

2 March 2021

MATTER NO: CN1361
OUR CONTACT: Brigitte Morten

Hon Poto Williams
Minister for Police
Parliament Buildings
Wellington

By email: poto.williams@parliament.govt.nz

RE: Firearm Licensing Delays

Dear Minister,

1. We represent the Council of Licensed Firearms Owners ["COLFO"]. Our clients and their supporters are frustrated by the delays for the processing of applications and renewals of firearms licences. These delays are potentially criminalising people doing their best to comply with the law but thwarted by persistent administrative failure.
2. COLFO seeks to work constructively with the government on firearms control. They want to rebuild the mutual trust relationships between Police and firearms owners, and firearms owners and non-owners that were a legitimate source of pride for New Zealanders until recent years. But they will not serve anyone's interests properly if they do not talk frankly to the Police and you. The inability to meet the requirements of the law is damaging the Police's reputation. More importantly it is cementing a perception amongst our supporters that they do not regard firearms law as 'real' law with moral force.
3. Our clients propose practical mechanisms to alleviate pressure in the licensing system without undermining safety.

The Problem

4. As reported in by Stuff.co.nz in December 2020, there was a backlog of 10,000 applications, including renewal for firearm licences. These are at least 10,000 people who want to be law abiding.
5. Supporters of COLFO report that they are waiting at least six months for standard renewals and when they do receive their new licences and endorsements, they have been backdated to the date of application. This is especially unfair on people with dealer's licences who must renew their licence annually. We are told that some dealers within two months of receiving their renewed licence have to start the application process again.
6. Not only are the dealers burdened with unnecessary paperwork. So are Police.
7. People for whom the delay in receiving a renewal has meant they become 'unlicensed' are now supposed to place their firearms with another licensed firearm owner. The alcohol

licensing regime, for example, provides for licences to continue in force while a renewal is being considered. No such provision exists under the Arms Act.

8. For those with firearms requiring an endorsement, this means the recipient holder must apply for a permit to possess these items. This creates additional work for these firearm owners, but also involves an additional application for Police to process. It is adding to the backlog.
9. The problem increases when considering those with endorsements as they have to find another licensed firearm owner with the same endorsements to hold the firearms, for larger collections this will represent a considerable workload and increase the risk of theft or burglary when transporting between secure locations.
10. Police initially stated that the delays were caused by lockdown. Recent correspondence received by COLFO supporters stated that the backlog has also been caused by changes to the fit and proper test in the Arms Amendment Act 2020.

The Solution

11. The government recognised that the March 2020 lockdown would delay firearm application processing. It arranged for law abiding citizens to not be penalised. The COVID-19 Response (Further Management Measures) Legislation Act 2020, which provided a temporary extension of licences that expired between March and September 2020, was sensible and practical. Unfortunately this has not alleviated the current pressure on the system.
12. Fortunately for the government and people that need licensing, the Arms Amendment Act 2020 gives you power to implement similar interim arrangements. You do not need to go through Parliament to alleviate the backlog frustration. Under the Arms Act 1983, the Minister of Police may recommend regulating for –
 - a) the issue, renewal and replacement of permits and licences and the granting of endorsements (s74(1)(a) of the Act);
 - b) exclusions for any firearms or ammunition from any provision of the Act (s74(1)(o) of the Act); and
 - c) transition and savings provisions concerning the coming into force of the Arms Amendment Act 2020 (s74D(1)(a) of the Act).
13. COLFO recognises that the government is developing changes to the fit and proper test in light of the Royal Commission Report. People seeking a renewal pose a significantly lower risk than new licence applicants as they have already been deemed fit and proper. Expecting them to give their firearms to others temporarily may be naïve. Frustration exacerbates the greater risk for the community of widespread tacit collusion to ignore inconvenient requirements. The Police have powers in the Act to revoke licences and seek surrender of firearms of people who are no longer fit and proper.
14. We urge you take action to relieve pressure for applicants and Police by using the above powers. Either establish an amnesty against prosecution for anyone delayed in their licensing

renewal application, or create an automatic extension to licences pending decisions for renewal.

15. Licence holders are responsible for maintaining their licence. COLFO would expect that any amnesty or extension would require people to apply for their renewal within a specified period.
16. Our clients see no reason to delay such a solution. We look forward to hearing from you.

Yours faithfully
FRANKS OGILVIE



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