

Regulatory Impact Statement: Firearms Reform – Appeal pathways (2 of 3)

Decision sought	Analysis produced for the purpose of informing Cabinet decisions
Agency responsible	Ministry of Justice
Proposing Ministers	Associate Minister of Justice, Hon Nicole McKee
Date finalised	28 August 2025

This is the second in a suite of three Regulatory Impact Statements (RIS) containing proposals to strengthen the firearms regulatory system through amending the Arms Act 1983 (the Act). These are:

- Firearms Reform – Permits to Possess and Manufacturing (1 of 3);
- Firearms Reform – Appeal Pathways (2 of 3); and
- Firearms Reform – Offences and Penalties (3 of 3).

The proposals in this suite of RIS form part of Phase 4 of the Government’s firearms reform work programme - the rewrite of the Act this parliamentary term. They form part of a second tranche of policy proposals to rewrite the Act. A first tranche of policy proposals was agreed by Cabinet on 23 June 2025 [CAB-25-MIN-0203 refers].

The rewrite of the Act is being progressed in five parts,¹ relating to distinct but interconnected parts of the firearms regulatory system. Part five of this work programme is focused on “encouraging a culture of community safety and support” and includes proposals relating to regulation of firearm products and licencing to ensuring only “fit and proper” people can possess firearms.

This RIS focuses on proposals to ensure that individuals have an adequate pathway to challenge a decision made by the Firearms Safety Authority (FSA)², the regulator, to refuse, revoke or impose conditions on their firearms licence. Currently the FSA is responsible for firearms licensing decisions. The existing appeals pathway provides two layers or reviews of decisions made by the regulator:

- internal review by a commissioned Police officer; and
- appeal to the District Court.

On 23 June 2025 Cabinet also agreed to create a Statutory Officer who will be accountable for the specified regulatory functions in the Act [CAB-25-MIN-0203 refers]. As part of the

¹ Encouraging a culture of community safety and support; enabling legitimate possession and use; ensuring compliance through education and enforcement; and maintaining public interest and safety.

² The Firearms Safety Authority is a branded business unit hosted within NZ Police.

rewrite of the Act, the Statutory Officer will be responsible for firearms licensing decisions, and for providing the internal review of firearm licensing decisions, rather than Police.

In addition to the establishment of the Statutory Officer role, the Associate Minister of Justice proposes to replace the existing internal review process for refused or revoked firearm licences with an independent licensing decisions review committee.

Summary: Problem definition and options

What is the policy problem?

There is a perception amongst some members of the firearms community that the internal review process undertaken by the regulator is not sufficiently independent from the original decision maker, as it is undertaken within the same organisation (see footnote 1). The cost for applicants to appeal a firearms licensing decision to the District Court is also considered prohibitive. The Associate Minister of Justice seeks to address the perception of insufficient independence and cost of appealing to the District Court by ensuring that those affected by firearms licensing decisions have access to adequate appeal pathways.

What is the policy objective?

The overarching policy objective of the Firearms Reform Programme is a firearms regulatory system that:

- supports the safe possession and use of firearms and other weapons for legitimate purposes (e.g., sport, hunting, collecting, and pest control); and
- imposes controls that protect individual and public safety from firearms-related harm.

The policy objectives specific to appeal pathways are to provide a timely, affordable, and sufficiently independent appeal pathway for individuals who are dissatisfied with the regulator's decision regarding their firearms licence that ensures:

- disputes are managed and resolved in accordance with applicable law and natural justice; and
- dispute resolution functions are, and are seen to be, carried out in an objective and unbiased way.

What policy options have been considered, including any alternatives to regulation?

We have considered four options based on the composition of comparable common law jurisdictions and appeal pathways in similar dispute resolution regimes in New Zealand.

Option 1: Enhanced status quo

- This option retains the existing appeal pathway. That is, the internal review process and the ability to appeal to the District Court. Currently the internal review process is undertaken by a commissioned Police officer, however the rewrite of the Act will see the establishment of a Statutory Officer who will be responsible for regulatory activities, including firearms licensing decisions and reviews of those decisions.

Option 2A: Establish a licensing decisions review committee, with some independent members, that conducts 'on the papers' reviews

- This option will establish a panel of three to form a committee to review firearms licensing decisions made by the regulator. If the individual or the regulator is dissatisfied with the panel's decision, they may appeal to the District Court.

- The committee panel will include two Ministerial appointments (a firearms community representative; and a lawyer with appropriate knowledge of firearms law) and a person appointed by the Statutory Officer.
- The committee will conduct reviews ‘on the papers’.
- The Statutory Officer will be responsible for providing secretariat support for the committee.

Option 2B: Establish a licensing decisions review committee, with some independent members, where appellants can appear before the committee in person

- This option is the same as Option 2A, except that appellants will have the ability to appear in person before the committee (if they choose to).

Option 3: Establish a firearms appeals tribunal

- This option would establish a statutory appeals body, independent of government, to review firearms licensing decisions made by the regulator. If the individual is dissatisfied with the tribunal’s decision, they may appeal to the District Court on questions of law only.
- The composition of the tribunal could be made up of legal representatives, firearms industry representatives, and Ministerial appointments that represent the community’s interests. Three members must be present to hear a case.
- The Ministry of Justice would administer the tribunal.

The Ministry has not considered non-regulatory options as the policy problem identified requires a legislative amendment.

What consultation has been undertaken?

The Ministry conducted public consultation on the Act over seven weeks (from 13 January to 28 February 2025). Views were sought on what is working well in the Act and what needs change, rather than specific policy proposals. The Ministry received 8,448 submissions.

There is a perception amongst members of the firearms community that the internal review process is considered not sufficiently independent from the regulator, and Police as it is administered within the same organisation and requires a commissioned police officer to conduct the review.

The Sporting Shooters Association of New Zealand Incorporated’s submission recommended establishing an independent disputes resolution body. The submitter noted that the reliance on the District Court to handle administrative matters of law has created a cost barrier. The body proposed by the submitter would have the ability to rule on administrative matters such as revocations, compliance with improvement notices, and import issues. As part of the submission, it was noted that if a disputes resolution body is too costly or impractical for the Crown to establish, the group would advocate for all licence revocations to be approved by a Judge as opposed to the existing internal review.

Is the preferred option in the Cabinet paper the same as preferred option in the RIS?

The Minister’s preferred option in the Cabinet paper (Option 2A) and the Ministry’s preferred option in this RIS are different. The Ministry considers the status quo (Option 1) offers an appropriate, affordable, and adequate appeals pathway for individuals who are dissatisfied with the regulator’s decision regarding their firearms licence. The Minister prefers Option 2A, creating a licensing decisions review committee with some independent members, which makes decisions ‘on the papers’.

Summary: Minister's preferred option in the Cabinet paper

Costs (Core information)

Monetised costs

Police has estimated that there will be implementation and ongoing operational costs associated with the Minister's preferred option. Implementation costs will include employing secretariat staff, developing and delivering training for committee members and secretariat staff, developing new operational systems and guidance, and public communications. s9(2)(f)(iv)

There will be a nominal fee associated with filing an application with the committee. Further policy work will be required to finalise the fee. Following a 2012 Fees Review Framework,³ 20 per cent was identified as an appropriate rate of cost recovery across tribunals. While the 20 per cent recovery rate is not a firm target, it serves a useful reference point.⁴ Further work will be undertaken to finalise the filing fee costs for appealing to the committee.

Non-monetised costs

Legal representation for appellants would not be allowed under the Associate Minister's preferred option two, in an effort to reduce cost barriers. This may, however, have implications for access to justice rights. For example, applicants may not understand their legal rights within the process. We consider this can be managed through guidance.

Benefits (Core information)

Monetised benefits

Option 2A may have an indirect benefit of contributing to reducing court system delays. If the firearms community has more trust in the committee and its decisions, this may result in fewer appeals of committee decisions to the District Court than occur under the status quo. It is difficult to quantify the average cost of a civil case in the District Court, however, we note that cases not proceeding to the District Court will have a monetary benefit for the justice system.

There will be small potential cost savings and efficiencies for the regulator, resulting from the current section 62 internal review process being replaced by the new committee. These savings have been factored by Police into the estimate of ongoing operating costs for the committee.

³ Regulatory Impact Statement on 2012 Civil Fees Review Ministry of Justice. pgs. 2-3. (<https://www.justice.govt.nz/assets/Regulatory-Impact-Statement-Civil-Fees-Review.pdf>). See also Treasury's Guidelines for Setting Charges in the Public Sector (April 2017) (<https://www.treasury.govt.nz/sites/default/files/2017-04/settingcharges-apr17.pdf>) and the Auditor-General's Setting and administering fees and levies for cost recovery: Good practice guide (August 2021) (<https://oag.parliament.nz/2021/fees-and-levies>).

⁴ [Regulatory and Cost Recovery Impact Statement: Increasing the Disputes Tribunal's financial jurisdiction and introducing a new filing fee tier \(4 September 2024\)](#).

Non-monetised benefits

Compared to the District Court, this option is likely to support quicker resolutions than the status quo if they are resolved at the committee stage.

Compared to the internal review process, the committee will be bound to uphold procedural fairness, similar to court-based resolutions. For example, the committee would be required to hear the applicant's case for why they dispute the decision to refuse or revoke their licence.

As with the status quo, the establishment of the Statutory Officer role for the regulator will go some way to addressing the perception by some members of the firearms community that the internal review process is not sufficiently independent from Police. We may, however, see an increase to uptake of dispute resolution via the committee as the perception of independence from the regulator will build trust in the process.

While the details of the procedure of the committee will be private, any appeals to the District Court would be publicly available. Overtime, this could increase public confidence in the appeal process.

The committee process may strengthen the regulator's internal firearm licensing decisions. As an independent review committee, while not judicial in nature, its deliberations and outcomes may establish precedents that set expectations, guide future decisions, and ensure robust, impartial decision making.

Balance of benefits and costs (Core information)

Does the RIS indicate that the benefits of the Minister's preferred option are likely to outweigh the costs?

On balance, the nonmonetary benefits associated with Option 2A for both the Crown and applicants are not seen to outweigh the monetary costs. While the option may go some way to addressing a perception that the current review process lacks independence from Police, the establishment of the Statutory Officer role will, on its own, contribute to addressing this issue. We consider, the existing appeal pathway is adequate. That is, it provides a sufficient, cost-effective avenue for individuals who are dissatisfied by a firearms licensing decision made by the regulator.

Implementation

How will the proposal be implemented, who will implement it, and what are the risks?

The Statutory Officer of the regulator will be responsible for implementing and running the independent licencing decisions review committee.

The review committee will require at least 12 months lead in time after enactment of the legislation.

Limitations and Constraints on Analysis

The limitations and constraints on the analysis in this RIS include:

- the consultation process sought feedback on issues stakeholders has with the Act rather than specific policy proposals;
- the criteria used to assess the proposals were agreed as part of the overall policy framework and work programme for the firearms reform in advance of the policy proposals being developed [CAB-24-MIN-0158]; and
- the Ministry was undertaking a large reform programme within a short timeframe, which limited the amount of time it could consider individual issues.

I have read the Regulatory Impact Statement, and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the preferred option.



Caroline Greaney
Deputy Secretary, Policy
Ministry of Justice
28/08/2025

Quality Assurance Statement

Reviewing Agency: Ministry of Justice

QA rating: Meets

Panel Comment: A Panel within the Ministry of Justice has reviewed three Regulatory Impact Statements for consistency with the quality assurance criteria.

The Panel concluded that papers 1 (Permits to Possess and Manufacturing) and 2 (Firearms Reform – Appeal pathways) meet the quality assurance criteria.

Paper 3 (Firearms Reform – Offences and penalties) partially meets the quality assurance criteria. The panel considered the statement to be complete and the result of adequate consultation. The statement is partially convincing. It applies a consistent analysis framework but compares only a limited number of high-level options against the status quo and is not consistently clear about the rationale for specific changes to penalty levels.

Introduction to Firearms Reform – Appeal pathways

Introducing the Arms Act 1983 (the Act)

1. The firearms regime is a system focused on regulating people and products to protect public safety while enabling legitimate possession of firearms by safe users. A diagram setting out New Zealand's firearms regulatory regime is available in Appendix 1 of the Cabinet paper: *Firearms reform programme Phase 4: Rewrite of the Arms Act 1983 – legislative policy proposals*.
2. This Regulatory Impact Statement (RIS) is part of a series of RISs which contain proposals to strengthen the settings and reduce unnecessary compliance burdens that do not support public safety. This RIS focuses on assessing the existing appeal pathway for firearms licensing decisions made by the regulator to ensure individuals have an adequate pathway to challenge a decision regarding the refusal or revocation of, or imposition of conditions on, a firearms licence.

What objectives are sought in relation to the policy problems?

3. The overarching objectives of the firearms reform programme agreed by Cabinet in May 2024 [CAB-24-MIN-0158 refers] are to deliver a firearms regulatory system that:
 - supports the safe possession and use of firearms and other weapons for legitimate purposes (e.g. sport, hunting, collecting and pest control); and
 - imposes controls that protect individual and public safety from firearms-related harm, i.e., ensuring only fit and proper people have access to firearms.
4. The policy objectives specific to an adequate appeal pathway are:
 - To provide a timely, affordable, and sufficiently independent appeals pathway for individuals who are dissatisfied with the regulator's decisions regarding their firearms licence that ensures that:
 - disputes are managed and resolved in accordance with applicable law and natural justice; and
 - dispute resolution functions are, and are seen to be, carried out in an objective and unbiased way.

What general consultation has been undertaken?

5. The Ministry of Justice (the Ministry) conducted public consultation on the Act over seven weeks (from 13 January to 28 February 2025). Views were sought on what is working well in the Act and what needs change, rather than specific policy proposals. Submissions were received by email, post and through the Ministry's Citizen Space consultation hub. The Ministry received 8,448 submissions.
6. The Ministry directly engaged with the Minister's Arms Advisory Group, Dealers Reference Group, Te Puna Aonui Systems Working Group, Arms Engagement Group, Clubs and Ranges Group, Ministerial Advisory Group for the Victims of Retail Crime, Māori Firearms Forum, Māori Focus Group Wānanga (coordinated by the Ministry), Sporting Shooters Association of New Zealand, New Zealand Police Association, Theatrical Armourers Guild of New Zealand, and Firearms Community Advisory Forum.

7. The Ministry also engaged with other government agencies including New Zealand Police, the Firearms Safety Authority (FSA), New Zealand Defence Force, Department of Conservation, Ministry for Primary Industries, New Zealand Customs Service, and Ministry for Culture and Heritage.

Assessing options to address the policy problem

What criteria would be used to compare options to the status quo?

8. The options have been considered against the criteria set out in the policy framework for firearms reform seen by Cabinet in May 2024 [CAB-24-MIN-0158 refers], to ensure the proposals are:
 - **Simple:** simple and easy to understand and apply;
 - **Necessary:** necessary to achieve the overarching objectives;
 - **Protect individuals:** protect individual freedoms and rights and the security and privacy of personal information; in respect of these proposals, this criteria means ensuring that disputes are managed and resolved in accordance with applicable law and natural justice;
 - **Protect the public:** protect the public from firearms-related harm; and
 - **Effective and Efficient:** provide for effective and efficient delivery of service; in respect of these proposals, ensuring that appellants understand the process and the reasons for the outcome, and that there are mechanisms to ensure accountability and transparency of decisions.

What scope would options be considered within?

9. The scope of policy options was influenced by the ACT Party and National Party coalition agreement to “rewrite the Arms Act 1983 to provide for greater protection of public safety and simplify regulatory requirements to improve compliance”. The focus is on rewriting the Act with the opportunity to take a systematic and considered approach to the Act as a whole, modernising the legislation to deliver public safety outcomes for New Zealand, and simplifying regulatory requirements.

How would the proposals be monitored, evaluated, and reviewed?

10. The Ministry will continue to monitor the Act as part of its regulatory stewardship responsibilities. This includes developing a monitoring and evaluation plan, and a statutory review of the operation of the Act.

Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

Individuals should generally be able to appeal a regulatory decision

11. Where a public body or agency makes a decision that affects a person's rights or interests, that person should generally be able to have the decision reviewed in some way. The ability to review or appeal a decision ensures that those decisions are in accordance with the law. The prospect of scrutiny also encourages decision makers to make sound decisions.
12. There are two general processes that allow for reconsideration of a decision:
 - *Right of appeal*: allows an appellate court or tribunal to stand in place of the original decision-maker and re-make findings of fact or law, or both; and
 - *Judicial review*: (the inherent power of the High Court to review the lawfulness of decisions taken under statutory powers) will be available regardless of whether a statutory right of appeal or other complaint mechanism is provided for.
13. A right of judicial review exists unless excluded by legislation. A right of appeal, however, only exists if legislation provides for it. For most regulatory (non-criminal) decisions, the starting point is for legislation to provide for a right of appeal. An appeal enables the merits of a decision to be re-examined through an assessment of questions of facts and the application of judgment to those facts.

Firearms licensing ensures only fit and proper persons have lawful access to firearms

14. The fit and proper person test in the Act establishes criteria to enable the regulator (currently the Firearms Safety Authority) to determine who is suitable to access, possess and use firearms products. This reduces the potential for harm, while preserving opportunities for functional and recreational use with associated rules and conditions.
15. The regulator reaches this decision based on information provided by the applicant, interviews of referees, and wider enquiries and checks (including intelligence information provided by the Police). The regulator also has discretion to assess other factors. For example, an individual's criminal history, physical and mental health, alcohol and substance abuse, or patterns of behaviour demonstrating hatred or violent extremism are all considered as part of the fit and proper person test.⁵
16. Section 27(2) empowers the regulator to revoke a firearms licence if it considers the holder of the licence is not a fit and proper person to be in possession of a firearm item. Once a firearms licence has been revoked, a person may not apply for another licence for five years.⁶

⁵ This discretion excludes the disqualifying factors that are set out under section 22H – such as specified violent offences – that mean some people are automatically disqualified from holding a firearms licence.

⁶ Section 23(1)(b) of the Act.

Status Quo – Appeal pathway under the Act

17. Between 1 July 2021 to 31 January 2025, there were a total of 65,867 firearms licence application events entered into the National Intelligence Application (NIA); 64,598 of these were from individual licence holders.⁷ Of these, 56,453 (87.3%) were approved.
18. Under the Act, the regulator has broad discretion to revoke a person's licence and related endorsements and permits to possess.⁸ Once a licence has been revoked, a person may not apply for another licence for five years.⁹ There is no statutory time limit on reapplying following a licence application refusal. In practice, if the regulator considers a reapplication is too soon, its staff may have a conversation with the individual, or they will process the application to determine whether the individual is fit and proper.¹⁰
19. The existing appeals pathway¹¹ provides two layers of review for decisions made by the regulator:
 - *First layer:* internal review by a commissioned Police officer; and
 - *Second layer:* appeal to the District Court.
20. For avoidance of doubt, individuals disqualified under section 22H of the Act (see footnote 3) from holding a firearms licence are not permitted to appeal the disqualification.

First layer – Internal review

21. Under section 62¹² of the Act, if an individual is dissatisfied with a decision made by the regulator to refuse an application for, or revoke, their firearms licence, they may apply within 28 days for a review of the initial decision (internal review). There is no cost to the applicant for an internal review. An internal review must be conducted by one or more Police officers¹³ other than the person (the regulator) who made the original decision.

⁷ Applications include individuals who were refused and then reapplied, or who withdrew their first application and reapplied.

⁸ This covers firearms and dealers' licences, endorsements, permits to possess, approvals relating to shooting clubs and ranges.

⁹ Section 23(1)(b) of the Act.

¹⁰ Section 24A prescribes criteria and information that can be considered to determine whether an individual is fit and proper. For example, assessing whether a person's criminal history or engagement with the Police is considered detrimental.

¹¹ For avoidance of doubt, Judicial review is available under the Act for examination of the lawfulness of decisions that are made.

¹² Section 62 was introduced on 24 December 2020 as part of the Arms Legislation Act 2020 (<https://www.legislation.govt.nz/act/public/1983/0044/latest/whole.html#DLM7331>).

¹³ Under section 62A, the Police Commissioner must delegate the responsibility for reviewing a decision to one or more members of the Police of a level of position not less than inspector.

22. Between 1 February 2021 and 31 March 2025, 1,343 internal reviews were logged in NIA.¹⁴ Of these, 368 (29%) resulted in an alternative position, i.e., the original decision made by the regulator was overturned (Figure 1).¹⁵

Figure 1: Number of Section 62 review events and their outcomes by financial year, 1 February 2021 to 31 March 2025.¹⁶

	2020/21 (from 1 Feb 2021)	2021/22	2022/23	2023/24	2024/25 (to 31 March 2025)	Total
Alternative Position	42	137	108	63	36	386 (29%)
Affirmative Position	67	243	246	205	108	869 (65%)
Application made but review not completed	9	27	20	16	13	85 (6%)
Review yet to be completed	0	0	0	0	3	3 (0.2%)
Total	118	407	374	284	160	1,343

Second layer – Appeal to the District Court

23. Individuals dissatisfied with the outcome of the internal review (or other decisions made by the regulator¹⁷) may appeal to the District Court for a *de novo* hearing (the court considers the matter afresh). Appeals to the District Court must be filed within 20 days of receiving a decision from the internal review.¹⁸ In practice, a person may apply to the court for an extension to appeal past 20 days.
24. The appellant bears the cost to appeal a decision to the District Court (including filing fees and legal representation). Total costs to appeal a decision at the District Court vary. The average cost for a civil legal aid case (approximately \$6,700 per case in 2025) provides an indication the total cost per appeal case, although the cost for private legal representation is likely to be much higher. It is unknown how many people did not take an

¹⁴ The first Section 62 review events were started in February 2021 after processes were established following the legislation changes to the 1983 Arms Act in December 2020. As such, data prior to February 2021 is unavailable.

¹⁵ Overturned includes approval or reinstatement of a firearms licence with or without additional conditions or warnings.

¹⁶ The first Section 62 review events were started in February 2021 after processes were established following the December 2020 changes to the 1983 Arms Act. As such, data prior to February 2021 is unavailable.

¹⁷ Section 62B provides a person who is subject to a range of decisions (e.g., dealers licence, permits, endorsements and any associated conditions) may appeal to the District Court.

¹⁸ District Court Rule 18.4.

appeal to the District Court because they were ineligible for civil legal aid and could not afford private legal fees.¹⁹

25. The District Court hears firearms licensing decision appeals ‘on the papers’ approximately 18 months after the decision to refuse or revoke a firearms licence. While being aware of the context behind the regulator’s decision, the Court will assess the applicant as they present at the time of the hearing. For example, if an individual’s licence was revoked for alcohol abuse, by the time of the hearing, the individual may have sought counselling or made life changes which the Court considers sufficient evidence that they are fit and proper to use and possess a firearm.
26. Between 1 October 2021 and 31 March 2025, a total of 117 District Court appeal events were completed.²⁰ Of these, 40 (34%) resulted in an alternative position and another 44 (35%) were withdrawn or dismissed (Figure 2).

Figure 21: Number of Section 62B appeal events and their outcomes by financial year, 1 October 2021 to 31 March 2025.²¹

	2021/22 (from Oct 1, 2021)	2022/23	2023/24	2024/25 (to 31 March 2025)	Total
Alternative Position	5	14	6	15	40 (34%)
Affirmative Position	3	4	13	13	33 (28%)
Appeal Withdrawn or Dismissed	3	15	16	10	44 (38%)
Total	11	33	35	38	117

27. In practice, the regulator reviews all decisions made by the District Court to inform and improve regulatory practice.

The status quo will evolve with the creation of a Statutory Officer position within the regulator

28. As part of Cabinet decisions on the first tranche of policy proposals to rewrite the Arms Act, on 23 June 2025, Cabinet agreed to create a Statutory Officer who will be accountable for the specified regulatory functions in the Act, including firearms licensing [CAB-25-MIN-0203 refers].

¹⁹ Under section 7(1)(e)(v) of the Legal Services Act 2011, legal aid may be granted in respect of civil matters where the Commissioner considers the case one that requires legal representation and that the applicant would suffer substantial hardship if it were not granted in any administrative nature or judicial authority.

²⁰ This is a distinct count of Event ID.

²¹ The first section 62(b) review events were started in October 2021 after the current process was established. As such, data prior to October 2021 is unavailable.

29. When this change is in place, the Statutory Officer will be independent of the Commissioner of Police and the relevant Minister²² for the performance of regulatory functions, including the appeal pathway. Therefore, the Statutory Officer will be responsible for the review of firearm licensing decisions, rather than the Police Commissioner.²³

What is the policy problem or opportunity?

30. The Minister directed the Ministry to consider whether an alternative appeals pathway is necessary to address perceptions from some members of the firearms community that the current internal review process is not sufficiently independent. Further to this, the cost of taking a case to the District Court to appeal an internal review decision may be prohibitive for some people. The modernisation of the Act provides an opportunity to identify whether the current appeal pathway for firearm licensing decisions is adequate.

What consultation has been undertaken?

31. In early 2025, the Ministry undertook consultation on the Act. One group submission from the Sporting Shooters Association of New Zealand Incorporated, recommended establishing an independent disputes resolution body. The submitter noted the reliance on the District Court to handle administrative matters of law has created a cost barrier. The proposed body would have the ability to rule on administrative matters such as revocations, compliance with improvement notices, import issues. As part of the submission, it was noted that if a disputes resolution body is too costly or impractical for the Crown to establish, the group would advocate for all revocations to be approved by a judge as opposed to the existing internal review.
32. During consultation, we were told that there is a perception from some members of the licensed firearms community that the first layer of review – undertaken by a commissioned Police officer (who is not the original decision-maker) – is not sufficiently independent because it is undertaken within the same organisation. We also heard that the cost of progressing an appeal through the District Court is prohibitive for some people.
33. A moderate number of submitters proposed the regulator should be more transparent and consistent with its decisions, and suggested meeting minutes and/or written reports (e.g., reporting on licensing decisions) should be made available to the public.
34. A range of interest groups submitted on the roles and responsibilities of the regulator. A large number of these submitters considered that the ability to revoke a firearms licence should sit solely with the courts, and not Police. These submissions emphasised the importance of a transparent and formal process for licence revocation, and advocated for a court or formal review to ensure fairness and potential for abuse of power by the regulator. Submitters also suggested that that Police/the regulator should cover any costs associated with ‘wrongful’ revocation (i.e. a revocation that is overturned through review).

²² The relevant Minister means the Minister responsible for the regulator. This will be determined through Cabinet decisions on phase 3 of the Firearms Reform Programme – *Transfer of the Firearms Safety Authority*.

²³ Subject to Cabinet decisions on phase 3, the Commissioner of Police may still hold responsibility of the Statutory Officer as the Chief Executive of the Police for the administration of police services.

35. Over a third of submitters supported the sharing of roles and responsibilities between the regulator and Police. Of those, just under half suggested shared responsibility for background checks, and deeming who should have a firearms licence. These views were supported by a variety of interest groups.

What approaches do comparable jurisdictions take for appeal decisions?

36. Many comparable common law jurisdictions, such as Australia, the United Kingdom and Canada, have specialised tribunals or court divisions that have specific processes for considering licencing decisions.²⁴ A summary of the appeal pathways in different jurisdictions is set out in Table 1.

Table 1: Appeal pathways for firearm licensing decisions in comparable jurisdictions

Country	Detail
Victoria – Australia	Individuals may appeal firearms licensing decisions directly to the Firearms Appeals Committee (the Committee) within 28 days of receiving a decision from the regulator. The Committee is a statutory appeals body, independent of government.
New South Wales – Australia (NSW)	Individuals can appeal firearms licensing decisions made by the NSW Police Force Firearms Registry directly to the Administrative and Equal Opportunity Division of the NSW Civil and Administrative Tribunal (NCAT). NCAT is an independent tribunal that hears and decides civil and administrative cases in NSW and aims to provide a less formal and more accessible forum for appeals.
Queensland – Australia	Queensland’s Civil and Administrative Tribunal (QCAT) may review decisions by the Weapons Licensing Branch of the Queensland Police Service, including licence refusals, suspensions, and revocations. Similarly, QCAT is an independent, accessible tribunal that aims to efficiently resolves disputes on a range of civil matters. Applicants must lodge appeals within 28 days of the decision.
South Australia	The South Australian Civil and Administrative Tribunal (SACAT) hears reviews of decisions made under the Firearms Act 2015, such as licence refusals or cancellations. Appeals must be filed within 28 days of the decision.
Scotland	Individuals can appeal firearms licensing decisions made by the Chief Constable (the head of the Police) to the Sheriff Court (a civil and criminal court) within 21 days. The Sheriff Court is the main trial court for most civil and criminal cases, excluding the most serious crimes. The court conducts a full rehearing of the case.
England and Wales	Under the Firearms Act 1968, appeals against decisions by chief officers of Police regarding the grant, variation, renewal or revocation of firearm certificates, and the registration or removal from the register of firearms dealers, can be made to the Crown Court within 21 days. The court re-evaluates the case in its entirety.

²⁴ For avoidance of doubt, in common law jurisdictions, courts and tribunals, as judicial arms of government, are administered by Ministry of Justice equivalents.

Country	Detail
Canada	Individuals may challenge firearms licence revocations or refusals by applying to a provincial court for a hearing unless the revocation is due to a court-ordered prohibition.

Section 2: Assessing options to address the policy problem

What options are being considered?

37. We identified three options (in addition to the status quo) based on the composition of panel members of similar comparable common law jurisdictions, such as Victoria, Australia's Firearms Appeals Committee model, and comparable appeal pathways in similar regulatory regimes in New Zealand.

Option 1 – Enhanced Status Quo

38. This option retains the status quo outlined in paragraphs 1717-27. That is, the current internal review process run by the regulator, and the ability to appeal to the District Court. In addition, under this option (as noted in paragraphs 28-29), the rewrite of the Act will see the establishment of a Statutory Officer responsible for regulatory activities, including licensing decisions and reviews. The establishment of the Statutory Officer also applies to both options two and three.

Option 2A – Establish a licensing decisions review committee, with some independent members, which conducts 'on the papers' reviews

39. Under option two, the existing internal review (section 62) will be replaced by a licensing decisions review committee (the committee). Under this option, a person may apply to the committee for a review of a decision by the regulator to:
- refuse a firearm licence; and/or
 - revoke a firearm licence; and/or
 - impose conditions on a firearms licence.
40. The committee will review cases 'on the papers', which means that appellants will not have the ability to appear before the committee. The committee will be empowered to vary or revoke the regulator's decisions regarding the individual's firearms licence. In practice, this may involve the committee reassessing the regulator's decision about whether someone is fit and proper for the purpose of holding a firearms licence.
41. The Committee:
- will not be bound by the rules of evidence; and
 - may inform itself in any matter it thinks fit (e.g., seek an expert opinion, such as medical).
42. Despite being a non-judicial body, the committee's decisions will bind the regulator.

43. Applications must be made within three months of receiving a decision to refuse or revoke a firearms licence. A nominal fee will be payable upon application to the review committee.²⁵
44. The committee would run on an 'as-needed' basis. It would be made up of three members in total (panel):²⁶
- two independent members appointed by the Minister responsible for the regulator:
 - a. one that represents the firearms community;
 - b. one lawyer; and
 - one person who is not a commissioned police officer and has had no prior involvement in the decision being reviewed. This panel member will be appointed by the Statutory Officer.
45. In practice, with an estimated caseload volume of 350 per annum, we anticipate there could be more than one committee panel established at a time to enable issues to be heard concurrently.
46. The Statutory Officer will be responsible for the establishment and operation of the committee.
47. If the applicant or the regulator is dissatisfied with the outcome of the committee's review of their licence application or revocation, they may appeal to the District Court. As with the status quo, the appellant would have 20 business days to appeal the decision to the District Court.
48. For avoidance of doubt, as with the status quo, individuals disqualified from holding a firearms licence (section 22H) will not be permitted to appeal the disqualification with the committee.

Option 2B – Establish a licensing decisions review committee, with some independent members, where appellants can appear in person

49. Option 2B is the same as Option 2A, with one key difference. Under Option 2B, appellants will be able to appear in person before the committee, if they choose to do so.

Option 3 - Establish a firearms licences appeals tribunal

50. Option three would establish a statutory appeals body which is independent of government. The function of the tribunal would be to review decisions of the regulator following an internal review (section 62) to:
- refuse or revoke firearms licences; and
 - review and/or impose certain conditions on firearms licence holders.

²⁵ The fee may be partially cost-recovered to offset the expenses associated with operating the committee.

²⁶ Subject to Cabinet agreement, detailed decisions regarding the appointment process will be made. This will include specifying the relevant skills and experience required for panel members (i.e., a lawyer with appropriate knowledge of the Act and Regulations).

51. Applications must be received within three months of receiving a decision from the regulator's internal review.
52. The tribunal would consist of up to 12 members to manage the expected caseload. The members of the panel could be made up of legal representatives, firearm industry representatives, and Ministerial appointments that represent the community interests. The Ministry of Justice would administer the tribunal.
53. The tribunal may divide itself to hear appeals concurrently. At least three members in total would be required to make a decision on an application – one from the legal profession, one Ministerial appointment, and one member representing the community.
54. There will be a broad ability for the tribunal to inform itself in any manner it thinks fit – including an ability to seek medical advice or calling the Statutory Officer to give evidence.
55. If the applicant or the regulator is dissatisfied with the outcome of the tribunal's decision on their licence application or revocation, they may then appeal to the District Court on questions of law only. As with the status quo, a person would have 20 days to appeal the decision to the District Court.
56. For avoidance of doubt, as with the status quo, individuals disqualified from holding a firearms licence (section 22H) will not be permitted to appeal the disqualification.

Analysis of options

Option 1 (enhanced status quo): retaining the internal review process and appeal to the District Court

57. The status quo is currently operating effectively for most people. The first layer – the internal review process – does not impose any additional cost on the appellant. The fact that around one third of decisions made by the regulator are overturned through the internal review process demonstrates that the process is operating effectively.²⁷
58. There are, however, some members of the firearms community who consider the internal review process does not protect individual appeal rights as it is not sufficiently independent because it is undertaken within the same organisation. We note that internal reviews are common practice across many regulatory systems. For example, Customs provides an internal administrative review process.²⁸
59. The internal review process allows the regulator to review the application faster than a formal court process. The Royal Commission of Inquiry into the Terrorist Attack on Christchurch Mosques on 15 March 2019²⁹ (RCOI) identified several District Court judgments that suggest Police has adopted a strict approach to the fit and proper

²⁷ Between 1 February 2021 and 31 March 2025, 368 (29 percent) of the 1,343 internal reviews completed by the regulator resulted in the original decision being overturned.

²⁸ Section 173 of the Customs and Excise Act 2018 allows duty payers to dispute decisions related to import duty, excise assessments, penalties, and compensatory interest.

²⁹ [The firearms licensing system – an evaluation | Royal Commission of Inquiry into the Attack on Christchurch Mosques on 15 March 2019](#) (part 5).

assessment.³⁰ By contrast, the RCOI also found that case law indicates judicial tolerance for granting or not revoking a firearms licence, despite an appellant having sometimes serious convictions.³¹

60. The lower judicial tolerance found by the RCOI may suggest that the ability to appeal to the District Court does not necessarily support the overarching objectives of the firearms reform programme. That is, supporting the safe possession of firearms and other weapons, and imposing controls (i.e., ensuring only fit and proper people have access to firearms) that protect individual and public safety. Alternatively, the ability to appeal to the District Court ensures that disputes regarding firearm licence decisions are managed and resolved in accordance with applicable law and natural justice, and are, and are seen to be, carried out in an unbiased and objective way.
61. The establishment of the Statutory Officer role will go some way to addressing the perception that the internal review is not sufficiently independent. This is because the Statutory Officer will be responsible for the internal review process, rather than a commissioned Police officer. Independence from the Police may increase the public and the firearms community's perception of impartial decision making, which may help to maintain trust and confidence in the process. However, even with the Statutory Officer role in place, option 1 may not fully address that the perception that the current internal review process lacks impartiality.
62. If this perception is not addressed, then some members of the firearms community may continue to distrust the regulator and the overall firearms regulatory regime. This could result in ongoing incidences of non-compliance (for example, not taking their obligations or requirements seriously), which could impact public safety.
63. The second layer of review is undertaken by the independent judiciary through the District Court, which has broad authority to confirm, vary or reverse the decision appealed against. In addition to the 40 rulings (34%) that resulted in an alternative position,³² the regulator reviews all decisions appealed to the District Court to inform and improve regulatory practice. We consider that the second layer of review is also operating effectively.
64. Option 1, however, does not address the issue of barriers for some people who do not appeal to the District Court or stop pursuing an appeal in the court part way through the process. There are many reasons someone may opt not to proceed to the District Court.

³⁰ For a sample of cases where the decision to refuse or revoke a firearms licence (made by a police officer with the rank of inspector or higher) has been overturned on appeal, see: *Jenner v Police* [2016] NZDC 4102; *Police v Cottle* [1986] 1 NZLR 268 (HC); *Flynn v Police* DC Christchurch CIV-2010-009-605, 7 October 2010; *Mallasch v Police* [2009] DCR 596 (DC); *Dobbs v Police* [1992] DCR 650 (DC); *Gadsby v Police* DC Masterton CIV-2012-035-000064, 11 May 2012; *Hubber v New Zealand Police* DC Invercargill CIV-2012-025-000501, 8 July 2013; *Hore v Police* [2017] NZDC 5263; *[Park] v Police* [2018] NZDC 5946; *Lincoln v Police* DC Palmerston North 281-95, 24 November 1995; *Twining v Holland* DC Pukekohe MA 338-91, 12 August 1992; *O'Loughlin v Police* [2001] DCR 488 (DC); *De Pina v New Zealand Police* DC Hamilton CIV-2006-019-000459, 25 August 2006; and *Carruthers v New Zealand Police* DC Opotiki CRI-2011-047-000050, 12 April 2012.

³¹ See, for example, *Jenner v Police*, above, where the applicant had 17 prior convictions for breaches of the Arms Act.

³² Between 1 October 2021 and 31 March 2025, a total of 117 events (13% of the total refused or revoked decisions) were appealed at the District Court. Of these, 40 (34%) resulted in an alternative position.

The *Access to Justice 2023 Legal Needs Survey*³³ identified reasons for those who did not apply to a court (or tribunal) to resolve a civil dispute. The two most common reasons for not applying were that the costs or resources put into the applications would not be worth it, or because the respondent resolved (or hopes to resolve) the issue out of court. This suggests the second layer of appealing to the District Court introduces complexity, and often requires legal representation to navigate procedural requirements.

65. In summary, although option 1 would not create any additional financial or implementation cost to government, and appears to be working well for most people, it does not fully address the perception of some members of the firearms community that the current internal review process is not sufficiently independent.

Option 2A: Establish a licensing review committee, with some independent members, which conducts ‘on the papers’ reviews

66. Under this option, the committee would hear cases ‘on the papers’. Hearings on the papers are generally considered cost-effective and timelier than in-person hearings. However, the absence of oral advocacy may mean parties cannot clarify arguments or respond directly to concerns raised by the committee. This could risk positions being misunderstood or underdeveloped. Written submissions can disadvantage parties who lack sufficient written skill (as effective written advocacy is critical). There is general consensus that hearings on the papers are unsuitable for complex matters that require credibility assessment.
67. Reviewing the regulator’s decision to refuse and/or revoke a firearms application or licence means that the committee will be considering an individual’s suitability to possess firearms based on evidence submitted by both parties. The nature of this assessment involves evaluating not just past conduct but credibility, judgement, and trustworthiness of the individual. These kinds of inherently fact-sensitive and nuanced evaluations generally benefit from oral evidence and in-person appearance.
68. While ‘on the papers’ hearings offer administrative efficiency and cost savings, these benefits are generally outweighed by the seriousness of the risks involved (i.e. granting someone a firearms licence). If a decision hinges on disputed facts or allegations (e.g., past violence, association with criminal elements, or mental health concerns) paper hearings cannot accommodate the kind of evidentiary testing (such as cross-examination) that is crucial for fair and accurate decision-making. We note however, that the internal review process (under the status quo) currently undertakes reviews ‘on the papers’.
69. A three-person review committee will support an unbiased tie-break process. Having two members appointed by the responsible minister will also likely enhance the perception of independence of the committee, strengthening trust in the fairness and credibility of its decisions amongst the firearms community and other members of the public. Community representation will bring broader perspectives to the decision-making than the current internal review process, which may also mitigate against unconscious bias or institutional preferences.

³³ <https://www.justice.govt.nz/assets/Documents/Publications/Access-to-Justice-Legal-Needs-Survey-Final-Report-October-2024.pdf> (page 79).

70. A lawyer on the panel will also increase public and participant confidence in the review process by demonstrating a commitment to objective and rules-based decision making. We consider the inclusion of a legally-trained panel member necessary to safeguard the panel from arbitrary or inconsistent outcomes. For example, in a tie-break, the legal representative can support the panel to navigate ambiguity by referencing overarching frameworks such as fairness, public interest, or legal precedent.
71. There is a risk that Ministerial appointments may be perceived as introducing conflicts of interest and weaken current controls, particularly if committee members lack independence or appropriate expertise. The Ministry considers this risk can be managed through regulatory guidance and requirements for a robust appointment process of committee members. In addition, the practice and procedure of the committee will be clearly set out in regulations and guidance to ensure procedural fairness is upheld. For example, committee members would be required to hear the applicant's case for why they consider they are fit and proper to use and possess a firearm.
72. Option 2A may also strengthen the regulator's firearm licensing decisions. The deliberations and outcomes of an independent review committee, while not judicial in nature, may establish precedents that set expectations, guide future decisions, and ensure robust, impartial decision making.
73. As a non-judicial body, option 2A provides an informal, independent review body. Further decisions regarding the design of the committee can ensure procedural complexity is reduced. For example, simple forms, minimal legal jargon and publicly available guidance will mitigate any barriers that may be faced by appellants. This means that appellants will likely face fewer barriers under Option 2A than they would with more formal judicial avenues, such as an appeal to the District Court.
74. Compared to the internal review process under the status quo, option 2A is likely to be significantly more resource intensive. s9(2)(f)(iv)

At this stage, the costs account for fees for Ministerially-appointed members, remuneration for the statutory officer appointee, ongoing training, and secretariat support. In addition, there will be one-off implementation costs associated with hiring secretariat staff, developing training modules for panel members and secretariat staff, developing operational policy and guidance, etc.

75. The Committee would require at least 12 months lead-in time following enactment of the legislation, for staff training, appointment of members and implementing processes and IT systems. Detailed legislative design decisions will also be required during drafting which could have implications for the operating cost of the option.
76. Option 2A is likely to be less costly for individuals than taking a case to the District Court. It would, however, introduce a new cost to appeal an initial decision to the committee, compared to the status quo (the current internal review process does not charge a fee).
77. We note, that under section 24A(4), a right of challenge is available to applicants. That is, at no additional cost, an applicant can engage directly with the original decision maker to refute or comment on information that has influenced the licensing decision. This is not considered an appeal as it does not provide the individual an opportunity to contest the decision itself.

78. Subject to Cabinet agreement, further work will be completed to enable partial cost recovery in line with other civil jurisdictions in New Zealand (e.g., administrative law matters, such as appeals against decisions made by the Immigration Service). We anticipate a nominal fee will be required when applying to the committee for a review of a firearms licensing decision.
79. Option 2A could take longer to resolve than the status quo, as it relies on a sufficient number of suitably qualified committee members. On the other hand, it may have benefits for the wider justice system, as it may save court time by reducing the number of appeals taking to the District Court.

Option 2B: Establishing an independent licencing decisions review committee, where appellants can appear before the committee in person

80. Option 2B would align more closely with procedural fairness in court-based resolutions than Option 2A, because appellants will have the ability to appear in person before the committee if they choose to do so.
81. Enabling oral advocacy means that parties can clarify arguments or respond directly to concerns raised by the committee, which mitigates risks that positions could be misunderstood or underdeveloped. It also provides greater procedural fairness and access to justice for parties who may lack written skills than Option 2A.
82. The fact-sensitive and nuanced evaluations that the committee will be responsible for undertaking (in relation to a person's suitability to hold a firearms licence) will benefit from oral evidence and in-person appearances, as these will provide the committee with greater ability to assess the appellant's credibility. In-person hearings will also provide the committee with the ability to test evidence (through cross-examination, for example).
83. While it provides for greater access to justice and procedural fairness than Option 2A, Option 2B is more costly. Enabling appellants to appear before the committee if they choose necessitates ensuring suitable venues are available for an in-person hearing, as well as travel for the panel members. Option 2B would involve hiring suitable venues in Christchurch and Auckland and using the regulator's facilities in Wellington. s9(2)(f)(iv)

Option 3: Establishing a firearms tribunal

84. This option would, by nature, provide an independent and fair assessment within the bounds of its objectives and processes. Compared to the status quo, and options 2A and 2B, a dedicated tribunal to consider firearms licence decisions may be perceived to offer more independence as the panel members will be completely independent from the regulator. This may contribute to greater trust and confidence in the overall regulatory system.
85. Like options 2A and 2B, this option may strengthen the regulator's internal firearms licensing decisions. A tribunal will set legal precedent which may influence institutional practice. For example, a decision to allow someone to retain their firearms licence subject to conditions (e.g. enabling someone to use their firearm for work but not for personal reasons) may encourage the regulator to consider this for future licensing decisions.

86. Option 3 may result in timelier resolutions for appellants compared to the time taken for a case to be heard in the District Court. However, it will take time to establish and will be costlier to government. s9(2)(f)(iv)

This figure is based on an estimated 120 appeals per year and a limited scope of activities (i.e., reviewing firearms licensing decisions).

87. At this stage, we have created these costings, on the basis that it covers:

- remuneration for tribunal chair and members; and
- departmental costs: implementation, staff, systems, and technology.

88. The costs for option 3 are based on the demand for a small volume tribunal. While the estimated costs account for travel, training, and property; any change in demand will impact the overall costs. Due to the costs being indicative and subject to further detailed design decisions, s9(2)(f)(iv)

89. A firearms tribunal would require at least 12 months lead-in time following enactment of the legislation, for staff training, appointment of members and implementing processes and updating IT systems. Detailed legislative design decisions will also be required during drafting which could have implications for the operating cost of the option.

90. Te Au Reka, the new digital case management system for the courts and tribunals, is currently being built and will be introduced first in the Family Court from July 2026. Te Au Reka will help to transform the administration of justice by moving the courts and tribunals away from manual paper processes to digital ways of working. We are considering how option three will impact on the build of Te Au Reka. There is a risk any new additions (e.g., a new tribunal) to Te Au Reka will impact programme delivery.

The demand for firearms licensing appeals may impact the timeliness of all options

91. The timeliness of all options is dependent on the number of applications for review. It is difficult to predict the case load of an independent appeals pathway. It may be high if the process is more accessible than the existing District Court appeal pathway. If the caseload is higher than estimated, it is likely to increase the time taken to hear an appeal. If uptake is greater than estimated, further funding may need to be sought for options 2A, 2B and 3.
92. We consider this risk can be mitigated to some extent through the structural design (i.e., number of members), operating processes, and service delivery, to ensure sufficient funding and resourcing is available to progress cases swiftly.
93. Neither option two nor three can be absorbed within current agency baselines. Unless additional funding is secured, options two and three cannot be implemented.

How do the options compare to the status quo/counterfactual?

	Option 1 (enhanced status quo) [Ministry's preferred option]	Option 2A (review committee, 'on the papers') [Minister's preferred option]	Option 2B (review committee, appellants can appear)	Option 3 (tribunal)
Simple	0 The internal review process is administratively simple for appellants. They are required to apply for an independent review within 28 days of receiving a decision from the regulator to refuse or revoke their firearms licence. Some applicants may find it procedurally complex and financially prohibitive to appeal to the District Court, often legal representation is required to navigate procedural requirements.	0 As a non-judicial body, this option provides an informal, independent review body. The committee can be designed to ensure procedural complexity is mitigated (i.e., simple forms, minimal legal jargon, and guidance available) Compared to the internal review process under the status quo, is likely to be more resource intensive than the status quo. However, limiting hearings to on the papers is more timely and cost efficient than Option 2B.	0 As a non-judicial body, this option provides an informal, independent review body. The committee can be designed to ensure procedural complexity is mitigated (i.e., simple forms, minimal legal jargon, and guidance available) Compared to the internal review process under the status quo, is likely to be significantly more resource intensive than the status quo. Less cost efficient than Option 2A, due to the costs associated with venue hire and travel for panel members to enable appellants to be heard in person. Compared to appealing to the District Court under the status quo, hearings will be less formal for appellants who wish to be heard in person, and therefore less intimidating than courtroom proceedings. However, due to cost barriers, appeals to the District Court are not as accessible.	0 By design, tribunals are less formal than the District Court as they do not follow strict rules of evidence or procedure. For example, tribunals make deliberate effort to use plain language both in documentation and proceedings, and can be designed to allow self-representation. Compared to the internal review of the status quo, a tribunal may be considered more burdensome for users. Who would have to complete relevant documentation and follow relevant procedure. However, compared to the District Court, initiating a claim for a tribunal would be easier. On balance, this option scores equally to the status quo.
Necessary to achieve the overarching objective of the firearms regime (e.g., ensuring only fit and proper people have access to firearms).	0 The internal review process offers an opportunity for the regulator to review the application relatively quickly compared to a formal court process. Several judgments dealing with appeals at the District Court suggests Police has adopted a strict approach to the fit and proper person assessment. These cases indicate judicial tolerance for granting or not revoking a firearms licence despite an appellant having sometimes serious convictions.³⁴ The introduction of the Statutory Officer is likely to see an increase in the use of firearm licence conditions (as opposed to blanket refusals and revocations). This may see the District Court judgments considering conditions as well.	0 The committee would be required to consider the appellant's case against the overarching purpose of the Act which seeks to balance the safe possession and use of firearms for legitimate purposes and ensures individual and public safety are protected from firearms-related harm by ensuring only fit and proper people have access to firearms. As independent decision makers, it is difficult to determine whether a broad or narrow interpretation of what constitutes a fit and proper person will be adopted. However, clear guidance could be developed to ensure the body is reflecting parliamentary intent during its assessments. There is a risk that the inability to hear oral evidence may limit the Committee's ability to assess an appellant's suitability to possess firearms.	+ The committee would be required to consider the appellant's case against the overarching purpose of the Act which seeks to balance the safe possession and use of firearms for legitimate purposes and ensures individual and public safety are protected from firearms-related harm by ensuring only fit and proper people have access to firearms. As independent decision makers, it is difficult to determine whether a broad or narrow interpretation of what constitutes a fit and proper person will be adopted. However, clear guidance could be developed to ensure the body is reflecting parliamentary intent during its assessments. The ability for the committee to hear oral evidence and cross-examine parties in person provides greater access to justice than Options 1 and 2A, and will likely improve the quality of decisions.	- As a judicial body, it is likely a broader interpretation of what constitutes a fit and proper person will be adopted as seen under the status quo appeals to the District Court. There is a risk that this broader interpretation could see a higher number of licensing decisions being overturned. It is difficult to determine whether this would constitute a threat to individual or public safety.

³⁴ See, for example, Jenner v Police, footnote 10 above, where the applicant had 17 prior convictions for breaches of the Arms Act.

Protect individuals <i>access to fair and independent appeal pathways</i>	0 Although we do not consider there is any evidence that the current internal review process is not operating independently or fairly, there is a <i>perception</i> amongst some members of the firearms community that the process is not sufficiently independent from NZ Police. The establishment of the Statutory Officer role for the regulator will go some way to addressing this perception but will likely not fully address the perception. Independence from the Police may increase the public perception of impartial decision making which may help to maintain trust and confidence in the process.	+ The committee would be bound to uphold procedural fairness. For example, panel members would be required to consider the applicant's case for why they dispute the decision to refuse or revoke their licence. As with the other Options 1,2A and 3, the establishment of the Statutory Officer role for the regulator will go some way to addressing the perception by some members of the firearms community that the internal review process is not sufficiently independent from Police. The composition of the committee (e.g., community, legal representatives, and regulator appointed by the Minister and Chief Executive respectively) will support an unbiased 'tiebreak' process and contribute to an increased perception of independence. This will likely result in the firearms community having greater trust and confidence in the committee, and its decisions, than the internal review process (option 1). Appointing independent members (from the Police) is likely to increase the public perception of impartial decision making which may help to maintain trust and confidence in the process. The inability of appellants to appear before the committee has implications for access to justice rights. For example, applicants may not understand their legal rights within the process. We consider this can be managed through guidance. From an individual rights perspective this option scores equally to the status quo as there is no rights being infringed upon.	+ The committee would be bound to uphold procedural fairness. For example, panel members would be required to consider the applicant's case for why they dispute the decision to refuse or revoke their licence. As with the other Options 1, 2A and 3, the establishment of the Statutory Officer role for the regulator will go some way to addressing the perception by some members of the firearms community that the internal review process is not sufficiently independent from Police. The composition of the committee (e.g., community, legal representatives, and regulator appointed by the Minister and Chief Executive respectively) will support an unbiased 'tiebreak' process and contribute to an increased perception of independence. This will likely result in the firearms community having greater trust and confidence in the committee, and its decisions, than the internal review process (option 1). Appointing independent members (from the Police) is likely to increase the public perception of impartial decision making which may help to maintain trust and confidence in the process. Enabling appellants to appear mitigates risks that positions could be misunderstood or underdeveloped. From an individual rights perspective this option is better than the status quo and Option 2A, as it provides better procedural fairness and access to justice for appellants.	0 This option would, by nature, provide an independent and fair assessment within the bounds of its objectives and processes. As with the other two options, the establishment of the Statutory Officer role for the regulator will go some way to addressing the perception by some members of the firearms community that the internal review process is not sufficiently independent from Police. Compared to the status quo, and option two, a dedicated tribunal to consider firearms licence decisions may be perceived to offer a more independent process, as the tribunal members will be completely independent from the regulator. This will likely result in the firearms community having greater trust and confidence in the tribunal, and its decisions, than the internal review process (option one) and option two. Some appellants who have had their licence revoked in the last five years may feel aggrieved that this option was not available to them. There is an option to enable appellants who have filed proceedings in court to transfer their claim to the review committee.
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Protect the public	0 The RCOI found several judgments dealing with appeals at the District Court suggests Police have adopted a strict approach to the fit and proper person assessment. ³⁵ These cases indicate judicial tolerance for granting or not revoking a firearms licence despite an appellant having sometimes serious convictions. ³⁶	+ As independent decision makers, it is difficult to determine whether a broad or narrow interpretation of what constitutes a fit and proper person will be adopted. However, we anticipate the composition of the committee will support a robust decision making process. Drawing on a depth of expertise and familiarity with the firearms regime. The specialist knowledge complements the broader jurisdictional perspective of the District Court.	+ As independent decision makers, it is difficult to determine whether a broad or narrow interpretation of what constitutes a fit and proper person will be adopted. However, we anticipate the composition of the committee will support a robust decision making process. Drawing on a depth of expertise and familiarity with the firearms regime. The specialist knowledge complements the broader jurisdictional perspective of the District Court.	- As with the status quo, there is a risk that this broader interpretation by members of the judiciary could see a higher number of licensing decisions being overturned. It is difficult to determine whether this would constitute a threat to individual or public safety.
Effective	0 We consider that the status quo is operating effectively for most people. However, it is not operating effectively for members of the firearms community who have concerns about the independence of the internal review process; or people who do not appeal decisions to the District Court due to cost barriers. Maintaining the status quo (even with the new Statutory Officer role established) would not fully address perceptions of some members of the firearms community that the internal review process lacks independence, transparency and accountability. A continued lack of trust and confidence in the decisions of the regulator by some members of the firearms community could result in ongoing incidences of non-compliance. The regulator has advised that it reviews all decisions appealed to the District Court to inform and improve regulatory practice.	+ The perception of greater independence and fairness is likely to improve the accessibility and uptake of dispute resolution, which will help to strengthen the regulator when making licencing decisions and provide an accessible route for people who are dissatisfied. Will improve the effectiveness of the appeals pathway for members of the firearms community who are concerned about the independence of the status quo (option 1). Would address concerns about independence felt by some members of the firearms community. This will increase the firearms community's overall trust and confidence in the committee and its decisions and could contribute to improved regulatory compliance. Likely to increase public confidence overall. The details of the procedure of the review committee would be private but appeals to the District Court on would be publicly available.	+ The perception of greater independence and fairness is likely to improve the accessibility and uptake of dispute resolution, which will help to strengthen the regulator when making licencing decisions and provide an accessible route for people who are dissatisfied. Will improve the effectiveness of the appeals pathway for members of the firearms community who are concerned about the independence of the status quo (option 1). Would address concerns about independence felt by some members of the firearms community. This will increase the firearms community's overall trust and confidence in the committee and its decisions and could contribute to improved regulatory compliance. Likely to increase public confidence overall. The details of the procedure of the review committee would be private but appeals to the District Court on would be publicly available.	+ Likely to improve the accessibility and uptake of dispute resolution, which will help to strengthen the regulator when making licencing decisions. As a less formal option than the District Court, it may provide a marginally more accessible route for people dissatisfied with the regulators internal review. However, as tribunals are entitled to cost recovery it could be prohibitive for some people, arguably less so than the District Court. A tribunal could use more flexible processes than the court, with similarly durable resolutions. May improve public confidence in the resolution process, particularly if it provides a timelier outcome than the current appeal pathway. However, could have flow-on consequences and costs. Like option two, this option may strengthen the regulator's internal firearms licensing decisions. A tribunal will set legal precedent which may influence institutional practice. For example, a decision to allow someone to retain their firearms licence subject to conditions (i.e., enabling someone to use their firearm for work but not for personal reasons) may encourage the regulator to consider this for future licensing decisions.

³⁵ For a sample of cases where the decision to refuse or revoke a firearms licence (made by a police officer with the rank of inspector or higher) has been overturned on appeal, *Jenner v Police* [2016] NZDC 4102; *Police v Cottle* [1986] 1 NZLR 268 (HC); *Flynn v Police* DC Christchurch CIV-2010-009-605, 7 October 2010; *Mallasch v Police* [2009] DCR 596 (DC); *Dobbs v Police* [1992] DCR 650 (DC); *Gadsby v Police* DC Masterton CIV-2012-035-000064, 11 May 2012; *Hubber v New Zealand Police DC Invercargill* CIV-2012-025-000501, 8 July 2013; *Hore v Police* [2017] NZDC 5263; *[Park] v Police* [2018] NZDC 5946; *Lincoln v Police* DC Palmerston North 281-95, 24 November 1995; *Twining v Holland* DC Pukekohe MA 338-91, 12 August 1992; *O'Loughlin v Police* [2001] DCR 488 (DC); *De Pina v New Zealand Police* DC Hamilton CIV-2006-019-000459, 25 August 2006; and *Carruthers v New Zealand Police* DC Opotiki CRI-2011-047-000050, 12 April 2012.

³⁶ See, for example, *Jenner v Police*, above, where the applicant had 17 prior convictions for breaches of the Arms Act.

Efficient	0 On balance, we consider the internal review process run by the regulator is currently operating efficiently as a whole. The internal review process provides a sufficient, zero-cost effective avenue for individuals to appeal an initial decision and receive a timely resolution. However, we note that the costs of taking a civil case to the District Court may be prohibitive for some people, and the court system is experiencing significant delays particularly for civil cases (which do not take precedent over criminal cases) such as firearms licensing decision appeals. The second layer of review is not operating efficiently because it is costly for appellants, and they do not receive timely resolutions. There would be no additional cost to government associated with maintaining the status quo.	- Once established, the review committee is likely to operate with around the same timeliness as the current internal review process (option one), based on similar expected volumes. It is likely to represent value for money for appellants as the cost is likely to be lower than option 3 and the District Court (as legal representation will not be allowed which will further address the costs for applicants). However, it will be more costly for applicants than the internal review (status quo) as they will pay a fee to apply for the committee review based on cost recovery. For example, is costs \$552 to appeal to the Customs Appeal Authority. This option could be implemented relatively quickly (12 months lead-in time following enactment of the legislation). This option may contribute to reducing court system delays. If the firearms community has more trust in the committee and its decisions, this may result in fewer appeals of committee decisions to the District Court than occur under the status quo. In addition, restricting appeals to questions of law only will also likely decrease the number of appeals to the District Court. Would be costlier to Government than the status quo. s9(2)(f)(iv) The Ministry does not consider the benefits of increased trust and confidence of the firearms community in the committee and its decisions offset the additional costs to government to implement and operate the review committee.	-- Once established, the review committee is likely to operate with around the same timeliness as the current internal review process (option one), based on similar expected volumes. It is likely to represent value for money for appellants as the cost is likely to be lower than option 3 and the District Court (as legal representation will not be allowed which will further address the costs for applicants). However, it will be more costly for applicants than the internal review (status quo) as they will pay a fee to apply for the committee review based on cost recovery. For example, is costs \$552 to appeal to the Customs Appeal Authority. This option could be implemented relatively quickly (12 months lead-in time following enactment of the legislation). This option may contribute to reducing court system delays. If the firearms community has more trust in the committee and its decisions, this may result in fewer appeals of committee decisions to the District Court than occur under the status quo. In addition, restricting appeals to questions of law only will also likely decrease the number of appeals to the District Court. Would be costlier to Government than the status quo, and Option 2A. s9(2)(f)(iv) The Ministry does not consider the benefits of increased trust and confidence of the firearms community in the committee and its decisions offset the additional costs to government to implement and operate the review committee.	-- May speed up resolution, but will take time and money to establish, on-going maintenance costs and may create significant flow-on costs. This is estimated to be the most expensive option for appellants and government. Option 3 may speed up resolution compared to the time taken for a case to be heard in the District Court. However, it will take time to establish (at least 12 months lead-in time following enactment of the legislation) This option may have benefits for the timeliness of courts system, as it will save court time. Te Au Reka, the new digital case management system for the courts and tribunals, is currently being built and will be introduced first in the Family Court from July 2026. Te Au Reka will help to transform the administration of justice by moving the courts and tribunals away from manual paper processes to digital ways of working. We are considering how option 3 will impact on the build of Te Au Reka. There is a risk any new additions (e.g., a new tribunal) to Te Au Reka will impact programme delivery. Would be significantly costlier to Government than the status quo. s9(2)(f)(iv)
Overall assessment	0	-	-	-

Key for qualitative judgements <i>key for qualitative judgements:</i>	
++	much better than doing nothing/the status quo/counterfactual
+	better than doing nothing/the status quo/counterfactual
0	about the same as doing nothing/the status quo/counterfactual
-	worse than doing nothing/the status quo/counterfactual
--	much worse than doing nothing/the status quo/counterfactual

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

- 94. On balance, we consider the enhanced status quo (**option 1**) provides a sufficient, cost effective avenue for individuals who are dissatisfied by a firearm licensing decision made by the regulator without introducing a significant cost to the Crown.
- 95. The marginal benefits provided for a small number of individuals affected (< 400 per year) do not outweigh the significant costs of establishing and running options 2A, 2B or 3.

First layer of appeal pathway – internal review

- 96. We heard that there was a perception within the firearms community that the first layer of review – undertaken by a commissioned police officer (who is not the original decision maker) – is not sufficiently independent because it is undertaken within the same organisation.
- 97. We do not consider that this perception is supported by evidence. Between 1 February 2021 and 31 March 2025, 1,343 reviews (section 62) were logged in the National Intelligence Application (NIA). Of these, 368 (29%) resulted in an alternative position (the original decision made by the regulator was overturned). We consider this demonstrates that the first layer of review in the current appeals pathway is operating effectively. It is also operating efficiently, as it offers appellants a zero-cost appeal pathway without having to escalate straight to the District Court.
- 98. We consider the internal review provides a sufficient, cost-effective avenue for individuals who are dissatisfied by a firearms licensing decision made by the regulator and recommend this remains.

Second layer of appeal pathway – appeal to the District Court

- 99. The second layer of review is undertaken by the independent judiciary through the District Court, which has broad authority to confirm, vary or reverse the decision appealed against. Between 1 October 2021 and 31 March 2025, a total of 117 events (13% of the total refused or revoked decisions) were appealed at the District Court. Of these, 40 (34%) resulted in an alternative position. The regulator has advised that it reviews all decisions appealed to the District Court to inform and improve regulatory practice. We consider that the second layer of review is also operating effectively. However, we note that the costs of taking a civil case to the District Court may be prohibitive.

Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

100. No. The Minister's preferred option is to replace the current internal review process (Option 1) with a Licencing Decision Review Committee (Option 2A).

What are the marginal costs and benefits of the preferred option in the Cabinet paper?

Affected groups (identify)	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
Regulated groups	There will be a nominal filing fee associated with an application to the committee. Further policy work is required to identify the specific fee. The average cost recovery level for 2011/12 for four key civil jurisdictions³⁷ was 20%. The latest filing fee review for the Disputes Tribunal referred to the 20 per cent as a guide.³⁸	Low	Low
Regulators	The estimated costs to establish and operate the committee are based on: - an estimated number of 350 appeals per annum; - one day per review (including preparation);	Estimated implementation costs for this option cannot be itemised. They are included as part of a proposed Programme Implementation Team manage the overall implementation of the rewrite of the Act (including this option), with an estimated total cost s9(2)(f)(iv) (over two years).	Medium

³⁷ District Courts (22%), High Court (23%), Court of Appeal (14%), and Disputes Tribunals (8%). [Civil Fees Review RIS](#)

³⁸ [Regulatory and Cost Recovery Impact Statement: Increasing the Disputes Tribunal's financial jurisdiction and introducing a new filing fee tier \(4 September 2024\)](#).

	• five days per annum for training appointed chair(s) and members; • ability for the panel to inform itself in any manner it considers fit (i.e., expert advice); and • secretariat support provided by the Statutory Officer.	s9(2)(f)(iv)	
Others (e.g., wider govt, consumers, etc.)	N/A	N/A	N/A

<i>For fiscal costs, both increased costs and loss of revenue could be relevant</i>			
Total monetised costs*		s9(2)(f)(iv)	Medium
Non-monetised costs		Medium	High
Additional benefits of the preferred option compared to taking no action			
Regulated groups	Improved overall confidence of firearms community in committee decisions, which will improve compliance and therefore public safety.		
Regulators	Improved compliance from regulated groups Small potential cost savings resulting from the current internal review process (section 62) being replaced by the committee. These savings have been factored into the identification of the ongoing operating costs for the committee.		
Others (e.g., wider govt, consumers, etc.)	May result in fewer decisions appealed to the District Court, thus contributing to reduced court delays.		
Total monetised benefits			
Non-monetised benefits		(High, medium or low)	

*Does not include estimated implementation costs.

Section 3: Delivering an option

How will the proposal be implemented?

101. The Statutory Officer will be responsible for the establishment and operation of the committee (**option 2**). The Ministry has engaged with Police and the regulator to develop options and advice on appeal pathways. Police does not consider the Statutory Officer (as the regulator) should hold administrative responsibility for the committee.
102. Subject to Cabinet agreement, detailed design regarding the practice and procedure of the committee is required. The Ministry will continue to work with Police and the regulator to develop this, to ensure it can be implemented effectively and efficiently.
103. New funding is required to implement option 2A as it cannot be covered within existing Police baseline.
104. Subject to Cabinet agreement, and funding approval, Police estimates the committee can be implemented 12 months following enactment of the legislation. The following work is required to implement the committee:
 - A Cabinet Appointment and Honours Committee process to appointments of the committee and approve fees (led by the Ministry);
 - Establishing and recruiting for the positions to administer the committee;
 - Developing and delivering training to committee members and staff;
 - Developing internal guidance for the regulator;
 - Developing guidance and application forms for the public; and
 - Communications to the public on the new process.