

23 October 2019

Committee Secretariat
Finance and Expenditure Committee
Parliament Buildings
Wellington

Dear Chair and Committee Members

Arms Legislation Bill

This submission is written on behalf of the Family Violence Death Review Committee (FVDRC) and is written from a family violence homicide perspective. The FVDRC is a statutory committee that reviews and advises the Health Quality & Safety Commission on how to reduce the number of family violence deaths in Aotearoa New Zealand.

We support this bill and the identified amendments.

The FVDRC supports the following proposals, which have the potential to reduce the rates of firearms related family violence homicides in New Zealand:

- Continuation of a face-to-face vetting process when applying for, or renewing firearm licenses, including speaking to family members.
- A reduced license period (5 years).
- Introducing a compulsory gun registry in New Zealand.

Vetting process

About one in ten family violence deaths are committed with firearms with the majority of these deaths involving parties who are either not known to, or only have a minor history with government agencies including Police. Therefore, continuation of the face-to-face vetting process, including speaking to family members is highly relevant to the prevention of family violence firearms related homicides.

It is however recommended that family interviews are conducted away from the Firearms Licence applicant/holder to ensure that any disclosures by other family / whānau members can be made in confidence and safety. The analysis of family violence homicide data between 2009 and 2015 shows that while disclosures may not have been previously made to statutory agencies, friends and family were aware of the violence.

The vetting process should ideally include:

1. A review of agency information to determine if there have been previous episodes of family violence with the current family relationships or previous family relationships (if the applicant had been previously married);
2. Corroborating evidence of the applicant's good character by someone who does not hold a familial relationship with the applicant (for example, an employer);
3. Vetting interviews to be conducted in private and without the applicant knowing who of the nominated referees were approached for an interview (for example, by requesting that the applicant nominate four referees, of which two would be selected for the vetting process).

Lack of exposure to government agencies means that opportunities to identify parties who are not fit and proper persons to hold a firearms licence are minimal through government agency records. Key characteristics of family violence firearms homicides that may be of interest for consideration of this legislative change include:

- Homicides committed using a firearm generally involves the use of readily available firearms, i.e. a shotgun or .22 calibre rifle. The vetting process offers a critical opportunity to review a person's ability to safely hold a firearms licence and weapons.
- There are significant overkill aspects to firearms death events. Overkill is defined as 'the use of violence far beyond what would be necessary to cause death'. In all of the firearms related family violence homicides we reviewed, the victims were shot at close range, causing extreme injuries to the victim, and the event often involved more than one shot being fired.
- Just under half of the death events using firearms involved a murder / suicide where the perpetrator took their own life along with that of the victim.

Reduced licence period

Risk assessment and risk management is an ongoing process requiring the constant re-evaluation of risk when new information becomes available. Reducing the firearms licence period from 10 years to five years offers further opportunities for additional vetting checks to be conducted, thus ensuring that family are in position to disclosure violence if it is occurring. This also provides the opportunity to establish if there are new reasons to consider why a person would no longer be considered fit to have a firearms licence.

Firearms registry

The FVDRC supports the creation of a full registry storing information about licence holders, their licence details and the firearms, registered weapons and prohibited magazines that are held. Our analysis shows that most perpetrators used conventional weapons that are commonly available, i.e. a shotgun or .22 calibre rifle and not a semi-automatic weapon. We believe that very few family violence deaths involving firearms involve the use of a semi-automatic weapon.

The majority of perpetrators who used guns to commit the family violence homicide possessed a firearms licence at the time of the homicide and the weapon used was one that was legitimately in their possession. We believe the registry could fulfil multiple functions:

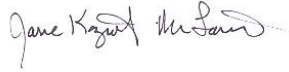
1. Acting as a deterrent from obtaining illicit firearms by enabling the tracking of firearms that are obtained illicitly, with the potential to hold both the perpetrator of the homicide and the original owner of the firearm to account under the Arms Act.
2. Identification and removal of firearms where a protection order has been served on a family violence perpetrator. The registry should be searchable where and when a protection order has been served on a family violence perpetrator.
3. Where a protection order has been served, the registry should be used to:
 - a. Suspend the firearms licence until such time as a perpetrator can prove they are of sufficient good character to be able to hold one again.
 - b. Remove all registered firearms from the premises of the perpetrator.

- c. Show the Court that issued the protection order, and if issued by the Criminal Court (via the Sentencing Act 2002) or via Family Court proceedings.

Ideally these actions should take place at the same time as serving the protection order.

If you have any follow-up queries please contact the committee secretariat via Pauline Gulliver, at pauline.gulliver@hqsc.govt.nz.

Yours sincerely

A handwritten signature in black ink, appearing to read "Jane Koziol-McLain". The signature is fluid and cursive, with a horizontal line extending to the right.

Prof Jane Koziol-McLain
Chair, FVDR