

# **Arms Amendment Bill (No 3)**

Government Bill

## **Explanatory note**

### **General policy statement**

#### **Background**

The purpose of the Arms Act 1983 (“the principal Act”) is “to promote both the safe use and the control of firearms and other weapons”.

The principal Act is premised on the need to have controls on the ownership of firearms by individuals, and to manage the import of firearms. The principal Act is generally supported by firearms owners and users, and is regarded as effective and fair legislation.

Under the principal Act,—

- only people who hold a firearms licence (which continues in force for 10 years) are entitled to possess a firearm, unless they are under the immediate supervision of a licence holder:
- a licence is issued by the police only if an applicant is a “fit and proper person” to possess a firearm:
- no person may import firearms without a permit issued by the police.

This system is supplemented by a process that enables the registration of pistols, “restricted weapons”, and military style semi-automatic firearms procured by licence holders (with the police recording details that must be entered on the permit to procure).

Although New Zealand has a high rate of firearms ownership, there is a low rate of recorded violent offences involving firearms in comparison with similar countries, and the rate has not varied much over the last few years.

In 1996 Sir Thomas Thorp was asked to undertake a review of firearms control in New Zealand. The June 1997 Review of Firearms Control in New Zealand (the “Thorp Report”) proposed a number of reforms. An analysis of the report undertaken by the police indicated that many of its recommendations were already part of police practice (albeit not incorporated in legislation). There were others that had significant financial, policy, or legislative implications for Government.

In 1998, the previous Government agreed, as part of a firearms control strategy developed in response to the Thorp Report, that legislation was to be introduced. This resulted in the introduction in July 1999 of the Arms Amendment Bill (No 2) (“the 1999 Bill”).

The 1999 Bill proposed the registration of firearms, new licensing fees for firearms owners and registration fees for firearms, increased penalties for a number of firearms offences, and the introduction of an infringement notice regime. The process of registration in the bill followed the Canadian model of owners being asked to provide details of firearms they possess (although this strategy had, at the time of the Bill’s introduction, not yet been implemented in Canada).

Feedback on the 1999 Bill at the select committee stage indicated it was strongly opposed, mainly by groups of firearms owners who were against firearms registration. When it reported back on 22 February 2001, the select committee raised a number of concerns with the Bill (including registration) and was unable to reach a recommendation on whether or not the bill should proceed. The Government does not intend to proceed with the 1999 Bill, and it has been discharged from the Order Paper.

### **This Bill**

This Bill replaces the 1999 Bill. Some of the amendments effected by this Bill will enable New Zealand to comply with the minimum legislative requirements of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (“the Firearms Protocol”) supplementing the United Nations Convention against Transnational Organized Crime (“the TOC Convention”), as they have currently been interpreted. Other amendments will improve the effectiveness and clarity of the principal Act and address operational issues that have emerged since it was last significantly amended in 1992.

The Firearms Protocol is one of three Protocols that supplement the TOC Convention. The other Protocols relate to Trafficking in Persons and the Smuggling of Migrants. New Zealand is a party to the Convention and to those other Protocols. The purpose of the Firearms Protocol is to promote, facilitate and strengthen international co-operation in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components, and ammunition. A minimum compliance regime requires New Zealand to have effective measures in place to combat illicit firearms manufacturing and trafficking.

New Zealand did not sign the Protocol before the closing date for signatures but it is still possible to become party to it by acceding to the Protocol in the future. The Protocol will come into force following ratification or accession by 40 states. The Government has agreed that New Zealand should become a Party to the Firearms Protocol subject to completion of the International Treaty Examination process, the passage of this Bill, and amendments to the Arms Regulations.

The Firearms Protocol contains certain minimum requirements. While New Zealand's existing export-import regime for firearms satisfies the requirement for State Parties to maintain information for tracing and identifying firearms at the time of their import or export, amendments to the principal Act are necessary to ensure that other requirements are satisfied. For example, import permit requirements are extended to cover the import of ammunition. Other amendments—

- include the harbours and territorial waters of New Zealand in the scope of the Arms Act;
- provide for the seizure and disposal of illegally imported ammunition.

In accordance with the Protocol the Bill establishes 3 new offences, relating to—

- the illicit manufacture of firearms and their parts; and
- the illicit trafficking of firearms, their parts, and ammunition; and
- the removal or altering of firearm markings without lawful excuse.

These offences have maximum penalties of 5 years imprisonment, a fine up to \$10,000, or both.

There are consequential amendments to the Mutual Assistance in Criminal Matters Act and Extradition Act to include references to the Firearms Protocol.

### **Additional amendments**

The other provisions included in the Bill improve the effectiveness and clarity of the principal Act, and address outstanding operational issues. There are amendments in the following areas:

- body armour: There are new restrictions on the purchase, sale, and possession of body armour:
- search powers: The Bill makes it clear that police search powers under the principal Act in respect of buildings, premises, and vehicles include the detention and search of people found on or in those places:
- seizure of licences: An amendment is included to enable the seizure by police of a firearms licence in certain circumstances such as where there is a breach of the Act by a licensee:
- temporary suspension of licence: police will be able to temporarily suspend a licence while its revocation is being considered:
- security: Secure storage facilities for firearms are to become a requirement for obtaining firearms licences:
- pistols: The Bill makes it clear that it is not illegal for people to use pistols if they are at a pistol club range and are under the immediate supervision of a person who is licensed to possess a pistol:
- high-powered airguns: The definition of firearm is amended to include any airgun which has a muzzle energy of more than 34 joules (so that the owners of such airguns will require firearms licences and be subject to security requirements):
- penalties: A number of penalties (mainly fines) are being increased. There is also to be a new penalty of a suspension of a licence or endorsement, applicable to many of the offences against the principal Act.

### **Clause by clause analysis**

*Clause 1* relates to the Bill's Title.

*Clause 2* provides for the Bill's commencement. *Clauses 3 to 49* and the *Schedule* are to be brought into force by Order in Council. Some

provisions in the Bill require the making of regulations before they can be brought into force. Other provisions will not come into force until the Firearms Protocol comes into force. The rest of the Bill comes into force on the day after assent.

## Part 1

### Amendments of general provisions and provisions relating to licences and importation

*Clause 3* amends section 2 of the principal Act by—

- amending several existing definitions; and
- replacing the definition of antique firearm with a new definition; and
- inserting a number of new definitions.

The most significant of these new definitions are those of body armour and missile.

*Clause 4* replaces section 3 of the principal Act (which provides that, subject to certain qualifications, the principal Act binds the Crown) with 2 new sections.

*New section 3* provides that, subject to *section 3A*, the principal Act binds the Crown.

*New section 3A* exempts certain agents and employees of the Crown, and certain other people, from some aspects of the principal Act.

*Subsection (1)* defines **item** for the purposes of the section. It is any thing that is an airgun, explosive, firearm, or restricted weapon, ammunition, or body armour (or part of an item).

*Subsection (2)* frees from all restrictions in the principal Act on the carriage, manufacture, modification, possession, or repair of items (so long as they are acting in the course of their duties)—

- members of the Defence Force;
- members of the cadet forces;
- members of visiting forces;
- members of the police;
- armourers employed by the police;
- visiting members of overseas police or law enforcement agencies operating under the direction of the Commissioner of Police;
- officers (within the meaning of the Anti-Personnel Mines Prohibition Act 1998);
- officers and agents of the New Zealand Customs Service.

*Subsection (3)* frees from all restrictions in the principal Act on the carriage, manufacture, modification, possession, or repair of items—

- people undergoing a period of service, training, or exercise when subject to the Armed Forces Discipline Act 1971 by virtue of section 10(1) of that Act;
- people undergoing a period of training or exercise when subject to the Armed Forces Discipline Act 1971 by virtue of section 11(1) of that Act;
- people subject to the Armed Forces Discipline Act 1971 by virtue of section 16(1) of that Act during a period when a New Zealand force is on active service.

*Subsection (4)* frees from all restrictions in the principal Act on the carriage or possession of items prisoners of war subject to the Armed Forces Discipline Act 1971 by virtue of section 12(1) of that Act.

*Subsection (5)*—

- frees from all restrictions in the principal Act on the carriage or possession of ammunition, body armour, or firearms people employed by the police to give members of the police firearms training who are acting in the course of their duties;
- frees from all restrictions in the principal Act on the carriage or possession of restricted weapons that are a gas or other disabling substance, or devices designed to discharge such weapons people employed by the police to give members of the police firearms training who are acting in the course of their duties;
- frees from all restrictions in the principal Act on the carriage or possession of items employees of the Institute of Environmental Science and Research Ltd who are acting in the course of their duties.

*Subsection (6)* frees from all restrictions in the principal Act on the carriage or possession of items people working in a forensic laboratory or forensic technical facility providing scientific services to the police.

*Subsection (7)* frees from all restrictions in the principal Act on the carriage or possession of an item a person working in a forensic laboratory or forensic technical facility engaged to provide scientific services to a defendant charged with an offence relating to, involving, or alleged to have involved—

- that item; or
- an item of the same kind; or

- if the person is trying to determine whether the offence might have involved an item of some other kind, an item of the other kind.

*Subsection (8)* frees from all restrictions in the principal Act on the carriage or possession of an item the carriage or possession of an item belonging to the Crown under the authority of regulations under the principal Act.

*Subsection (9)* frees from all restrictions in the principal Act on the importation, sale, or supply of items—

- importation, of items by the Crown; and
- the sale or supply of items by the Crown or to the Crown.

*Clause 5* replaces section 5 of the principal Act (which requires people in the business of selling or manufacturing firearms, airguns, or restricted weapons to hold a dealer's licence) with a new section, which applies the requirement to hold a dealer's licence to people in the business of—

- selling, hiring or otherwise supplying firearms, airguns, restricted weapons, or ammunition, or parts of airguns, firearms, or restricted weapons; or
- repairing or modifying firearms, airguns, or restricted weapons, or parts of airguns, firearms, or restricted weapons; or
- manufacturing for sale, hire, or other supply firearms, airguns, restricted weapons, or ammunition, or parts of airguns, firearms, or restricted weapons.

The new section provides expressly for the issue of dealer's licences that permit only sale, repair, and modification, only manufacture, or both.

In addition, the new section makes no mention of pistols. This is not because it is not to apply to pistols, but because a pistol is a form of firearm. Thus, a reference to firearms includes pistols.

A number of other provisions of the Bill also either insert into the principal Act provisions that do not mention pistols expressly, or amend existing provisions of the principal Act to omit unnecessary references to pistols. These provisions will continue to apply to pistols because they contain references to firearms.

*Clause 6* replaces section 8 of the principal Act (which provides that a dealer's licence lasts for one year but may be renewed) with a redrafted section that is to the same effect, but also provides that this duration is subject to the fact that a dealer's licence may be revoked (under section 9) or suspended (under *section 59F*).

*Clause 7* replaces section 10 of the principal Act (which restricts the ability of licensed dealers to take a pistol or restricted weapon into their possession for sale) with a redrafted section. The new section applies to military-style semi-automatic firearms as well as pistols and restricted weapons, and has a new maximum penalty for contraventions of its requirements.

At present, the maximum penalty is a fine of up to \$2,000. The penalty is now to be—

- a fine of up to \$4,000; or
- the suspension of the offender's dealer's licence; or
- both a fine and a suspension.

*Clause 8* amends section 11 of the principal Act (which provides that licensed dealers and their employees and agents must not sell firearms, airguns, or restricted weapons unless they hold firearms licences). Licensed dealers and their employees and agents will now also need firearms licences to hire or otherwise supply firearms, airguns, or restricted weapons.

At present, the maximum penalty is a fine of up to \$500. The penalty is now to be—

- a fine of up to \$2,000; or
- the suspension of the offender's dealer's licence; or
- both a fine and a suspension.

*Clause 9* replaces section 12 of the principal Act (which requires licensed dealers to keep written records about the receipt, sale, or manufacture of firearms, airguns, and restricted weapons) with a redrafted section. The new section—

- allows records to be kept digitally;
- extends the existing power to search the written records so as to enable searches of, and the obtaining of print-outs from, records kept digitally;
- has a new maximum penalty for contraventions of its requirements.

At present, the maximum penalty is a fine of up to \$500. The penalty is now to be—

- a fine of up to \$2,000; or
- the suspension of the offender's dealer's licence; or
- both a fine and a suspension.

*Clause 10* replaces sections 14 to 18 of the principal Act with 6 new sections.



*New section 14* is to the same effect as the existing section, but extends its application to the suspension of a dealer's licence as well as its revocation. It allows a person whose dealer's licence is revoked or suspended for 3 months (or any longer period the Commissioner of Police allows) to dispose of the airguns, ammunition, firearms, and restricted weapons in his or her possession or under his or her control when the licence was revoked or suspended to persons approved by a commissioned officer of police.

*New section 15* is to the same effect as the existing section, but extends its application to the suspension of a dealer's licence as well as its revocation. It provides that—

- a person whose dealer's licence is revoked or suspended commits an offence if, by way of business, he or she sells, supplies, or repairs an airgun, any ammunition, a firearm, or a restricted weapon (or a part of an airgun, a firearm, or a restricted weapon) or a part or propellant of any ammunition;
- a person whose dealer's licence is revoked commits an offence if he or she has a business interest in an airgun, any ammunition, a firearm, or a restricted weapon.

These offences are not committed by a person who, in accordance with section 14 disposes of the airguns, ammunition, firearms, and restricted weapons in his or her possession or under his or her control when the licence was revoked or suspended, or retains a business interest in them pending disposal.

*Importation of ammunition, firearms, parts of firearms restricted weapons, and starting pistols*

*New section 16* is to the same effect as the existing section, but extends its application to ammunition (other than ammunition to which the importation requirements of the Hazardous Substances and New Organisms Act 1996 applies). It prohibits the importation without a permit issued by the police of—

- firearms, restricted weapons, and starting pistols; and
- parts of a firearms, restricted weapons, and starting pistols; and
- ammunition to which the importation requirements of the Hazardous Substances and New Organisms Act 1996 does not apply.

It will still be an offence to contravene section 16; but the offence will now be contained in section 58B rather than section 16.

*New section 16A* relates to the temporary importation of items for which a police import permit or ERMA import approval is needed.

*Subsection (2)* requires a person to include a description of such an item in the appropriate customs report promptly after he or she—

- disembarks in New Zealand from a ship on which he or she has brought it into a part of New Zealand's territorial waters; or
- anchors or moors within New Zealand or New Zealand's territorial waters a ship on which he or she has brought it into a part of New Zealand's territorial waters; or
- disembarks in New Zealand from an aircraft on which he or she has brought it into New Zealand; or
- lands in New Zealand an aircraft on which he or she has brought it into New Zealand.

*Subsection (3)* provides that a person does not commit an offence against *section 16* in respect of the importation without a police import permit of an item for which such a permit is needed if—

- it has been imported only temporarily; and
- he or she, or some other person, has complied with *subsection (2)* in respect of it; and
- it is removed from the ship or aircraft concerned to a place of security by or as directed by a Customs officer or member of the police; or
- it remains secured on the ship or aircraft concerned as directed by a Customs officer or a member of the police;
- a police import permit is obtained for it.

*New section 17* is to the same effect as the existing section. It provides that if a person is being prosecuted for doing an act that would be a contravention of *section 16* or *section 16A* if done without the necessary import permit or approval, the burden of proving that he or she had the permit or approval lies on him or her.

*New section 18* is to the same effect as the existing section (which provides for the issue of police import permits); but, because permits will now be required for importing ammunition, also provides for the issue of permits for that purpose

*Clause 11* replaces section 19 of the principal Act (which authorises a member of the police or Customs officer to seize a firearm or restricted weapon, or part of a firearm or restricted weapon, imported without a permit) with 2 new sections.

*New section 19* authorises a member of the police or Customs officer to seize a firearm, restricted weapon, or starting pistol, part of a firearm, restricted weapon, or starting pistol, or ammunition, if it has been imported without a police import permit. The section makes clear that a seized item is forfeit to the Crown, and no compensation is payable for it.

*New section 19A* is new. It allows members of the police and Customs officers to detain rather than seize a firearm, restricted weapon, or starting pistol if it has been brought into New Zealand by craft. The person who imported it then has one month to apply for a firearms licence and police import permit for it (or, in the case of a starting pistol, a police import permit only). If no application is made within one month, or an application is refused, it may then be seized.

*Clause 12* increases from \$1,000 to \$4,000 the maximum fine for contravening section 20 of the principal Act (which prohibits the possession of a firearm by a person unless he or she is 16 or over and holds a firearms licence).

*Clause 13* amends section 22 of the principal Act.

Subclause (1) amends section 22(2). Section 22(2) at present provides a defence for a person prosecuted for an offence against section 20 (possession of a firearm without a firearms licence) if the person proves that—

- the firearm was in the person's possession for use under the immediate supervision of the holder of a firearms licence; and
- at all times while the firearm was in the person's possession, he or she was under the immediate supervision of the holder of a firearms licence.

The defence does not apply to the possession of pistols or restricted weapons.

The amendment has the effect that the defence does not apply to the possession of military style semi-automatic firearms either.

*Subclause (2)* adds a further defence to section 22 of the principal Act. The defence applies only to pistols, and has the effect that it is a defence for a person prosecuted for an offence against section 20 (possession of a firearm without a firearms licence) in respect of a pistol if the person proves—

- the pistol was in the person's possession for use, on the range of an incorporated pistol shooting club for the time being recognised by the Commissioner for the purposes of section

29, under the immediate supervision of the holder of a firearms licence bearing an endorsement permitting the holder to possess the pistol or of a pistol of that kind; and

- at all times while the pistol was in the person's possession, he or she was on the range of such a pistol shooting club, and under the immediate supervision of the holder of such a firearms licence.

*Clause 14* amends section 24 of the principal Act, which relates to the issue of firearms licences, so that a firearms licence is not to be issued to an applicant if—

- the member of the police to whom the application is made does not think that the applicant has, or has access to, secure storage facilities that comply with regulations made under the principal Act; or
- a commissioned officer of Police thinks it reasonably likely that a person whose firearms licence is suspended will have access to a firearm or airgun in the applicant's possession.

*Clause 15* amends section 25 of the principal Act (which states the duration of firearms licence) to make clear that a firearms licence is not in force while it is suspended.

*Clause 16* replaces sections 27 and 27A of the principal Act (which relate, respectively, to the revocation and surrender of firearms licences, and the relationship between the Domestic Violence Act 1995 and the powers under the principal Act to issue, revoke, and suspend firearms licences) with 4 new sections.

*New section 26A* enables the temporary suspension of a firearms licence pending its possible revocation.

At present, a firearms licence may be immediately revoked under section 27 of the principal Act. Now, it must be suspended first.

A commissioned officer of police may suspend a licence if satisfied that—

- its holder is not a fit and proper person to be in possession of a firearm or airgun; or
- its holder has failed or refused to secure firearms properly; or
- the licence has been seized under section 60, section 60A, or section 61 of the principal Act; or
- access to a firearm or airgun in its holder's possession is reasonably likely to be obtained by—

- a person whose application for a firearms licence has been refused because he or she is not a fit and proper person to be in possession of a firearm or airgun; or
- a person whose firearms licence has been revoked because he or she is not a fit and proper person to be in possession of a firearm or airgun; or
- a person who, in the opinion of a commissioned officer of police, is not a fit and proper person to be in possession of a firearm or airgun; or
- a person whose application for a permit or certificate of registration under the Arms Act 1958 (the predecessor of the principal Act), has been refused on the ground that he or she is not a fit and proper person to be in possession of a firearm or airgun; or
- a person whose certificate of registration has been revoked under the Arms Act 1958 because he or she is not a fit and proper person to be in possession of a firearm.

The suspension is effected by written notice stating—

- the ground of the suspension; and
- that fact that the suspension is to enable the police to consider revoking the licence on that ground; and
- that the holder may make submissions on whether the licence should be revoked; and
- the day on which the decision whether to revoke the licence will be made; and
- that the suspension lasts until notice of the decision whether the licence has been revoked is given to the holder.

*New section 27* enables the revocation of firearms licences suspended under *new section 26A*. A commissioned officer of police may revoke a suspended firearms licence if he or she—

- has considered any submissions made by its holder (before the day stated in the notice suspending it) on whether it should be revoked on the ground stated in the notice; and
- is satisfied that it should be revoked on that ground.

*New section 27AA* is to the same effect as subsection (2) and (to the extent that it relates to the surrender of firearms licences) subsection (3) of section 27 of the principal Act. It provides that—

- the holder of a firearms licence may surrender it; and

- on the surrender of the licence, the holder ceases to be licensed to possess firearms, airguns, restricted weapons, or ammunition.

*New section 27B* is to the same effect as the present section (which provides that 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 airgun if satisfied that—

- there are grounds under the Domestic Violence Act 1995 for making an application for a protection order against the person; or
- such an order is in force under that Act against the person).

But it now applies also to orders under the Harassment Act 1997.

*Clause 17* makes a necessary amendment to some section references in section 34B of the principal Act.

*Clause 18* replaces section 39 of the principal Act with a new section. The present section—

- requires the owner of a firearm (whether a pistol, a military-style semi-automatic firearm, or a firearm of some other kind) or a restricted weapon to report its loss or theft to the police; and
- requires the owner of a pistol or restricted weapon to report its destruction to the police.

The new section—

- also requires the owner of a military-style semi-automatic firearm to report its destruction to the police; and
- increases from \$500 to \$4000 the penalty for contravening the section.

*Clause 19* amends section 40 of the principal Act, which requires people in possession of firearms, airguns, or restricted weapons to give their name, address, and date of birth on demand by a member of the police. The amendments—

- apply the requirement to people in possession of body armour; and
- omit an unnecessary reference to pistols.

*Clause 20* replaces section 41 of the principal Act (which requires a person in possession of an airgun or antique firearm who does not hold a firearms licence or dealer's licence to surrender the airgun or antique firearm to the police if the police are satisfied that the person is not a fit and proper person to be in possession of it) with a

redrafted section that extends the requirement to people in possession of body armour.

## Part 2

### Amendments relating to criminal activity

*Clause 21* amends section 42 of the principal Act (which prescribes offences in respect of licences) so as to—

- omit an unnecessary reference to pistols; and
- provide that a person convicted an offence against the section may be subject to a suspension order under *section 59F*, instead of or as well as imprisonment or a fine (or both).

*Clause 22* amends section 43 of the principal Act (which makes it an offence to supply firearms or airguns to unlicensed people) so as to—

- make its heading more accurate; and
- increase the maximum penalty for the offence from imprisonment for up to 3 months, a fine of up to \$1,000, or both, to imprisonment for up to 6 months, a fine of up to \$2,000, or both; and
- provide that a person convicted an offence against the section may be subject to a suspension order under *section 59F*, instead of or as well as imprisonment or a fine (or both).

*Clause 23* replaces section 43A of the principal Act (which makes it an offence to sell by mail order a firearm, ammunition, or a restricted weapon without a written order, signed by the buyer, that bears an endorsement signed by a member of the police stating that the member of the police—

- has inspected the buyer's firearms licence; and
- is satisfied that the buyer is a fit and proper person to buy the firearm, ammunition, or restricted weapon) with a redrafted section.

The new section—

- makes clear that it also applies to sales made over the Internet; and
- provides that the order must be in a form approved by the Commissioner of Police.

*Clause 24* amends section 44 of the principal Act (which makes it an offence to supply pistols, military style semi-automatic firearms, or restricted weapons to unlicensed people) so as to provide that a person convicted of an offence against the section may be subject to

a suspension order under *section 59F*, instead of or as well as imprisonment or a fine (or both).

*Clause 25* amends section 45 of the principal Act (which makes it an offence to carry or possess firearms, airguns, restricted weapons, or explosives without a lawful, proper, and sufficient purpose) so as to—

- omit some unnecessary references to pistols; and
- increase from 4 years to 5 years the maximum term of imprisonment for an offence against the section; and
- provide that a person convicted an offence against the section may be subject to a suspension order under *section 59F*, instead of or as well as imprisonment or a fine (or both).

*Clause 26* amends section 47 of the principal Act (which makes it an offence to be in charge of a firearm, airgun, or restricted weapon while under the influence of drink or a drug) so as to—

- omit some unnecessary references to pistols; and
- provide that a person convicted an offence against the section may be subject to a suspension order under *section 59F*, instead of or as well as imprisonment or a fine (or both).

*Clause 27* amends section 48 of the principal Act (which makes it an offence to discharge a firearm, airgun, or restricted weapon, without reasonable cause, in or near a dwelling house or public place, so as to endanger property or endanger, annoy, or frighten any person) so as to—

- omit some unnecessary references to pistols; and
- provide that a person convicted of an offence against the section may be subject to a suspension order under *section 59F*, instead of or as well as imprisonment or a fine (or both).

*Clause 28* amends section 49 of the principal Act (which makes it an offence to use, discharge, or carry “without a lawful, proper, and sufficient purpose” a bolt gun, stud gun, humane killer, tranquilliser gun, stock-marking pistol, underwater spear gun, flare pistol, deer-net gun, or miniature cannon, or a pistol that is part of rocket or line throwing equipment) so as to make it an offence also to wear, use, or carry body armour without a lawful, proper, and sufficient purpose.

*Clause 29* replaces section 49A of the principal Act (which makes it an offence for a person to whose firearms licence has been revoked to be in possession of a firearm or airgun at a time when he or she



does not hold a firearms licence and is not expressly or by implication authorised by or pursuant to the principal Act to be in possession of that firearm or airgun) with a redrafted section. The new section—

- does not contain the reference to being expressly or by implication authorised to be in possession of a firearm or airgun (thus making it an offence for a person whose firearms licence has been revoked simply to be in possession of a firearm or airgun at a time when he or she does not hold a firearms licence); and
- make it an offence also for a person whose firearms licence is suspended to be in possession of a firearm or airgun.

*Clause 30* amends section 50 of the principal Act (which contains offences relating to the unlawful possession of pistols or restricted weapons) so that—

- the offences also apply to the unlawful possession of military style semi-automatic firearms; and
- a person convicted of an offence against the section may be subject to a suspension order under *section 59F*, instead of or as well as imprisonment or a fine (or both).

*Clause 31* amends section 51 of the principal Act (which contains offences relating to the unlawful carriage or possession in public places of firearms, airguns, ammunition, explosives, or restricted weapons) so that—

- unnecessary references to pistols are removed; and
- a person convicted of an offence against the section may be subject to a suspension order under *section 59F*, instead of or as well as imprisonment or a fine (or both).

*Clause 32* amends section 52 of the principal Act (which contains offences relating to presenting firearms, airguns, or restricted weapons at another person) so that—

- unnecessary references to pistols are removed; and
- a person convicted of an offence against the section may be subject to a suspension order under *section 59F*, instead of or as well as imprisonment or a fine (or both).

*Clause 33* amends section 53 of the principal Act (which contains offences relating to the careless use of firearms, airguns, or restricted weapons) so that—

- unnecessary references to pistols are removed; and

- a person convicted an offence against the section may be subject to a suspension order under *section 59F*, instead of or as well as imprisonment or a fine (or both).

*Clause 34* replaces with a redrafted section section 54 of the principal Act (which contains offences relating to—

- the use of imitation firearms, restricted weapons, ammunition, or explosives to resist or prevent arrest or commit offences; and
- possessing firearms, airguns, imitation firearms, restricted weapons, ammunition, or explosives at the time of committing an offence punishable by imprisonment for 3 years or more).

The new *section 54*—

- extends the application of the offences to airguns and body armour; and
- provides that a person convicted of an offence against the section may be subject to a suspension order under *section 59F*, instead of or as well as imprisonment or a fine (or both).

*Clause 35* amends section 55 of the principal Act (which contains offences relating to carrying firearms, airguns, imitation firearms, restricted weapons, ammunition, or explosives with criminal intent) so that—

- unnecessary references to pistols are removed; and
- the offences also apply to body armour; and
- a person convicted of an offence against the section may be subject to a suspension order under *section 59F*, instead of or as well as imprisonment or a fine (or both).

*Clause 36* amends section 58 of the principal Act (which relates to reporting injuries caused by firearms, airguns, or restricted weapons) so that unnecessary references to pistols are removed.

*Clause 37* amends section 59 of the principal Act (which relates to unsafe firearms) so that—

- unnecessary references to pistols are removed; and
- a person convicted of an offence against the section may be subject to a suspension order under *section 59F*, instead of or as well as imprisonment or a fine (or both).

*Clause 38* inserts into the principal Act 7 new sections relating to unlawfully manufacturing or dealing with firearms.

*New section 59A* makes it an offence (punishable by imprisonment for up to 5 years, a fine of up to \$10,000, or both)—

- without the appropriate dealer's licence, to manufacture in the way of business for sale, hire, or other supply airguns, firearms, or restricted weapons (or their parts) or ammunition; or
- to fail to maintain records relating to the manufacture of firearms required by regulations made under the principal Act; or
- to fail to place on a newly manufactured firearm or part of a firearm an identifying marking required by regulations made under the principal Act.

*New section 59B* makes it an offence (punishable by imprisonment for up to 5 years, to a fine of up to \$10,000, or both) to—

- contravene *section 16(1)* (which forbids the importation of firearms, restricted weapons, starting pistols, and their parts without a police import permit), *section 16(2)* (which forbids the importation of ammunition to which the importation requirements of the Hazardous Substances and New Organisms Act 1996 do not apply without a police import permit), or *section 16A(2)* (which requires people who temporarily bring into New Zealand firearms, restricted weapons, starting pistols, or their parts, or ammunition, to include a description in the appropriate customs report if they do not have the appropriate permit or approval); or
- export firearms, parts of firearms, restricted weapons, or ammunition in contravention of an order under section 56 of the Customs and Excise Act 1996.

(By virtue of proposed *new section 17*, in any prosecution for a contravention of *section 16(1)*, *section 16(2)*, or *section 16A(2)*, the burden of proving that the person charged had the appropriate permit or approval lies on him or her.)

*New section 59C* makes it an offence (punishable by imprisonment for up to 5 years, to a fine of up to \$10,000, or both) to alter, falsify, obliterate, or remove an identifying marking on a firearm or a part of a firearm without lawful, proper, and sufficient purpose.

*New section 59D* gives extraterritorial jurisdiction in respect of offences against *sections 59A to 59C* if the person to be charged is a New Zealand citizen or is ordinarily resident in New Zealand.

*New section 59E* provides that the extraterritorial jurisdiction given by *new section 59D* can in any particular case be claimed only with the Attorney-General's consent.

*New section 59F* provides for the availability of a new kind of sentence, known as a suspension order, for people convicted of an offence against the principal Act.

Whether a suspension order is available in respect of a particular offence will be stated in the provision creating the offence.

A suspension order can be made in respect of a firearms licence, a dealer's licence, or an endorsement on a firearms licence.

The period of suspension must be at least 3 months, but may be any longer period the court thinks fit.

*New section 59G* states the effect of a suspension order.

The holder of a licence that is suspended, or that bears a suspended endorsement, must surrender it to a member of police on demand; and the police must (depending on the circumstances)—

- keep the licence for the period of suspension, and then hold it for uplifting by the holder; or
- cancel the suspended endorsement, and then hold the licence for uplifting by the holder.

During the suspension of a firearms licence—

- the convicted person is disqualified from holding or obtaining a firearms licence; and
- the convicted person must not possess or use any firearm, restricted weapon, or airgun to which the licence applies; and
- the convicted person must on demand deliver to a member of police every firearm, restricted weapon, and airgun in his or her possession or under his or her control.

During the suspension of a dealer's licence the principal Act applies to the convicted person as if the licence has been revoked.

During the suspension of an endorsement—

- the convicted person is disqualified from obtaining any endorsement of the kind suspended; and
- the convicted person must not possess or use any firearm or restricted weapon of a kind to which the endorsement applies; and
- the convicted person must on demand deliver to a member of police every firearm and restricted weapon of a kind to which the endorsement applies that is in his or her possession or under his or her control.

*Clause 39* amends section 60 of the principal Act (which relates to the search of suspected people and the seizure of firearms, airguns,

imitation firearms, restricted weapons, ammunition, and explosives) so that—

- unnecessary references to pistols are removed; and
- the application of the section is extended to body armour; and
- the power of seizure is extended to firearms licences and dealer's licences.

*Clause 40* amends section 60A of the principal Act (which relates to the search of suspected people and seizure of firearms in cases of domestic violence) so that an unnecessary reference to pistols is removed.

(By virtue of the proposed amendments to section 60 of the principal Act, the power of seizure in cases of domestic violence is extended to firearms licences and dealer's licences.)

*Clause 41* replaces section 60 of the principal Act (which relates to the searches of land or buildings for firearms, airguns, imitation firearms, restricted weapons, ammunition, or explosives) with 2 new sections.

*Subsection (1)* of *new section 61* provides that if a commissioned officer of police has reason to suspect that there is in any place a thing to which *subsection (2)* applies, the police may—

- enter the place, by force if necessary, and either by day or night, and search it or any part of it; and
- seize and detain any thing found there to which *subsection (2)* applies.

*Subsection (2)* states the things, which are—

- firearms, airguns, imitation firearms, restricted weapons, ammunition, explosives, or body armour in respect of which an offence against the principal Act or an indictable offence has been or is about to be committed, or that may be evidence of such an offence; and
- any part of such a firearm, airgun, imitation firearm, restricted weapon, ammunition, explosive, or body armour; and
- any thing intended to be used as part of a firearm, airgun, imitation firearm, restricted weapon, ammunition, explosive, or body armour in respect of which an offence against the principal Act or an indictable offence is about to be committed, or that may be evidence of such an offence.

*Subsection (3)* provides that if a commissioned officer of police has reason to suspect that there is in any place a thing to which *subsection (4)* applies that is not secured, in accordance with regulations made under the principal Act, the police may—

- enter the place, by force if necessary, and either by day or night, and search it or any part of it; and
- seize and detain any thing found there to which *subsection (4)* applies.

*Subsection (4)* states the things, which are—

- firearms, airguns, imitation firearms, restricted weapons, ammunition, or explosives; and
- any thing intended to be used as part of a firearm, airgun, imitation firearm, restricted weapon, ammunition or explosive.

*Subsection (5)* provides that a member of the police who has entered a place under *subsection (1)* or *subsection (3)* and has reasonable grounds to suspect that a person on or in the place has a firearm, airgun, imitation firearm, restricted weapon, ammunition, explosive, or body armour in his or her possession, may—

- search the person;
- detain the person, using any force that is reasonable in the circumstances;
- seize and detain any firearm, airgun, imitation firearm, restricted weapon, ammunition, explosive, body armour, firearms licence, or dealer's licence found on the person.

*New section 61A* requires a member of the police conducting a search under *section 61*—

- to identify himself or herself to the occupant of the place concerned; and
- to tell the occupant that the search is being made under that section; and
- if he or she is not in uniform,—
  - on initial entry, to produce to the occupant evidence that he or she is a member of the police; and
  - if requested at any time later by the occupant, to produce to the occupant evidence that he or she is a member of the police.

And within 3 days after the day on which he or she exercises a power under *section 61*, a member of the police must give the Commissioner a written report on its exercise and the circumstances in which it came to be exercised.

*Clause 42* amends section 65 of the principal Act (which relates to the restoration of articles seized) so that—

- an unnecessary reference to pistols is removed; and
- the application of the section is extended to body armour.

*Clause 43* amends section 66 of the principal Act (which deems the occupier of premises or driver of vehicle to be in possession of any firearm, airgun, imitation firearm, restricted weapon, or explosive found there) so that—

- unnecessary references to pistols are removed; and
- the application of the section is extended to ammunition and body armour.

*Clause 44* amends section 69 of the principal Act (which relates to forfeitures) so that its application is extended to body armour.

*Clause 45* amends section 70 of the principal Act (which relates to the disposal of firearms and other items detained by the police under the principal Act) so that—

- unnecessary references to pistols are removed; and
- the application of the section is extended to ammunition and body armour.

*Clause 46* amends section 73 of the principal Act (which permits carriers, and people with certain statutory powers of seizure, to possess firearms, airguns, imitation firearms, restricted weapons, ammunition, or explosives without a licence under the principal Act in some circumstances) so that—

- an unnecessary reference to pistols is removed; and
- the application of the section is extended to body armour.

*Clause 47* amends section 74 of the principal Act (which relates to the making of regulations), so that—

- regulations prescribing the particulars to be recorded by licensed dealers can also prescribe the period for which dealers must keep their records;
- the power to make regulations prescribing precautions to be taken to prevent the theft or misuse of firearms, airguns, pistols, restricted weapons, ammunition, and explosives is extended to enable the prescription of particular precautions for firearms, airguns, pistols, restricted weapons, ammunition, or explosives of particular kinds or descriptions;
- the power to make regulations specifying the classes of person who may obtain endorsements permitting them to have possession of pistols or restricted weapons is expressly

extended to enable the specification of classes of person who may obtain endorsements permitting them to have possession of military style semi-automatic firearms:

- the power to make regulations providing for the marking of firearms with identifying marks before the issue of a licence or permit, is replaced by a more general power to make regulations providing for the marking of firearms with identifying marks.

*Clause 48* removes other unnecessary references to pistols in the principal Act.

*Clause 49* and the *Schedule* make consequential amendments.

### **Regulatory impact statement**

#### ***Statement of the nature and magnitude of the problem and the need for Government action***

This Bill is required in order for New Zealand to comply with the minimum requirements of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition Supplementing the United Nations Convention against Transnational Organized Crime (“the Firearms Protocol”). The principal requirements of the Protocol relate to the creating of three new offences (illicit manufacturing, illicit trafficking, and illicit obliteration or alteration of markings) and to maintaining controls and records on the import, export and manufacture of firearms, their component parts, and ammunition. New Zealand is not able to comply with the Protocol without amendments to current legislation. The Bill will also include other amendments to the Arms Act 1983 to clarify the legislation and improve its effectiveness. These amendments address issues that have arisen with the operation of the legislation since the last amendment Act in 2000. They mainly relate to search and seizure powers, the suspension of firearm licences, and the security requirements for firearms.

#### ***Statement of the public policy objectives***

The passage of the Arms Amendment Bill (along with minor amendments to regulations) would enable New Zealand to become party to the Firearms Protocol. (Cabinet has authorised New Zealand to deposit an Instrument of Accession to the Protocol subject to completion of the Parliamentary treaty examination process and the passage of implementing legislation.) The Bill would also improve



the ability of police to search for, seize and temporarily suspend firearm licences where there are breaches of the Act or there is a risk situation, and tighten up the enforcement of security requirements for those in possession of firearms. This will contribute to the safe use and control of firearms.

***Statement of feasible options (regulatory and/or non-regulatory)  
that may constitute viable means of achieving the  
desired objectives***

*Status Quo*

New Zealand already generally complies with obligations in the Firearms Protocol that relate to international law enforcement cooperation, training and technical assistance, and information sharing with law enforcement agencies in other countries. Other aspects of the Protocol are not fully covered, particularly those relating to offences, to maintaining controls and records on the import, export and manufacture of firearms, their component parts, and ammunition, and to the marking of firearms. Maintenance of the status quo is not an option if New Zealand is to consider becoming party to the Protocol.

The Arms Act is premised on the need to have controls on which individuals own firearms, and to manage the import of firearms. Only those individuals who hold a firearms licence (which continues in force for 10 years) are entitled to be in possession of a firearm, unless they are under the immediate supervision of a licence holder. A licence is only issued by police if the individual is a 'fit and proper' person to be in possession of a firearm. This system is supplemented by a process that enables the registration of pistols, restricted weapons and military style semi-automatics ("MSSAs") procured by licence holders. No one may import firearms without a permit issued by police. The Act has, in the main, been effective and has the support of legitimate firearm owners and users. New Zealand has a high rate of firearms ownership by international standards but a low rate of recorded violent offending involving firearms. A number of areas in the Act and its Regulations need clarification, and there are some additional measures needed to assist the police in the administration of the legislation.

*Preferred option*

An analysis of the Firearms Protocol has established that changes to legislation (principally the Arms Act) are necessary in order for New Zealand to comply with its provisions. There are specific requirements for domestic legislative measures such as the need to have particular offence provisions. The proposed amendments in the Bill (along with current legislation and administrative practices and some amendments to the Arms Regulations) will enable New Zealand to meet the minimum requirements of the Protocol as currently interpreted.

The other proposed amendments in the Bill to assist with the safe use and control of firearms are necessary in order to tidy up various areas of the legislation and provide certainty in the law. This will assist the police in administering the legislation. It makes sense to use the legislative vehicle of this bill to carry through these changes.

No other options were identified that could feasibly achieve the policy objectives without significant additional costs.

***Statement of the net benefit of the proposal, including the total regulatory costs (administrative, compliance and economic costs) and benefits (including non-quantifiable benefits) of the proposal, and other feasible options***

The proposed Arms Amendment Bill (along with amendments to the Arms Regulations) would enable New Zealand to comply with the Firearms Protocol and be in a position to become a party to it. By doing so, New Zealand would continue to be part of multilateral efforts against transnational organized crime, and confirm its support for global measures to enhance international security, particularly measures against the illicit manufacturing of and trafficking in firearms.

The Bill will also enable police to better enforce the requirement of those in possession of firearms to keep them in secure storage, and to deal effectively with situations involving people with firearms who are not “fit and proper” persons to be in possession of them. This will produce additional security for the wider community.

The additional regulatory arrangements will result in additional costs for the main enforcement agencies of Police, MFAT and Customs.

These financial implications are not expected to be significant and are projected to be covered by existing baselines. Customs and

MFAT would have to review these costs after initial start up to see if they could continue to be met within existing departmental baselines.

The proposals impose no material increase in compliance costs for business. There will be some small additional costs for individuals and businesses associated with the new requirements for permits to import ammunition for small arms. Importers of firearms that arrive in New Zealand without the requisite identification marking will have to bear the cost of having a marking stamped on the firearm. Those who hire firearms in the course of their business will incur the costs of obtaining a dealers licence (\$200) and the costs of complying with additional security requirements for their firearms (where they are not already compliant). Those with high-powered airguns will need to obtain a firearms licence (\$123.75), and comply with security requirements for their airguns (where they are not already compliant). The numbers are not significant.

#### *Statement of consultation undertaken*

The following government agencies were consulted in the development of the provisions of the Bill: the Ministry of Foreign Affairs and Trade, New Zealand Customs Service, the Ministry of Justice, The Treasury, Department of Prime Minister and Cabinet, the Environmental Risk Management Authority, the New Zealand Defence Force, and the Ministry for the Environment.

Police also sought the views of some representatives of firearms owner groups, in particular, the New Zealand Council of Licensed Firearms Owners, New Zealand Pistol Association, the Sports Trade Industry, and the New Zealand Mountain Safety Council.

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*Hon George Hawkins*

## **Arms Amendment Bill (No 3)**

### **Government Bill**

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44	Forfeitures	49	Consequential amendments

—————

**Schedule**  
**Consequential amendments**

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

**1 Title**

- (1) This Act is the Arms Amendment Act (No 3) 2005.
- (2) In this Act, the Arms Act 1983<sup>1</sup> is called “the principal Act”.

<sup>1</sup> 1983 No 44

**2 Commencement**

- (1) **Sections 3 to 49 and the Schedule** come into force on a date appointed by the Governor-General by Order in Council; and one or more Orders in Council may appoint different dates for different provisions. 5
- (2) The rest of this Act comes into force on the day after the date on which it receives the Royal assent. 10

**Part 1**

**Amendments of general provisions and provisions relating to licences and importation**

**3 Interpretation**

- (1) Section 2 of the principal Act is amended by repealing the definition of **antique firearm**, and inserting, in their appropriate alphabetical order, the following definitions: 15
- “**ammunition** means an article comprising—
- “**(a)** a cartridge, fitted with a primer and containing an explosive; and 20
- “**(b)** one or more projectiles contained wholly or partly within, or fitted to, the cartridge
- “**antique firearm**—

- “(a) means a firearm manufactured before 1900 that—
- “(i) is held in a person’s possession solely as an antique (but not as a copy or replica of an antique); and
- “(ii) is not designed for firing, and is not capable of firing, rimfire or center-fire cartridge ammunition; and 5
- “(b) includes any firearm manufactured before 1900 of a kind declared by regulations made under this Act to be antique firearms for the purposes of this Act 10
- “**body armour** means an article intended to be worn or carried by a person, and designed to protect a person wearing or carrying it from missiles, or from missiles of a particular kind or kinds
- “**craft** means an aircraft, ship, or other device or machine, that can be used to carry or transport people or goods— 15
- “(a) by air; or
- “(b) on or under water
- “**ERMA import approval**—
- “(a) means an approval to import issued or to be issued by or on behalf of the Environmental Risk Management Authority for the purposes of **section 16**; and 20
- “(b) in relation to a person, means an ERMA import approval issued or to be issued to that person
- “**import** means bring or send into New Zealand, or cause to be brought or sent into New Zealand, from a place outside New Zealand 25
- “**missile** means—
- “(a) a projectile—
- “(i) fired or propelled from or by a firearm, a piece of artillery, a mortar, or a restricted weapon; or 30
- “(ii) propelled by the force of an explosive, some other propellant substance, or the expansion of a compressed article or substance; or
- “(b) a fragment of an explosive device propelled by its explosion; or 35
- “(c) debris propelled by the explosion of an explosive device; or
- “(d) debris propelled by the impact of a missile
- “**New Zealand**— 40

- “(a) means the land and waters enclosed by the outer limits of the territorial sea of New Zealand (as described in section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977); and
- “(b) includes the contiguous zone of New Zealand (as described in section 8A of that Act 5
- “**police import permit**—
- “(a) means a permit issued or to be issued by a member of the police for the purposes of **section 16**; and
- “(b) in relation to a person, means a police import permit issued or to be issued to that person 10
- “**ship** means a craft that can be used to carry or transport people or goods on or under water; and includes a hovercraft”.
- (2) Section 2 of the principal Act is amended by inserting in the definition of **firearm**, after subparagraph (iii), the following subparagraph: 15
- “(iii) any airgun with a muzzle energy of more than 34 joules; and”.
- (3) Section 2 of the principal Act is amended by repealing paragraph (b) of the definition of **part**, and substituting the following paragraph: 20
- “(b) in relation to any other firearm, means an element specifically designed for firearms of its kind and essential to its operation (for example, its action, barrel blank, frame, receiver, bolt, or breech block)”. 25
- (4) Section 2 of the principal Act is amended by repealing paragraph (b)(i) of the definition of **sporting configuration**, and substituting the following subparagraph: 30
- “(i) in the case of a magazine designed to hold rimfire cartridges of a calibre of 0.22 inches or less, more than 15 cartridges; or”.
- 4 New sections 3 and 3A substituted**
- The principal Act is amended by repealing section 3, and substituting the following sections:
- “**3 Act binds the Crown** 35
- “(1) This Act binds the Crown.
- “(2) **Subsection (1)** is subject to **section 3A**.



**“3A Application**

- “(1) In this section, **item** means any thing that is—
- “(a) an airgun, an explosive, a firearm, or a restricted weapon; or
  - “(b) ammunition or body armour; or 5
  - “(c) part of an item.
- “(2) Nothing in this Act makes unlawful the carriage, manufacture, modification, possession, or repair of an item by a person in the course of or in connection with his or her duties as—
- “(a) a member of the Defence Force (within the meaning of the Defence Act 1990); or 10
  - “(b) a member of the cadet forces (within the meaning of the Defence Act 1990); or
  - “(c) a member of a visiting force (within the meaning of the Visiting Forces Act 2004); or 15
  - “(d) a member of the police or an armourer employed by the police; or
  - “(e) a visiting member of an overseas police or law enforcement agency who is operating under the direction of the Commissioner; or 20
  - “(f) an officer (within the meaning of the Anti-Personnel Mines Prohibition Act 1998); or
  - “(g) an officer or agent of the New Zealand Customs Service.
- “(3) Nothing in this Act makes unlawful the carriage, manufacture, modification, possession, or repair of an item by a person— 25
- “(a) during a period of service, training, or exercise when he or she is subject to the Armed Forces Discipline Act 1971 by virtue of section 10(1) of that Act; or
  - “(b) during a period of training or exercise when he or she is subject to the Armed Forces Discipline Act 1971 by virtue of section 11(1) of that Act; or 30
  - “(c) during a period when—
    - “(i) a New Zealand force is on active service; and
    - “(ii) he or she is subject to the Armed Forces Discipline Act 1971 by virtue of section 16(1) of that Act. 35
- “(4) Nothing in this Act makes unlawful the carriage or possession of an item by a person while he or she is a prisoner of war subject to the Armed Forces Discipline Act 1971 by virtue of section 12(1) of that Act. 40

- “(5) Nothing in this Act makes unlawful—
- “(a) the carriage or possession of ammunition, body armour, or a firearm by a person in the course of his or her duties as a person employed by the police to give members of the police firearms training; or 5
  - “(b) the carriage or possession of a restricted weapon that is a gas or some other disabling substance, or a device designed to discharge such a substance, by a person in the course of his or her duties as a person authorised by the Commissioner to give training to members of the police in the use of (as the case may be)— 10
    - “(i) disabling substances of the kind to which it belongs; or
    - “(ii) devices of the kind to which it belongs; or
  - “(c) the carriage or possession of an item by a person in the course of his or her duties as an employee of the body that, immediately before the commencement of the Arms Amendment Act 2000, was known as the Institute of Environmental Science and Research Ltd. 15
- “(6) Nothing in this Act makes unlawful the carriage or possession of an item by a person while working in a forensic laboratory or forensic technical facility providing scientific services to the police. 20
- “(7) Nothing in this Act makes unlawful the carriage or possession of a particular item (the **item in question**) by a person while working in a forensic laboratory or forensic technical facility engaged to provide scientific services to a defendant charged with an offence relating to, involving, or alleged to have involved— 25
- “(a) the item in question; or 30
  - “(b) an item of the same kind as the item in question; or
  - “(c) to the extent only that the person is engaged in determining whether the offence might in fact have related to or involved an item of some other kind than the item in question, an item of the other kind. 35
- “(8) Nothing in this Act makes unlawful the carriage or possession of an item belonging to the Crown—
- “(a) under an authority conferred by or under regulations made under this Act; and
  - “(b) in accordance with any conditions subject to which the authority was conferred. 40

- “(9) Nothing in this Act makes unlawful—  
 “(a) the importation of items by the Crown; or  
 “(b) the sale or supply of items by the Crown or to the Crown.”
- 5 New section 5 substituted** 5  
 The principal Act is amended by repealing section 5, and substituting the following section:
- “5 Dealers to be licensed**
- “(1) Unless he or she is the holder of a licence to do so, issued to him or her under this Act by a commissioned officer of Police, no person may in the way of his or her business— 10  
 “(a) sell, hire, or otherwise supply—  
 “(i) an airgun, a firearm, a restricted weapon, or any ammunition; or  
 “(ii) a thing that is, or is intended to be used as, a part of an airgun, firearm, or restricted weapon; or 15  
 “(b) repair or modify—  
 “(i) an airgun, a firearm, or a restricted weapon; or  
 “(ii) a thing that is, or is intended to be used as, a part of an airgun, firearm, or restricted weapon; or 20  
 “(c) manufacture for sale, hire, or other supply—  
 “(i) an airgun, a firearm, a restricted weapon, or any ammunition; or  
 “(ii) a thing that is, or is intended to be used as, a part of an airgun, firearm, or restricted weapon. 25
- “(2) An application for a dealer’s licence must be made on a form provided by a member of the police, and must state—  
 “(a) the kinds of business for which the applicant wants it; and  
 “(b) the kinds of firearm and part that the applicant intends to— 30  
 “(i) sell, hire, or otherwise supply; or  
 “(ii) repair or modify; or  
 “(iii) manufacture for sale, hire, or other supply.
- “(3) A dealer’s licence must state the kinds of business, and the kinds of firearm and part, to which it relates. 35
- “(4) A dealer’s licence must be issued if (and only if) the commissioned officer of Police to whom the application for it is made is satisfied that the applicant is a fit and proper person to carry

- on the kinds of business, in respect of the kinds of firearm and part, stated in the licence.
- “(5) Even though mines are restricted weapons, a dealer’s licence does not authorise the doing of any of the following things (whether by way of business or not): 5
- “(a) selling, hiring, or otherwise supplying, or repairing or modifying, anti-personnel mines:
- “(b) selling, hiring, or otherwise supplying, or repairing or modifying, things that are, or are intended to be used as, a part or propellant of an anti-personnel mine: 10
- “(c) manufacturing anti-personnel mines for sale, hire, or other supply:
- “(d) manufacturing for sale, hire, or other supply things that are, or are intended to be used as, a part or propellant of an anti-personnel mine. 15
- “(6) Every person who contravenes **paragraph (a) or paragraph (b) or paragraph (c) of subsection (1)** commits an offence against this Act and is liable on summary conviction to a fine not exceeding \$1,000.”
- 6 New section 8 substituted 20**
- The principal Act is amended by repealing section 8, and substituting the following section:
- “**8 Duration of dealer’s licence**
- “(1) A dealer’s licence continues in force for one year from the date on which it was issued or last renewed, and may be renewed for the next year. 25
- “(2) **Subsection (1)** is subject to—
- “(a) section 9 (which relates to the revocation of dealers’ licences); and
- “(b) **section 59F** (which gives courts the power to suspend a dealer’s licences as a penalty for an offence against this Act committed by its holder).” 30
- 7 New section 10 substituted**
- The principal Act is amended by repealing section 10, and substituting the following section: 35
- “**10 Restriction on possession of military-style semi-automatic firearms, pistols, and restricted weapons by licensed dealers**

- “(1) A licensed dealer must not take a military-style semi-automatic firearm, pistol, or restricted weapon into his or her possession for sale unless—
- “(a) he or she obtains it pursuant to a permit issued for the purposes of section 16(1); or 5
- “(b) he or she obtains it, pursuant to a permit issued under section 35,—
- “(i) from the holder of a firearms licence bearing an endorsement under section 30 or section 30B; or 10
- “(ii) from a licensed dealer.
- “(2) A licensed dealer does not contravene **subsection (1)** in respect of a military-style semi-automatic firearm, pistol, or restricted weapon if, on obtaining possession of it, he or she immediately surrenders it to the nearest Arms Office for inspection and inquiries. 15
- “(3) Every licensed dealer who contravenes **subsection (1)** commits an offence against this Act, and is liable on summary conviction to a fine not exceeding \$4,000.
- “(4) If a licensed dealer is convicted of an offence against **subsection (3)**, the court may, instead of or as well as sentencing him or her to a fine, make an order under **section 59F** suspending his or her dealer’s licence.” 20

## 8 Dealers and their employees and agents to hold firearms licences

- (1) Section 11(1) of the principal Act is amended by omitting the words “any firearm, airgun, pistol,”, and substituting the words “, hire, or otherwise supply, any firearm, airgun,”. 25
- (2) Section 11 of the principal Act is amended by repealing subsection (2), and substituting the following subsections:
- “(2) Every person who contravenes **subsection (1)** commits an offence against this Act, and is liable on summary conviction to a fine not exceeding \$2,000. 30
- “(3) If a person is convicted of an offence against **subsection (2)**, the court may, instead of or as well as sentencing him or her to a fine, make an order under **section 59F** suspending any dealer’s licence held by him or her.” 35

**9 New section 12 substituted**

The principal Act is amended by repealing section 12, and substituting the following section:

**“12 Record of dealings by licensed dealers**

- “(1) For the purposes of this section, a licensed dealer must keep at the place of business referred to in his or her licence— 5
- “(a) a book; or
- “(b) a means of recording information digitally (whether that means is a computer or similar device at the place, or a means of accessing remotely a computer or similar device at another place); or 10
- “(c) both.
- “(2) The dealer must record in a book or by using a means kept under **subsection (1)** all particulars prescribed by regulations made under this Act relating to the receipt, sale, hire, supply, or manufacture by him or her of airguns, firearms, or restricted weapons. 15
- “(3) A licensed dealer must at all times—
- “(a) permit any member of the police to inspect any book kept under **subsection (1)** and to make copies of any entries in it; and 20
- “(b) on demand,—
- “(i) give any member of the police access to any information recorded on a device other than a book kept under **subsection (1)**; and 25
- “(ii) print out, or otherwise make copies of, the information; and
- “(c) on demand, give any member of the police all further information in his or her possession about any dealings by him or her relating to airguns, firearms, or restricted weapons; and 30
- “(d) allow any member of the police to inspect—
- “(i) any airgun, firearm, or restricted weapon in his or her possession; and
- “(ii) the premises in which, and the conditions under which, his or her stock of airguns, firearms, and restricted weapons is kept. 35
- “(4) A licensed dealer who contravenes any of **subsections (1) to (3)** commits an offence against this Act, and is liable on summary conviction to a fine not exceeding \$2,000. 40

“(5) If a licensed dealer is convicted of an offence against **subsection (4)**, the court may, instead of or as well as sentencing him or her to a fine, make an order under **section 59F** suspending his or her dealer’s licence.”

**10 New sections 14 to 18 substituted** 5

The principal Act is amended by repealing sections 14 to 18 and the heading before section 16, and substituting the following sections and heading:

**“14 Dealer may dispose of airguns, ammunition, firearms, and restricted weapons if licence revoked or suspended** 10

A person whose dealer’s licence is revoked under section 9 or suspended under **section 59F**—

“(a) may, for a period of 3 months (or any longer period the Commissioner allows) after the revocation or suspension, retain a business interest in the airguns, ammunition, firearms, and restricted weapons in his or her possession at the time of the revocation or suspension; and 15

“(b) during that period, may sell or otherwise dispose of them to persons approved for the purpose by a commissioned officer of Police. 20

**“15 Offence for licensed dealer to carry on business after revocation or suspension of licence**

“(1) This section applies to a person if—

“(a) he or she— 25  
 “(i) was the holder of a dealer’s licence that has been revoked under section 9; and

“(ii) has not since that licence was revoked been issued with a new dealer’s licence; or

“(b) he or she is the holder of a dealer’s licence that is suspended under **section 59F**. 30

“(2) A person to whom this section applies commits an offence, and is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$1,000 or to both, who—

“(a) by way of business, sells, hires or otherwise supplies, or repairs,— 35

“(i) an airgun, any ammunition, a firearm, or a restricted weapon; or

- “(ii) a part of an airgun, a firearm, or a restricted weapon; or
- “(b) in the case only of a person who was the holder of a dealer’s licence that has been revoked under section 9, has a business interest in an airgun, any ammunition, a firearm, or a restricted weapon. 5
- “(3) **Subsection (2)** does not apply to an airgun, any ammunition, a firearm, or a restricted weapon being retained, or sold or otherwise disposed of, in accordance with **section 14**.
- “*Importation of ammunition, firearms, parts of firearms, restricted weapons, and starting pistols* 10
- “16 **No importation of ammunition, firearms, parts of firearms, restricted weapons, or starting pistols without authority**
- “(1) No person may import a firearm, restricted weapon, or starting pistol, or any part of a firearm, restricted weapon, or starting pistol, except pursuant to a police import permit. 15
- “(2) No person may import ammunition to which the importation requirements of the Hazardous Substances and New Organisms Act 1996 do not apply, except pursuant to a police import permit. 20
- “16A **Items imported temporarily**
- “(1) In this section,—
- “**appropriate permit**—
- “(a) in relation to a firearm, a restricted weapon, or a starting pistol, or a part of a firearm, restricted weapon, or starting pistol, means a police import permit: 25
- “(b) in relation to ammunition to which the importation requirements of the Hazardous Substances and New Organisms Act 1996 do not apply, means a police import permit: 30
- “(c) in relation to ammunition to which the importation requirements of the Hazardous Substances and New Organisms Act 1996 apply, means an ERMA import approval: 35
- “**reportable item** means—
- “(a) a firearm, a restricted weapon, or a starting pistol; or



- “(b) anything that is, or is intended to be used as, part of an airgun, a firearm, or a restricted weapon; or
- “(c) any ammunition.
- “(2) A person must include a description of a reportable item for which he or she does not have the appropriate permit in any report required to be made in relation to the craft concerned under the Customs and Excise Act 1996 promptly after he or she—
- “(a) disembarks in New Zealand from a ship on which he or she has brought the item into a part of New Zealand’s territorial waters; or
- “(b) anchors or moors within New Zealand or New Zealand’s territorial waters a ship on which he or she has brought the item into a part of New Zealand’s territorial waters; or
- “(c) disembarks in New Zealand from an aircraft on which he or she has brought the item into New Zealand; or
- “(d) lands in New Zealand an aircraft on which he or she has brought the item into New Zealand.
- “(3) A person does not commit an offence against **section 16** in respect of the importation of a reportable item for which he or she does not have a police import permit if—
- “(a) the item has been imported only temporarily; and
- “(b) he or she, or some other person, has complied with **subsection (2)** in respect of the item; and
- “(c) either—
- “(i) the item is removed from the ship or aircraft concerned to a place of security by a Customs officer or a member of the police, or as directed by a Customs officer or a member of the police; or
- “(ii) the item remains secured on the ship or aircraft concerned in a place and manner directed by a Customs officer or a member of the police.
- “17 **Burden of proof**
- “(1) In any proceedings against a person in respect of a contravention of **section 16** in which it is proved that he or she did an act that would have amounted to an offence if it were not done pursuant to a police import permit, the burden of proving that

he or she did the act pursuant to such a permit lies on him or her.

- “(2) In any proceedings against a person in respect of a contravention of **section 16A(2)** in which it is proved that he or she failed to include a description of an item in a report required under the Customs and Excise Act 1996, the burden of proving that he or she had a police import permit or an ERMA import approval for the item lies on him or her. 5
- “(3) **Subsections (1) and (2)** are without prejudice to section 67(8) of the Summary Proceedings Act 1957. 10

“18 **Issue of police import permits**

- “(1) If an application is made for the issue of a police import permit, any member of the police—
- “(a) may require the applicant to produce for examination and testing any samples of any firearms, restricted weapons, starting pistols, or ammunition of any kind referred to in the application that the member of the police considers necessary; and 15
- “(b) may, in the discretion of the member of the police, refuse to issue the permit for— 20
- “(i) any firearm, restricted weapon, starting pistol, or ammunition of any kind; or
- “(ii) any part of a firearm, restricted weapon, or starting pistol of any kind.
- “(2) Only the Commissioner can issue a police import permit for— 25
- “(a) a military style semi-automatic firearm, pistol, or restricted weapon; or
- “(b) a part of a military style semi-automatic firearm, pistol, or restricted weapon.
- “(3) The Commissioner must not issue a police import permit for an item of a kind referred to in **subsection (2)** unless satisfied that there are special reasons why the item should be allowed into New Zealand. 30
- “(4) **Subsection (3)** does not limit the generality of the discretion conferred by **subsection (1)(b)**. 35
- “(5) A police import permit—
- “(a) is personal to the person to whom it is issued; and
- “(b) cannot be transferred to any other person; and

- “(c) may at any time be revoked by a commissioned officer of Police.
- “(6) A police import permit is in no case to be issued for an anti-personnel mine or a part of an anti-personnel mine.”
- 11 New sections 19 and 19A substituted** 5
- The principal Act is amended by repealing section 19, and substituting the following sections:
- “19 Seizure and detention of imported firearms, parts of firearms, and ammunition**
- “(1) This section applies to any item that is— 10
- “(a) a firearm, restricted weapon, or starting pistol; or
- “(b) a part of a firearm, restricted weapon, or starting pistol; or
- “(c) ammunition.
- “(2) A member of the police or Customs officer who has reasonable grounds to suspect that an item to which this section applies was imported in contravention of **section 16**— 15
- “(a) may seize and detain it; and
- “(b) in seizing and detaining it, may use any reasonably necessary force. 20
- “(3) An item seized under **subsection (2)** is forfeit to the Crown; and no compensation is payable for it.
- “19A Detention of certain firearms, restricted weapons, and starting pistols imported without police import permit**
- “(1) A member of the police or Customs officer who has reasonable grounds to suspect that a firearm, restricted weapon, or starting pistol that has been brought into New Zealand by craft was imported otherwise than pursuant to a police import permit— 25
- “(a) may detain it; and 30
- “(b) may, in detaining it, use any reasonably necessary force.
- “(2) A member of the police or Customs officer may seize a firearm, restricted weapon, or starting pistol detained under **subsection (1)** if, within 20 working days of its detention,— 35
- “(a) in the case of a firearm or restricted weapon, no application has been made for a firearms licence (and any

applicable endorsement) and a police import permit for it:

- “(b) in the case of a starting pistol, no application has been made for a police import permit for it.
- “(3) If an application for a firearms licence or police import permit for a firearm, restricted weapon, or starting pistol detained under **subsection (1)** is refused, a member of the police or Customs officer may seize it. 5
- “(4) A firearm, restricted weapon, or starting pistol seized under **subsection (2) or subsection (3)** is forfeit to the Crown; and no compensation is payable for it.” 10

## 12 Restrictions on possession of firearms

Section 20(3) of the principal Act is amended by omitting the expression “\$1,000”, and substituting the expression “\$4,000”. 15

## 13 Exemptions

- (1) Section 22(2)(a) of the principal Act is amended by omitting the words “a pistol”, and substituting the words “a military style semi-automatic firearm, a pistol,”.
- (2) Section 22 of the principal Act is amended by adding the following subsection: 20
- “(3) It is a good defence to a prosecution for an offence against section 20 relating to the possession of a pistol by a person if the defendant proves—
- “(a) that the pistol was in the person’s possession for use— 25
- “(i) on the range of an incorporated pistol shooting club for the time being recognised by the Commissioner for the purposes of section 29; and
- “(ii) under the immediate supervision of the holder of a firearms licence bearing an endorsement for the purposes of section 29 permitting the holder to have possession of the pistol or of a pistol of that kind; and 30
- “(b) that at all times while the person was in possession of the pistol, he or she was— 35
- “(i) on the range of an incorporated pistol shooting club for the time being recognised by the Commissioner for the purposes of section 29; and

“(ii) under the immediate supervision of the holder of a firearms licence bearing an endorsement for the purposes of section 29 permitting the holder to have possession of the pistol or of a pistol of that kind.”

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#### **14 Issue of firearms licence**

(1) Section 24 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:

“(1) Subject to subsection (2), a firearms licence must be issued if (and only if) the member of the police to whom the application is made is satisfied that the applicant—

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“(a) is of or over the age of 16 years; and

“(b) is a fit and proper person to be in possession of a firearm or airgun; and

“(c) has, or has access to, secure storage facilities that comply with regulations made under this Act.”

15

(2) Section 24(2) of the principal Act is amended by inserting, after paragraph (b), the following paragraph:

“(ba) whose firearms licence is suspended; or”.

#### **15 Duration of firearms licence**

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Section 25 of the principal Act is amended by adding the following subsections:

“(4) A firearms licence is not in force while it is suspended under **section 26A**, or by an order under **section 59F**.

“(5) **Subsection (4)** overrides subsection (1).”

25

#### **16 New sections 26A to 27B substituted**

The principal Act is amended by repealing section 27, and substituting the following sections:

“**26A Temporary suspension of firearms licence pending possible revocation**

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“(1) A commissioned officer of police may, by notice in writing under his or her hand to the holder of a firearms licence, temporarily suspend the licence if satisfied that—

“(a) the holder is not a fit and proper person to be in possession of a firearm or airgun; or

35

“(b) the holder has failed or refused to secure firearms in his or her possession, in accordance with regulations made

- under this Act, in secure storage facilities that comply with those regulations; or
- “(c) the licence has been seized under section 60 or section 60A or section 61; or
- “(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 on the ground that he or she is not a fit and proper person to be in possession of a firearm or airgun; or 5
- “(ii) a person whose firearms licence has been revoked on the ground that he or she is not a fit and proper person to be in possession of a firearm or airgun; or 10
- “(iii) a person who, in the opinion of a commissioned officer of Police, is not a fit and proper person to be in possession of a firearm or airgun; or 15
- “(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 the Arms Act 1958, has been refused on the ground that he or she is not a fit and proper person to be in possession of a firearm or airgun; or 20
- “(v) a person whose certificate of registration as the owner of a firearm has been revoked under section 10 of the Arms Act 1958 on the ground that he or she is not a fit and proper person to be in possession of a firearm. 25
- “(2) The notice must state—
- “(a) the ground on which it was given; and 30
- “(b) that the suspension is to enable the police to consider revoking the licence on that ground; and
- “(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 35
- “(d) the day on which the decision whether to revoke the licence will be made; and
- “(e) that the suspension lasts until notice of the decision whether the licence has been revoked is given to the holder. 40

- “(3) The day stated under **subsection (2)(c)** must not be later than, in the opinion of the police, is reasonable to enable the holder to prepare and make submissions.
- “(4) The day stated under **subsection (2)(d)** must not be later than, in the opinion of the police, is reasonable to enable the police— 5  
 “(a) to consider any submissions made by the holder before the day stated under **subsection (2)(c)**; and  
 “(b) in the light of those submissions (if any), to decide whether to revoke the licence.
- “(5) When or at any time after the notice has been given to the holder, any member of the police may require the holder (orally or in writing) to surrender the licence to the member of the police, the holder must then immediately do so. 10
- “(6) While the licence is suspended,— 15  
 “(a) this Act applies as if the holder is not licensed to possess firearms, airguns, or restricted weapons by virtue of the licence or any endorsement on it; and  
 “(b) section 28 applies to the holder as if the licence has been revoked; but  
 “(c) the Minister of Police must not exercise his or her discretion under section 28(3) for any firearm or restricted weapon delivered to a member of the police pursuant to section 28 to become the property of the Crown unless the licence is in fact revoked. 20
- 27 Revocation of suspended firearms licence 25**
- “(1) A commissioned officer of Police may, by notice in writing under his or her hand to the holder of a firearms licence temporarily suspended under **section 26A** revoke the licence, if he or she—  
 “(a) has considered any submissions made by the holder before the day stated under **paragraph (c) of subsection (2)** of that section on whether the licence should be revoked on the ground stated under **paragraph (a)** of that subsection; and 30  
 “(b) is satisfied that the licence should be revoked on that ground. 35
- “(2) Promptly after the decision whether to revoke a firearms licence temporarily suspended under **section 26A** is made, a commissioned officer of Police must give the holder written notice of the decision. 40

- “(3) On the revocation of a firearms licence under this section, its holder ceases to be licensed to possess firearms, airguns, restricted weapons, or ammunition by virtue of the licence or any endorsement on it.
- “27AA **Surrender of firearms licence** 5
- “(1) The holder of a firearms licence may at any time surrender it.
- “(2) On the surrender of the licence, the holder ceases to be licensed to possess firearms, airguns, restricted weapons, or ammunition by virtue of the licence or any endorsement on it.
- “27B **Firearms licences and domestic violence or harassment** 10
- “(1) A commissioned officer of Police may under any of **sections 24, 26A, and 26B** be satisfied that a person is not a fit and proper person to be in possession of a firearm, an airgun, a restricted weapon, or any ammunition if he or she is satisfied— 15
- “(a) that—
- “(i) there are grounds for making a protection order under the Domestic Violence Act 1995 against the person; or
- “(ii) such an order is in force against the person; or 20
- “(b) that—
- “(i) there are grounds for making a restraining order under the Harassment Act 1997 against the person; or
- “(ii) such an order is in force against the person. 25
- “(2) **Subsection (1)** does not limit any of **sections 24, 26A, and 26B.**”
- 17 Effect of non-compliance with requirements in relation to photographs or to calling-in of licences**
- Section 34B of the principal Act is amended by omitting the words “sections 5, 9, 24, 27, 29, 30A, 33B, and 36 of this Act”, and substituting the words “**sections 5A, 9, 24, 27, 29, 30A, 33B, and 36**”. 30
- 18 New section 39 substituted**
- The principal Act is amended by repealing section 39, and substituting the following section: 35



- “39 Loss, theft, or destruction of firearm or weapon**
- “(1) If a firearm or restricted weapon is lost or stolen, or a military-style semi-automatic firearm, pistol, or restricted weapon is destroyed, its owner must promptly give to a police station—
- “(a) written notice of its loss, theft, or destruction; and 5
- “(b) all information in his or her possession about its loss, theft, or destruction.
- “(2) Every person who contravenes **subsection (1)** commits an offence, and is liable on summary conviction to a fine not exceeding \$4,000.” 10
- 19 On demand by Police person in possession of firearm, airgun, pistol, or restricted weapon to give name, address, and date of birth**
- Section 40 of the principal Act is amended by—
- (a) omitting from the heading the words “**firearm, airgun, pistol, or restricted weapon**”, and substituting the words “**firearm, airgun, restricted weapon, or body armour**”; and 15
- (b) omitting from subsection (1) the words “firearm, airgun, pistol, or restricted weapon”, and substituting the words “firearm, airgun, restricted weapon, or body armour”. 20
- 20 New section 41 substituted**
- The principal Act is amended by repealing section 41, and substituting the following section: 25
- “41 Powers of Police to require surrender of airguns, antique firearms, or body armour**
- “(1) A commissioned officer of Police may, by notice in writing served on any person in possession of an airgun, an antique firearm, or any body armour, require the person to surrender it to a member of the police, if the commissioned officer of Police is satisfied that the person— 30
- “(a) is not the holder of a firearms licence or a dealer’s licence; and
- “(b) is not a fit and proper person to be in possession of it. 35
- “(2) A person served with a notice under **subsection (1)** must, on demand, deliver the airgun, antique firearm, or body armour concerned to a member of the police; and subsections (2) to

- (4) of section 28 apply accordingly, with any necessary modifications.
- “(3) A person served with a notice under **subsection (1)** may appeal under section 62 against the requirement concerned; and that section applies accordingly, with any necessary modifications. 5
- “(4) A person who fails to comply with **subsection (2)** commits an offence, and is liable on summary conviction to imprisonment for a term not exceeding 3 months, a fine not exceeding \$1,000, or both.” 10

## Part 2

### Amendments relating to criminal activity

#### 21 Offences in respect of licences

- (1) Section 42(1)(e) of the principal Act is amended by omitting the word “pistol,”. 15
- (2) Section 42 of the principal Act is amended by adding the following subsection:
- “(4) If a person is convicted of an offence against subsection (1), the court may, instead of or as well as sentencing him or her to imprisonment or a fine (or both), make a suspension order under **section 59F**.” 20

#### 22 Selling or supplying firearm or airgun to unlicensed person

- (1) Section 43 is amended by inserting in the heading, after the word “firearm”, the words “(other than military style semi-automatic firearm, pistol, or restricted weapon)”. 25
- (2) Section 43(1) is amended by omitting the words “3 months or to a fine not exceeding \$1,000”, and substituting the words “6 months or to a fine not exceeding \$2,000 or to both”.
- (3) Section 43 of the principal Act is amended by adding the following subsection: 30
- “(5) If a person is convicted of an offence against subsection (1), the court may, instead of or as well as sentencing him or her to imprisonment or a fine (or both), make a suspension order under **section 59F**.” 35

**23 New section 43A substituted**

The principal Act is amended by repealing section 43A, and substituting the following section:

**“43A Sales of firearms or ammunition by mail order or over Internet**

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“(1) Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$1,000, who sells a firearm, or any ammunition for a firearm or restricted weapon, by mail order or over the Internet without first having received from its buyer a written order that complies with **subsection (2)**.

10

“(2) The order—

“(a) must be in a form approved by the Commissioner of Police; and

“(b) must be signed by the buyer; and

“(c) must bear an endorsement, signed by a member of the police, stating that the member of the police—

15

“(i) has inspected the buyer’s firearms licence; and

“(ii) is satisfied that the buyer is a fit and proper person to buy the firearm, ammunition, or restricted weapon concerned.

20

“(3) Nothing in this section authorises the sale by mail order or over the Internet, or the delivery after sale by mail order or over the Internet, of—

“(a) a pistol, a restricted weapon, or a military style semi-automatic firearm; or

25

“(b) any ammunition for a firearm to which paragraph (a) or paragraph (b) or paragraph (c) of section 22(1) applies.”

**24 Selling or supplying pistol, military style semi-automatic firearm, or restricted weapon to person who does not hold permit to import or to procure**

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Section 44 of the principal Act is amended by adding the following subsection:

“(5) If a person is convicted of an offence against subsection (1), the court may, instead of or as well as sentencing him or her to imprisonment or a fine (or both), make a suspension order under **section 59F**.”

35

**25 Carrying or possession of firearms, airguns, pistols, restricted weapons, or explosives, except for lawful, proper, and sufficient purpose**

- (1) Section 45 of the principal Act is amended by omitting from the heading the word “**pistols**,”.
- (2) Section 45(1) of the principal Act is amended by omitting the word “pistol,”.
- (3) Section 45(2) of the principal Act is amended— 5
- (a) by omitting the words “4 years”, and substituting the words “5 years”.
- (b) by omitting the word “pistol,”.
- (4) Section 45 of the principal Act is amended by adding the following subsection: 10
- “(3) If a person is convicted of an offence against subsection (1), the court may, instead of or as well as sentencing him or her to imprisonment or a fine (or both), make a suspension order under **section 59F**.”
- 26 Being in charge of firearm, airgun, pistol, or restricted weapon while under the influence of drink or drug** 15
- (1) Section 47 of the principal Act is amended by omitting from the heading the word “**pistol**,”.
- (2) Section 47 of the principal Act is amended by omitting the word “pistol,” in both places where it occurs. 20
- (3) Section 47 of the principal Act is amended by adding, as **subsection (2)**, the following subsection:
- “(2) If a person is convicted of an offence against subsection (1), the court may, instead of or as well as sentencing him or her to imprisonment or a fine (or both), make a suspension order under **section 59F**.” 25
- 27 Discharging firearm, airgun, pistol, or restricted weapon in or near dwelling house or public place**
- (1) Section 48 of the principal Act is amended by omitting from the heading the word “**pistol**,”. 30
- (2) Section 48 of the principal Act is amended by omitting the word “pistol,”.
- (3) Section 48 of the principal Act is amended by adding, as **subsection (2)**, the following subsection:
- “(2) If a person is convicted of an offence against **subsection (1)**, the court may, instead of or as well as sentencing him or her to 35

imprisonment or a fine (or both), make a suspension order under **section 59F.**”

- 28 Using, discharging, or carrying certain firearms except for some lawful, proper, or sufficient purpose** 5
- (1) Section 49 of the principal Act is amended by inserting in the heading, after the word “**firearms**”, the words “**, or wearing, using, or carrying body armour,**”.
- (2) Section 49 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:
- “(1) Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$1,000 or to both who, except for some lawful, proper, and sufficient purpose,— 10
- “(a) uses, discharges, or carries anywhere any firearm of the kind known as— 15
- “(i) a bolt gun or a stud gun; or
- “(ii) a humane killer; or
- “(iii) a tranquilliser gun; or
- “(iv) a stock-marking pistol; or
- “(v) an underwater spear gun; or 20
- “(vi) a flare pistol; or
- “(vii) a deer-net gun; or
- “(viii) a pistol that is part of rocket or line throwing equipment; or
- “(ix) a miniature cannon; or 25
- “(b) wears, uses, or carries anywhere any body armour.”
- (3) Section 49(2) of the principal Act is amended by inserting, after the words “that subsection,”, the words “or wore, used, or carried any body armour,”.
- 29 New section 49A substituted** 30
- The principal Act is amended by repealing section 49A, and substituting the following section:
- “49A Unlawful possession of firearm or airgun after revocation or suspension of licence**
- “(1) Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding one year or to a fine not exceeding \$4,000 (or to both) who,— 35
- “(a) being a person whose firearms licence has been revoked, is in possession of a firearm or airgun at a time

- when that person is not the holder of a firearms licence;  
or  
“(b) being a person whose firearms licence is suspended, is  
in possession of a firearm or airgun.
- “(2) **Subsection (1)** is subject to **section 3A.**” 5
- 30 Unlawful possession of pistol or restricted weapon**
- (1) Section 50 of the principal Act is amended by omitting from  
the heading the word “**pistol**”, and substituting the words  
“**military style semi-automatic firearm, pistol**”.
- (2) Section 50 of the principal Act is amended by adding the 10  
following subsection:
- “(6) If a person is convicted of an offence against subsection (1),  
the court may, instead of or as well as sentencing him or her to  
imprisonment or a fine (or both), make a suspension order  
under **section 59F.**” 15
- 31 Unlawful carriage or possession in public place of  
firearm, airgun, pistol, ammunition, explosive, or  
restricted weapon**
- (1) Section 51 of the principal Act is amended by omitting from  
the heading the word “**pistol**”, 20
- (2) Section 51(1) of the principal Act is amended by omitting the  
word “pistol”.
- (3) Section 51 of the principal Act is amended by adding the  
following subsection:
- “(3) If a person is convicted of an offence against subsection (1), 25  
the court may, instead of or as well as sentencing him or her to  
imprisonment or a fine (or both), make a suspension order  
under **section 59F.**”
- 32 Presenting firearm, airgun, pistol, or restricted weapon  
at other person** 30
- (1) Section 52 of the principal Act is amended by omitting from  
the heading the word “**pistol**”.
- (2) Section 52(1) of the principal Act is amended by omitting the  
word “pistol”, in both places where it occurs.
- (3) Section 52(2) of the principal Act is amended by omitting the 35  
word “pistol”.

- (4) Section 52 of the principal Act is amended by adding the following subsection:
- “(3) If a person is convicted of an offence against subsection (1) or **subsection (2)**, the court may, instead of or as well as sentencing him or her to imprisonment or a fine (or both), make a suspension order under **section 59F**.” 5
- 33 Careless use of firearm, airgun, pistol, or restricted weapon**
- (1) Section 53 of the principal Act is amended by omitting from the heading the word “**pistol**,”. 10
- (2) Section 53(1) of the principal Act is amended by omitting the word “pistol,”.
- (3) Section 53(2) of the principal Act is amended by omitting the word “pistol,” in both places where it occurs.
- (4) Section 53(3) of the principal Act is amended by omitting the word “pistol,”. 15
- (5) Section 53 of the principal Act is amended by adding the following subsection:
- “(5) If a person is convicted of an offence against any of subsections (1) to **(3)**, the court may, instead of or as well as sentencing him or her to imprisonment or a fine (or both), make a suspension order under **section 59F**.” 20
- 34 New section 54 substituted**
- The principal Act is amended by repealing section 54, and substituting the following section: 25
- “**54 Use or attempted use of firearm, imitation firearm, restricted weapon, ammunition, explosive, or body armour to resist or prevent arrest or commit offence**
- “(1) Every person commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding 7 years who makes or attempts to make any use whatsoever of any airgun, imitation firearm, restricted weapon, ammunition, explosive or body armour with intent to resist or prevent the lawful arrest or detention of himself or herself or another person. 30
- “(2) Every person commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding 5 years who, at the time of his or her committing an offence 35

punishable by imprisonment for a term of 3 years or more, has in his or her possession any firearm, airgun, imitation firearm, restricted weapon, ammunition, explosive, or body armour.

- “(3) It is a good defence to a prosecution for an offence against **subsection (2)** if the defendant proves that he or she had the firearm, airgun, imitation firearm, restricted weapon, ammunition, explosive, or body armour concerned in his or her possession for a lawful purpose. 5
- “(4) If a person is convicted of an offence against **subsection (1) or subsection (2)**, the court may, instead of or as well as sentencing him or her to imprisonment or a fine (or both), make a suspension order under **section 59F**.” 10

**35 Carrying firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive with criminal intent** 15

- (1) Section 55 of the principal Act is amended by omitting from the heading the words “**pistol, imitation firearm, restricted weapon, ammunition, or explosive**”, and substituting the words “**imitation firearm, restricted weapon, ammunition, explosive, or body armour**”. 20
- (2) Section 55(1) of the principal Act is amended by omitting the words “pistol, imitation firearm, restricted weapon, ammunition, or explosive”, in both places where they occur, and substituting in each case the words “imitation firearm, restricted weapon, ammunition, explosive, or body armour”. 25
- (3) Section 55(2) of the principal Act is amended by omitting the words “pistol, imitation firearm, restricted weapon, ammunition, or explosive”, and substituting the words “imitation firearm, restricted weapon, ammunition, explosive, or body armour”. 30
- (4) Section 55 of the principal Act is amended by adding the following subsection:
- “(3) If a person is convicted of an offence against subsection (1) or **subsection (2)**, the court may, instead of or as well as sentencing him or her to imprisonment or a fine (or both), make a suspension order under **section 59F**.” 35



- 36 Reporting of injuries caused by firearms, airguns, pistols, or restricted weapons**
- (1) Section 58 of the principal Act is amended by omitting from the heading the word “**pistols**,”.
- (2) Section 58(1) of the principal Act is amended by omitting the word “pistol,”. 5
- 37 Unsafe firearms or pistols**
- (1) Section 59 of the principal Act is amended by omitting from the heading the words “**or pistols**”.
- (2) Section 59 of the principal Act is amended by omitting the words “or pistol” wherever they occur. 10
- (3) Section 59 of the principal Act is amended by inserting, after subsection (4), the following subsection:
- “(4A) If a person is convicted of an offence against subsection (4), the court may, instead of or as well as sentencing him or her to imprisonment or a fine (or both), make a suspension order under **section 59F**.” 15
- 38 New sections 59A to 59G inserted**
- The principal Act is amended by inserting, after section 59, the following headings and sections: 20
- “*Unlawful manufacture of or dealing with firearms*
- “59A **Unlawful manufacture of firearms**
- Every person commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding 5 years or to a fine not exceeding \$10,000 (or to both) who,— 25
- “(a) not being the holder of a dealer’s licence to do so, in the way of his or her business manufactures for sale, hire, or other supply—
- “(i) an airgun, any ammunition, a firearm, or a restricted weapon; or 30
- “(ii) a part of an airgun, a firearm, or a restricted weapon; or
- “(b) fails to maintain, or to maintain in accordance with regulations made under this Act, records required by those regulations to be maintained in relation to the manufacture of firearms; or 35
- “(c) fails to place on a firearm or part of a firearm manufactured by him or her, in accordance with regulations

made under this Act, an identifying marking required by those regulations to be placed on the firearm or part.

- “59B Unlawful import or export of firearms, parts of firearms, restricted weapons, starting pistols, or ammunition** 5
- Every person commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding 5 years or to a fine not exceeding \$10,000 or to both who,—
- “(a) contravenes **section 16(1), or section 16(2), or section 16A(2);** or 10
- “(b) exports firearms, parts of firearms, restricted weapons, or ammunition in contravention of an order under section 56 of the Customs and Excise Act 1996.
- “59C Unlawful modification of firearm marking** 15
- Every person commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding 5 years or to a fine not exceeding \$10,000 or to both who, except for some lawful, proper, and sufficient purpose, alters, falsifies, obliterates, or removes an identifying marking on a firearm or a part of a firearm. 20
- “59D Extraterritorial jurisdiction in respect of offences against sections 59A to 59C**
- Even if the acts or omissions alleged to constitute the offence occurred wholly outside New Zealand, proceedings may be brought for an offence against **section 59A, section 59B, or section 59C** if the person to be charged— 25
- “(a) is a New Zealand citizen; or
- “(b) is ordinarily resident in New Zealand.
- “59E Attorney-General’s consent required where jurisdiction claimed under section 59D** 30
- “(1) Proceedings for an offence against **section 59A, section 59B or section 59C** cannot be brought in a New Zealand court against a person without the Attorney-General’s consent, if jurisdiction over the person is claimed by virtue of **section 59D**.
- “(2) A person over whom jurisdiction is claimed by virtue of **section 59D** may be arrested for an offence against **section 59A, section 59B, or section 59C**, or a warrant for the person’s arrest 35

for the offence may be issued and executed, and the person may be remanded in custody or on bail, even though the Attorney-General's consent to the bringing of proceedings against the person has not been obtained.

*“Suspension orders*

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**“59F Suspension orders**

**“(1) If empowered by this Act to do so, a court may make an order suspending for a stated period any or all of the following:**

**“(a) the firearms licence of a convicted person:**

**“(b) the dealer's licence of a convicted person:**

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**“(c) any endorsement under section 30 or section 30B of the firearms licence of a convicted person.**

**“(2) The period of suspension—**

**“(a) must be at least 3 months; and**

**“(b) may otherwise be any period the court thinks fit; and**

15

**“(c) begins when the order is made, unless the court orders otherwise.**

**“(3) The order—**

**“(a) must be in the prescribed form; and**

**“(b) must be given to the convicted person before he or she leaves court or as soon as is practicable afterwards.**

20

**“(4) Promptly after the order is made, the Registrar of the court must give a copy to the officer in charge of the police station nearest to the court.**

**“(5) In the case of a suspension empowered by **section 10(4), section 11(3), or section 12(5)**, only the dealer's licence of the convicted person can be suspended.**

25

**“59G Effect of suspension order**

**“(1) For the purposes of Part IV of the Summary Proceedings Act 1957 and Part XIII of the Crimes Act 1961, an order under **section 59F** is a sentence.**

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**“(2) The holder of a licence suspended by an order under **section 59F**, or of a licence bearing an endorsement suspended by such an order, must immediately on demand by a member of police surrender the licence to the member of police; and the police must (as the case requires)—**

35

**“(a) keep the licence for the period of suspension, and then hold it for uplifting by the holder; or**

- “(b) promptly cancel any endorsement suspended, and then hold the licence for uplifting by the holder.
- “(3) While a firearms licence is suspended by an order under **section 59F**—
- “(a) its holder is disqualified from obtaining another firearms licence; and 5
- “(b) this Act applies as if its holder is not licensed to possess firearms, airguns, or restricted weapons by virtue of the licence or any endorsement on it; and
- “(c) section 28 applies to its holder as if the licence has been revoked; but 10
- “(d) the Minister of Police must not exercise his or her discretion under section 28(3) for any firearm or restricted weapon delivered to a member of the police pursuant to section 28 to become the property of the Crown unless the licence is in fact revoked. 15
- “(4) While a dealer’s licence is suspended by an order under **section 59F**—
- “(a) its holder is disqualified from obtaining another dealer’s licence; and 20
- “(b) sections 14 and 15 apply.
- “(5) While an endorsement is suspended by an order under **section 59F**—
- “(a) its holder is disqualified from obtaining any endorsement applying to firearms or restricted weapons of a kind to which the endorsement applies; and 25
- “(b) this Act applies as if its holder is not licensed to possess firearms or restricted weapons by virtue of the endorsement; and
- “(c) section 28 applies— 30
- “(i) as if the order were a revocation under section 27; but
- “(ii) as if the references in section 28 to any firearm or restricted weapon were references to any firearm or restricted weapon of a kind to which the endorsement applies. 35
- “(6) **Subsections (3) to (5)** are subject to **section 3A.**”
- 39 Search of suspected persons and seizure of firearms, airguns, pistols, imitation firearms, restricted weapons, ammunition, or explosives 40**

- (1) Section 60 of the principal Act is amended by omitting from the heading the words “**pistols, imitation firearms, restricted weapons, ammunition, or explosives**”, and substituting the words “**imitation firearms, restricted weapons, ammunition, explosives, or body armour**”. 5
- (2) Section 60(1) of the principal Act is amended by omitting the words “pistol, imitation firearm, restricted weapon, ammunition, or explosive”, in both places where they occur, and substituting in each case the words “imitation firearm, restricted weapon, ammunition, explosive, or body armour”. 10
- (3) Section 60(1) of the principal Act is amended by adding the following paragraph:  
“(d) seize and detain any firearms licence or dealer’s licence found.”
- (4) Section 60(2) of the principal Act is amended by omitting the words “pistol, imitation firearm, restricted weapon, ammunition, or explosive”, in each place where they occur, and substituting in each case the words “imitation firearm, restricted weapon, ammunition, explosive, or body armour”. 15
- (5) Section 60(2) of the principal Act is amended by adding the following paragraph:  
“(d) seize and detain any firearms licence or dealer’s licence found.” 20
- 40 Search of suspected person and seizure of firearms in cases of domestic violence** 25  
Section 60A of the principal Act is amended by—
- (a) inserting in the heading, after the word “**firearms**”, the words “**and firearms licences**”; and
- (b) omitting the word “pistol”; and
- (c) omitting the words “(c) of subsection (2) of section 60 of this Act”, and substituting the words “(d) of section 60(2)”. 30
- 41 New sections 61 and 61A substituted**  
The principal Act is amended by repealing section 61 and substituting the following sections: 35
- “**61 Searches for firearms, airguns, imitation firearms, restricted weapons, ammunition, explosives, or body armour**

- “(1) If any commissioned officer of Police has reason to suspect that there is in any place a thing to which **subsection (2)** applies, the commissioned officer, or any member or members of the police authorised by him or her in writing, may—
- “(a) enter the place, by force if necessary, and either by day or night, and search it or any part of it; and 5
- “(b) seize and detain any thing found there to which **subsection (2)** applies.
- “(2) This subsection applies to—
- “(a) any firearm, airgun, imitation firearm, restricted weapon, ammunition, explosive, or body armour in respect of which an offence against this Act or an indictable offence has been or is about to be committed, or that may be evidence of such an offence; and 10
- “(b) any part of a firearm, an airgun, an imitation firearm, a restricted weapon, any ammunition, explosive, or body armour in respect of which an offence against this Act or an indictable offence has been committed, or that may be evidence of such an offence; and 15
- “(c) any thing intended to be used as part of a firearm, an airgun, an imitation firearm, any restricted weapon, ammunition, explosive, or body armour in respect of which an offence against this Act or an indictable offence is about to be committed, or that may be evidence of such an offence. 20 25
- “(3) If a commissioned officer of Police has reason to suspect that any place contains a thing to which **subsection (4)** applies that is not secured, in accordance with regulations made under this Act, in secure storage facilities that comply with those regulations, the commissioned officer of Police or any member or members of the police authorised by him or her in writing, may— 30
- “(a) enter the place, by force if necessary, and either by day or night, and search it or any part of it; and
- “(b) seize and detain any thing to which **subsection (4)** applies found there. 35
- “(4) This subsection applies to—
- “(a) any firearm, airgun, imitation firearm, restricted weapon, ammunition, or explosive; and

- “(b) any thing that is, or is intended to be used as part of, a firearm, an airgun, an imitation firearm, a restricted weapon, any ammunition, or explosive.
- “(5) A member of the police who has entered a place under **subsection (1) or subsection (3)** and has reasonable grounds to suspect that a person on or in the place has a firearm, an airgun, an imitation firearm, any restricted weapon, any ammunition, explosive, or body armour in his or her possession, may—
- “(a) search the person:
- “(b) detain the person, using any force that is reasonable in the circumstances, for the purpose of the search:
- “(c) seize and detain any firearm, airgun, imitation firearm, restricted weapon, ammunition, explosive, body armour, firearms licence, or dealer’s licence found on the person.
- “(6) In this section, **place** includes building, aircraft, vessel, hovercraft, carriage, vehicle, and premises.
- 61A Duties of members of the police conducting searches**
- “(1) It is the duty of every member of the police conducting a search under **section 61**—
- “(a) to identify himself or herself to the occupant (if any) of the place concerned; and
- “(b) to tell the occupant (if any) that the search is being made under that section; and
- “(c) if he or she is not in uniform,—
- “(i) on initial entry, to produce to the occupant (if any) evidence that he or she is a member of the police; and
- “(ii) if requested at any time later by the occupant, to produce to the occupant evidence that he or she is a member of the police.
- “(2) Within 3 days after the day on which he or she exercises a power conferred by **section 61**, a member of the police must give the Commissioner a written report on its exercise and the circumstances in which it came to be exercised.”

## 42 Restoration of articles seized

Section 65 of the principal Act is amended by omitting the words “pistol, imitation firearm, restricted weapon, ammunition, or explosive”, and substituting the words “imitation

firearm, restricted weapon, ammunition, explosive, or body armour”.

- 43 Occupier of premises or driver of vehicle deemed to be in possession of firearm, airgun, pistol, imitation firearm, restricted weapon, or explosive found therein** 5
- Section 66 of the principal Act is amended by—
- (a) omitting from the heading the words “**pistol, imitation firearm, restricted weapon, or explosive**”, and substituting the words “**imitation firearm, restricted weapon, ammunition, explosive, or body armour**”; 10  
and
- (b) omitting the words “pistol, imitation firearm, restricted weapon, or explosive”, in both places where they occur, and substituting in each case the words “imitation firearm, restricted weapon, ammunition, explosive, or body armour”. 15
- 44 Forfeitures**
- Section 69 of the principal Act is amended by omitting from subsections (1) and (2) the words “or explosive” (in the case of subsection (1), in both places where it occurs), and substituting in each case the words “explosive, or body armour”. 20
- 45 Authorising disposal of firearms, etc, detained by Police**
- Section 70 of the principal Act is amended by omitting from subsections (1) and (2) the words “pistol, restricted weapon, imitation firearm, ammunition, or explosive”, and substituting in each case the words “restricted weapon, imitation firearm, ammunition, explosive, or body armour”. 25
- 46 Savings in respect of carriers and persons authorised to exercise powers of seizure**
- Section 73(1) of the principal Act is amended by omitting the words “pistol, imitation firearm, restricted weapon, ammunition, or explosive”, in both places where they occur, and substituting in each case the words “imitation firearm, restricted weapon, ammunition, explosive, or body armour”. 30



**47 Regulations**

- (1) Section 74(1)(h) is amended by inserting, after the word “dealers”, the words “, and the period for which dealers must keep records of those particulars”.
- (2) Section 74(1) is amended by repealing paragraphs (i) and (j), and substituting the following paragraphs: 5
- “(i) making provision for the security of any premises at which a licensed dealer carries on business and prescribing precautions to be taken to prevent the theft or misuse of— 10
- “(i) firearms, airguns, restricted weapons, ammunition, or explosives in the possession of licensed dealers; or
- “(ii) firearms, airguns, restricted weapons, ammunition, or explosives of any particular kind or description in the possession of licensed dealers: 15
- “(j) making provision for the security of premises at which firearms, airguns, restricted weapons, ammunition, or explosives, are kept, and prescribing precautions to be taken to prevent the theft or misuse of— 20
- “(i) firearms, airguns, restricted weapons, ammunition, or explosives in the possession of any person or people of any particular kind or description; or
- “(ii) firearms, airguns, restricted weapons, ammunition, or explosives of any particular kind or description in the possession of any person or people of any particular kind or description:”. 25
- (3) Section 74(1) of the principal Act is amended by repealing paragraph (k), and substituting the following paragraph: 30
- “(k) specifying for the purposes of sections 29 and 30A classes of person who may obtain endorsements permitting them to have possession of pistols, restricted weapons, or military style semi-automatic firearms:”. 35
- (4) Section 74(1)(l) of the principal Act is amended by omitting the words “before the issue of a licence or permit”.

**48 Removal of other unnecessary references to pistols in principal Act**

- (1) The principal Act is amended by—

- 
- (a) omitting from the heading to section 31 the word “**pistol**,”; and
  - (b) omitting from the heading to section 13 the word “**pistols**,”; and
  - (c) omitting from sections 11(1), 18B(1) (where it first occurs), 18B(2) (where it first and thirdly occurs), 18B(3) (where it first and thirdly occurs), 28(1), 28(2), 28(3), 28(4), 69(1), and 69(2), the word “pistol,”; and 5
  - (d) omitting from section 31 (wherever it occurs), the word “pistol”; and 10
  - (e) omitting from sections 13(1), 13(2), 13(4), 13(5), the word “pistols,”.

#### **49 Consequential amendments**

The enactments specified in the **Schedule** are amended in the manner indicated in the **Schedule**.

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s 49

## Schedule Consequential amendments

### Extradition Act 1999 (1999 No 55)

Insert in section 101B(1) after paragraph (b):

“(ba) every offence against any of **sections 59A, 59B, and 59C** of the Arms Act 1983:” 5

Insert in section 101B(5) before the definition of **foreign country**:

“**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 Organized Crime, done at New York on 31 May 2001”. 10

Omit from paragraph (b) of the definition of **foreign country** in section 101B(5) the words “migrants protocol, TOC” and substitute the words “firearms protocol, the migrants protocol, the TOC”. 15

### Mutual Assistance in Criminal Matters Act 1992 (1992 No 86)

Insert in the Schedule after item 29:

30	The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition supplementing the United Nations Convention against Transnational Organized crime, done at New York on 31 May 2001.	An offence against any of the following sections of the Arms Act 1983	20
		section 59A	30
		59B	35
		59C	35

### Summary Proceedings Act 1957 (1957 No 87)

Omit from the item in the second column of Part II of the First Schedule relating to section 45(1) of the Arms Act 1983 the word “pistols,”. 40

Omit from the item in the second column of Part II of the First Schedule relating to section 50(1) of the Arms Act 1983 the word

**Summary Proceedings Act 1957 (1957 No 87)—continued**

“pistol”, and substitute the words “military style semi-automatic firearm, pistol,”.

Omit from the items in the second column of Part II of the First Schedule relating to sections 51(1), 53(1), 53(2), and 53(3) of the Arms Act 1983 word “pistol,”.

5

Omit from the item in the second column of Part II of the First Schedule relating to section 54 of the Arms Act 1983 the words “imitation firearm, restricted weapon, ammunition, or explosive” and substitute the words “firearm, imitation firearm, restricted weapon, ammunition, explosive, or body armour”.

10

Omit from the item in the second column of Part II of the First Schedule relating to section 55 of the Arms Act 1983 the words “pistol, imitation firearm, restricted weapon, ammunition, or explosive” and substitute the words “imitation firearm, restricted weapon, ammunition, explosive, or body armour”.

15