65B (1)** or a written permit under **section 65C (1)** to any foreign personal protection officer on being satisfied (on the basis of such assurances or evidence or both as the Commissioner considers, in his or her discretion, to be sufficient) that— 35

“(a) The protected person whom the foreign personal protection officer is employed to protect will be visiting New Zealand; and 40

“(b) The foreign personal protection officer is well-trained and competent and is a fit and proper person to

discharge the duties of a foreign personal protection officer.

“(2) The Commissioner must,—

5 “(a) In deciding under **subsection (1)** whether to issue a written authority or a written permit; and

“(b) In deciding under **section 65E (2)** what conditions to impose as conditions of any written authority or written permit,—

10 take account of the extent of the special protection that, in the Commissioner’s opinion, is required to protect the protected person.

“**65E. Conditions of written authority or written permit**—(1) It is a condition of every written authority issued under **section 65B (1)** and of every written permit issued under
15 **section 65C (1)** that the foreign personal protection officer to whom it is issued produce that written authority or written permit for inspection whenever required to do so by any member of the Police.

20 “(2) The Commissioner may impose, as conditions of a written authority issued under **section 65B (1)** or as conditions of a written permit issued under **section 65C (1)**, such conditions with regard to the carriage or possession or importation of the firearms, airguns, pistols, restricted weapons, or ammunition to which the written authority or written permit relates (being
25 conditions additional to the condition specified in **subsection (1)** and the condition specified in **section 65C (4)**) as the Commissioner thinks fit.

30 “**65F. Power to revoke**—(1) The Commissioner may at any time revoke any written authority issued under **section 65B (1)** or any written permit issued under **section 65C (1)**.

35 “(2) If a written authority or written permit is revoked under **subsection (1)**, the foreign personal protection officer to whom it was issued must immediately deliver the firearms, airguns, pistols, restricted weapons, and ammunition to which the authority or permit relates into the possession of the Police and, as soon as practicable after they have been so delivered, arrange for their removal from New Zealand.

“**65G. Expiry of sections 65A to 65F**—(1) **Sections 65A to 65F** expire with the close of **31 December 1999**, and on **1 January 2000**—

40 “(a) Those sections, and the heading above **section 65A**, are to be treated as having been repealed; and

“(b) All written authorities issued under **section 65B (1)**, and all written permits issued under **section 65C (1)**, are to be treated as having been revoked.

“(2) If a written authority or written permit is treated under **subsection (1) (b)** as having been revoked, the personal protection officer to whom it was issued must—

“(a) Immediately deliver the firearms, airguns, pistols, restricted weapons, and ammunition to which the authority or permit relates into the possession of the Police; and 5

“(b) As soon as practicable after they have been so delivered, arrange for their removal from New Zealand.”