**NEW ZEALAND GOVERNMENT RESPONSE TO QUESTIONAIRRE ON REGULATION OF CIVILIAN ACQUISITION, POSSESSION AND USE OF FIREARMS**

1. **Does your country have regulations regarding the acquisition, possession and use of firearms by civilians? Please provide information on relevant legislation, regulations, administrative procedures, policies or any other measures in this regard.**

Firearms in New Zealand are primarily controlled by the Arms Act 1983, the Arms Regulations 1992, and the Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984.  For example, under the Arms Act, any person of or over the age of 16 years may apply for a firearms licence. All persons in possession of a firearm must hold a licence, or be under the immediate supervision of a licence holder. This legislation is supplemented by policy directions in the New Zealand Police Arms Manual 2002.

1. **Does your country have specific regulations regarding the acquisition, possession and use by private security companies? Please provide information on relevant legislation, regulations, administrative procedures, policies or any other measures in this regard.**

New Zealand does not have any specific legislation or regulations that permit the carrying of firearms by private security companies.

1. **Does your country have regulations that restrict or prohibit the import and export of firearms or certain types of firearms intended for civilian use? Please provide information on relevant legislation, regulations, administrative procedures, policies or any other measures in this regard.**

The Arms Act 1983 requires those importing firearms to have an import permit from New Zealand Police. Further details on that requirement are included in the Arms Regulations 1992, Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984, and the New Zealand Police Arms Manual 2002 (policy and practice).

New Zealand’s exports of firearms are managed by the New Zealand Ministry of Foreign Affairs and Trade – consistent with UN agreements/policies. The New Zealand export regime is mandated under the Customs and Excise Act and all firearms require an export permit.

1. **Has your country undertaken any regional or international commitments related to the regulation of civilian acquisition, possession or use of firearms? If so, please list them and give any relevant details.**

New Zealand is a State Party to the Arms Trade Treaty (entered into force 24/12/2014) and is also a member of the Wassenaar Arrangement onExport Controls for Conventional Arms and Dual Use Goods and Technologies.

1. **What are the types and characteristics of firearms to which civilians can lawfully have access? Are there any limits on the number of firearms which civilians may own? Please provide details of each.**

There are no limits on the number of firearms that the holder of a firearms licence may possess, although pistols are restricted to 12 per licence holder in the case of pistol target shooting. Pistols can only be used on a police approved range operated by a Police-approved club.  Those possessing pistols, military style semi-automatic firearms or restricted weapons must also obtain an endorsement on their licence. Restricted weapons can only be used for movie making, using blank ammunition, or possessed by bona fide collectors of firearms or a person to whom the weapon has special significance as an heirloom or memento.  Additionally they must be stored in an inoperative state.

1. **Please provide information on how firearms are categorized according to risk factors and how they are legally classified.**
	* Sporting rifles and shotguns are possessed on a standard firearms licence – categorised as *low risk.*
	* Military style semi-automatic rifles and shotguns require a special firearms licence endorsement and are also recorded on the endorsement – categorised as *medium risk.*
	* Pistols (target shooting only) require a special firearms licence endorsement and are also recorded on the endorsement – categorised as *medium risk.*
	* Restricted weapons (machine guns and submachine guns of all types, machine pistols, and all firearms capable of full automatic fire) require a special firearms licence endorsement and are also recorded on the endorsement.  They can only be used for collection and display or movie/TV/re-enactment production. They must be stored in an inoperative state – categorised as *high risk.*
2. **Who may lawfully possess firearms in your country? Please provide information on:**

**(a)  Whether civilians are required to hold a licence or a certificate in order to acquire, own/possess or use a firearm, and**

The Arms Act 1983 centres on the licensing of persons who can satisfy Police that they are fit and proper to be in possession of firearms.  The potential risks associated with particular types of firearms are dealt with through the endorsement system.  Endorsements on firearm licences are required for possession of pistols, military style semi-automatic firearms (MSSAs) and restricted weapons which require Police to consider further criteria.

**(b)  What are the minimum requirements for the issuance or renewal of license or a certificate to acquire, own/possess of use firearms.**

Persons applying for the issuance or renewal of a firearms licence must be 16 years of age or older; a fit and proper person to possess a firearm (no criminal history, no history of family violence, secure storage for firearms); and they must complete an application. A first time applicant is required to attend and pass a firearms safety course prior to submitting their licence application. New Zealand police interview applicants for the issuance and renewal of a firearms licence, inspect the security arrangements and interview referees as to the good character of applicants.

1. **For what purpose does the domestic legislative or regulatory framework allow civilians to have access to firearm(s)? Can civilians carry firearms in public places?**

Licences for possessing standard sporting rifles and shotguns may be issued for hunting, target sports and/or collection purposes.

Endorsements for the possession of military style semi-automatic rifles and shotguns may be issued for hunting, target sports and/or collection.

Endorsements for the possession of Restricted Weapons (machine guns and submachine guns of all types, machine pistols, and all firearms capable of full automatic fire)) may be issued for collections, movie-making, and/or military re-enactment (Living History) with blank-firing only.

A civilian may carry a firearm in a public place if they have a firearms licence and have some lawful purpose for doing so.

New Zealand law does not permit the possession of a firearm ‘in anticipation’ that it may need to be used in self-defence. Further, the Arms Code (a firearms safety manual issued by the New Zealand Police) states that people who indicate an intent to use firearms for self-defence may find it difficult to satisfy NZ Police that they are fit and proper to have a firearms licence.

1. **What are the conditions for possession of firearms by civilians (e.g. safe storage requirements, reporting of theft or loss of firearm)?**

One of the conditions of a firearms licence is the secure storage of all firearms possessed by the licensee.  The security requirements are enhanced for possession of pistols, MSSAs and restricted weapons. It is a legal requirement for people to report to Police the loss or theft of any firearm that they own. Failure to do so carries a maximum fine of $500.

1. **Is there a system to keep a record of firearms acquired or owned by civilians?**

New Zealand Police does not maintain a record of all standard sporting firearms owned by firearm licence holders. However, there is a record of all pistols, MSSAs and restricted weapons owned by licence holders.

1. **What are the conditions for the transfer of ownership of firearms between civilians?**

Standard sporting firearms may be freely traded between firearm licence holders.  For pistols, MSSAs and restricted weapons, the person taking possession must have a permit to procure from New Zealand Police.

1. **What measures are in place to regulate private entities engaged in selling firearms to civilians in the domestic market?  What conditions are private entities required to fulfil in order to qualify for a licence to sell firearms?**

All traders in firearms must hold a Firearms Dealers Licence issued by Police (as well as a firearms licence).  These licences must be renewed annually.

A dealer's licence may only be issued if Police are satisfied that the person is a fit and proper person to carry on the business of dealing in firearms.  Dealers must maintain records of all their transactions and must permit any member of Police to inspect and make copies of those records.

1. **How does your country monitor and enforce existing regulation of civilian access to firearms? What sanctions, if any, does your domestic legislation provide for:**
2. **illegal possession,**
3. **possession of prohibited firearms or of a number of firearms exceeding what the law allows,**
4. **Lack of permission or license required for possessing a firearm?**

There are a number of offences in the Arms Act for illegal possession of firearms, including as follows:

* + Possession of a firearm without a firearms licence is punishable by imprisonment for up to 3 months and/or a fine up to $1,000 (section 20).
	+ Carrying or possession of a firearm, airgun, pistol, restricted weapon, or explosive except for some lawful, proper and sufficient purpose is punishable by imprisonment up to 4 years and/or a fine up to $5,000 (section 45).

* + Possession of a firearm after revocation of licence is punishable by imprisonment up to 1 year and/or a fine up to $4,000 (section 49A).
	+ Possession of a pistol or restricted weapon if not a person authorised by the Act to be in possession is punishable by imprisonment up to 3 years and/or a fine up to $4,000 (section 50).
	+ Carriage or possession in a public place of a firearm, airgun, pistol, ammunition, explosive, or restricted weapon without lawful purpose is punishable by imprisonment up to 3 years and/or a fine up to $4,000 (section 51).
	+ Carrying a firearm with criminal intent is punishable by imprisonment up to 5 years (section 55).
1. **Do the authorities in your country collect data on civilian misuse of firearms? If so, what data is gathered and how is it used?**

New Zealand Police collects data on firearms offences and uses this data for a variety of purposes, including: monitoring trends in rates of offending, informing policy decisions and operational changes, and responding to official requests for information.

1. **What is the impact of the misuse of firearms by civilians on human rights, in particular the right to life and the right to security? What is the basis of your assessment of its impact?**

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1. **What measures are in place to minimise the risk of firearms being misused by civilians?**

New Zealand has robust legislation, and a thorough licensing regime that involves safety training and education. The illegal possession or use of firearms is regulated through the enforcement of the offence provisions of the Arms Act and other legislation.  New Zealand Police has a Firearms Community Advisory Forum that meets bi-yearly to discuss legislative change, policy and operational practice involving firearms communities. The members are from all the major New Zealand Firearms Associations and dealers and represent their respective communities. They communicate to their groups and obtain feedback which is passed to Police.

1. **What is the impact of the domestic regulation of civilian firearms on the protection of the right to life and security of person? How effective is this regulation in human rights protection?**
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