

Policing Gun Laws

**Non-Compliance, Neglect and a Lack of Enforcement
Continue to Undermine New Zealand's Firearms Laws**

Philip Alpers

**A Report Commissioned by the
New Zealand Police Association**

Firearms Policy of the Police Federation of Australia and New Zealand

- That all firearms should be registered and recorded in a similar manner to pistols.
- That there be legislated control on the type and number of weapons which individuals may own or possess.
- That the registered owner of all firearms be required by law to provide the proper security of the weapons.
- That uniform legislation and penalties be enacted by the various State Governments to assist in the control of firearms.
- That the possession, sale and importation of automatic or semi-automatic firearms be prohibited except for Government Instrumentalities.

-- Amended policies of the Federation following the
Annual Conference, Rotorua, 9-13 Sept 1991

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New Zealand Police Association (Inc.), Wellington, NZ
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Inquiries to Philip Alpers
Researcher & Policy Analyst in Firearm Injury Prevention
PO Box 90-227 Auckland 1030 New Zealand

Fax: 64 (9) 376-4212 E-mail: alpers@iconz.co.nz Phone: 64 (9) 376-3999

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Guns In New Zealand

A Brief Background

In New Zealand, 250,000¹ licensed shooters own an estimated 1.1 million firearms,² enough for one in each occupied dwelling³ and sufficient to outnumber the combined small-arms of the police⁴ and armed forces⁵ by a ratio of 30 to 1.

We own 11 times as many guns per capita as the English and the Welsh,⁶ 60% more than the Australians⁷ but less than half as many as the residents of the United States.⁸ An additional 14,000 guns are imported to New Zealand in a typical year.⁹

Any New Zealander with a basic firearms licence may legally buy and keep any number of sporting rifles and shotguns in any home without any official records of the guns being kept anywhere. Police have no statutory authority to monitor the size and content of such a gun owner's collection.¹⁰

Each day an average of seven firearm offences involving danger to life are reported to the police,¹¹ while one in five homicides are committed with a firearm.¹²

In a typical year 91 New Zealanders are shot to death: one for every four days. Of these, 75% are suicides, 12% accidents, 11% homicides, while in 2% of cases the cause is undetermined.¹³ In an average year, 13 children aged 15 or younger die from gunshot wounds.¹⁴

Our gun death toll is 10% higher than the toll from cervical cancer. For every ten New Zealanders who die from HIV/AIDS, fifteen die by gunshot. Gun death is three times more common than death by fire.¹⁵ In addition to gun killings, non-fatal gun injuries result in one New Zealander being hospitalised on average every four days.¹⁶

Of all victims of gun homicide in this country during 1992-94, most (52.5%) were shot by a licensed gun owner. Almost all victims (95%) were killed by a familiar male. Half were shot by their partner, an estranged partner or a member of their own family. Of the perpetrators, 82% had no previous history of violent crime, while none had a history of mental illness.¹⁷

Self defence is not an acceptable reason for gun ownership in New Zealand. The great majority of private firearms are held for pest control, agricultural and sporting purposes. While most gun owners are *licensed* every ten years, 97% of their firearms (shotguns and rifles) have not been *registered* to their owners since 1983. The remaining 3% -- military-style semi-automatic rifles (MSSAs), handguns (pistols & revolvers), and restricted weapons (mainly fully automatic firearms) -- are individually registered to each owner and much more carefully controlled.¹⁸ As a direct result of these added restrictions, crime with registered firearms is rare.¹⁹

Common sporting long guns, both full-length and sawn-off, are the weapons most commonly used in gun homicide,²⁰ in non-fatal misuse of guns including firearm-related domestic violence²¹ and in armed bank robbery.²² As the registration and individual tracking of long guns (shotguns and rifles) was abandoned by police in 1983,²³ the guns least controlled by legislation are now those most frequently traced to injury, death and crime.

Introduction

In November 1990, David Gray shot dead twelve neighbours and a police officer at Aramoana. A licensed gun owner, Gray died firing one of his seven lawfully held guns – a cheap Chinese replica of the Kalashnikov AK-47 assault rifle. At the time it was widely agreed that the firearm legislation which permitted David Gray – or indeed any person with a basic gun licence – to acquire such a collection without any official record of its existence was in need of urgent overhaul. In the intervening six years, New Zealanders have been assured that this country's gun laws are now much improved and that police management have the relicensing of gun owners and the compulsory registration of military-style semi-automatic weapons under control. Above all, we are assured that the new laws are being diligently enforced.

Invariably, this confidence stems from the current New Zealand Police project to relicense the country's gun owners over a period of six years. With nearly four of those years elapsed, the New Zealand Police Association commissioned this report to examine the progress of New Zealand's most significant effort at gun control since Aramoana.

Recent moves to tighten gun laws in Britain, Canada and Australia have left New Zealanders exposed to a new reality. After years of proudly proclaiming our legislation to be “at the cutting edge of gun laws”²⁴ it is now clear that we lag behind. Following the Port Arthur shootings, New Zealand has taken Tasmania's place as the jurisdiction with the most permissive gun control laws among similar Commonwealth nations (see Appendix, p33).

Simplistic calls to “ban guns” are ill-advised. No matter how tough, no nation's gun laws have eliminated gun abuse, just as no country has managed to eliminate the misuse of motor vehicles. As with cars, firearms are in New Zealand to stay. For pest control and humane stock killing, a gun has no equal on the farm. In sport, New Zealand's shooting team brought home more medals from the last Commonwealth Games than any other discipline. Hundreds of well-run gun clubs throughout the country attest to the safe and responsible use of firearms.

That said, the Port Arthur massacre and the recent shooting of Constable Glenn McKibbin at Flaxmere have rekindled in many police officers a personal interest in controlling the proliferation and misuse of firearms. In another of their roles, less often talked about but surely equally distressing, these are also the people we expect to clean up following the 90% of gun deaths which have nothing to do with crime, namely suicides and unintentional shootings.

In New Zealand no other group of individuals has the mandate to police guns – nor a better incentive to do it effectively – than the membership of the NZ Police Association. In this effort as in many others, they deserve our support.

Philip Alpers
Auckland
October 1996

Seventy Five Years of Reluctance

Gun Control in New Zealand

New Zealand's first limited gun control law was enacted in 1845. By 1921, firearms of every type had to be individually registered with police. This has remained consistently the case only with handguns and restricted weapons (machine guns and the like), which are the guns least often used in death and injury.

The remaining sporting long guns (rifles and shotguns, comprising 97% of the firearms in New Zealand) have slipped in and out of various control regimes. Following a decade of organised resistance from South Island landholders, shotguns were exempted from registration in 1930²⁵ "as the task was a burden for the police."²⁶

For the following five decades, controls on shotguns and rifles remained both different and separate. By 1983, Police Headquarters in Wellington maintained a manual filing system listing 100,000 New Zealanders who had been granted a permit to procure one or more shotguns. The shotguns themselves were not recorded.

With rifles it was almost the opposite. In similar fashion to motor vehicles, rifles were individually registered by serial number (and often also by bolt number), by make and by owner. Each rifle was cross-referenced at the nearest District Arms Office on as many as four cards and a certificate.

Dickensian Filing Systems

The two separate registers required a million individual records to be kept in manual filing systems at 17 locations around the country.²⁷ A simple change of ownership required that several cards be altered by hand. A gun owner shifting from one District to another with a typical collection of four or five rifles and shotguns would cause at least three police Arms Officers to make dozens of alterations to their files.

It was perhaps only a matter of time before such an unwieldy system collapsed. Police discovered that two thirds of the certificates were in error, mainly due to an incorrect address.²⁸ In 1967, realising that many records were out of date, Headquarters set Districts the task of locating and re-registering every rifle. Napier and Whangarei Districts quickly completed the task, thus proving it possible, given the will and the resources.²⁹

However in the remaining 14 Districts, these two essential ingredients seemed absent. Six years after the check had begun, a Headquarters report lamented that "each District Commander has placed a different priority on the project. At the present rate of progress the arms check programme will never finish. The last District to complete will be Wellington in 1986, some 19 years after the check commenced. Eleven Districts will have taken at least eleven years to complete. Clearly time to start again."³⁰

Gun Owners Blamed

One Headquarters report observed that “by far the greatest defect in our registration system is that people do not bother to notify changes of address.”³¹ Another: “it is an unfortunate but undeniable fact that firearm owners do not face up to their legal obligations.”³²

Although the blame was laid on widespread non-compliance with the law by gun owners supposedly risking stiff fines, Headquarters did also comment: “it is ironic to observe that although failure to notify changes of address is the prime cause of our records being unreliable, there has not been one such prosecution in the first six months of this year.”³³ Another report concluded: “perhaps if we had prosecuted more our success rate would have been greater and the project would have received more publicity.”³⁴

The Solution Was to Give Up

This combination of non-compliance by gun owners, a pre-computer-age card system, lack of will in most Districts and an almost complete lack of enforcement by police in one crucial area, had caused the system to fail. Headquarters conceded defeat.

In a report to the Minister of Police in 1982, Commissioner Ken Burnside concluded that “because of general public apathy to notification of address changes... we are no longer able to effectively control the possession of firearms under the present system of registration.”³⁵

Police recommended that gun registration be abandoned in favour of a new system. This would licence gun *owners*, but would make no attempt to track the overwhelming majority of *firearms* in New Zealand, namely shotguns and rifles. Government agreed, and our present system was created with the Arms Act (1983).

An equivalent decision would be to scrap existing records of motor vehicle registration plates, engine and chassis numbers, leaving drivers’ licences as the only tracing method available to law enforcement. This at a time when desktop computer terminals were reaching every police station, and could have made possible the tracking of individual firearms.

A Clean Start: Project Foresight

With their antiquated card system abandoned, police set out instead not to track firearms, but to locate the owners of the country’s guns. Bearing in mind the historical reluctance of gun owners to comply with the law, Project Foresight was designed as a “softly, softly” exercise – “the biggest public relations campaign ever mounted by the police.”³⁶ The police Firearms Coordinator at the time wrote: “it is suspected that if fees are considered too high or the inconvenience to obtain a licence too great many will not bother to licence.”³⁷ Such was Government’s fear of non-compliance that the one-off “lifetime” licence cost \$11 for an unlimited number of guns.

Unlimited Guns

The Project Foresight paperwork bulged with enticements to gun owners to obey the law by applying for one of the new licences. The first sentence of one of the most publicised police media releases of the time used as its lure:

“A major piece of good news with the introduction of the new Arms Act is that there is to be no limit on numbers of firearms anyone may gather as his personal collection.”³⁸

This news was accorded national coverage.

The Push to Relicense

Thus began this country’s largest-ever rush to firearms compliance, with 290,000 New Zealanders applying for the new licence in the following two years.³⁹ One police officer remembers the scene in a metropolitan Arms Office:

“Nine PEP (government work scheme) workers were hired to do the job. They processed the applications and sometimes stole the licence fees. There was a rubber stamp with the sergeant’s signature on it, and thousands of lifetime licences were simply rubber-stamped. The PEP workers did all the Wanganui computer checks, often incompletely. Often no inquiries were made of referees, relatives and so on.”⁴⁰

Even today, police are handed 1980s licences which were paid for by the applicant and issued at an Arms Office, but never entered in the computer. As many as 5,000 such licences exist,⁴¹ and the suspicion among police is that some of those early fees were diverted to private pockets.

Chasing Non-Compliers – Again

Despite the rush, authorities soon became concerned at the number of people who were *not* turning up at the station. The 1983 law required police to vet everybody with a gun, to decide if each was a “fit and proper person” to own a firearm. Understandably, it was the tens of thousands of still-reluctant firearms owners whom police were most keen to interview. Although recent mass shootings in Melbourne, Sydney and Hungerford had focused attention on loners with lawfully held guns, Aramoana remained a seldom-heard-of seaside settlement.

Once again, police attempts to locate and interview the missing gun owners ground to a halt for lack of encouragement from above. As one report from the Firearms Licensing Task Force recalls: “the job proved too much for the allocated resources. Vetting - being carried out in alphabetical order - had to be abandoned before the team got to ‘Gray’.”⁴²

A few months later, David Gray’s rampage at Aramoana changed the scene yet again. With the public and politicians suddenly applying unaccustomed pressure, Police Headquarters set out to pay attention to the entire alphabet.

The Current Relicensing Scheme

Public reaction to Aramoana meant that police and government could finally afford to take an “all bets are off” attitude. To the rage of many gun owners, the newly issued lifetime licences were abruptly scrapped in favour of complete relicensing, followed by a repeat visit to a police station every ten years.

New Zealand suddenly discovered it had a “gun lobby.” One group alone claimed to have organised 1,100 submissions to the justice & law reform select committee, plus 100,000 postcards and letters of protest to MPs.⁴³ The lobbying had little effect other than to gain a concession which later allowed most military-style semi-automatic weapons to escape police attention.

In its final form the Arms Amendment Act (1992) set out to achieve three main aims:

1. To locate, register and ensure safe storage of military-style semi-automatic weapons. Compliance with these requirements is outlined in the next chapter, at page 10
2. To cancel lifetime licences, interview and relicense every gun owner over an initial period of five years, then re-vet them every ten years. The compliance aspects of this scheme are dealt with at page 16
3. To enforce elementary safe storage provisions. The continuing failure of a large proportion of New Zealand gun owners to lock up their guns against criminal misuse is examined in a separate report by the same author: *Locking Up Guns: Foiling Thieves, Children and the Momentarily Suicidal*. (NZ Police Association. Wellington, 1996).

Summary

- Widespread non-compliance is nothing new, with previous attempts at gun control defeated
- Lack of will at District level was in part responsible for the abandonment of gun registration
- Lack of will and resources was responsible for the abandonment of Project Foresight vetting
- Failure to track gun owners and enforce change-of-address laws renders guns undetectable

Military-Style Semi-Automatic Weapons

Most Are Still Missing

For decades until the 1980s in New Zealand it was not easy to own a gun resembling a current battlefield weapon. Although our government did sell 2,500 surplus NZ Army self-loading rifles (SLRs) to civilians in 1988, these remained expensive. Despite this, the gun trade, with assistance from Hollywood, had successfully created a market for the weapons they called “assault rifles.” Though this term has since been disowned by gun enthusiasts, it gained wide currency as a marketing phrase promoted by gun writers and arms dealers.⁴⁴

A *genuine* assault rifle can be fired as a fully automatic machine gun, emptying its magazine with a single trigger pull. In New Zealand such weapons are rare, each one individually recorded by police to an identified, licensed gun collector. Strict individual gun registration and personal accountability ensure that automatic weapons seldom feature in injury, death or crime.

Yet thousands of virtually identical weapons – same looks, same ammunition, same rapid-fire effectiveness, missing only the toggle switch to allow fully automatic machine gun fire – are now owned by civilians. When they fire only one shot per trigger-pull, these same guns can be lawfully sold as *semi-automatic* civilian versions of a military assault rifle. Commonly referred to as assault weapon “clones” or “lookalikes,” these are now known in law as military-style semi-automatic weapons, or MSSAs. Notorious for their use in massacres, MSSAs featured at Hoddle St, Queen St, Hungerford, Strathfield Mall, Aramoana and Port Arthur.

A Flood of MSSAs

China’s Norinco brand led the boom of the 1980s with cheap semi-automatic clones of the Russian Kalashnikov AK-47 and Simonov SKS battlefield weapons. Police voiced mild concern when an Auckland car salesman obtained an arms dealer’s licence, imported hundreds of Norincos, advertised them in Sunday papers as “Brand New AK-47s” and sold them from the boot of a car. Other dealers joined the rush and the market became flooded, with prices dropping below \$200. Suited to the cheapest military ammunition, “assault rifles” could now be owned and fired at a fraction the cost of even a mid-range hunting rifle.

NZ Customs recorded such weapons as “sporting rifles” like any other, so no accurate count of imports exists. Police estimated that 12,000 to 15,000 entered New Zealand, and always planned on locating and licensing the higher figure. Various gun group spokesmen, importers and arms dealers still claim the figure to be much higher, at 60,000.⁴⁵ Just as a newly emerged gun lobby rose to defend such weapons as necessary and even harmless, David Gray killed 13 at Aramoana. When shot by police, Gray was firing a lawfully held Norinco AK-47 lookalike.

The Arms Amendment Act (1992)

Police and public alike imagined that Aramoana would mark a turning point. In 1992 legislation, military-style semi-automatics were declared ‘E’ category weapons whose owners

were to be carefully vetted. A ban was imposed on future imports, and all existing MSSAs had to be stored in a steel safe. The official attitude to MSSAs seemed clear:

“Military weapons are designed to kill people. MSSAs are either actual military weapons, or designed to look like them. They are dangerous because of their rapid fire and large magazine capacity (few shooters have a genuine need for these), and their ‘warlike’ appearance seems to appeal to people who are not suited to own or use them.”

-- Police pamphlet *What you need to know about the new firearms laws* mailed to every postal address in New Zealand, January 1993

“We wanted to have a close look at the people who had MSSAs, find out why they needed them, and how they were being secured.”

-- John Banks MP, Minister of Police. *New Zealand Herald* 24 May 1993

Cost the Main Concern

Opponents of the new law concentrated their objections on money. Whereas pistol owners have for many years provided safes for their weapons without revolt, the owners of MSSAs were said to be reluctant to pay \$299 to \$499 for a safe to lock as many as a dozen guns away from thieves.⁴⁶ The fee for an ‘E’ endorsement was also said to be too much to pay – at \$200, or \$20 a year to lawfully possess any number of MSSAs.

Exaggerating the cost of safe storage, the Sporting Shooters Association of New Zealand suggested to MSSA owners that “modifying your gun will avoid the \$200 endorsement fee and the exorbitant security costs... Depending on how many guns you have to store you might be facing \$1,200 or more for security alone.” By “modifying your gun” they were suggesting that shooters take advantage of the law’s most obvious loophole.

The Flaw in the Law

The Arms Amendment Act contained an escape clause which has since been used by a majority of owners to avoid the inconvenience of being vetted by police, or of keeping their weapons in a steel safe. By changing cosmetic features to make them look less military and more like hunting rifles, by removing the pistol grip and 30-shot magazines, gun owners were permitted to convert, or “sporterise” their MSSAs, effectively hiding them from police and avoiding spending money on gun storage while staying within the law.

In the total absence of records, and from anecdotal evidence only, police Arms Officers estimate that anything from “most” to “almost all” of the missing MSSAs have been cosmetically altered to remain within the law. But even a legally sporterised MSSA discharges the same ammunition with the same accuracy at the same rapid rate of fire. Despite police requests, the Minister has refused to promote a law change which would recall the three, 30-shot magazines and the pistol grip which came with each typical AK-47 lookalike – and which can be reassembled to recreate the original weapon in a matter of seconds.

Non-Compliance Predicted

From the inception of the new law, the Firearms Licensing Task Force at Police National Headquarters had predicted that “many MSSA owners will not comply.” Staff planned for a “worst case scenario” in which fully half of all MSSAs would remain undeclared by their owners.⁴⁷ In the event, even this proved optimistic. Fifteen months later, and nine months after the 30 April 1993 deadline for MSSAs to be declared, the Task Force reported that “applications were 50% lower than the ‘worst case’ figure projected.”⁴⁸

Table 1. Military-Style Semi-Automatic weapons (MSSAs)

6,500	MSSAs Declared and Registered ⁴⁹
15,000	MSSAs Planned For (NZ Police estimate) ⁵⁰
60,000	Number of MSSAs claimed by various gun lobby spokesmen, importers and arms dealers ⁴⁵

Most MSSAs Remain Unlocated

In May 1996, three years after the deadline, only 6,500⁴⁹ of the 15,000 MSSAs planned for⁵⁰ had been legally registered. Of the assault rifle lookalikes which police were hoping to locate, 57% remain to this day in unknown hands.

“There has been massive non-compliance by owners of military-style semi-automatic firearms. Gun owners are truculent and in an uncooperative mood.”

-- Brendan Coe. Editor, *NZ Rod & Rifle*. May/June 1993;14:3:5

Making Out All This was Planned

In their public statements, police spokesmen have often given the impression that the large number of MSSAs they imagine and hope to have been “sporterised” is of little concern. Yet internal police reports show that the very high proportion of MSSA owners who opted to hide their weapons was both unexpected and worrying.

Early in 1994, nine months after the deadline for MSSAs to be declared, Police Headquarters told their new Minister, John Luxton, that the conversion clause had shown itself to be “a loophole” and an “obvious weakness” which “affects the credibility of the legislation.”⁵¹ It seemed likely that the very people whom police were most keen to interview regarding their possession of one or more MSSAs (the average legal owner holds not one, but two to three assault rifle lookalikes) were also those most likely to have taken advantage of the conversion loophole, thus avoiding official scrutiny. Nearly three years later, and despite the repeated urgings of police, Mr Luxton has taken no action to close this loophole.

The Southland MSSA Project

It was surmised that most owners of MSSAs had opted to “sporterise” their weapons rather than attend a police station. However there was no evidence of this until the Arms Officers of Southland District set out to trace local MSSAs and to gauge compliance with the law.

In the absence of gun registration police had no suitable records of their own, so officers were reliant on those held by local arms dealers. These note the sale of new weapons, plus the minority of second hand sales which are conducted through a licensed gun store. After the first few police confiscations of illegal MSSAs which resulted from this sweep, a number of gun owners (at least in Southland) were persuaded to sporterise their weapons. However some months later, Police Headquarters estimated that 20% of that proportion of MSSAs which appear on local dealers’ records were still untraced – even after a campaign to locate them.⁵²

No count could be made of MSSAs purchased in neighbouring Otago or further North, either privately, from a dealer or by mail order. To discover these would have required a national effort. Despite repeated appeals from Police National Headquarters, Southland remains alone among 28 Districts to have attempted this task.

Penalties on Conviction

In the course of routine enquiries, a number of MSSAs have since been recognised and seized by police. When prosecutions followed, police received dwindling support from the courts. Despite a 1993 Appeal Court decision supporting a mandatory prison term for illegal possession of an MSSA, the cases reported in the press since then would suggest that lower penalties are now the rule:

Oct 1993	Goodwin	Morrinsville	6 weeks jail
Apr 1994	Unnamed	Whangarei	6 weeks jail
Oct 1994	Denison	Kaitaia	\$150 fine
Feb 1995	Davies	Waihi	\$500 fine
Mar 1996	Knudson	Otago	Community service
May 1996	Bruce	Wellington	\$1,000 fine

In the Knudson case, the firearm owner possessed an illegal pistol as well as an MSSA. The maximum penalty for the latter offence alone is three years’ jail and/or a \$4,000 fine. The Bruce case set a precedent, as the gun owner was convicted despite the fact that his 20-round magazine was separated from his “sporterised” weapon when found by police.

Summary

Three and a half years after the deadline for compliance with the new MSSA laws:

- Most of the 15,000 MSSAs imported to New Zealand have still not been located
- Police in 27 Districts have no idea how many have been sporterised, nor who owns them
- Despite repeated police requests, serious loopholes in the law remain unplugged
- Penalties for illegal possession have dropped to a level which may provide little deterrent

Pistols, Machine Guns, Dealers Most Are Located

Compared to locating and registering MSSAs, the task of relicensing the remaining special endorsement categories went smoothly. By and large, arms dealers, collectors and pistol shooters are the most law-abiding of licence holders. They are the most strictly vetted and recorded by police, and often have much to lose if their endorsements are revoked.

Restricted weapons held by 'C' endorsement gun collectors, plus handguns kept at home by 'B' endorsement pistol club members are all individually registered with police. Registration makes these weapons instantly traceable, a system which ensures that owners rarely go underground with their guns or sell them illegally.

Handguns & Restricted Weapons

National relicensing compliance figures for category 'B' & 'C' endorsements to 6 May 1996:

Endorsement	Category	Recorded at Wanganui ⁵³	Processed ⁵⁴	Still Missing
Pistol Shooter	'B'	2,457	2,327	130 (5%)
Collector	'C'	3,037	2,851	186 (6%)
Total		5,494	5,178	316

Missing Endorsement Holders

Police National Headquarters have repeatedly urged Districts to give priority to locating missing pistol shooters and collectors, pointing out that "their licences are revoked, yet some are still shown as being in possession of pistols and restricted weapons."⁵⁵ Numbers outstanding have since dropped considerably, from 1185 in June 1994 to 316 in May 1996.

These people are said by police to be of little concern, the assumption being that they are now deceased, overseas or have given up their interest and disposed of any weapons which require a licence endorsement.⁵⁶ The present whereabouts of any such guns remain unknown.

Licensed Arms Dealers

Although many 'D' endorsement holders are "backyard" gun dealers trading without the knowledge of local authorities from private, unmarked premises, they too are quickly traceable from police records. The majority of these, plus the remaining "shopfront" dealers and sporting goods stores, had complied with the new scheme by June 1994. Police assume that the outstanding dealers are no longer trading, that any remaining guns have gone to lawful owners.

National relicensing compliance figures⁵⁷ for category 'D' endorsements to 30 June 1994:

Endorsement	Category	Recorded at Wanganui	Processed	Outstanding
Dealer	'D'	452	377	75 (17%)

The “Wanganui” Computer

The uncertainty in these figures is caused by a peculiar and little-publicised predicament now faced by police. When the Wanganui Computer Centre was sold along with Government Computer Services (GCS) to the American multinational EDS (then owned by US Presidential candidate Ross Perot), police lost the ability to access much of their own information in summary form.

Though their computer terminals have always had quick access to individual records held on the EDS computers, police must now pay hard cash for any data scans needed to extract totals or analyses. Following the sale of “their” computer system to the EDS empire and its subsequent move from Wanganui to Auckland, police discovered the cost of these scans to be surprisingly high.

As a result, police have stopped asking for information which was once readily available. Previously an annual event, no computer count of the number of current firearms licence holders has been commissioned since 1992. When asked for the total number of handguns and machine guns currently lawfully held by New Zealanders, the co-ordinator of the Firearms Licensing Project responds: “I don’t know.”⁵⁸

Police management predict that all this will be overcome with the eventual arrival of the INCIS system. In the meantime, elementary data needed for planning and analysis is widely unavailable, with police unwilling to pay large sums of money to a company now owned by General Motors (USA) in order to retrieve their own data.

Summary

- The great majority of handguns and restricted weapons, the only guns for which individual registration records existed, were easily located and their owners relicensed
- An unknown number of restricted weapons and handguns remain untraced
- Most licensed arms dealers have been located, again thanks to comprehensive police records
- Police cannot afford to pay to extract their own data from the “Wanganui” computer system

The Great Bulk of Guns Compliance Worse Than “Worst Case”

An estimated 97% of the 1.1 million firearms in New Zealand are said by police to be sporting long guns – common models of shotguns and rifles. Any person with a basic ‘A’ class firearms licence can legally buy and keep any number of rifles and shotguns in any home without any official record of the weapons being kept anywhere.

Such firearms are not individually registered, serial numbers are not known unless recorded and divulged by the owner and although most gun sales are conducted privately, there is no requirement to record these in any way. Police have no statutory right to compel a suspected owner of such weapons to declare the size of any gun collection.⁵⁹ One assortment of 400 rifles and shotguns in a private Auckland home came to light only when the owner was robbed.

Not Enough Advertising

In the summer of 1992-93, police launched a nation-wide, but very limited advertising campaign to announce the current relicensing scheme. Spread over the following five years, all gun owners would be called in alphabetical order. A police leaflet explaining the new laws was mailed to all 1.2 million postal addresses in the country. The budget for this was small and soon exhausted, so Districts were left to organise free local press coverage whenever possible. This they did, to the tune of hundreds of articles in newspapers and magazines over the following three years. It is a common complaint among Arms Officers that the publicity budget accorded to firearms relicensing has been “nowhere near enough,” and that late-comers to the Arms Office almost invariably claim they “never got anything in the mail.”

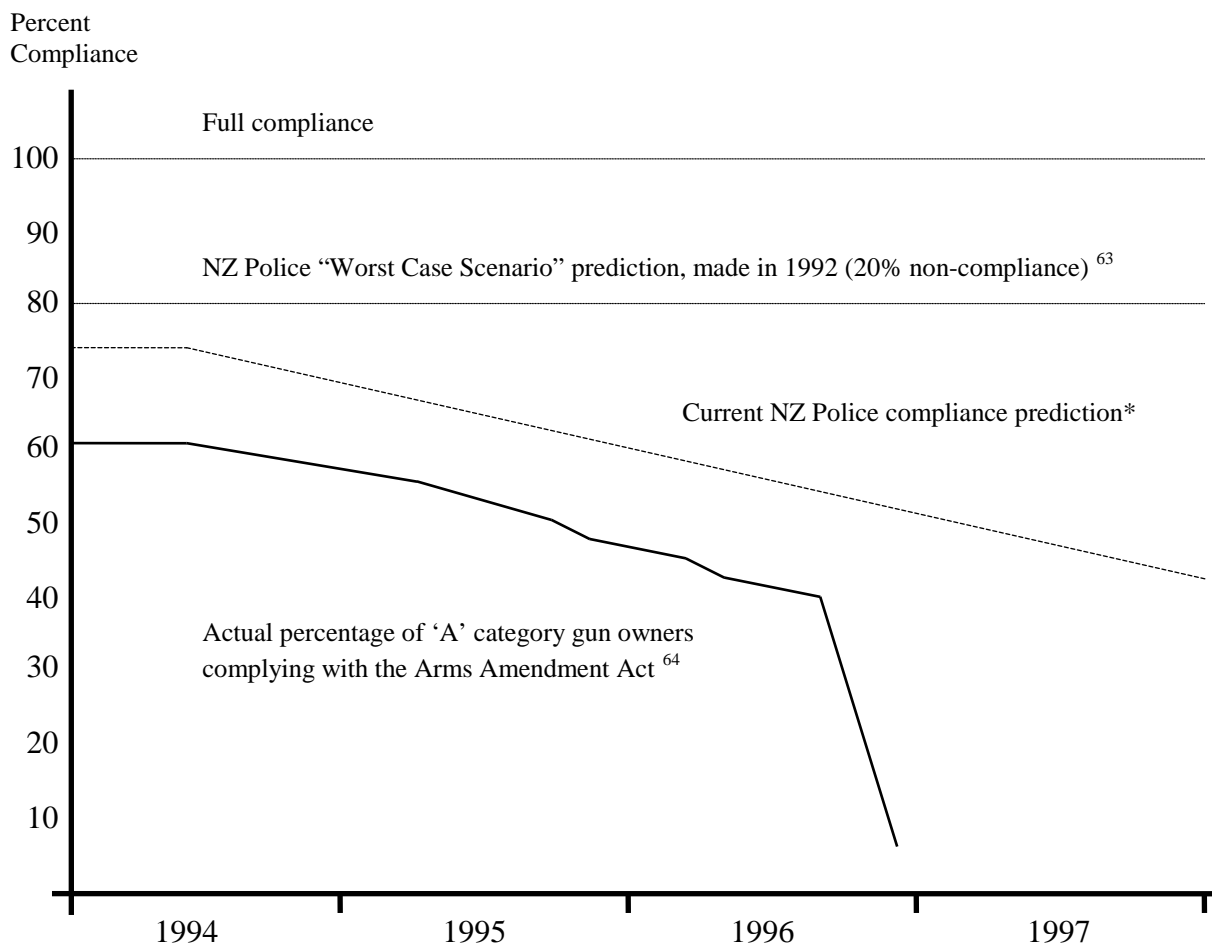
Gone No Address

In many cases this is undoubtedly true. Of 250,000 letters sent so far to individual gun owners at their last known address, probably half went astray or were discarded. Police had only reached the C and D surnames when they reported that “the general response (nationally) is about 30-35%. There has been a major problem with the addresses. Up to 50% could have been wrong. Even so the response is not what we had expected. The project is much bigger than first anticipated.”⁶⁰

One Arms Officer was reported as saying that “the address problem was turning the relicensing process into an administrative nightmare.”⁶¹ Headquarters told the Minister that “there are an estimated 30% incorrect addresses presently held with firearms licences on the Wanganui Computer.”⁶² The old address curse had struck again.

Table 2. NZ Firearms Relicensing Scheme, 1994-97: Compliance

'A' Category Sporting Long Guns (shotguns and rifles)



*This revised prediction relies on an unconfirmed estimate that 15% of those who have failed to respond to call-in notices are deceased, overseas or no longer own firearms. It also anticipates future compliance from dwindling numbers of gun owners who are still arriving years after their deadlines, and includes an estimated number of uncompleted applications in Arms Offices around the country. ⁶⁵

Non-Compliance Much Higher Than Expected

Of the 326,108 valid lifetime 'A' licences on the police computer, 202,403 (62%) have been called in and their deadlines expired. Yet only 100,350 gun owners (50%) had complied. ⁶⁶

Gun owners who delay relicensing beyond their six-month call-in deadline are in breach of the Act. Police were disconcerted to find that a majority of gun owners do not abide by the law, that on average "it takes 18 months from each call-in date to reach even 50% compliance."⁶⁷

Despite this, police media releases claim compliance rates as high as 80%. This can only be true if gun owners who relicense two or more years late, people who are imagined to be absent from the country or to have given up shooting, plus people who may or may not be deceased are counted as having "complied." In any scientific count these categories would be openly acknowledged as "unknown."

Optimism Conceals the Problem

There could be an element of danger when media statements wallpaper over the cracks in this manner. Although the gun owner may indeed be deceased or overseas, an unknown number of guns left behind are likely to have gone into limbo. In the absence of registration, police have no way of finding weapons belonging to an absent person other than to interrogate family and friends. To imagine that police will devote time to such traces is even more wishful. Meantime, some or all of the weapons may have joined the riskiest category of all: the “loose”, largely untraceable gun looking for the best price.

The most recent police report to the Minister says: “the present response rate indicates that an estimated 117,400 existing licence holders will not respond to their call-in notice. Many of these will still be in possession of firearms even though their licence will have been revoked for failing to respond.”⁶⁸ Given past experience, this does not seem to augur well.

Lowering Standards to Ease the Workload

So far, police reaction to non-compliance has been limited to a few administrative steps to make it easier for gun owners to comply and to surrender licences. Instead of stepping up efforts to convince gun owners that police take a serious view of non-compliance, various enforcement practices were instead relaxed to ease the workload on police (see page 23).

Due to late arrivals, late processing and surrenders there is little doubt that the steeply falling 1996 tail of the “Actual Percentage” curve (Table 2) will rise in months to come. However, to lift the whole curve to anywhere near the original “worst case scenario” may require a commitment which NZ Police management have shown themselves historically unwilling to make.

“Gun owners resist the 1992 law for a lot of reasons. They didn’t like their lifetime licences being revoked, they didn’t like the cost of a new licence, or the cost of security, or they just didn’t give a shit. That seems to be what’s happening now. Another reason is that they just hate John Banks.”

-- Bob Badland. Firearms Programme Manager, NZ Mountain Safety Council. *NZ Listener*, 21 Aug 1993

Summary

- Non-compliance with firearms relicensing to date is double the “worst case” predicted
- 18 months after each call-in deadline, only 50% of gun owners have complied with the law
- Police predict that 117,400 gun owners and their firearms will remain undetected
- In the absence of increased commitment, the current relicensing scheme may yet follow the pattern of previous failures

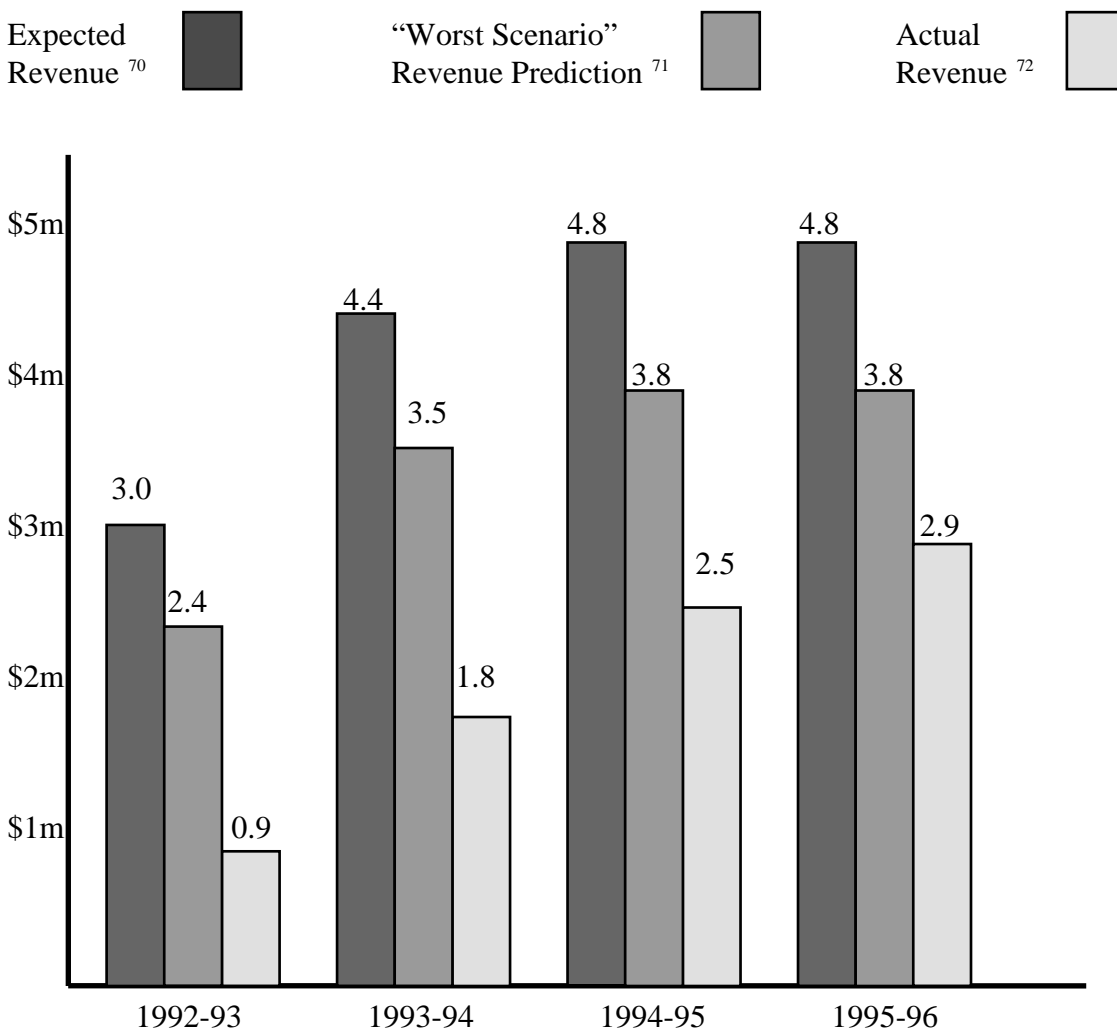
The Cost of Relicensing

Half the Revenue, Twice the Cost

The current relicensing project was designed strictly on a “user pays” basis. In 1992, Police Headquarters estimated the cost of advertising, vetting applicants, processing the paperwork, printing and issuing a single ‘A’ category photographic licence to be \$65. Endorsed licences involve more vetting, and so were costed at \$200 each. These sums included an allowance for the number of applications to drop as low as the “worst case scenario,” and to make a penalty payment to the manufacturer of the licence cards if predicted printing volumes were not met.⁶⁹ Licence fees were then set at the same level, enabling both politicians and the police to promote the scheme as being priced merely to recover costs. Four years later, the actual revenue was considerably less than predicted:

Table 3. Revenue from Firearms Licensing, 1992-96

NZ Police figures, financial years 1 Jul - 30 Jun, all licences and endorsements



Revenue 52% Below Predictions

Based on a forecast of 282,000 licences to be issued, the anticipated revenue for the first three years of the relicensing scheme to 30 June 1996 was \$17,025,000.⁷³

With only 115,000 licences of all types issued to 30 June (59% less than expected), actual revenue for the period is estimated at \$8,146,930, a shortfall of 52%.⁷⁴

Expenditure Nearly Doubles Predictions

During the same period, expenditure is estimated by police to have exceeded \$120 per licence, or \$13,388,000.⁷⁵ Allowing for the endorsed licences included in this figure, this suggests that police are spending \$122 to process each 'A' licence originally costing at \$65 – an over-expenditure of \$57, or 47%.

This total includes penalty payments of \$217,000 incurred to 30 June 1996 to compensate the photographic licence printing company for under-production.⁷⁶

Projected Additional Expenditure, 1996-1999

The most recent police report predicts: “an estimated 105,000 further licences are expected to be processed, and this could increase to 135,000 *if* non-responders are followed up. This will result in an estimated further cost of between \$12.6 and \$16.2 million. Giving an estimated final cost for the project of between \$25.7 and \$29.3 million of which \$11.3 to \$12.9 million will have been Revenue Crown. This does not include any additional funding aimed at increasing response and compliance”⁷⁷ (emphasis added).

Thus a project designed to cover expenditure with revenue is now forecast to cost nearly \$30 million, plus extra compliance costs. At the completion of the current relicensing scheme, perhaps \$13 million will have been paid by the taxpayer. As little as four years later the cycle must commence anew, with 'A' to 'D' surnames due for re-vetting in the year 2004. Again, perhaps half the gun owner's addresses will have changed without police having been notified.

And There's More

Firearms Licensing Coordinator Inspector John Coote points out that the figures provided in the latest report from Headquarters are not the only costs associated with guns: “if you added the total hours coded against firearms licensing recorded on our activity management system for Arms Office work, you'd have to add 60,000 sworn hours and 40,000 non-sworn hours. There's 100,000 hours that could be added on. That's \$5 million extra. Before relicensing, the administration of the Arms Act was budgeted at about 2-3 million dollars a year.”⁷⁸

The Causes

The dramatic loss of revenue is attributed by police to the large proportion of self-described law-abiding gun owners who, perhaps only out of apathy and in the absence of any noticeable enforcement, have not bothered to abide by the law.

Diverting Money to Uniform Duties

At the other end of the problem, the blow-out in costs is blamed on police mis-management of resources at District level. Police Headquarters conclude: “most of the reason for the increased costs of the project is the use of sworn members as vetting officers rather than non-sworn persons as intended by the project. Using this approach not only increases costs but has the potential to slow down the process when sworn staff are taken off firearms licensing for operational duties.

“It should also be noted that the original project costing was never intended to cover the traditional costs of firearms licensing and policing, i.e. District Arms Officers and rural Constables have always done firearms licensing.”⁷⁹

This last point is not lost on the NZ Labour Party, a section of whose 1996 election policy reads: “the police will not be allowed to use the (firearms) licensing system as a fund-raiser to replace money cut from their budget by the Government.”⁸⁰

“The Public Should Pay”

As with the tobacco debate, the drive to prevent firearm-related injury is subject to an extra level of resistance from vested interests, in this case licensed arms dealers and the pro-gun lobby groups they fund.

The Sporting Shooters Association of New Zealand maintains that “the costs associated with any form of relicensing should be borne by the public, through their taxes, or from the general police fund... if relicensing is to protect the public good, then the public should shoulder the burden. After all, what use is the new piece of plastic or the re-vetting to us, we don’t want this ‘service’... Until ‘lifetime’ licences are returned, and fees are made purely nominal (\$5), people are going to vote with their feet and stay away. Only with shooters’ co-operation will it work.”⁸¹

Summary

- There has been a shortfall in relicensing revenue of 52%, or \$8.9 million
- Expenditure to date has been nearly double the figure predicted, overshooting by \$6.4m
- Police spent \$122 to issue each ‘A’ licence which they had budgeted to cost \$65
- Penalty payments due to the photographic licence manufacturer now total \$217,000
- Designed to cost the taxpayer nothing, firearms relicensing is set for a \$13m deficit
- The revenue shortfall is attributed to non-compliance by gun owners
- Police Headquarters say much of the expenditure blow-out is due to Districts using relicensing money to subsidise day-to-day staffing

Police Enforcement

Scant Resources and a Lack of Will

At the outset of the current project, Police Headquarters were aware that the energy and resources devoted to firearms licensing were being maintained at a bare minimum. As one report put it in 1992: “firearms licensing and the policing of the legislation has assumed a low priority in most Districts to the extent that Corporate Plan standards and even statutory requirements are simply not being met.”⁸²

Four years later little has changed, with Headquarters advising the Minister of Police in 1996: “firearms licensing is seen by staff as a minor regulatory process with little benefit to the wider policing role”⁸³ and: “there needs to be greater awareness of the relicensing project and its requirements among staff, particularly front-line members. An attitude still exists that firearms licensing is nothing to do with them, partly caused by lack of knowledge and experience.”⁸⁴

Reluctant Money Chasers

Without doubt part of the reason for this is cultural and historical. One police officer after another told the author, some in as many words: “none of us joined the force to become a paper pusher or a revenue collector.” The post of Arms Officer was for decades the end of an officer’s career. As one said of his own job: “Arms Officers were traditionally injured or unfit for duty.”

These days almost all are non-sworn staff on contract, many of them former police officers. Few would question their ability or determination to relicense gun owners effectively, yet for results and support they must rely on colleagues whose priorities are different. Front-line police officers may or may not know or enforce the Arms Act, while above them, local management differs in resolve from one District to another.

Firearms licensing is not seen as a core function by police, and has for many years been a contestable activity along with driver licensing and prosecutions. As in many other police operations, resources are scant. One Arms Officer highlighted this, exclaiming: “We can never even get a car. We’re at the bottom of the list.”

Enforcement of the Arms Act and Regulations has been criticised by police themselves:

Following Up on Non-Compliance

In 1995, Headquarters made it a requirement that all gun owners who failed to comply with relicensing be followed up within two months of the end of their call-in period.⁸⁵

Fifteen months later the Minister was told: “most Districts attempted, with varying degrees of success, to follow-up on the non-responders during the initial stages of the project. However the workloads involved in just processing applications from those that responded has meant that few if any Districts are now able to consider follow-up action.”⁸⁶

An exception to this is Region One, where the six Districts from Northland to Papakura are served by a permanent “hit squad” of two men. Their function is to move from centre to centre assisting District Arms Officers to locate and chase thousands of non-responsive gun owners. Few Regions appear to have husbanded their resources in such a way as to allow this.

In many Districts, files relating to gun owners whose deadlines passed as early as June 1994 are simply stacked in corners with no action taken. At a national average of four guns in the possession of each licensed gun owner, such files represent a significant arsenal of untraced and now illegally held weapons.

Relaxing the Rules to Cope

In 1995, faced with a workload which at times had seen 3,000 licensing applications backlogged at Headquarters alone, the Commissioner of Police announced the relaxation of several vetting procedures to ease the flow.⁸⁷

Interviews with second referees, once mandatory, were now to be discretionary “and need only be done if there is a reason to do so.”⁸⁸ The majority of applicants can now be sure that only their spouse or next of kin will be interviewed about their suitability to own a firearm

Home visits combined with a security check, also once mandatory, were now to be conducted “where practical.”⁸⁹ Districts have discretion to waive a security inspection in areas they consider hard to get to, and may accept instead the gun owner’s assurance that secure storage is installed and up to standard. No inspection can of course ensure that a lockup is used.

Although the law intends that every spouse be interviewed in person and alone, neither is now invariably the rule. Spouses are interviewed by phone or in the presence of the partner/ applicant in an unknown number of cases, and Police Headquarters cannot provide a count.⁹⁰

A few months later came a further decision allowing applicants to be given their main interview by non-sworn firearms vetting staff, some of whom have never been police officers.⁹¹

Less Than an Interview

At times police had to be reminded of basic flaws in interview technique: “some vetters (of firearms licence applications) have allowed referees to complete the interview guide themselves. This is not an ‘interview’ and is completely unacceptable.”⁹²

A number of application files were received at Headquarters where no referee had been spoken to at all. These included cases in which officers were interviewing fellow members of police, and apparently felt it unnecessary to follow normal vetting procedures.⁹³

Safe Gun Storage

One Headquarters instruction to Districts says: “delays caused by the failure of applicants to have in place adequate security for their firearms should not be any greater than 30 days otherwise revocation should be considered. Delays of up to a year are occurring and are unacceptable.”⁹⁴

Following the police shootings of Eric Gellatly (Invercargill) and Barry Radcliffe (Whangarei), both of whom stole guns from insecure dealers' racks in shops, police concluded: "it is questionable if some Districts have been as rigorous in carrying out the annual inspection (of gun shop security) as they should be."

"High Risk" Weapons Not Being Checked

Although the Arms Amendment Act acknowledged that MSSAs are a particular security risk and insists they be locked away in safes, pressure of work has prevented enforcement of secure storage for these and other special categories such as restricted weapons (machine guns).

Police guidelines provide for all 'B,' 'C' and 'E' endorsement holders to have their guns and safes physically checked on site once a year, or at a minimum once every three years.⁹⁵ In the four District Arms Offices visited in the Auckland Region for this report, staff agreed they had not even begun to do this. One Arms Officer called it "an impossible task, given that we can't even get a car to do dealers' (security) checks." At least one District Arms Officer has not visited any of his local pistol clubs in the past three years.

As a result, the guns and security precautions of almost all pistol shooters, firearms collectors and MSSA owners (the "high-risk weapon" categories) have not been inspected since they were last relicensed in 1993. Given police workloads, this position seems unlikely to change.

Processing Delays

Police performance targets aim to process 90% of firearms relicensing applications within 30 days. This aim has not been met, with a survey showing delays ranging from 34 to 100 days.⁹⁶ Eighteen months later, after more staff had been hired, the Police Annual Report showed that only 50% of files were meeting the 30-day target.⁹⁷

Revocation of Licences

"A recent audit of files in the Firearms Licensing Section revealed cases of clear failure to follow established criteria"⁹⁸ with regard to the revocation of licences for breaches of the Act and Regulations. Although revocation is the only penalty currently available to police for safe storage infringements, only two gun owners are known to have been sanctioned in this manner during the past three years.

As shown in the companion report *Locking Up Guns*, police would be greatly assisted in the enforcement of gun storage regulations if the law provided flexible monetary and custodial penalties for those who breach them. It is encouraging to see such measures recommended once more in the most recent police report to the Minister.

"Claytons" Revocations

Another type of revocation is that which occurs automatically. If no response is received within six months of their call-in notice having been mailed, a gun owner's licence is automatically revoked under S38 of the Arms Amendment Act. To date, 60,000 gun owners have been subject to this measure. If treated differently, revocation could be a useful deterrent to non-compliance.

Yet when speaking to the media, police appear at pains to assure gun owners that non-compliance will cause them no inconvenience. One senior officer was quoted in a major daily newspaper as saying: “some people who did not get call-in notices and perhaps waited, now think they’re in real trouble, but they can still come in and apply. Their licences can be reinstated and they won’t be prosecuted.”⁹⁹

Given the lack of resources and the difficulties faced in persuading gun owners to obey the law, it is perhaps understandable that the current relicensing scheme, as with Project Foresight in the 1980s, is being treated as a “softly, softly” exercise in gentle persuasion. Nevertheless, a handful of genuine revocations and publicised firearm confiscations involving gun owners now years overdue may do more to encourage compliance in the long run.

Change of Address

It is an offence for a gun owner to change address without notifying police. As can be seen from past experience, this may be the single factor which has contributed more than any other to the difficulties experienced by police in enforcing compliance with the Arms Act and Regulations. Yet police can provide no case in living memory in which this provision has been enforced on its own.¹⁰⁰ When a deterrent is widely known to be unused, it may lose its effect.

Police Reports to the Minister

Since 1992, various reports from Police Headquarters to the Minister of Police on firearms relicensing have highlighted these problems and many more. Solutions have been suggested and action requested. In response to almost all of these, including recommendations for legislation changes, nothing has been done.

Early in 1996, at the recommendation of the Police Complaints Authority, Mr Luxton called for a report following the police shootings of Eric Gellatly, Ron Lewis and Barry Radcliffe. In its original draft the Headquarters document roundly criticised Police District Commanders for their “lack of will” and “widespread ignorance” in their enforcement of the Arms Act, particularly relating to insecure gun storage in homes and dealers’ premises. These comments were absent from the version released by the Minister on 22 August.

Summary

- Police report that few Districts are able to follow-up on gun owners who have not complied
- To cope with the workload, several procedures designed for public safety have been relaxed
- Security checks for pistols, machine guns and MSSAs have been neglected since 1994
- Police are at pains to assure gun owners that non-compliance will cause them no inconvenience

How the Experts Do It

Part of the Solution May Be Easy

Without exception, reports from Police Headquarters claim that previous attempts to licence shooters or to register their weapons failed – and are once again faltering – because gun owners neglect to notify their local police station every time they move house. By blaming human nature, management may be looking at the problem from the wrong end.

Police have considerable expertise in tracking and documenting *criminals*. Their staff and their computer systems have little need to keep constant tabs on people with no record of crime. Few of us would enjoy living in a country where they did. Yet licensed gun owners are by definition *non-criminals*. The skills and equipment to keep constant track of such a large number of people are not to be found in police stations.

There are many organisations in New Zealand whose task it is to enforce legislation which requires licensing. All the obvious ones do a spectacularly better job of ensuring compliance than the NZ Police have managed to date with guns.

Table 4. Licensing Compliance in New Zealand: Some Comparisons
Compliance Rates Reported by Licensing Bodies

Licensing Category	Typical Annual Cost	Rate of Compliance
Car Owners (Licensing) ¹⁰¹ Per Car	\$160.00	98%
Car Owners (C.O.F.) ¹⁰² Per Car	\$50.00	97%
Television Owners ¹⁰³ Per Home	\$110.00	94%
Dog Owners ¹⁰⁴ Per Dog	\$40.00	88%
Gun Owners * Unlimited 'A' Cat. Guns	\$6.50	40%

0 10 20 30 40 50 60 70 80 90 100%

***Note:** The first four authorities measure compliance on the basis of payment within a “reasonable time” of the due date. For the purpose of comparison, gun owners are deemed in this table to have complied if they relicense within six months of their legal deadline. As only 35% relicense on time and 50% are still overdue after 18 months (see page 17), the rate of compliance for gun owners is estimated at 40%.

Incentives to Compliance

In comparison to other services the financial cost of firearms licensing is extremely low. The average New Zealand shooter keeps four sporting long guns, so for most owners the annual fee of \$6.50 for an unlimited number of firearms equates to \$1.62 per weapon.

While the fine for failure to notify a change of address under the Dog Control & Hydatids Act is \$50, the Arms Act provides for a \$500 fine. It seems that neither the annual cost of a firearms licence nor court-imposed penalties are likely to be significant factors in the disparity between compliance rates.

Comparative Enforcement

Although large numbers of people have disregarded the recent firearms legislation, few have been prosecuted in comparison to other licensing regimes. A majority of the Arms Act prosecutions shown in the table below probably would have occurred even in the absence of relicensing.

Table 5. Licensing Enforcement in New Zealand: Some Comparisons

Prosecutions or Infringements	1985	1992	1994	Ten-year Change
Dog Control Act ¹⁰⁵	2,564	5,374	7,898	+208%
Arms Act (all prosecutions) ¹⁰⁶	926	989	936	+1%
Cycle Helmet Notices ¹⁰⁷	–	–	11,281	n/a
NZ On Air ¹⁰⁸		1,000	110	n/a

In addition, the drive to promote bicycle helmets indicates that when police management choose to enthusiastically encourage a change in front-line culture to support a public safety initiative, infringement notices are suddenly issued in their thousands.

Why Do So Many Gun Owners Miss Their Mail?

The rate at which firearms relicensing call-in notices go astray seems very high at 50% of those posted (see page 16). When reminders are mailed to the owners of cars and televisions, only 5% to 15% go missing.¹⁰⁹ Among six local bodies interviewed, the proportion of “gone no address” returns received in response to dog licensing reminders averaged only 4%. Yet as one animal control officer said: “dog owners are a *very* mobile population. Many of them are renting. Our statistics (including addresses) change about 40% each year.”

The Big Difference

Perhaps the most significant difference between the method used by police and other agencies is a continually updated database. While the great bulk of gun owners must now be located only once every 10 years (and 10% of New Zealanders change address each year), the authorities responsible for cars, dogs and televisions locate their clients annually. Perhaps an agency which is already geared to keep track of non-criminal New Zealanders on a more regular basis would be better suited to the task of maintaining an accurate register of gun owners than the NZ Police.

Solution One: Door-Knocking

On the very rare occasions when police do go out looking for errant gun owners, they send either a sworn police officer or a non-sworn vetting officer. The budgeted rate for a police officer is \$70 an hour, while non-sworn staff are costed at \$30 to \$35 an hour.

By contrast, when the Piako District Council's compliance rate for dog registration drops below its performance target of 90%, students are hired at \$8.50 an hour to knock on doors during university holidays. In one recent drive, 700 unregistered dogs were located in this manner and according to the Council: "the students paid for themselves ten times over."

No resistance was encountered to this approach. However in case of any difficulty the students were instructed to leave immediately and call the dog control officer. To argue that this would be any more hazardous for students enquiring after firearms would be to suggest that New Zealand gun owners are somehow more dangerous to approach than people who keep dogs.

Solution Two: Contracting the Professionals

A more modern alternative is to contract the job of maintaining a mailing list of gun owners and licence fee collection to private-sector professionals with proven expertise. Just as NZ Post handles motor registration and many other such functions for various agencies, a similar network could perform the same limited service for police.

This is not to suggest for a moment that collections of guns should be presented at Post Shop counters, nor that NZ Post employees be required to learn the difference between a serial number on a telescopic sight and that on the weapon itself. Under the present system, the only guns needing any level of registration, inspection or model recognition are those 3% of specialised weapons which are held on endorsed licences. These should remain the exclusive responsibility of qualified Arms Officers during home and dealer visits or at a police counter. Likewise, police and vetting officers would continue to conduct security inspections, applicant and referee interviews.

"By all means let civilians do the paper work, but make the applicant confront a police officer."

-- Graham Harding, National Secretary, NZ Police Association.
Auckland Star, 25 Mar 1991

“But They Don’t Know Anything About Guns!”

This reaction is anticipated from gun owners who discount suggestions from any person outside the fraternity on the grounds of assumed technical ignorance. Yet when relicensing a television there is no requirement to produce the TV set at the counter, nor does the clerk need to know anything about serial numbers, model names, screen sizes or intended use. While NZ Post handle motor vehicle registration, no-one expects their staff to inspect chassis numbers, nor to stop and ticket the owners of those cars which display an outdated licensing sticker.

Increasingly, these and other licensing functions are handled by mail, direct debit, telephoned credit card numbers – even over the Internet. There seems little reason why the vital police roles of interview, inspection and enforcement could not be completely separated from the maintenance of an accurate mailing list, the delivery of call-in notices and consequent revenue collection – roles in which police have shown themselves to be both ill-suited and uncomfortable.

In addition, the Police Complaints Authority has voiced another concern::

“In New Zealand the NZ Police alone administer firearms legislation as well as having the task of enforcing it. I perceive that as a possible weakness. A forceful argument could be advanced that administration and responsibility for firearms legislation is an add-on and not part of Police core business. In my opinion it is necessary to involve Government and the public directly in the control of firearms.”

-- Sir John Jeffries. Police Complaints Authority evidence to the Justice & Law Reform Parliamentary Select Committee. Wellington, 8 May 1996

Doing It Properly: Just One Example

New Zealand On Air has a single member of staff whose job it is to collect the broadcasting fee. Every year he collects \$96 million from one million households. This feat is made possible by subcontracting Datamail, a NZ Post subsidiary, to do all the work. Instead of waiting vainly for New Zealanders to volunteer their address changes, Datamail actively collects this information every working day.

Whenever we ask NZ Post to redirect our mail, we simultaneously complete two carbon copies of the form PO126. The first copy goes to the Registrar of Electors, while the second goes to Datamail, acting for NZ On Air. Telecom provides every name, address and phone number on its network (the Electronic White Pages) to Datamail, while Valuation New Zealand sells the company its monthly list of all properties which have changed hands in New Zealand, including the name of each new owner. A live link with Baynet, the country’s largest retail data agency, gives access to changes of address supplied to shops and service providers around the country by hundreds of people every day.

At Datamail’s Public Broadcasting Fee Centre in Petone, 79 staff keep the lists up to date and collect the annual fee. In a typical year, the Centre and its sub-contractors mail 170,000 reminder letters, make 34,000 follow-up telephone calls and 82,000 household visits. Such a system could be used to compile and maintain a similar mailing list of New Zealand’s gun owners.

Guns & Television Sets

The broadcasting fee system can be directly compared with that for firearms. Both license the owner of a consumer product which is kept discreetly at home and which, unlike a car, does not make detection of an expired licence relatively easy by driving around on public roads. Yet while police enjoy only 40% co-operation from gun owners who are asked to pay \$6.50 a year, NZ On Air achieves a 94% compliance rate for a \$110 annual fee which, if we judge by letters to the editor, is a far less popular imposition on the public purse.

What Does All this Cost?

In 1996, NZ On Air spent \$9.32 million in collection costs. However this included a million-dollar advertising budget and covered a customer base four times larger than the estimated number of gun owners in New Zealand. A crude sum based on this figure suggests the cost of a similar service for firearms licensing of perhaps \$2.5 to \$3 million per year, thus relieving police of a task which currently costs them a lot more to do themselves. Another comparison can be seen in the following table of collection costs per licence.

Table 6. Collection Costs in New Zealand: Some Comparisons

Source: NZ On Air ¹¹⁰

Collection Agency	Collection Cost Per Consumer	Collection Cost as % of Revenue
NZ Police 'A' Category Firearms Licensing	122.00	188%
NZ Post Motor Vehicle Licensing	9.82	14.1%
IRD Accident Compensation Levies	9.80	10.2%
NZ On Air Broadcasting Fee	8.33	9.2%
Southern Cross Medical Care	21.51	7.9%
IRD Taxpayer Activities	96.63	1.5%

Direct comparisons between firearms licensing and other examples in this table are made difficult by the cost of police vetting and security inspections, a level of contact not attempted by other agencies. Nevertheless, NZ Police expenditure is by its own account higher than it should be.

Privacy Concerns

Whether or not the existing information maintained by Datamail for NZ On Air could be used to establish the current whereabouts of the 200,000 or so "missing" gun owners and their weapons for law enforcement purposes would be a matter for discussion between the parties and the Privacy Commissioner. If not, then a similar, but "firewalled" system may have to be set up by the selected contractor.

The long-standing police practice of instant on-line access to all motor vehicle registration details which are kept on NZ Post computers is widely accepted. A private-sector firearms licensing system database along the same lines, but with the added security of "footprinting" for all those who access it, could be much more secure than the existing police system.

Increased Safety for Police Officers

Police would presumably arrange on-line access to any new firearms licensing database through the INCIS system. This would ensure that officers attending a domestic dispute or the like could rely on a much more accurate record of the firearms licensing status of any occupants than they currently get from the years-out-of-date information kept on the current police computer sub-system.

It could also lessen the risk of incidents such as the following:

In 1989, after the law was changed in Victoria to restrict MSSAs, Melbourne businessman and licensed gun owner Fotios (Frank) Diakonidis (49), was refused permission to keep his M1 military semi-automatic carbine. Police say that because he had “no known history of violent or abnormal behaviour” and because he didn’t come to their attention for criminal activity in the following years, they “lost contact” with Diakonidis and his now-illegal MSSA. This despite his name and address being listed in the phone book.

On 5 December 1994, Diakonidis began firing his M1 in the street outside his home in suburban Fawkner. During the next hour he shot dead a passing motorist and a woman neighbour, then wounded another passer-by before police shot him dead.¹¹¹

There seems little doubt that similar, formerly lawful gun owners are now at large in New Zealand with unregistered MSSAs and many other weapons. Under the present system they run little risk of detection by a police force stretched to the limit to maintain even the most rudimentary of gun control procedures. An up-to-date computerised database of gun owners could greatly assist police in this area.

Approaches Already Made

Over past months, managers of a private mailing firm were told of the apparent need for an efficient system by employees returning from police interviews for their own gun licences. Several written approaches were made to Police Headquarters, who finally suggested that the contractors make their recommendation to Justice Thorp’s Review of Firearms Control. When asked if any consideration had ever been given to subcontracting the police mailing list for gun owners, two senior officers told the author in early October: “none at all.”

Summary

- Owners of dogs, TV sets and cars have a licensing compliance rate of 88-98%. Only 40% of gun owners have complied with the firearms licensing law within a comparable time
- Police rarely, if ever enforce the laws available to them to encourage relicensing compliance
- A major problem is the inability of police to maintain an accurate mailing list of gun owners
- Mailing list maintenance and fee collection may be better contracted to the private sector

Conclusions

New Zealand has come late to the gun culture. For the past century we prided ourselves on a healthy, safe attitude to firearms and low rates of gun crime. There was pride in our smile when visitors from North America were amazed to see unarmed police. That smile is now tinged with concern – a “yes, but” reaction as we acknowledge that guns have become a noticeable problem here, too.

The history of New Zealand’s gun control law is dominated by failure. Failure of gun owners to comply with the laws, failure of police and courts to enforce and uphold them, and most importantly the failure of successive Governments to provide the will and the resources to see the laws through.

At the same time we have pioneered and proved the worth of strict registration of individual firearms. Though New Zealand has consistently achieved this only with hand guns and restricted weapons, the low rate of misuse involving such firearms is acknowledged to be the result of registration. Now the challenge is to achieve the same result with the guns most commonly used in death, injury and crime – common sporting long guns.

The Fear of Non-Compliance

The current police hesitancy in enforcing the gun laws is reminiscent of the days when drink-driving and domestic violence were tolerated. Laws designed for public safety in the widest sense are being neglected for fear of a lack of co-operation, additional paperwork or even a troublesome backlash from a much smaller group. Such reticence may lead to the relicensing project winding down.

It would seem important to establish before it’s too late any tendency for the current firearms relicensing scheme to follow Project Foresight and its predecessors down the same slope into failure. Intervention and increased commitment at this stage may avoid the day when police are forced to admit that gun owners and their guns have become ungovernable. If that occurs, then apathy, shooters’ defiance and a minuscule gun lobby will have won the day.

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Appendix

Comparison of Key Gun Control Laws in Similar Commonwealth Countries

Law or statutory regulation	Aust ¹	UK ²	Canada	NZ
Every shotgun and rifle to be individually registered with police ³	Yes	Yes	Yes	No
“Genuine Reason” needed to obtain a firearms licence ⁴	Yes	Yes	No	No
Ban on military-style semi-automatic (“assault”) weapons	Yes	Yes	Part Ban ⁵	No
Ban on semi-auto centrefire (“high power”) hunting rifles	Yes	Yes	No	No
Ban on semi-automatic & pump-action shotguns	Yes	Yes	No	No
Ban on semi-automatic rimfire .22 (“rabbit”) rifles	Yes	No	No	No
Ban on unrecorded private gun sales	Yes	Yes	Yes	No
Mail order gun sales restricted to arms dealers	Yes	Yes	Yes	No
Enforced disabling of automatic weapons (machine guns, etc.)	Yes	Yes	Yes	No
Minimum age for unsupervised use of a shotgun or rifle	18	15-17	18	16
Years between police relicensing inspections of gun owners	5	5	5	10

New Zealand Gun Laws Lag Behind

Comprehensive new gun laws in Australia and Canada have left New Zealand out on a limb. While Tasmania once had the slackest gun laws among all similar Commonwealth states, New Zealand has now dropped to last place after Australia, Great Britain and Canada.

At the Australasian Police Ministers’ Conference in Canberra on 10 May 1996, New Zealand was the only member state which did not resolve to impose stringent uniform gun laws following the Port Arthur shootings.

Malaysia, Singapore, Hong Kong, India and Jamaica are some of the 47 other Commonwealth nations with stricter gun laws than New Zealand. Singapore keeps all guns in communal armouries, while Malaysia has the death penalty for illegal possession of a firearm. Imitation handguns, widely on sale in New Zealand and commonly used in crime, are now banned in Canada. Penalties for insecure storage of firearms in Australia and Canada range up to a \$2,000 fine and two years in jail. In New Zealand, no financial or custodial penalty exists.

Notes to the Appendix

1. Resolutions of the Australasian Police Ministers’ Conference, 10 May 1996, now adopted by all member states and territories with the exception of New Zealand.
2. England, Scotland & Wales. Northern Ireland has more stringent laws.
3. In practice in all British police districts for many years, registration of individual guns of every type is now federal law in Canada. All eight Australian jurisdictions agreed to universal gun registration in July 1996.
4. While applicants for a gun licence in other countries must belong to a registered target shooting club, produce written evidence of permission to shoot on a named rural property or be primary producers with a proven problem with feral animals, New Zealanders need only write the word “sport” for an application to be granted.
5. In Canada, weapons of this type are banned, severely restricted or “grandfathered” by brand and model.

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