

# Gun Control New Zealand Submission on Vetting

This submission consists of two parts. The first part is our submission on vetting. The second part is from a firearms vettor.

## Recommendations:

1. That the Committee request the Police to explain clearly to the Committee how it is intended the vetting process should be carried out following the 'modernisation' of firearms administration and the rationale for this.
2. We recommend that vetting continue to take the form of a face-to-face in person formal interview in the home with the applicant and with their partner/next of kin.
3. We recommend that the vetting process should be included in the firearms law and described in the regulations.
4. We recommend that all applicants who are New Zealanders returning from overseas or Overseas applicants be required to provide a certified criminal record before their applications can proceed.

## Part One: Vetting

This submission is focused on vetting which is not mentioned in the Bill, or in the 1992 Firearms Regulation. Vetting is, however central to the effectiveness of the firearms legislation in maintaining public safety. The possibility that there was a failure of vetting in relation to the Christchurch massacre highlights this. We believe the future of the vetting process should be discussed in public and with the public, therefore it is not sufficient if vetting is included in the Royal Commission of Inquiry into the Attack on Christchurch Mosques.

Vetting emerged following the 1983 Arms Act. The firearms register was abandoned at that time as it was seen as too resource heavy, and licensing the individual was intended to reduce the administrative burden on Police. The shift to licensing individuals was always seen as requiring 'intense' vetting of applicants.<sup>1</sup>

It is unclear what Police intentions for the vetting process were in the centralisation of firearms administration underway prior to March 15th. COLFO believed the intention was to undertake interviews

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<sup>1</sup> N. Swinton, A Turning Point for Firearms Regulation: Implications of Legislative and Operational Reforms in the Wake of the Christchurch Shootings, September 2019. Quoting McCallum, 1982, Firearms Registration in New Zealand, Wellington NZ.

by skype which they believed would not be adequate. We strongly reject claims that any form of online vetting will be an adequate replacement for face to face, in person vetting.

We believe this Select Committee should consider the form to be taken by vetting as this is central to the process of licensing individuals, which will remain the foundation of firearms safety in New Zealand. A register should be in addition to the existing process of licensing individuals not a replacement for it; neither a register nor licensing of individuals is sufficient in itself.

Our impression is that Licensed firearms owners vividly remember the face to face interviews involved in the process of obtaining a firearms license and we suggest that these can and often do play an important role in inculcating respect for firearms safety. They also lead the individual applicant to feel that society treats firearms use as a serious activity requiring a responsible attitude.

The substantial interview with the usually male applicants' female partner has not always been undertaken in a separate room as recommended. Nonetheless, the acknowledgment that the partner has a role to play is a strength of the New Zealand system. The levels of family violence in New Zealand highlight the importance of acknowledging that women's opinions are of value in this male dominated process – 93% of LFOs are male. Furthermore, it is increasingly recognised that mass shooters frequently commit family or intimate partner violence.

We also believe that vetting at local level contributes to establishing and maintaining the links that will support a sensible and supportive firearms community that is open to factual information.

Sensible and moderate debate among, and feedback from, the firearms community has been notably absent in the public discussion on firearms. This is a considerable loss to our society as such voices are needed to counterbalance the extreme gun lobby. It is concerning that a person who is making sensible and useful comments, such as this person, should feel that their employment as a vettor (based on casual as-needed contracts) would be discontinued not only if they made contact with the media, but if they made contact with the Police Association, submitted to relevant committees, or were found to have contacted ourselves.

We note that vettors, firearms safety demonstrators (and gunsmiths) have not come forward and talked to media about their experience.

## Part Two: A Vettor's Perspective

Thoughts for either Royal Commission or Select Committee to consider:

- 1) Restricted Firearms License for 16 yrs old minimum age to acquire Firearm Licence

Its well researched into how 16yr olds are developing esp emotionally, how their brain is still developing etc, but currently we are happy to allow them to be able to have a Firearm Licence and acquire/use unsupervised any firearm allowed under that Licence. Now compare that to same age group getting a Drivers Licence -we have a whole different process that supports that young person -from passing theory Tests ,Learners Licence ,Restricted licence and passing a practical test before getting a full Licence -this process covers I think a 18 month period . So I would support a "Restricted " Firearm Licence approach for 16/17year olds with a series of conditions to be implemented . Happy to help develop these at a later date. Some of the most frustrating interviews as a Vettor have been with this age group -just hard to get answers that aren't monosyllables. What do you expect from most 16yr olds?

- 2) Face to face substantial vetting with modern tools

I have always received positive feedback about the importance of face to face Vetting from applicants that I have visited. Yes of course you can collect information on line but my view has always been the set questions in the vetting guide just form the opportunity for a wider conversation ,that you are observing a range of factors as you are in their place –the security inspection is an important check and opportunity to work with applicants to ensure they have appropriate security in place. There is a range of things that from your observations lead to positive outcomes -maybe health related, age related, actual usage related, definitely security related and its only once you get into a conversations that these things come out .If you were able to ask the majority of firearms community and the general public they would support a face to face interaction that had meaning, as opposed to a quick visit that ticked the boxes. This process should not be compared to getting a Passport. I would support reviewing the present paper driven process used by Vettors and Arms officers today and that modern tools like tablets, modern cellphones for photos etc be deployed –and that the discussions and questions be updated from what is a 1970s format -there is no reason that information collected on site can't be written up and transferred in real time or same day.

- 3) Recent change to Mountain Safety Council(MSC) / Instructors delivery of the combined Theory/Practical course

I think the recent changes to the firearms Licence process that involves the Mountain Safety Council(MSC) / Instructors delivery of the combined Theory/Practical course is a success. There is now a uniformity and professionalism to the programme that wasn't there previously –feedback to the paid Instructors has been very positive –it would be timely to get feedback esp from applicants as to how they felt about the course as well as Police and MSC

#### 4) The bar is set too low on firearms skills to obtain a license

I have a major concern about the fact that currently anyone who ticks the boxes can get a Firearms licence with no actual experience ie they have never fired a shot in their life .--so introducing a restricted firearm licence to all new applicants with certain conditions I believe will help grow safer more educated firearm users. The Practical firearms session currently delivered as part of the firearms safety course by MSC cannot be seen as a substitute for actual field experience –Another aspect of this is are we setting the bar too low for anyone to pass to get a firearms licence –compared to all European countries and I think South Africa we are (theirs is a far more extensive theory process/test and applicants actually having to pass a practical markmanship test on the Range

#### 5) Shooting Ranges and Public Shooting Facilities

If the interest in Recreational firearm hobbies continues to grow NZ will face a problem of a lack of shooting ranges or public shooting facilities .We are still thinking backwards here in that we refer to the Deerstalkers ,or Small bore or clay-bird clubs as the appropriate facilities –they are, but overall shooting ranges have declined through different reasons –there will be a need I believe for what I call public shooting ranges in the future and we will face a problem in the future with the modern firearm users and their different popn. demographic if these facilities are not available .Local Government has a role to play here in future planning .A important factor here is the majority of NZ gun owners don't belong to a firearms club or org.

#### 6) Firearms register link to death records

If a firearm register comes in I would promote a data- linkage to Deaths, births database be built into the system and that allows the Police to follow up on when Licence holders pass away ,and be able to track those firearms within a set time frame .There is a group of unlicensed gun owners who have in the past decided not to renew their licence, but kept their firearms, that need to be followed up . If files are still held and not already done, these folk need to be followed up to remove these firearms from the community – a specific programme with resources needs to focus on this group

7) New Zealanders returning to NZ with criminal records and Overseas applicants

There has been some interest in the number of people coming to NZ or back to NZ with criminal records and then getting a Firearms Licence. The Dept has flagged that the Vettors have the ability to intersect as part of the Vetting process. This is not correct and the correct answer is we have a flaw in the vetting process that allows this to happen. This may or may not have some link to the CHCH shooter. If you refer to the Police Vetting Guide pages 8 (sec 6-Background Checks) and Page 9(sec 7- Overseas Enquires) there is a significant difference in approach to Background checks for NZ residents compared to Overseas applicants. Regardless Vettors ask both about any past criminal records but they have a wealth of background information for NZ applicants and nothing for any overseas applicant. This flaw is still in place today. I would recommend that a full background search of overseas applicants be undertaken (like NZ applicants) before the actual face to face Vetting takes place. This is essential information for the Vettor to have going into an interview.

8) Building Trust and Relationships with the firearms community, including giving effect to the Treaty

Most gun owners when asked during a vetting interview do you belong to a firearm org. or club say no – a key piece of information that tends to be overlooked both by the Police and groups such as COLFO—so regardless of how well you think your engagement process is most gun owners will be missed. Growing meaningful relationships with the wider firearms community should be a key milestone moving forward ( otherwise we will operate in a compliance type of relationship) and will require resources and commitment by the appropriate authority. Up to now its been easy to go the recognised clubs, organisations, commercial sector who will generally all indicate they represent the majority. I think a major shift in approach needs to happen, that requires a different skill set /competencies, including giving effect to the Treaty. Iwi especially in our rural areas are major users of firearms and how we engage effectively is I think not on anyone's radar This capacity /skill set needs a new approach and energy and possibly a skill set that Police need to source externally.

9) Growing number of firearms is an issue

There is a growing issue that's bubbling away below the surface and as a Vettor who gets to work across the whole community its a interesting one –and thats the ever expanding number of firearms in the community( -that's the firearms we see, let along those we don't ) there's some interesting aspects /drivers to this – the expansion of advertising, hunting magazines, hunting programmes on TV, Commercial outlets all pushing the latest, updated models and associated

gear to stay in business and make a profit . Coupled to this is firearms generally don't wear out they will last for a lifetime if looked after .Here is a generalisation that I have observed: as people get older, have families , less active their actual use of their firearms diminishes ,but they hold onto their firearms –so there is a lot of firearms currently out there (esp with the baby - boomers ) that don't get any use –so coupled to the annual input of new firearms into the community driven by the commercial sector at one end and very few firearms being surrendered at the other end the bubble just keeps getting bigger -this could be part of a reset of the vetters role as we go around to engage Licence holders in a discussion about “do you actually use /need those firearms,why are you actually keeping them,what are some options for you to follow etc etc “

#### 10) Security Standards

Make these more prescriptive in law, less subjective –the latest Firearms Storage guidelines(Aug 2018) are good –just make them mandatory not just guidelines and that is an easy step to take and put into effect immediately –also a key one in any new legislation is “All firearms owned by applicant are to be present or presented at time of vetting”-so while we can have a on-line register the actual physical check will occur at the time a Vettor comes -she /he will have a print out from the register to check against what they see when the safe is opened for inspection

#### 11) Eliminate the ‘bell curve’ in license applications

If we are going to change to say a five year Licence take this opportunity with supporting legislation to get rid of the “bell-curve” thats present in the current 10 licence renewal cycle –smooth it out and the programme of inspections , security visits becomes more manageable

#### 12) Independent Review of Police Vetting Process/administration

I would recommend a independent review of the Police Vetting process and administration of the Firearms Licence system ,including the present Firearm Delivery structure within the Police Dept –This review needs to be independently lead with the dept being a key involved “interest” party –and not driving the process themselves .The same status would be applied to such groups as COLFO.

#### 13) Review of inspection cycles, security requirements needed

The different controls around the firearm licence/endorsements need to be reviewed to see if they are still fit for purpose. The different inspection cycles, security requirements, requirements for Pistol shooters compared to collectors compared to Cat A licence holders have been in place for a long time, but there have been significant changes in the firearms world in respect to different disciplines and

technology. Do these systems and cycles still make sense –a good example is the growing interest in Long range shooting. Firearms/Calibres designed to hit small steel plates at 2 kilometers are extremely powerful compared to the 32 ACP cartridge used in ISSF pistol target shooting at 25/50 metres( a very low powered cartridge), so do the controls we ask of our recreational ISSF Pistol shooters, for example, compared to our Long Range shooters with their type of firearms make sense today ? Can we streamline these cycles, standardise security to make a easier system to manage and police?

#### 14) Local district Firearms officer (s)

The role of the local district Firearms officer (s) needs to be recognised and supported in terms of its value to the local firearms community .In some areas I think Firearms Officers are no more than glorified Vectors, but the role is generally still very respected by the local community. The focus of these roles needs to be reviewed The role of the firearms Vectors (if they continue to be used) needs to be reset and aligned directly to the district Arms Officer. At the moment these roles operate in total isolation and potential savings that could come from working collectively as district teams under the guidance of the Arms officer are lost.