

Regulatory Impact Statement: Firearms Reform – Offences and penalties (3 of 3)

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

This is the third 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 – Appeals 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] and was supported by four RIS.

The following proposals in this RIS focus on updating, rationalising and simplifying the offences and penalties in the Act. The proposals:

- create new offences to address gaps in the Act;
- consolidate and simplify drafting of offences to make them easier to navigate; and
- increase the penalties for a number of offences (many of which have not been amended since 1983) to reflect the seriousness and high-risk nature of the corresponding behaviour.

Summary: Problem definition and options

What is the policy problem?

There have been a number of amendments to the Act since 1983, most significantly in response to domestic and international incidences of mass deaths involving firearms. However, a wholesale review of the offences and penalties has not been conducted. There is significant overlap between offences (both within the Act and the Crimes Act 1961) which can make it difficult to navigate and clearly determine the obligations for licence holders.

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 the offences and penalties are to:

- simplify the offences so they are able to be easily understood by the public and prosecuting agencies;
- ensure penalties are consistent across the Act and with other legislation (i.e. similarly harmful offending should carry similar penalties);
- ensure penalties for offending are set at significant levels for high-risk behaviours and thereby support protecting the public; and
- remove duplication and inconsistencies in the Act.

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

Non-regulatory options have not been explored for these proposals because breaches of the Act and the penalties imposed must be controlled through legislation.

What consultation has been undertaken?

The Ministry conducted public consultation on the topics in this RIS (but not on the specific policy proposals) via a discussion document to help guide the rewrite of the Arms Act. Consultation took place over a period of seven weeks, from 13 January to 28 February 2025. Submissions were received by email, post or through the Ministry of Justice's Citizen Space consultation hub. The Ministry received 8,448 submissions throughout the consultation period.

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

Yes.

Costs (Core information)

Outline the key monetised and non-monetised costs, where those costs fall (e.g. what people or organisations, or environments), and the nature of those impacts (e.g. direct or indirect)

Licence holders who breach the Act could face increased penalties. Those prosecuted may also face monetised legal costs, and non-monetised opportunity costs through the loss of their firearms.

The proposals will result in a modest increase in work across the justice sector and costs for the following agencies:

- **New Zealand Police:** costs associated with investigating and prosecuting new offences and producing guidance for redrafted offences;
- **Ministry of Justice:** the increases in penalties will result in an increase in the number of jury trials per year.¹ This will increase judicial time, court registry and legal aid costs;
- **Crown Law:** the increase in jury trials will also increase Crown prosecution costs;² and
- **Department of Corrections:** increases in penalties will have a flow-on increase to sentencing, with an estimated 60 additional people per year estimated to be imprisoned and a small increase in those sentenced to home and community detention.

Benefits (Core information)

Outline the key monetised and non-monetised benefits, where those benefits fall (e.g. what people or organisations, or environments), and the nature of those impacts (e.g. direct or indirect)

The proposed increases in penalties will provide Police with greater search and surveillance powers when investigating firearms offending. This will have public safety benefits by reducing the likelihood of firearms falling into the wrong hands and being misused.

Licensed firearms owners' obligations under the Act will be more clearly set out, which will help them better understand their obligations. We expect this will support improvements in overall compliance.

The increase in penalties will more appropriately reflect the seriousness of offending. We expect this to improve public safety through increased compliance.

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?

The additional clarity and efficiencies created by updating the offences and rationalising the penalties in this option are expected to outweigh implementation and operating costs.

Implementation

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

s9(2)(f)(iv)

² Under the Criminal Procedure Act, jury trials are prosecuted by the Crown, rather than Police.

If Cabinet agrees to the proposals, this will require amendments to the Act and the Arms Regulations 1992.

The Regulator will need to update operational guidance, update information on its websites, and communicate changes to licence holders.

Police will also need to develop operational guidance for officers enforcing the redrafted offences.

Limitations and Constraints on Analysis

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

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

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: Partially 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.

Section 1: Diagnosing the policy problem

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.
2. This Regulatory Impact Statement (RIS), *Firearms Reform – Offences and penalties* is the third of a suite of three RIS, which contain proposals to update, rationalise and simplify the offences and penalties in the Act. These three RIS are:
 - a. Firearms Reform – Permits to Possess and Manufacturing (1 of 3);
 - b. Firearms Reform – Appeals Pathways (2 of 3); and
 - c. Firearms Reform – Offences and Penalties (3 of 3).
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] and was supported by four RIS.
4. The following proposals in this RIS focus on updating, rationalising and simplifying the offences and penalties in the Act. The proposals:
 - a. redraft the offences in the Act to consolidate and simplify them, which will make the Act easier to navigate;
 - b. create new offences to address gaps in the Act; and
 - c. increase the penalties for a number of offences (many of which have not been amended since 1983) to reflect the seriousness and high-risk nature of the behaviour.

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

5. Both the Act and the Arms Regulations 1992 (the Regulations) contain numerous offences that relate to the possession, use, misuse and supply of firearms.
6. The Act sets the overarching framework for firearms control and contains over 100 offences related to the misuse of firearms. The intent of the offences and penalties is to clearly set out the consequence of criminal misuse of firearms, and non-compliance to with the Act. The overall objective is to reduce the likelihood of firearms falling into the wrong hands and being misused.
7. These offences cover a diverse range of behaviours from minor (e.g. not producing a firearms licence, which would have a \$500 fine) to very serious (e.g. using a prohibited firearm to resist arrest, which would have a penalty of 10 years imprisonment). These proposals seek to carefully balance the legitimate and lawful use of firearms (such as hunting or target shooting), with preventing the likelihood of firearms getting into the wrong hands and being misused.

8. Breaches of these offences, even without criminal intent, can have serious consequences for personal and public safety. For example, possession of a firearm without a licence can be a significant safety risk if an individual has not received firearms safety training. Further, using unlawfully held firearms for illegal hunting on private land could endanger the life of the landowner and others lawfully using the land for hunting purposes. For this reason, many of the offences in the Act carry significant penalties.
9. The Regulations outline the specific details and requirements for possessing and using firearms – including storage, handling, and security precautions. There are offences and penalties set out in the Regulations for not complying with these obligations. The offences in the Regulations are administrative in nature, and punishable by a fine of up to \$500.

Status quo

10. The frequency of charges for firearms related offences has generally increased over the past five years. This is likely due to increased focus by Police on firearm offending since 2019.

Table 1: Firearms offences and convictions 2015-2024

Year	Number of charged offences	Number of Convictions	Number of firearms related homicide charges
2015	2,503	1,585	6
2016	2,810	1,803	12
2017	3,343	2,146	11
2018	3,438	2,146	8
2019	3,564	2,129	13
2020	4,116	2,616	65 ³
2021	3,933	2,299	26
2022	4,278	2,417	16
2023	4,846	2,831	29
2024	5,071	3,112	22

11. Each year, approximately 80 per cent of firearms related charges are for criminal offences involving prohibited or restricted weapons (such as unlawful possession).
12. The available statistics do not easily demonstrate how many offenders were firearms licence holders. However, unlicensed possession offences are the category of offence under the Act charged to the largest number of people is unlicensed possession offences.⁴ It is expected that, as the Firearms Registry is further implemented, the largest

³ This number takes into account homicides from the 2019 Christchurch terror attack. The charges are recorded as 2020 as this was when the terrorist was charged.

⁴ https://www.justice.govt.nz/assets/Documents/Publications/Firearm-offences_dec2024_v2.0.xlsx

category of offences will continue to be people possessing firearms without engaging with the licensing process.

What is the policy problem or opportunity?

13. Many people in New Zealand use firearms for hunting, as part of pest control, farming activities, and in sporting and competitive events. Most of these users are law abiding and use firearms legitimately. However, firearms are dangerous if they end up in the wrong hands, and their use is becoming commonplace in criminal offending.⁵

Issue 1: Offences

14. The Act needs to clearly and accessibly set out the obligations for licence holders and provide strong consequences for those wishing to unlawfully possess or use firearms.
15. The Arms Legislation Act 2020 (2020 Amendments) introduced several new offences to the Act and increased the penalties for some offences relating to prohibited firearms. However, due to time constraints at the time, a wholesale review of the offences and penalties was not conducted.
16. Police has advised that overlaps and inconsistencies between offences create uncertainty for prosecutors and frontline Police officers. These overlaps and inconsistencies also make it more difficult for licence holders to navigate the Act and to understand their obligations. For example, the specific unlawful possession offences are currently spread across several parts of the Act.
17. A reconciliation of the offences would support better legislation as it could eliminate overlaps and more clearly set out the actions and behaviours that are prohibited; this would support licence holders to better understand their obligations and comply with the law.
18. Changes in technology and patterns of offending, and the slow nature of amending legislation, often mean that gaps or loopholes have appeared in the Act. This is exacerbated by some sections in the Act containing very prescriptive wording.
19. Updating the Act provides an opportunity to future-proof it for emerging technology and trends in firearm offending, such as, 3D printing and possession of blueprints to manufacture firearms. It is also an opportunity to fill gaps in the Act that have emerged and ensure alignment with international best practice.

Issue 2: Penalties in the Act

20. There are a large number of penalties in the Act for unlawful use of firearms – particularly when used as part of criminal offending. The penalties are set at a certain level as a consequence for unlawful behaviour and to hold people to account for criminal activity. This ensures that the Courts have adequate powers to impose penalties appropriate to the nature of that offending.
21. It is important to ensure that penalties recognise the risk and severity of offending, especially where related to high-risk behaviours. Consultation and the Ministry's review has shown that the penalty regime in the current Act is not providing an effective

⁵ Since March 2019 Police records show 13,828 firearms seized, recovered or surrendered; 53 firearms presented at Police in the course of their work and 37 firearms discharged at Police.

consequence for those who unlawfully possess and use firearms as part of their criminal offending.

22. Like offences, the penalties under the Act have been increased in an ad hoc manner over time. The penalty levels in the Act are inconsistent, both within the Act and compared to other similar regulatory schemes.⁶ Many penalties under the Act are lower than other, less serious offences that sit in other legislation.
23. Some penalties also do not accurately reflect the relative risks of some behaviour. This has been identified as an issue in both the Review of Firearms Control in New Zealand by Sir Thomas Thorp (the Thorp Report) (1997) and the Law Commission's review of maximum penalties (2013).⁷
24. In its review, The Law Commission singled out the penalties in the Act as particularly inconsistent compared to other pieces of legislation. Although (as noted above) penalties for many offences were raised as part of the 2020 amendments, several anomalies still remain. For example, there are three offences in the Act relating to possessing a pistol or restricted weapons, and all carry a different penalty:
 - a. s50(1) unlawful possession of a pistol or restricted weapon carries a maximum penalty of three years imprisonment;
 - b. s52(1) presenting the same weapon at another person carries a maximum penalty of six months imprisonment; and
 - c. s36 carrying the same weapon in any place beyond the curtilage of a dwelling except in accordance with the conditions of a firearms licence is punishable by three months' imprisonment.
25. These are examples of where the penalties for an offence are inconsistent and remain out of step with the severity of the offence. An example of a penalty that has not changed since it was set in 1983 is the \$4,000 fine for a breach of the Act by a body corporate. In some cases, this is lower than the corresponding offence by an individual (for example, a person importing a firearm without a permit in s16 is up to \$15,000 fine) and inconsistent with penalty levels for body corporates in other Acts.
26. In its report, the Law Commission concluded the Act had no coherent offence structure with systematically graduated levels of seriousness, but instead contained overlapping offences with seemingly arbitrary maximum penalties attached to them. The Law Commission concluded the anomalies could not be addressed simply by a review of penalty levels, and that a fundamental overhaul of the Act was long overdue.
27. During public consultation, submitters also provided their views that many of the penalties for illegal firearm possession and use are too low. In particular, the penalty for possession of firearms without a licence in the Act (one year imprisonment) is at the

⁶ This was identified as an issue in the Justice T Thorp's Report *"Review of Firearms Control in New Zealand"* June 1997 and in the Law Commission's Report *"Maximum Penalties for Criminal Offences"* September 2013.

⁷ Law Commission *Maximum Penalties for Criminal Offences* (NZLC SP21) – published 28 September 2013. The Commission's study paper examined how maximum penalties might be conceptualised and dealt with across the criminal law. The study paper found that many maximum penalties across the statute book were anomalous and do not reflect the relative seriousness of the offence and bear little or no relationship to current sentencing practice.

lower end compared to other offences and comparable international jurisdictions. These possession offences are high-risk as the person has not been considered fit and proper to possess firearms, they may not have received safety training, and they are often held as part of other criminal offending.

International Comparisons

28. We looked at the firearms offence regimes of comparable jurisdictions when considering the policy problem and the options. An outline of the offences and penalties in other jurisdictions are summarised in the table below:

Table 2: International firearms offences and penalties

Country	Detail
Australia	Australian states have similar firearms offences, but with higher penalties than New Zealand. For example, in New South Wales, the offence for unauthorised possession or use of pistols or prohibited firearms carries a maximum penalty of 14 years. The equivalent unlawful possession offence in New Zealand carries a maximum sentence of 4 years. The gap between maximum penalties is a general trend across most firearms offences.
United Kingdom	The United Kingdom has similar firearms offences and higher penalties than New Zealand (although not as high as Australia) making its approach to offences and penalties a middle ground. Using the above example of unlawful possession, in the UK the maximum penalty for unlawful possession is five years (ten years for prohibited weapons). A key difference is the use of mandatory minimum sentences for certain firearms offences. This means that the Court must apply the minimum sentence for the listed offences unless the Court rules there are exceptional circumstances that warrant a lesser sentence. The only comparable system in New Zealand is three strikes, which requires the Court give the maximum penalty on the third instance of offending. This includes certain firearms offences such as using a firearm against a law enforcement office.
Canada	Canada's approach is similar to the United Kingdom, with similar penalties. Unlawful possession of a prohibited firearm carries a maximum sentence of ten years. Canada also has a minimum mandatory sentence for certain firearms offences. For example, trafficking firearms carries a mandatory minimum sentence of three years for the first offence.

29. Australia, the United Kingdom and Canada have similar offences relating to firearms as New Zealand, but their penalties are generally much higher. This is likely to be a reflection that many of the offences have not been updated recently and a function of New Zealand having lower penalty levels overall.
30. New Zealand has a relatively high rate of civilian gun ownership compared to other countries, with about 26 per 100 people. This ownership rate is higher than Australia (14.5 per 100 people) and the United Kingdom (4.6 per 100 people). This has potentially led to lower penalty rates as traditionally there was a broader acceptance of firearms and their use in society. However, we consider that this is no longer relevant, and we note that

Canada generally has higher penalties than New Zealand with a higher rate of firearm ownership (34.7 per 100 people)⁸.

There is an opportunity for reform

31. A principled framework for offences and penalties would allow the relative seriousness of each offence to be reflected through an appropriate penalty. This will also help when new offences are added.
32. Many of the current issues with offences and penalties are due to reactive and rapid amendments to the Act in response to specific events and types of offending. This has meant there is no overarching framework in the Act: the offences are scattered throughout and have inconsistent penalties.
33. While compliance measures can address sporadic irresponsible and non-compliant behaviour by licence holders, offences are required to address persistent non-compliance and criminal intent. The offences contained in the Act focus on preventing the criminal misuse of firearms and protecting public safety.

What consultation has been undertaken on this topic?

34. The Ministry conducted public consultation on the topics in this RIS (but not on specific proposals) via a discussion document to help guide the rewrite of the Act. Consultation took place over a period of seven weeks, from 13 January to 28 February 2025. Submissions were able to be received by email, post or through the Ministry of Justice's Citizen Space consultation hub. The Ministry received 8,448 submissions throughout the consultation period.
35. 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.
36. The Ministry also engaged with other government agencies such as the New Zealand Defence Force, Department of Conservation, Ministry for Primary Industries, and Ministry of Culture and Heritage on the rewrite of the Act.
37. Public consultation on the rewrite of the Act found submitters were concerned that:
 - a. the obligations on licence holders are complex and fragmented;
 - b. the offences are disjointed, contain duplication and are in parts contradictory; and
 - c. many of the penalties for illegal firearm offences are too low.
38. Consultation also noted a need for more efficient enforcement measures for low-level compliance breaches by licence holders – which is addressed in a previous RIS: *Ensuring Compliance Through Education and Enforcement*.

⁸ Small Arms Survey

Impact on specific population groups

39. An outline of the ethnicity of firearms licences holders is set out in the table below. The majority of licence holders are European. The Firearms Safety Authority estimates somewhere between 7 to 10 per cent of firearms licence holders are Māori⁹.

Table 3: Number of firearms licences at June 2025

Ethnicity	Number of licences
European	119,894 (52.72%)
Not Stated	94,601 (41.60%)
Māori	8,777 (3.86%)
Asian	3,282 (1.44%)
Pacific Peoples	5514 (2.42%)
Middle Eastern, Latin American and African	317 (0.14%)
TOTAL	227,422

40. The proposed options would not create any differences in the treatment for Māori versus non-Māori offenders. However, as Māori are over-represented in all stages of the justice system, there is a risk that applying any increase in overall penalties for the Act's offending would have a disproportionate effect on Māori.
41. The increase in penalties is likely to result in further disproportionate sentencing outcomes for Māori. Since 2015, Māori have made up around 49 per cent of those convicted of Arms Act offences, despite only representing approximately 15 per cent of the total population of New Zealand.
42. The Ministry held a wānanga with groups as part of the public consultation on the rewrite of the Act. The wānanga attendees noted difficulties Māori face in engaging with the licencing system, which can result in breach of the Act.

Section 2: Assessing options to address the policy problem

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

43. The options have been considered against the criteria set out in the policy framework for firearms reform provided to Cabinet in May 2024 [CAB-24-MIN-0158], to ensure the proposals are:
- Simple:** are simple and easy to understand and apply;
 - Necessary:** are necessary to achieve the overarching objectives;
 - Protect individuals:** protect individual freedoms and rights and the security and privacy of personal information;

⁹ Because of the number of licence holders whose ethnicity is not stated it is difficult to have an accurate number.

- d. **Protect the public:** protect the public from firearms-related harm; and
- e. **Effective and Efficient:** provide for effective and efficient delivery of service.

What scope will options be considered within?

- 44. 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.
- 45. The options considered for offences and penalties have been assessed in the context of maintaining consistency with other regulatory regimes in New Zealand. Non-legislative options have not been considered as offences and penalties need to be set out in the primary legislation. International perspectives have also been considered, and the options are informed by overseas firearms policy.

What objectives are sought in relation to the policy problem?

- 46. The overarching objective of the Firearms Reform Programme agreed to by Cabinet [CAB-24-MIN-0158] is to deliver a firearms regulatory system that:
 - a. supports the possession and use of firearms and other weapons for legitimate purposes (e.g. sport, hunting, collecting and pest control); and
 - b. imposes controls that protect individual and public safety from firearms-related harm.
- 47. In the context of offences and penalties in the Act, the Ministry’s policy objectives specific to the offences and penalties are to:
 - a. simplify the offences so they are able to be easily understood by the public and prosecuting agencies;
 - b. ensure penalties are consistent across the Act and with other legislation – similarly harmful offending should carry similar penalties;
 - c. ensure penalties for offending are set at significant levels for high-risk behaviours and thereby support protecting the public; and
 - d. remove duplication and inconsistencies in the Act.

What options are being considered?

Issue 1: Offences

Option One – Status Quo

- 48. Under Option One, the current offences in the Act would shift into the new Act with minimum amendment. There could be some minor modernisation of words to improve readability.

Option Two – Consolidate and modernise the offences

- 49. Under this option, the offences would be redrafted to ensure:

- a. the offences are clearly set out in the Act in a “simple to follow” manner;
 - b. overlapping offences are consolidated; and
 - c. inasmuch as possible, the offences are aligned with the Legislative Design Advisory Committee’s guidance and the New Zealand Bill of Rights Act 1990.
50. Each offence in the Act and the proposed new penalty levels are set out in **Appendix 1**.

Option Three – Consolidate and modernise offences and address gaps in the legislation

51. Option Three would supplement the measures taken in Option Two by creating several new offences (set out below) to address the legislative gaps that have been identified.

Unsafe storage

52. Unsafe or improper firearm storage is a commonly prescribed offence internationally. For example, in Australia, improper storage is a factor in around 30 per cent of thefts and is the second most common firearm offence (other than possession) brought before most state courts. Internationally, this charge gives Police a formal means to pursue cases of unsafe storage, especially where improper storage can lead to unauthorised access (for example access by children) to firearms.
53. As such, not properly storing firearms (i.e. as set out in the Regulations or Firearms Safety Code), should be an offence punishable by one year imprisonment or \$5,000 fine.

3D printing firearms

54. *Regulatory Impact Statement: Firearms Reform – Permits to Possess and Manufacturing* (at paragraph 69-119) sets out further detail and options analysis on restrictions on 3D printing.
55. The current manufacturing offences in the Act have not kept pace with advancements in technology, in particular regarding 3D printing and the blueprints for 3D printed firearms. As such, the offences relating to manufacture should include an offence for possessing 3D printed firearm blueprints with the intent to use them to illegally manufacture arms items. This offence would be punishable by up to 10 years imprisonment to align with the other manufacturing offences in the Act.
56. In addition, it is proposed to clarify the Act to provide for the forfeiture of 3D printers, and other items (such as unused filament) used in the illegal manufacture of firearms. These items are not currently covered in the Act.

Diverting firearms

57. Diversion is the intentional transferring of a firearm from a licensed or authorised person to an unlicensed or unauthorised person. It is a significant source of firearms into the criminal possession.
58. The current offences around unlawful supply or diversion of firearms to unlicensed people (i.e. licence holders who act as straw-buyers who on sell of organised criminal groups) do not currently fully capture this behaviour and the penalties do not reflect the seriousness of these actions. As such, the supply to unlicensed person offences should be amended to reflect this type of behaviour and carry a more significant penalty. This offence would be punishable by up to seven years imprisonment to align with the supply offences in the Act.

Not notifying the regulator when licence is lost or stolen

- 59. Failure to report lost or stolen firearms licences to the regulator is not an offence. However, there is a high risk that an unlicensed person could use a lost or stolen licence to purchase firearms or ammunition.
- 60. Requiring lost or stolen firearms licences to be reported to the regulator ensures those licence numbers are flagged on its systems – including the licence checker to verify that a licence is current.
- 61. The penalty proposed for this offence is three months imprisonment, or a \$10,000 fine. This is in line with similar offences in the Act regarding failing to report lost or stolen items to Police.

Failing to provide records of the location of prohibited firearm in accordance with a pest control agreement

- 62. As part of the Act's rewrite, a new process is proposed to enable pest control organisations to apply for pre-approval for a prohibited firearm to be shared amongst specific users.¹⁰ These approvals would enable pest control companies or Department of Conservation employees to share prohibited firearms between colleagues that are also subject to the approval, without needing a separate permit to possess every time the firearm changes hands (subject to the organisation's armourer carrying out record keeping).
- 63. The regulator or Police may seek further information from the organisation's armourer about the location and possession of a particular firearm. The introduction of this new process means that a new offence (punishable by a fine of up to \$10,000) is also required to ensure Police officers can access the private record keeping when requested.

Possession of ammunition components with the intent to manufacture ammunition by non-licence holders

- 64. Currently, it is a fine-only offence to illegally possess hazardous substances that can be used to manufacture ammunition (such as smokeless powder) under the Health and Safety at Work (Hazardous Substances) Regulations 2017. However, there is currently not a more onerous offence of using the hazardous substances to manufacture ammunition without a firearms licence.
- 65. A new offence is required to make it illegal for an unlicensed individual to possess ammunition components with the intent to manufacture ammunition. It would carry a penalty of up to three years in prison, to align with the offence for illegal possession of ammunition.

Immunity for undercover officers

- 66. Three issues with the operation of the Act for undercover operations have been identified, where:
 - a. attempts to obtain a firearm may not be covered;
 - b. there are only limited protections for undercover officers; and

¹⁰ see Regulatory Impact Statement: Firearms Reform – Permits to Possess and Manufacturing.

- c. there is a loophole that may allow a person to escape conviction for entering into a contract to buy from an undercover officer.
67. This has been identified by Police as a concern when investigating criminals who are trying to acquire weapons, particularly on the dark web. Currently, the Act requires the purchaser to attempt to take possession of the illegal firearm. Police do not want to run the risk of handing over a real firearm in these operations.
68. Other similar types of offending will only require the person to enter into arrangements to acquire the item, without having to wait for them to actually receive delivery of the firearms.
69. Section 3 of the Act sets out provisions for undercover officers. The proposed redraft of the Act will address these issues by drafting the offences to include entering into an arrangement to illegally purchase a firearm¹¹, and provide protection for undercover officers for dealing offences, where the constable is acting in a good faith and reasonable manner in the course of their duties.

¹¹Similar to the offences in sections 55D and 55E of the Act.

	Option One: Status Quo	Option Two: Modernise offences and remove overlap	Option Three: Consolidate and modernise offences and address gaps in the legislation
Simple	The offences set out in the Act contains significant overlap, which can create uncertainty about which offence would be charged. Offenders could receive inconsistent sentences if charged with different offences for the same behaviour. Offences are distributed throughout the Act and not always clearly identified, or specific obligations are not clearly articulated. Many firearms licence owners, the regulator and prosecutors have indicated that they find the Act confusing and difficult to navigate. In addition, there is inconsistency with similar high-risk behaviour across other statutes. 0	Clearly framed offences would ensure that the Act is more accessible to the public and support the regulator and prosecutors to undertake their roles by reducing uncertainty. Licence holders would be better able to understand their obligations under the Act. Overlapping offences would be removed and consolidated, making obligations easier to understand. Would ensure that the offences in the Act are drafted in a consistent manner to other criminal offences. Addressing issues with the offence construction and definitions would aim to increase the certainty, and decrease the complexity, of the offence. The relevant offending would be better captured by the offence, prosecutions will be more likely able to be made, and therefore the consequences of offending will be more certain. +	As with Option Two. Would ensures that gaps in the Act are addressed clearly and simply setting out obligations for licence holders and Police. ++

Necessary	The Act currently contains a framework of offences that address unlawful use. However, these are not always clearly or concisely articulated. This means that they are not contributing as well as they could to the goals of greater protection of public safety, simple regulation and improved compliance. 0	Because of the age of the Act and previous amendments which were considered and passed under significant time restraint, wholesale redrafting of the Act is necessary. Clarifying the offences framework is necessary to improve understanding for licence holders and other users, and would likely contribute to improved compliance. +	As with Option Two. Addresses gaps in the Act to ensure that high-risk behaviours with firearms are appropriately criminalised. ++
Protect individual	Unclear drafting of offences may create a public safety risk in that users may not understand their obligations, or those who breach the Act may not be prosecuted. 0	Clear and modern drafting would ensure the users know their obligations around firearms and prosecutors are able to successfully prosecute those who breach the Act. ++	As with Option Two. Ensures that gaps in the Act are addressed clearly and simply setting out obligations for licence holders. ++
Protect public	The complexity, fragmentation, and duplication of offences in the Act may mean that some people who engage in firearms offending or high-risk behaviours are not prosecuted. This contributes to the current environment of a lack of trust and confidence in the regulatory system by some in the firearms community. 0	Clear and modern drafting would make the Act easier to understand and assist Police and the Regulator in enforcing it. This supports trust and confidence in the regime. Increased prosecutions may improve public safety and demonstrate that it is not an easy environment to offend with firearms. Increased likelihood of successful prosecutions may also have a deterrent effect. ++	As with Option Two. Addressing gaps in the Act, particularly around undercover officers would improve public safety allowing Police more effectively investigate and prosecute firearm offending. Increased likelihood of successful prosecutions may also have a deterrent effect. ++

Effective and efficient	Existing offences operate in a criminal framework that has existed since 1983 with a significant body of caselaw. There are inefficiencies in the existing system as the regulator and prosecutors are unsure at times which offences should be applied in particular situations. 0	Clear modern drafting will make the Act more accessible. However, changes to the offences may, in the short term, result in more litigation as the bounds of the new offences are tested. There will be implementation costs for Police for ICT changes and developing training and guidance for frontline staff and prosecutors. 0	As with Option Two. 0
Overall assessment	The offences contained in the Arms Act are complex, fragmented, contradictory and duplicated making the Act difficult to understand. 0	A modernised and clear offence framework would address current inconsistencies to the consequences of unsafe behaviour and make the Act easier to use. +	Addressing gaps in the Act is important to increase public safety and ensure the Act is effective. ++

Issue 2: Penalties in the Act

Option One – Status Quo

70. Under Option One the penalties for breaching the Act would remain at the current levels.

Option Two –update the penalties in the Act

71. Under Option Two, the penalties in the Act would be reviewed and an overarching framework applied to remove inconsistencies in penalties and ensure they reflect the seriousness of the offending.
72. The approach taken to reviewing and assessing the offences and penalties in the Act is to consider if it is:
- a. Fair and proportionate – does the penalty fit with the harm cause and the nature of the conduct involved;
 - b. Hold people accountable – whether the penalty denounces the conduct and provides significant consequences for the harmful conduct;
 - c. Aligned with similar offences – equivalent offences elsewhere in statute carries a similar penalty; and
 - d. Appropriate law enforcement tools are available – offences that are the highest risk to public safety have the tool to investigate the offending available (such as, surveillance device warrants and warrantless searches).

Options not considered

73. Minimum sentences being specified in the Act for firearm offending has not been considered as part of this analysis.
74. While the United Kingdom imposes mandatory minimum for specified firearm offences, this is not recommended because New Zealand generally does not have mandatory minimum sentences of imprisonment, aside from the sentences prescribed by the three strikes regime.
75. Instead, within each category of offending in the Act, there is a spectrum of conduct: from minor to serious. The current system, which prescribes maximum (rather than mandatory) sentences allows the court to tailor the sentence an offender receives to the individual circumstances of the case, within the parameters set out in legislation. This means that the penalty is proportionate to the gravity of the offending.
76. The Sentencing Act also provides a range of measures at sentencing and prior to release which seek to prevent re-offending and address public safety concerns, including minimum periods of imprisonment where the court can override standard parole eligibility; and preventive detention. There are also post-sentence orders available.

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

	Option One: Status Quo	Option Two: updating penalties in the Act
Simple	There is not a consistent framework in the Act (or other legislation) for the penalty levels – which can create confusion as to why some offences carry significant terms of imprisonment and others with similar or greater public safety risks do not. The existing framework is also not consistent with other legislation in terms of penalties for severity. 0	This option would ensure that penalties are consistent throughout the Act (and other statutes) and reflect the seriousness of the offending. The proposed increases in penalties would ensure there is a strong consequence for those unlawfully possessing or using firearms. It is clear what the consequences of the offending will be. +
Necessary	The penalty levels in the Act do not reflect the seriousness of the behaviour for a number of offences (in particular possession of firearms). This means that they are not effectively contributing to greater protection of public safety. 0	The increase in penalties would allow for the use of warrantless search powers where Police has reasonable grounds to suspect that there are firearms in a particular place or vehicle¹². In addition, the increase in penalty to 7 years for very high-risk offending would allow Police to apply to a judge for a surveillance device warrant to obtain evidential material for this type of offending. This option recognises the seriousness of firearm offending. It would also contribute to greater protection of public safety by providing effective consequences and penalising unlawful behaviour. This is unlikely to be achieved through another route (such as education only) and therefore is necessary. ++

¹² Section 18, Search and Surveillance Act 2012.

Protect individual	The current inconsistencies in penalties would remain, and the penalty often would not reflect the seriousness of the offending. 0	Public safety benefits – offences receive more significant sentences; police have access to further tools to investigate firearm offending. ++
Protect public	The current inconsistencies in penalties would remain, and the penalty often would not reflect the seriousness of the offending. 0	Unlicensed possession of a firearm is a very high risk to the public. Unlicensed possession is often very closely associated with organised criminal behaviour and drug offending. +
Effective and efficient	Existing penalties operate in a criminal framework that has existed since 1983. There are inefficiencies in the existing system as penalty often does not reflect the seriousness of the offending. 0	Clear modern drafting would make the Act more accessible. However, changes to the offences may, in the short term, result in more litigation as the bounds of the new offences are tested. The increases in penalties would result in more court cases and jury trials. This will increase judicial time, court registry and legal aid costs. The increase in jury trials would also increase Crown prosecution costs. The increases in penalties would also have a flow on increase of s9(2)(f) per year who are incarcerated, on home detention or (iv) community detention. -
Overall assessment	The existing framework is also not consistent with other legislation in terms of penalties for severity. 0	It would signal that the Government takes firearm offending seriously and recognises the public safety risk. +

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

77. The Ministry recommends Option Two as it consolidates the offences, updates penalties and addresses legislative gaps.
78. The new offence framework is considered necessary because the framework has not been substantially reviewed since 1983. Some of the offences are low and therefore do not reflect the seriousness of the behaviour. There are also a number of inconsistencies and duplications that make the current offences difficult for users to understand.
79. For the current legislative gaps:
 - a. The new offence for having unsafe storage, firearm diversion and failing to notify a firearm licence being lost or stolen is necessary to deter unsafe practices that could result in firearms getting into the hands of criminals or gangs.
 - b. A new offence for illegally possessing 3D firearms blueprints is considered necessary to future proof the Act given advances in technology and to bring New Zealand in line with other comparable jurisdictions. It will make illegal the manufacture of firearms harder by enabling the prosecution of individuals who possess blueprints for illegal purposes but have not yet manufactured the arms item.
 - c. The new offence for failing to provide records of the location of prohibited firearms in accordance with a pest control approval, is considered necessary as it would ensure that the new process is able to be enforced. Without this offence, there is greater risk that Police would be unable to access the information it requires about the possession of a prohibited firearm, as part of any investigation which would result in inefficient and ineffective processes.
 - d. The new offence for illegally manufacturing ammunition without a firearms licence is considered necessary to provide a significant consequence to criminal organisations or gangs from illegally manufacturing ammunition. It will also make it clearer that only individuals that are permitted to possess ammunition should be manufacturing it.

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

80. Yes.

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

Affected groups	Comment	Impact \$m.	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
Regulated groups	<u>Monetised costs:</u>	Low	Medium

	• People who are prosecuted may incur legal fees • Licence holders who breach the Act could face higher monetary penalties <u>Non-monetised costs:</u> • Licence holders who breach the Act could face non-monetary penalties, including serving sentences that may impact their ability to keep their jobs, and the loss of their firearms		
Police	Implementation costs: • update offence codes and make ICT changes in NIA • developing guidance for Police officers • developing and delivering ongoing training for frontline staff and Police prosecutors	Estimated one-off costs s9(2)(f)(iv) to develop and deliver training	Medium
Ministry of Justice	The increases in penalties will result in more category 3 court cases, more jury trials, and fewer category 1 and 2 court cases per year. ¹³ This will increase judicial time, court registry and legal aid costs (operating costs).	Estimated costs: s9(2)(f)(iv)	Medium
Crown Law Office	The increase in jury trials will also increase Crown prosecution	Estimated costs of s9(2)(f)(iv)	Low

s9(2)(f)(iv)

	costs (operating costs).		
Department of Corrections	The increases in penalties will also have a flow on increase of s9(2)(f)(iv) per year who are incarcerated, on home detention or community detention. While most of the offences in the Act carry terms of imprisonment currently, the increases will mean that offences are likely to receive longer sentences.	The current prison network has limited capacity and low resilience, so this small population increase, when considered on top of current projections, is likely to drive the need for significant additional infrastructure investment.	Medium
Total monetised costs		Implementation costs: s9(2)(f)(iv)	Medium
Non-monetised costs	Increased volumes in the criminal justice pipeline, putting pressure on court timeliness and the prison population.	Low	Low
Additional benefits of the preferred option compared to taking no action			
Regulated groups	Obligations in the Act are clear and understood	Medium	Low
Regulators	Gaps in the legislation are addressed.	Medium	Medium
General public	Increased public safety with additional search and surveillance powers to Police for many	Medium	Medium

	offences assisting in the investigation.		
Total monetised benefits		N/A	
Non-monetised benefits		Medium	Low-Medium

Section 3: Delivering an option

How will the proposal be implemented?

81. The Arms Act and Arms Regulations 1992 will need to be amended to implement the preferred option.
82. Police and the regulator will be responsible for implementing the preferred option. The Ministry will work with Police and the regulator to operationalise the updated legislation.
83. Police will maintain responsibility for investigating and prosecuting the criminal offences under the Act.

How will the proposal be monitored, evaluated, and reviewed?

84. The Ministry will work with Police and the regulator to monitor the implementation of the preferred option as part of its regulatory stewardship responsibilities.

Appendix 1: Proposed updates to offences and penalties

Possession				
Behaviour being addressed	Current Section of the Act	Offence description	Current Penalty	Proposed Penalty
<i>Licensed offences</i>	49A	Possession of non-prohibited firearm etc after licence revoked	1 yr / \$4,000	3 yrs
<i>Unlicensed possession</i>	20	Possession of non-prohibited firearm without licence	1 yr / \$15,000	3 yrs
	21	Possession of airgun while underage or without licence	\$1,000	\$1,000
	22B	Possession of ammunition without licence and without reasonable excuse	\$10,000	2 yrs / \$10,000
	22A	Possession of non-prohibited magazine or part without licence and without reasonable excuse	\$10,000	2 yrs / \$10,000
	19A and 22G and 50A	Possession of prohibited firearm without endorsement (including where it has been manufactured)	5 yrs	7 yrs
	19C and 50	Possession of pistol/restricted weapon without endorsement	3 yrs / \$4,000	7 yrs
	22C and 50AA	Possession of Pistol Carbine Conversion Kit (PCCK) without licence endorsement and permit	3 yrs / \$4,000	5 yrs
	19A and 50B	Possession of prohibited magazine without endorsement	2 yrs	3 yrs
	19B and 50C	Possession of prohibited part without endorsement	2 yrs	3 yrs
	50CA	Possession of prohibited ammunition without authorisation	2 yrs	3 yrs
<i>Criminal Possession</i>	55	Possession of firearm (other than prohibited) airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive <i>with the intention of committing an offence punishable by 3yrs or more or to resist arrest</i>	5 yrs	7 yrs

	55	Possession of restricted weapon, pistol or explosive with intent to commit serious offence	5 yrs	7 yrs
	55	Possession of imitation firearm or ammunition with intent to commit serious offence	5 yrs	5 yrs
	55A	Offence to assemble a prohibited firearm or convert a firearm into a prohibited firearm	5 yrs	7 yrs
Use				
Behaviour being addressed	Current Section of the Act	Offence description	Current Penalty	Proposed Penalty
Carrying without proper purpose	46	Carrying imitation firearm without proper purpose	1 yr / \$4,000	2 yrs / \$15,000
	51	Carriage of firearm (other than prohibited), airgun or ammunition in public place	3 yrs / \$4,000	3 yrs / \$15,000
	51	Carriage of pistol, restricted weapon in public place without lawful purpose	3 yrs / \$4,000	7 yrs / \$15,000
	45	Carrying firearm etc without proper purpose	4 yrs / \$5,000	5 yrs / \$15,000
	50D	Carriage of prohibited, pistol or restricted firearm in public place without lawful purpose	5 yrs	7 yrs
	49	Carrying or using non-regulated firearms without proper purpose	3 months / \$1,000	3 months / \$1,000
Discharging	48	Discharging firearm near dwelling or public place to endanger person or property	6 months / \$10,000	3 yrs
	53(3)	Discharging or otherwise dealing with firearm etc in manner likely to injure or endanger, or with reckless disregard for safety others	3 yrs / \$4,000	5 yrs
	53(1)	Careless use of firearm causing bodily injury or death	3 yrs / \$4,000	7 yrs
	53(2)	Person with charge of a firearm etc leaving in place where endangers life	3 yrs / \$4,000	5 yrs

		without taking reasonable precautions		
Presenting	52(2)	Presenting something likely to be believed firearm etc (other than prohibited) at person	6 months / \$10,000	3 yrs
	52(1)	Presenting pistol or restricted weapon at person without lawful purpose	6 months / \$10,000	7 yrs
	52(1)	Presenting firearm etc (other than prohibited) at person without lawful purpose	6 months / \$10,000	3 yrs
	51A	Presenting something likely to be believed prohibited firearm at another person without lawful purpose	7 yrs	7 yrs
	51A	Presenting prohibited firearm at another person without lawful purpose	7 yrs	7 yrs
Control	47	In control of firearm while under influence drink or drugs so as incapable of proper control	3 months / \$3,000	3 yrs / \$15,000
Use of firearms to commit offence	53A(1)	Use or attempt to use pistol, restricted weapon or prohibited firearm to resist arrest	10 yrs	10 yrs
	53A(2)	Possession of prohibited firearm while committing offence punishable by 3 yrs or more	5 yrs	7 yrs
	54A	Carrying prohibited firearm with intent to commit offence	7 yrs	7 yrs
	54(1)	Use or attempt use imitation firearm or ammunition to resist arrest	7 yrs	7 yrs
	54(1)	Use or attempt use restricted weapon or explosive to resist arrest	7 yrs	7 yrs
	54(1)	Use or attempt use airgun to resist arrest	7 yrs	7 yrs
	54(2)	Possession of firearm (other than prohibited) while committing offence punishable by 3 yrs or more	5 yrs	5 yrs

	54(2)	Possession of restricted weapon, pistol or explosive while committing offence punishable by 3 yrs or more	5 yrs	7 yrs
	54(2)	Possession of imitation firearm or ammunition while committing offence punishable by 3 yrs or more	5 yrs	5 yrs
Dealer				
Behaviour being addressed	Current Section of the Act	Offence description	Current Penalty	Proposed Penalty
Licensing	5	Dealer activity without a dealer licence	6 months / \$10,000	1 yr / \$15,000
	8C	Carrying on dealer activity when dealer licence expires/surrendered	6 months / \$10,000	1 yr / \$15,000
	8C	Failing to surrender records when dealer licence expires/surrendered	6 months / \$10,000	1 year / \$15,000
	9B	Carrying on dealer activity when licence revoked	6 months / \$10,000	3 yrs / \$40,000
	9B	Dealer failing to surrender records when licence revoked	6 months / \$10,000	1 year \$15,000
	10(1)	Taking prohibited/restricted item into possession for carrying on dealer activity without holding endorsement and permit	6 months / \$10,000	3 yrs / \$40,000
	15	Carrying on dealer activity or having business interest in arms items following expiry, surrender or revocation of dealer licence	1 yr / \$15,000	3 yrs / \$40,000
	11	Employee of dealer assisting in dealer activity without licence or relevant endorsement	\$10,000	\$10,000
	10(2)	Taking prohibited/restricted item into possession for dealer activity <i>from</i> someone without an appropriate endorsement or permit	6 months / \$10,000	3 yrs / \$20,000

Unauthorised supply	43(1)(b)	Selling or supplying airgun to person under 18 and not licence holder	2 yrs / \$20,000	2 yrs / \$20,000
	43(1)(a)	Selling or supplying (non-prohibited) firearm to person not licence holder	2 yrs / \$20,000	3 yrs / \$40,000
	44	Selling or supplying pistol/restricted to unauthorised person	3 yrs / \$30,000	5 yrs
	44A	Selling or supplying prohibited firearm	5 yrs	7 yrs
	43AA	Selling or supplying prohibited ammunition	2 yrs	3 yrs
	44B	Selling or supplying prohibited part	2 yrs	3 yrs
	44AA	Selling or supplying PCCK to unauthorised person	3 yrs / \$30,000	7 yrs
	44A	Selling or supplying prohibited magazine	5 yrs	7 yrs
	43A(1)	Selling by mail order or Internet non-prohibited firearm etc without approved written order	6 months / \$10,000	2 years / \$20,000
	43A(3)	Selling by mail order or Internet prohibited/restricted/pistol other than to person with endorsement and permit and via approved courier	6 months / \$10,000	2years / \$20,000
	55D(1)(d)	Without dealer licence enters into arrangement to supply non-prohibited firearm or firearm part	10 yrs	10 yrs
	55D(1)(d)	Without dealer licence enters into arrangement to manufacture and supply prohibited firearm, pistol or restricted weapon	10 yrs	10 yrs
	22D(1)	Supplying ammunition without holding a firearms licence	\$10,000	2 yrs/ \$20,000
	22D(2)	Supplying ammunition to a person who does not hold a firearms licence	\$10,000	2 yrs / \$20,000
Record keeping	12(1)	Dealer not keeping records of transactions for 10 yrs	6 months / \$10,000	6 months / \$10,000
	12(2)	Dealer not permitting inspection of transaction records at all times	6 months / \$10,000	6 months / \$10,000

	12(2)	Dealer not permitting inspection of arms items at all times	6 months / \$10,000	6 months / \$10,000
	12(2)	Dealer not permitting inspection of premises where arms items kept at all times	6 months / \$10,000	6 months / \$10,000
	22E	Ammunition seller not keeping record of transactions for 5 yrs	\$10,000	6 months / \$10,000
	22E(3)	Ammunition not allowing Police to inspect records with notice	\$10,000	6 months / \$10,000
	22E(6)	Ammunition seller not surrendering records when cease business	\$10,000	6 months / \$10,000
Import Export				
Behaviour being addressed	Current Section of the Act	Offence description	Current Penalty	Proposed Penalty
Import without authorisation	16(1)	Importing non-prohibited arms items and parts without permit	1 yr / \$15,000	1 yr / \$15,000
	16(1)	Importing restricted arms items without permit	1 yr / \$15,000	5 yr / \$15,000
	16(1)	Importing pistols, restricted weapons and prohibited firearms without permit	5 yrs	5 yrs
	16A	Importing prohibited ammunition without authorisation	5 yrs	5 yrs
International Offences	55E(1)(a)	Send or transfer firearm etc into NZ without lawful authority or meeting marking requirements	10 yrs	10 yrs
	55E(1)(b)	Send or transfer firearm etc from NZ to another country without lawful authority or meeting marking requirements	10 yrs	10 yrs
	55E(1)(c)	Send or transfer firearm etc through NZ to another country without lawful authority	10 yrs	10 yrs
	55E(1)(d)	Send or transfer firearm etc into another country from NZ without lawful authority	10 yrs	10 yrs

	55E(2)	Entering into a contract or arrangement to send or transfer firearm to NZ	10 yrs	10 yrs
Administrative				
Behaviour being addressed	Current Section of the Act	Offence description	Current Penalty	Proposed Penalty
Information	66B	Person in possession of arms item refusing to give personal particulars on request or giving false particulars	6 months / \$10,000	6 months / \$10,000
	Regulation 13	Person importing firearm etc not notifying Police within 30 days of import	\$400	3 months imprisonment / \$1,000 Move to primary legislation
Inspection	26	Not providing licence for inspection within 7 days	\$500	\$1,000
	55B	Failing to provide prohibited item, pistol or restricted weapon for inspection	6 months / \$10,000	6 months / \$10,000
	55B(b)	Failing to permit inspection of place where pistol, restricted weapon or prohibited firearm is kept	6 months / \$10,000	6 months / \$10,000
	55C(a)	Failing to produce firearm (other than restricted weapon or prohibited firearm) for inspection	\$10,000	\$10,000
	55C(b)	Failing to permit inspection of place firearm (other than restricted weapon or prohibited firearm) kept	\$10,000	6 months / \$10,000
Breaching conditions	36	Carrying prohibited firearm, restricted weapon or pistol without authority other than in accordance with conditions on endorsement	6 months / \$10,000	2 yrs / \$20,000
Surrender firearms	28(2)(b)	Licence holder not on demand delivering any arms item or ammunition in their possession to Police when licence surrendered/revoked	6 months / \$10,000	6 months / \$10,000

	59	Failing to surrender unsafe firearm in accordance with notice	6 months / \$10,000	6 months / \$10,000
	66C	Failing to comply with notice to surrender airgun or antique firearm	6 months / \$10,000	6 months / \$10,000
Obstruction	56	Obstructing Police exercising powers under Act	3 months / \$1,000	3 months / \$1,000
Failing to report injury	58	Failing to report incident causing bodily injury or death by use of firearm etc as soon as reasonably possible	3 months / \$1,000	3 months / \$1,000
Applying markings	Regulation 12	Person importing or manufacturing firearm etc must apply identification marking	\$400	3 yrs / \$15,000 Move to primary legislation
	Regulation 12(4)	Dealer receiving firearm etc. must apply identification marking	\$400	3 yrs / \$15,000 Move to primary legislation
	Regulation 12(5A)	Licence holder must ensure all arms items in possession have required identification markings	\$400	3 yrs / \$15,000 Move to primary legislation
	Regulation 27(2)	Person transferring possession of prohibited/restricted/pistol must ensure has identification markings before transfer	\$400	3 yrs / \$15,000 Move to primary legislation
	Regulation 27(3)	Person who obtains permit to possess restricted/prohibited/pistol must ensure has identification markings within specified timeframe	\$400	3 yrs / \$15,000 Move to primary legislation
	55F	Falsifying firearms markings	10 yrs	10 yrs
	55G	Removing or altering (or attempting to remove or alter) firearms markings	3 yrs	3 yrs
Notify police	Regulation 29C	Failure to notify Police if firearm etc not delivered in reasonable time or gone missing	\$500	\$2,000 Move to primary legislation.
	34(1)	Licence holder must notify Police of change of address within 40 days	\$2,000	\$2,000

	34(2)	Licence holder with endorsement must notify Police of arrangements for safe custody of items during shift to new address	\$2,000	\$2,000
	38	Licence holder removing prohibited/restricted/pistol from NZ must deliver licence to Police for amendment	\$2,000	\$2,000
	38	Licence holder must notify Police if removing prohibited/restricted/pistol from NZ	\$2,000	\$2,000
	66A	Failure to notify firearm etc being lost, stolen or destroyed	\$10,000	\$10,000
Clubs and ranges	38B	Operating shooting club without certificate of approval	\$10,000	6 months / \$10,000
	38L	Operating shooting range without certification	\$10,000	6 months / \$10,000
Licensing				
Behaviour being addressed	Current Section of the Act	Offence description	Current Penalty	Proposed Penalty
	28(1)	Licence holder not immediately surrendering licence when revoked	6 months / \$10,000	2 yrs / \$20,000
	42(a)	Altering licence with intent to deceive (knowingly)	2 yrs / \$20,000	2 yrs / \$20,000
	42(b)	Wilfully gives possession of licence so can be used by another person	2 yrs / \$20,000	2 yrs / \$20,000
	42(c)	Uses/attempts to use licence in name another person to procure arms item	2 yrs / \$20,000	2 yrs / \$20,000
	42(d)	Providing misleading information in application for licence	2 yrs / \$20,000	2 yrs / \$20,000
Registry				
Behaviour being addressed	Current Section of the Act	Offence description	Current Penalty	Proposed Penalty
	58A(3)	Intentionally failing to provide information for registry	2 yrs / \$20,000	2 yrs / \$20,000
	58A(4)	Knowingly providing false or misleading information for registry	2 yrs / \$20,000	2 yrs / \$20,000

	58A(1)	Failing to provide information for registry	\$10,000	\$10,000
Firearms Prohibition Order (FPO)				
Behaviour being addressed	Current Section of the Act	Offence description	Current Penalty	Proposed Penalty
	42B	Supplying firearm etc to person under FPO	prohibited firearm 7 yrs all others 5 yrs	prohibited firearm 7 yrs all others 5 yrs
	42A(1)(b)	Failing to comply with condition of FPO	2 yrs	2 yrs
Gaps				
Behaviour being addressed	Current Section of the Act	Offence description	Current Penalty	Proposed Penalty
Unsafe storage	N/A	Storing firearms in an unsafe manner (i.e., not locked, accessible by unlicensed people or loaded)	N/A	1 yr / \$5,000
Unlawful supply or Diverting firearms or ammunition (i.e., 'straw buyers')	N/A		N/A	7 yrs
The intent to manufacture ammunition with ammunition components by non-licence holders	N/A		N/A	1 yrs
Offence not to provide records of the location of a prohibited firearm in accordance with a multi-user pest control approval.	N/A			\$10,000
Failure to notify Police if	N/A		N/A	6 months / \$10,000

licence is lost or stolen				
Offences around manufacture and 3D printing of firearms – including possession of digital files or blueprints with the intent to use them to manufacture arms items not legally allowed to manufacture (including clarifying the ability to seize 3D printers used in illegally manufacture).	N/A		N/A	Up to 10 years – to align with current manufacturing offences
Possessing firearm without identification markings (i.e. serial number removed)	N/A		N/A	3 yrs