

Submission to the Select Committee on the Arms Legislation Bill:

Firearms Advisory Group

1. COLFO welcomes a proposed formalisation of arrangements for better policy and advisory input on firearms. In COLFO's view, Ministers have been sand-bagged on a number of issues by the Police. From what we have seen from OIA requested material, the Police advice to Ministers has been incomplete, biased, and often wrong on technical matters. It shows a very poor grasp of regulatory design issues, and almost no disciplined research. The RIA has a number of incorrect assumptions. The most obvious falsehood is that a benefit of this Bill will be to "build trust and confidence with the firearms community".¹
2. COLFO has endeavoured to work constructively with Police for many years. It has been achieved with a good number of officers. But it has become increasingly frustrated by Police using firearms consultation as merely a process to be followed, rather than a constructive source of expertise. Our experience has too often seemed to indicate a senior Police view that consultation is an irksome cosmetic process, something to undergo to tick the procedure list.
3. COLFO suggests key changes to turn the Firearms Advisory Group into a constructive forum. It should:
 - a. Have genuine responsibility and some power. For example, it should have power to veto any exercise by Police (through Orders in Council) of the constitutionally offensive provisions for suspension of statutory protections, and the extension of offences by changes in definitions or other regulation. With genuine veto on regulation, responsibility is more likely, people of more calibre are prepared to put their time into the task, and most importantly of all, the Police will be obliged to pay it respect, and to keep it fully informed if they want its support;
 - b. Have the appointment power specified to get genuine experts, or trusted representatives. The first is so the body has legitimate authority, not only on the decisions it makes, but more importantly, to generate support and buy-in among shooting sports people and professional firearms users. If its composition is focussed on expertise, and mana within the community, then it will serve its vital communication function best – feeding information both ways. Up to inform the Minister and policy, and back down to generate more community trust and understanding;
 - c. Not be doomed as a debating forum by inserting political activists into what should be a working body with everyday practical decision-making and information exchange. People with the rooted objectives of limiting current rights and enjoyments will compromise confidentiality, and destroy the potential for the industry group to deal frankly (or bluntly) with each other;

¹ NZ Police, Regulatory Impact Assessment: Arms Legislation Bill, p 4.

- d. Recognise that separate anti-gun comment on policy proposals is a completely different function from every-day maintenance of a healthy mutual working relationship between the Police and the leadership of shooting sport organisations, including dealers and other industry experts. If idealistic hope of consensus means that anti-gun zealots are injected into the formal advisory group, it will become a dysfunctional body that the Police can afford to treat as cosmetic. Industry representatives know that the Minister will want anti-gun input. The Minister can designate a panel of people if the Minister wishes to get anti-gun input. They can encourage formal interaction between the sides. But that should not be at the expense of effective functioning of the industry advisory body. Conceivably relationships might emerge between the partisan sides that reduce the political temperature. But to force them to function together on practical detail is more likely to condemn the advisory body to deadlock.
 - e. Ensure that the trust of firearms owners that the group is properly focused, and that the extraordinary powers are not being abused by people with agendas other than respectful advancement of safety. Police should be able to entrust the advisory group with confidences in the expectation that they will work effectively to influence shooting sport organisations and professionals. Expecting Police to trust such information to a group including sworn political opponents would be naïve in the extreme. A body of political opponents will function more like the House of Representatives, where parties with firmly opposing positions necessarily bring prepared positions. They are obliged to adhere to their party line. Genuine compromise must happen elsewhere. If the Minister has clearly indicated who will be consulted on policy matters (in distinction to the practical exercise of discretion that the advisory body should help manage) then the industry will try to engage with the Ministers anti-gun nominees;
 - f. Have express powers for the advisory body to report directly to the Minister if it chooses, and not just the Commissioner of Police. It should have a budget that enables it to engage its own secretariat in case servicing by the Police becomes too compromising of its deliberations.
4. Finally, COLFO observes that the Firearms Community Advisory Forum has been in operation for years. If the Government or the Police had any respect for consultation it would have been consulted on this Bill. If it had been, it would have helped avoid many of the impractical parts of this legislation.
 5. It is clear that if nothing substantial changes, another group reporting directly to the Commissioner will ignored, as has the Firearms Community Advisory Forum.
 6. We also strongly recommend that the Advisory Group be authorised to report directly to the Minister of Justice if it wishes, as well as to the Minister of Police. This Bill offends against many basic principles of justice, and ignores constitutional safeguards. COLFO would like to think that the Government might not have gone so far with such poor legislation if a control



department had responsibility for testing the drafts at an earlier stage. The Government has stated that firearms reform is of the highest priority to them, therefore the availability of timely information and expertise should be provided at the highest level.

7. Direct reporting to a Minister by a consultative group is normal. This Government has established bodies to report directly to Ministers on other issues, such as the Small Business Council that reports directly to Minister Nash. If the issues are important, Ministers should want to hear unfiltered from the community on both small business, and on firearms.