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## Implementing the firearms buy-back and amnesty scheme



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# Implementing the firearms buy-back and amnesty scheme

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# Auditor-General's overview

E ngā mana, e ngā reo, e ngā karangarangatanga maha o te motu, tēnā koutou.

On 15 March 2019, attacks at two Christchurch mosques left 51 people dead and a great many others with injuries that will stay with them for the rest of their lives. The violence on that day shocked and saddened our nation. It deeply affected the Muslim community, the first responders and hospital staff, the residents of Christchurch, and all New Zealanders. Many people had believed that New Zealand was highly unlikely to see such an attack, and the effects were felt worldwide.

As part of the response to the attacks, Parliament passed the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 on 11 April 2019. The Act prohibited firearms with the ability to cause harm in a rapid and highly destructive way from a distance.

The Act, supplemented by a set of associated statutory regulations, included a provision for a firearms buy-back and amnesty scheme (the scheme). The scheme allowed owners of newly prohibited firearms, magazines, and parts to hand them in to the New Zealand Police (the Police) in exchange for compensation. The purpose of the scheme was to improve public safety. We examined how effectively and efficiently the Police implemented the scheme. My appointed auditor, Ernst & Young, provided assurance to the Police during the scheme's implementation.

We thought it important to provide the Police with real-time feedback so that they could make any improvements the scheme needed quickly. The Police were open to receiving and acting on Ernst & Young's feedback and recommendations. I commend the Police for the open approach they took to this assurance work.

We make no comment on the policy decision to have a buy-back scheme because commenting on policy decisions is outside of my statutory mandate. The extent to which the changes to firearms regulation and the implementation of the scheme will make New Zealand safer will become apparent only over time. We have recommended that the Police evaluate and report on the difference that changes to firearms regulation and the implementation of the scheme have made.

A Royal Commission of Inquiry is investigating events relating to the Christchurch mosque attacks. It might comment on the Police's performance in managing firearms regulation. Our report does not assess the Police's performance before the attacks. Nonetheless, some of the matters raised in this report suggest that the Police experienced challenges in getting information about the operating environment under the previous regulatory regime for firearms.

## The Police managed the scheme effectively

Implementing the scheme was a complex, challenging, and high-risk task, and the Police had to do it in tight time frames. The Police provided people with many opportunities to hand in their prohibited firearms, magazines, and parts, including at 605 local collection events, 43 firearms dealers' retail stores, and police stations. The Police also collected firearms, magazines, and parts from people's homes in exceptional circumstances (for example, if someone had large quantities of firearms or parts) and arranged for private collections at gun clubs.

The Police bought back firearms dealers' stock of newly prohibited firearms and parts at cost (essentially at wholesale or import price) if it was not possible for dealers to return that stock to the manufacturer for a refund. This process continues but has proved more challenging than the Police anticipated.

The Police's provisional information,<sup>1</sup> as at 13 February 2020, showed that:

- 61,332 newly prohibited firearms had been collected and destroyed, or modified by Police-approved gunsmiths so that they complied with the new requirements and remained the property of their owners; and
- 1750 endorsement applications had been received to continue to use newly prohibited firearms for a specific legal purpose.

At the time of writing this report, no firearms that were part of the scheme had been lost, stolen, or not accounted for while in the Police's custody. The Police tagged, tracked, and traced all firearms from when they were handed in to final destruction.

There was a planned and co-ordinated approach to health and safety to keep the public safe. This included reporting and reviewing incidents that could have caused harm.

Despite this, there were two incidents where firearms were discharged. Although these happened in secure and non-public spaces, the consequences could have been extremely serious. The Police responded by improving how they checked that firearms were not loaded and providing additional training to staff.

## The Police communicated with the public well

For many firearms owners, having to hand in their firearms was distressing. Most of the newly prohibited firearms, magazines, and parts were previously lawfully owned property and used for activities such as sports shooting, hunting, or pest control, or were owned as an investment. Some firearms were part of private collections, and others were kept as family heirlooms. It was important that the Police treated firearms owners fairly and with empathy.

We found that the Police, assessors, and support staff treated people handing in firearms with empathy and respect. Firearms assessors were trained extensively to make fair decisions on compensating people for their firearms.

An independent organisation surveyed people at 19 local collection events and found that 93% of respondents were positive about their experience of the events. The number of formal complaints, including to the Independent Police Conduct Authority, was low. However, we found that the Police's process for resolving disputes about compensation could have been clearer and more transparent.

### **Determining the level of compliance with the scheme is difficult because of uncertainty about the number of prohibited firearms, magazines, and parts**

Neither the Police nor any other agency knows how many prohibited firearms, magazines, and parts were in the community when the law was changed. The Police have several estimates based on historical data. Taken together, these estimates range from about 55,000 to 240,000 firearms.

The New Zealand Institute of Economic Research (NZIER) carried out work on the Police's estimates. It concluded that, although it would be possible to improve the reliability of the estimates with significant investment, confidence in them would remain low. This is because import data categories do not match the types of newly prohibited firearms, and the ease of using parts to modify firearms makes the boundaries between what is prohibited and not highly permeable.

As at 13 February 2020, the Police's provisional information reports that 61,332 firearms had been handed in or modified. This is at the lower end of the range of the Police's estimates of the number of newly prohibited firearms in the community.

#### **Firearms covered by an E endorsement**

The Police have records of only certain types of firearms held by certain categories of firearms licence holders. This includes military-style semi-automatic firearms, which a person previously needed an E endorsement on their firearms licence to own.

Deficiencies in how the information was recorded in the past mean that the Police's records of the numbers of firearms covered by an E endorsement are not certain, ranging from 13,175 to 15,037.

The Police were successful in obtaining and locating the types of firearms covered by an E endorsement. As at 20 February 2020, 10,009 firearms covered by an E endorsement had been handed in, and 4211 were in progress (this includes pending P endorsements,<sup>2</sup> pending applications from dealers, and some applications for unique and prohibited items).

<sup>2</sup> A P endorsement enables firearms owners to use a newly prohibited firearm for a specific purpose.

The Police are actively following up on the remaining estimated 817 firearms covered by an E endorsement to determine their status. Those firearms include those:

- that are legitimately being retained by licensed firearms owners for modification;
- that are no longer prohibited because prohibited parts were handed in (for example, extendable magazines for shotguns);
- that people have indicated would be handed in but have not been and for which no endorsement has been sought; and
- where there are issues with the accuracy and/or currency of the recorded information.

### **The scheme was supported by good systems and processes**

The Police used a software system to register and track handed-in firearms and process compensation payments. This system was well designed and thoroughly tested before it went live. Although it mostly worked well, some internet connectivity issues caused delays at some local collection events.

In December 2019, a change to the system, that the Police did not authorise, resulted in some firearms dealers potentially having access to the details of individual firearms owners. According to the Police, one firearms dealer accessed this data. The Police shut the system down when they found out about the security incident. Access to the system was reinstated for police staff after rigorous testing. The Police decided not to reinstate public access to the system.

Although it was a provider of services and not the Police that made the unauthorised change, the Police are ultimately responsible for the stewardship of the private information they hold to operate the scheme. They remain accountable to the public for this.

### **Compensation payments did not exceed what was appropriated, and ACC's contribution was compatible with its statutory functions**

The 2019 Budget included an appropriation of \$150 million in Vote Police to fund compensation payments for people handing in their prohibited firearms, magazines, and parts. The Police's provisional information at 20 December 2019 shows that compensation payments to that date totalled \$102 million. The final compensation cost is currently unknown, but it will be more than this amount because the Police have not finished processing applications for compensating firearms dealers and modifying firearms. The Police estimate that the final compensation cost will be about \$120 million.

The Accident Compensation Corporation (ACC) decided to contribute up to \$40 million towards the compensation costs of the scheme because it is an injury prevention scheme. This contribution was made possible by the Government's decision to have a firearms buy-back scheme.



We reviewed how ACC made the decision to contribute funding and concluded that the assumptions behind it were reasonable but based on a high degree of judgement. The decision was compatible with ACC's statutory functions. ACC will monitor firearms-related injuries to understand the effect of the scheme on its Outstanding Claims Liability. To date, ACC has contributed \$20 million of funding to the scheme.

### **Administering the scheme cost considerably more than estimated**

In March 2019, the Police produced an initial estimate that administering the scheme would cost \$18 million. The 2019 Budget included \$18 million as a new initiative as part of the General Crime Prevention Services appropriation for these costs.

The estimate was based on limited information from the Australian buy-back scheme and was completed quickly, before the costs of the supporting technology were fully known. The Police now estimate that, once fully completed, administering the scheme will have cost up to \$35 million. This includes costs of tracked staff time, contractors, and goods and services.

This is nearly double the \$18 million the 2019 Budget provided and includes about \$5.5 million the Police spent on the scheme in 2018/19. The Police used baseline funding from the General Crime Prevention Services appropriation to cover the excess administrative costs.

There were appropriate financial controls over administrative spending, including procurement. We saw no evidence of wasteful spending by the Police when implementing the scheme.

### **The Police need to finish implementing the scheme and make improvements to support their regulatory responsibilities**

The Police still have much work to do to complete the scheme. Regulations were amended in November 2019 to allow for applications for endorsements to be processed after the scheme ended on 20 December. The changes also allowed dealers to continue to hold stocks of newly prohibited firearms until applications for compensation are completed.

The process of implementing the scheme is ongoing and has proved more challenging than the Police anticipated. Some firearms still need modifications to comply with the new regulatory requirements, and the Police are still processing applications for endorsements to use newly prohibited firearms for a limited range of purposes. In my view, the Police should continue to report publicly on the performance of the scheme until they have completed this remaining work. The Police should also report to Parliament about the final outcomes of the scheme.

Importantly, the scheme is only one component of firearms regulation the Police have to implement. The Government introduced a Bill on 13 September 2019

that includes a wide range of controls on the use and possession of firearms. Parliament was considering this Bill at the time we were writing this report.

In my view, regardless of any changes made, the Police should build on the knowledge and relationships they have gained through the scheme. This includes continuing to improve their understanding of the firearms environment, realising opportunities from strengthened engagement with firearms owners and dealers, and making effective use of relevant information they have gathered to support their regulatory responsibilities.

### Concluding thoughts

The Police managed the scheme well. They were effective in providing people with a wide range of opportunities to hand in firearms and receive compensation, which was paid in a timely manner. The public was kept safe at local collection events, and the Police made considerable efforts to treat people with empathy and respect. However, there is still much work to be done, and the Police should continue to focus on completing the scheme.

We do not yet know how effective the scheme was in removing all newly prohibited firearms, magazines, and parts from the community. This is because there is no reliable picture of how many newly prohibited firearms, magazines, and parts remain in the community. Without this picture, I cannot determine whether implementing the scheme has delivered value for money.

In my view, given the high level of public interest and expenditure, and the importance of this scheme for the well-being of all New Zealanders, more work should be done to find out what level of compliance with the scheme has been achieved and the extent to which it has made New Zealanders safer.

I thank staff from Ernst & Young who carried out assurance work on the scheme, representatives of the Council of Licensed Firearms Owners, Gun Control New Zealand, and the New Zealand Police Association, police staff, and members of the public who shared their experiences of the scheme with us.

Nāku noa, nā,



John Ryan  
Controller and Auditor-General

4 May 2020

# Our recommendations

We recommend that the New Zealand Police:

1. build on their engagement with firearms owners and licensed firearms dealers gained during the firearms buy-back and amnesty scheme to further strengthen relationships and build trust and confidence in how the current and future firearms regulatory framework is implemented;
2. improve the information they use to support their regulatory responsibilities for firearms and firearms owners, and their management of that information; and
3. design and implement a framework to evaluate the extent to which changes to firearms regulation have made New Zealand safer, including taking steps to find out what level of compliance with the scheme has been achieved, and publicly report the findings of future evaluations to ensure that Parliament and the public have trust and confidence in their administration of firearms legislation.

# 1

## Why and how we did this work

1.1 We looked at how effectively and efficiently the New Zealand Police (the Police) implemented the firearms buy-back and amnesty scheme (the scheme).<sup>3</sup> We did this because of the significant public interest in the scheme, its intended public safety benefits, and the amount of taxpayer money that funded it. We also wanted to provide the Police with feedback and the opportunity to act on recommendations while the scheme was running.

1.2 In this Part, we discuss:

- the scope of our work;
- how we approached our work; and
- how the scheme fits into the wider regulatory regime.

### Scope of our work

1.3 This report assesses how the Police implemented the scheme. It does not evaluate the effect of policy changes on the regulation of firearms in New Zealand. It is outside our statutory mandate to comment on the merits of policy decisions.

1.4 The extent to which the policy changes will meet the objective of making New Zealand safer will only become apparent over time. We have recommended that the Police design and implement a framework to evaluate the effect these policy changes have had on making New Zealand safer (see Part 5).

1.5 We did not examine the Police's management and oversight of firearms regulation before the Christchurch attacks on 15 March 2019. Nonetheless, some of the matters raised in this report suggest that the Police experienced challenges in getting information about the operating environment under the previous regulatory regime for firearms.

1.6 We have examined the overall effectiveness of the Police's implementation of the scheme. This included gaining an understanding of the systems and controls used to implement the scheme. We have not examined every transaction in the scheme, nor every judgement involved in each of those transactions.

### How we approached our work

1.7 We assessed the effectiveness of the scheme's implementation according to the following six criteria:

- whether there were enough opportunities for the public to hand in or modify firearms, or apply for an endorsement, and whether the Police made sure that firearms owners knew about these opportunities;
- whether local collection events (public events where people could hand in their firearms, magazines, and parts) were well run and whether the public and police staff were kept safe;

- whether firearms owners received the compensation they were entitled to, were treated fairly, and received payment in a reasonable time frame;
- whether licensed firearms dealers (dealers) had enough opportunities to hand in prohibited stock and receive payment in line with the policy decisions;
- whether all firearms, magazines, and parts collected during the scheme were accurately recorded, tracked, and destroyed; and
- whether the number of firearms accounted for was in the range of the Police's estimates of the number of newly prohibited firearms in the community at the end of the scheme and whether all firearms covered by an E endorsement were accounted for.

1.8 Soon after the Government announced the scheme, we agreed that Ernst & Young (EY), our appointed auditor for the Police, would provide independent assurance about how the Police were implementing the scheme while it was running.<sup>4</sup> This real-time assurance work meant that EY gave the Police regular feedback on how they were managing the main aspects of the scheme. We have drawn on the findings of EY's work and further analysis we carried out to assess how well the Police implemented the scheme.

1.9 The Police were open to receiving and acting on EY's feedback and recommendations as the scheme was running. That approach supported improvements to how the Police ran the scheme. To provide complete transparency on the work done, we encourage the Police to make the reports from the assurance work public.

1.10 EY provided real-time assurance feedback to the Police about:

- the planning and setting up of the scheme, including reporting requirements, resourcing, risk identification and management, and governance;
- how firearms assessors were selected, trained, and monitored;
- the process for resolving disputes;
- the exemption and endorsement process;
- the process for people to get their firearms modified to comply with the new legislation and associated statutory regulations;
- how unique prohibited items were dealt with;
- collecting dealers' stock of newly prohibited firearms, magazines, and parts and compensating dealers for it;
- the SAP<sup>5</sup> system, including the process for managing and processing compensation payments and for what happens after a security incident; and
- how firearms were collected, stored, and destroyed.

4 EY's assurance work was done under section 17 of the Public Audit Act 2001.

5 SAP is a German-based company delivering enterprise resource planning software, among other things.

- 1.11 EY's work involved:
- discussions with senior police officers responsible for the scheme, and contractors and other staff working on different aspects of the scheme;
  - observing local collection events in Auckland, Christchurch, Dannevirke, and Masterton;
  - visiting two dealers' retail stores in Auckland that were acting as collection points for prohibited firearms, magazines, and parts;
  - observing the Major Operations Centre at Police National Headquarters;
  - observing the process for transporting prohibited firearms to a location for final destruction and the destruction process;
  - obtaining and reviewing documentation about the scheme and its operation; and
  - providing the Police with 10 assurance reports and regular feedback as the scheme was being implemented, commenting on what was and was not working well, and providing recommendations.
- 1.12 The Police told us that EY's work helped them to implement the scheme consistently.
- 1.13 As well as drawing on EY's work, we also:
- interviewed senior police officers;
  - met with representatives from the Council of Licensed Firearms Owners, Gun Control New Zealand, and the New Zealand Police Association to hear about their experiences of the scheme;
  - reviewed various documents on the establishment and operation of the scheme;
  - attended local collection events in Paraparaumu and Trentham; and
  - reviewed about 60 emails we received from individuals, mainly firearms owners, about the scheme.

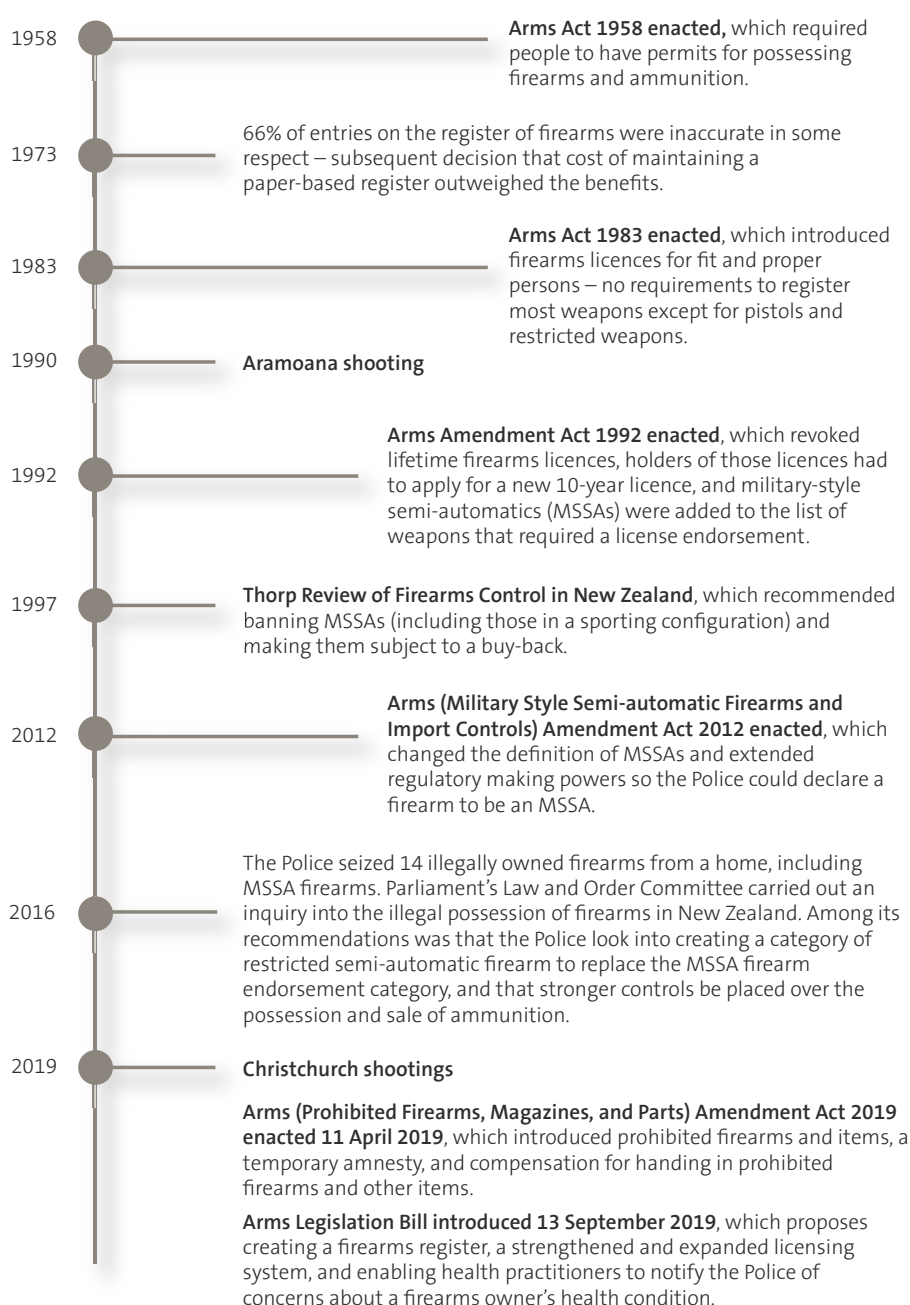
## The firearms buy-back and amnesty scheme is part of a wider firearms regulatory regime

- 1.14 Although designing and implementing the scheme was a considerable task, it is only one part of the Police's regulatory responsibilities for firearms and firearms owners.
- 1.15 There is a long history of firearms regulation in New Zealand.<sup>6</sup> Figure 1 shows that, throughout this history, the Police have been responsible for licensing owners of firearms, recording firearms, or some combination of both.

<sup>6</sup> For more comprehensive information about the history of firearms regulation in New Zealand and attempts to amend it over time, see *A turning point for firearms regulation: Implications of legislative and operational reforms in the wake of the Christchurch shootings*. This paper was authored by Nathan Swinton on an Axford fellowship to New Zealand. The paper is available on Fulbright New Zealand's website at [www.fulbright.org.nz](http://www.fulbright.org.nz).

**Figure 1**  
**Selected milestones in New Zealand firearms regulation**

The figure describes selected milestones in the history of New Zealand’s firearms regulation, from 1958 to 2019.



Sources: Based on information from the April 2017 report of the Law and Order Committee *Inquiry into issues about the illegal possession of firearms in New Zealand*, the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019, and the Arms Legislation Bill.

- 1.16 At the time of the Christchurch attacks, the Police were responsible for implementing the licensing system for firearms owners. This included managing the endorsement process. This is where licence holders could apply for an endorsement on their licence that would allow them to own certain types of firearms, such as military-style semi-automatics.
- 1.17 This endorsement was called an E endorsement. The Police kept a record of military-style semi-automatics used by licence holders covered by an E endorsement. There was no requirement for the Police to keep information about most other types of firearms held by licence holders, including semi-automatics that could be readily converted to a military-style semi-automatic firearm by adding unregulated large-capacity magazines.
- 1.18 The Police were also responsible for enforcing the firearms owner licensing and endorsement systems and for licensing dealers. They also had some responsibilities for regulating firearm imports and exports.
- 1.19 After the Christchurch attacks, changes were made to the regulation of firearms in New Zealand. The first suite of changes were the subject of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019. Those changes included introducing a scheme for handing in prohibited items. Parliament almost unanimously supported the passing of this legislation.
- 1.20 At the time of writing this report, a second suite of changes to the regulation of firearms and firearms licence holders had been proposed. These changes are outlined in the Arms Legislation Bill, which is currently being considered by Parliament. The Bill proposes a firearms register for all firearms and a strengthened and expanded licensing system for firearms owners.



# Establishing the firearms buy-back and amnesty scheme

# 2

- 2.1 In this Part, we:
- describe why and how the scheme came about;
  - provide our view on the Police's work designing and establishing the scheme; and
  - provide our view on the Police's programme design and planning for the scheme.
- 2.2 We conclude that the Police:
- worked effectively with multiple government agencies in a tight time frame to provide advice to Ministers on the objectives and design of the scheme; and
  - planned the implementation of the scheme effectively, including identifying the main risks and establishing a robust governance framework.

## About the firearms buy-back and amnesty scheme

- 2.3 On 15 March 2019, attacks at two Christchurch mosques resulted in 51 deaths and multiple injuries.
- 2.4 In response to the attacks, the Government re-classified some types of firearms as military-style semi-automatic firearms through an Order in Council. Parliament then passed the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 on 11 April 2019. The Act was supported by a set of associated statutory regulations. The Act introduced a temporary amnesty,<sup>7</sup> and the regulations allowed for a compensation scheme.
- 2.5 The scheme ran from 20 June 2019 to 20 December 2019. The purpose of the scheme was to remove semi-automatic firearms from the community because of their potential for significant harm.
- 2.6 The scheme required people to hand in their newly prohibited firearms, magazines, and parts for destruction. They would then receive compensation from the Crown if they had a valid firearms licence. Dealers were also able to hand in their stock for compensation if they could not return it to their supplier for a refund.
- 2.7 The Police intended for compensation to encourage people to participate in the scheme. Compensation also recognised that licensed firearms owners had acquired these firearms legally, so they should be paid for handing them in. Deciding how much to compensate people for their firearms, magazines, and parts required finding a balance between:
- an amount that would encourage people to participate in the scheme; and
  - being fair to the taxpayers providing public money for the compensation.
- 2.8 The Police provided five different ways for owners to hand in firearms, magazines, and parts. These were:

<sup>7</sup> The amnesty meant that, for a fixed time, people possessing newly prohibited firearms, magazines, and parts would not be prosecuted.

- local collection events, which were generally held in community venues such as stadiums and community halls;
- private venues, such as gun clubs;
- collection from owners' property in exceptional circumstances (for example, if they had large quantities of firearms or parts);
- retail outlets of dealers; and
- police stations.

## The Police established the firearms buy-back and amnesty scheme well

- 2.9 The Police worked quickly and effectively with multiple government agencies to set up the scheme so that it was consistent with the Government's policy decisions and regulatory requirements.
- 2.10 The Police's work included:
- providing advice and preparing policy proposals;
  - supporting the Minister of Police to move proposed legislation through Cabinet and parliamentary processes;
  - advising Parliament's Finance and Expenditure Committee during its examination of the proposed legislation; and
  - working with the Parliamentary Counsel Office to draft legislation.
- 2.11 The Police met with their counterparts from Australia to find out about the scheme that Australia implemented after the 1996 mass shooting at Port Arthur. Two people from Australia worked with the Police to help develop the scheme. The lessons from the Australian buy-back scheme included:
- being clear about the scheme's objectives and purpose;
  - being clear about the scheme's scope (that is, what is and is not included);
  - the need for an extensive public education campaign, including nationwide advertising to support compliance;
  - having magazines in the scope of the buy-back scheme;
  - allowing people who did not have a licence, or who possessed firearms that were illegal before the scheme, to hand in firearms without prosecution (but also without compensation); and
  - the need to use information technology to support the scheme.
- 2.12 The Police had to do a significant amount of work in a tight time frame to set up the scheme. Six days after the Christchurch attacks, an Order in Council declared certain firearms to be military-style semi-automatics. The first reading in Parliament of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Bill was less than three weeks after the attacks. The second reading of the Bill was

about a week after that. The resulting Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 took effect on 12 April 2019.

- 2.13 There was good cross-agency collaboration. Staff from several government departments were brought in on secondment to develop policy advice and draft legislation. The work also included more than 90 staff from multiple agencies working for three days to analyse about 13,000 public submissions on the Bill. The Police and others worked effectively to meet the Government's expectations about timing.

### **The Police's planning of the scheme was thorough**

- 2.14 The Police planned and set up the scheme well. They engaged consultants to develop a programme management plan. The programme management plan:
- was robust and followed many aspects of good practice that we expect;
  - included operational and reporting requirements for each work stream;
  - clearly described roles, responsibilities, and lines of accountability; and
  - had a clear and concise methodology that met the short- and long-term objectives of the scheme.
- 2.15 The programme management plan identified key risks associated with implementing the scheme and detailed strategies to mitigate and/or minimise these risks. The risk management strategy aligned with the Police's wider risk-management approach, which included standardised and clear reporting requirements for regional teams to manage, mitigate, and own risk. The main risks to the scheme included the possibility of:
- newly prohibited items not being handed in and remaining in the community;
  - an increase in illegal trade of newly prohibited firearms; and
  - relationships with the community of firearms owners breaking down.

### **The governance framework was effective**

- 2.16 The Police established a clear and robust governance framework for the scheme. The framework included having four governing bodies to provide oversight. These were:
- an executive steering group, which provided oversight of overall programme delivery and achievement of objectives;
  - a design authority, which provided oversight of the integration of the design and alignment of deliverables;
  - reference groups, which provided advice and guidance on areas of specific expertise; and
  - a programme management office, which provided programme management, including oversight of risks and issues, and support to the other governing bodies.

- 2.17 The governance and team structures were clearly defined and established, with clear definitions of work stream responsibilities and accountabilities.
- 2.18 EY recommended that the Police develop a reporting framework and associated reporting for Ministers and other key stakeholders that would bring together measures of the scheme's progress. Where applicable, the reporting framework would also refer back to the original assumptions that underpinned the original budgets and planning. EY suggested that the reporting could include the:
- number and type of firearms handed in;
  - average cost;
  - average condition;
  - rate of firearms and parts collection;
  - references to other applicable benchmarks; and
  - stakeholder satisfaction measurements.
- 2.19 EY also recommended that the Police consider proactively releasing data and reporting to the public on the operation of the scheme.
- 2.20 In September 2019, the Police published a "performance dashboard" on their website. The information the Police reported on this dashboard included:
- the number of firearm hand-ins completed;
  - the number of firearms, magazines, and parts collected (through both the buy-back and the amnesty aspects of the scheme);
  - the number of prohibited firearms that had been modified to be no longer prohibited;
  - the number of local collection events held; and
  - the total payments committed to, paid out, and pending.

### **Procurement of goods and services for the firearms buy-back and amnesty scheme was well managed and co-ordinated**

- 2.21 The Police had to purchase a range of goods and services to implement the scheme. This included:
- software to administer and record the collection of firearms, magazines, and parts;
  - assessors and support staff at local collection events;
  - venue hiring for local collection events;
  - equipment to make the collected firearms inoperative;
  - services to destroy the collected firearms, magazines, and parts; and
  - other items as needed (such as vehicles to transport collected firearms).

- 2.22 The Police also contracted consultants to help set up programme and project structures, and provide assurance over the scheme. The Police estimate that, once they complete the remaining work, administering the scheme will have cost up to \$35 million in total.
- 2.23 The Police used a direct procurement process for services from professional services firms using existing panels of suppliers. Other services procured for the scheme were either procured centrally through Police National Headquarters (for example, uniforms, “bulldozer” machines for making firearms inoperative, and tags for firearms) or regionally by police staff who were informed by guidelines about what was required and the price (for example, venues for local collection events). Services for destroying firearms, magazines, and parts were provided by a supplier that had worked with the Police before.

### Information systems

- 2.24 The Police learnt from their Australian counterparts that a good information system was critical to successfully implementing the scheme.
- 2.25 The Police had SAP develop the main system (the SAP system) that supported the recording and processing of prohibited firearms, magazines, and parts. We describe the performance of the SAP system in Part 3.
- 2.26 The Police procured SAP’s services as an “opt-out” procurement under the *Government Rules of Sourcing* (now called the *Government Procurement Rules*). The Police told us that they spent, in total, about \$9.4 million on computing services for the scheme, including third-party and SAP’s services.
- 2.27 The use of an “opt-out” procurement meant that the Police did not have to openly advertise the services they were seeking and was able to approach SAP directly for those services. Under Rule 13(3)(m) of the *Government Rules of Sourcing*, the Police could procure goods and services directly as “measures necessary for the protection of essential security interests, procurement indispensable for national security or for national defence, the maintenance or restoration of international peace or security, or to protect human health”.<sup>8</sup>
- 2.28 It is clear that going through an open-market procurement would have delayed the design and implementation of an information system to support the scheme. SAP already provided other services to the Police, including their finance system, and any system used for the scheme would need to work with the Police’s finance system.

<sup>8</sup> The *Government Rules of Sourcing* were replaced by the *Government Procurement Rules* from 1 October 2019. Rule 12(3)(m) in the new rules is equivalent to Rule 13(3)(m) in the previous rules.

## The Police took a principled and informed approach to compensation

- 2.29 The Police provided advice to Ministers on different options for how much to compensate people handing in newly prohibited firearms, magazines, and parts. Compensation was an important way of encouraging compliance with the new firearms regulations. It also recognised that newly prohibited firearms were previously legally owned property.
- 2.30 In advice to Ministers, the Police took a principled and informed approach to setting compensation prices. That is, the Police's objective was to set compensation prices that encouraged firearms owners to comply with the scheme while also being fair and reasonable to taxpayers.
- 2.31 In advice to Ministers in early April 2019, the Police assessed the fairness to firearms owners and the reasonableness of costs to the taxpayer of several pricing approaches.
- 2.32 The Police recommended an "individualised pricing approach [for each make and type of firearm] with new or used price points" or a version of that approach using three price points. This was similar to the approach used for the Australian firearms buy-back scheme.
- 2.33 On 4 April 2019, Cabinet agreed that the Police should seek independent advice to prepare the price list for the scheme. The Police commissioned KPMG to do that work.
- 2.34 KPMG prepared an initial base price list for more than 300 types and/or brands of firearms, identified potential buy-back options, and created a short list from those options. KPMG's process included speaking with retailers, wholesalers, importers, collectors, representatives of gun clubs, auctioneers, and specialists from the firearms industry. KPMG also reviewed the buy-back approach used in Australia.
- 2.35 Each buy-back option was assessed against how much it supported a set of particular principles, including effectiveness in removing firearms from the public, fairness to the owners of prohibited firearms, and cost to the taxpayer.
- 2.36 The option that the Police recommended to Ministers, and was agreed by Cabinet, involved a detailed pricing catalogue that contained base prices, by make and model, for each newly prohibited firearm. A three-tier percentage discount (95%, 70%, and 25%) was then applied to the base price depending on the condition of the firearm.
- 2.37 The three tiers were new or near-new condition (little to no use and maintained to a high standard), used condition (some to regular use but still operates as effectively as a new firearm because it has been well maintained), and poor condition (inoperative or in a condition where the firearm is not safe or comfortable). The

Police's provisional information, as at 21 December 2019, showed that 58% of the firearms that people handed in were in new or near-new condition.<sup>9</sup>

- 2.38 Prices for the newly prohibited firearms, magazines, and parts reflected the market value just before March 2019. KPMG took into account retailers' prices and online prices and whether the firearm was a current, superseded, or discontinued model. KPMG also considered the risk of people dismantling prohibited firearms into parts and seeking compensation for them (the aggregate value of which could, in some instances, be more than that of an assembled firearm).
- 2.39 To ensure that pricing was appropriate (that is, within the context of what the industry considered to be a distressed sale situation), KPMG used a wide range of sources. These included:
- price databases, TradeMe sales data, specialist valuations, and retailer price lists;
  - consultation with a range of specialists, including retailers, wholesalers, specialist dealers, and auctioneers; and
  - review by an independent data analytics team.
- 2.40 In a survey conducted for the Police, 78% of respondents felt that the compensation they received was fair. The survey took place between 31 August and 30 September 2019 at 19 local collection events and had 438 participants.

**Changes were made to the price list part way through the scheme**

- 2.41 The limited knowledge of the types of firearms and parts in the community resulted in the Police adding more types of firearms and parts to the price list over time. The first price list was published on 20 June 2019 and listed 314 firearms. The final price list was published on 25 October 2019 and listed 454 firearms.
- 2.42 These changes to the price list, and other changes introduced part way through the scheme (such as options to hand in firearms at dealers' retail stores or have them modified), were frustrating and confusing for some firearms owners. However, most firearms owners who participated in the scheme were not affected by these changes because mostly specialised or less common items were added to the price list.
- 2.43 The Police increased the payments for 273 items after hand-in. This included 56 payments as a result of additional models being added to the price list and 42 payments where there was an increase in price for a model on the price list when more information became available. The remaining 175 payments resulted from reassessments of firearms.

9 The Police's provisional information is unaudited and subject to revision over time.

# 3

## Implementing the firearms buy-back and amnesty scheme

- 3.1 In this Part, we assess:
- how well the local collection events were run;
  - how the Police provided different ways for people to hand in their firearms, magazines, and parts;
  - the Police’s process for recruiting and training firearms assessors;
  - the Police’s communications plan and how it was implemented;
  - how firearms, magazines, and parts were destroyed;
  - the Police’s systems and processes to implement the scheme; and
  - the Police’s information about the number of prohibited firearms and the implications of that information for implementing the scheme and assessing its performance.
- 3.2 We conclude that the Police implemented most aspects of the scheme effectively. However, the Police:
- could have communicated the complaints process better and made it more transparent; and
  - could have introduced the option to modify firearms so they complied with the law sooner.
- 3.3 The number of firearms and parts collected or modified (61,332 as at 13 February 2020) was at the lower end of the range of the Police’s estimates of the total number of newly prohibited firearms.
- 3.4 However, we are not able to form a conclusion on the level of compliance with the new regulatory regime because of the low confidence in, and wide range of, estimates of the total number of newly prohibited firearms in the community.

### Local collection events were well run

- 3.5 Local collection events were the main way that people could hand in their newly prohibited firearms, magazines, and parts, either for compensation (buy-back) or under the amnesty. Typically, local collection events were held in community facilities such as community halls and stadiums.
- 3.6 The Police also provided the option to have firearms collected at people’s homes in exceptional circumstances (for example, if they had large quantities of firearms or parts) or private collection events at gun clubs.
- 3.7 There were 605 local collection events. The first local collection event was held in Christchurch on the weekend of 13 and 14 July 2019. The final local collection events were held on 20 December 2019, the day the scheme ended. Local collection events took place throughout the country, including the Chatham Islands.



- 3.8 Planning and running each local collection event was a considerable logistical exercise and needed a significant amount of work. It involved setting up and running information communications technology (ICT) systems, and identifying and managing a range of risks, particularly to the health and safety of the public and police staff.
- 3.9 The Police used regional teams to manage the local collection events. For most events, an Inspector of Police led each local collection event, with a Senior Sergeant acting as second in command. Each team included police officers, assessors, administrative staff, and a telecommunications technician. Typically, at least 16 police staff and nine contractors were required to run a local collection event. These included:
- two armed police officers patrolling the car park and entrance to the building;
  - a telecommunications technician;
  - two people checking firearms for ammunition and making the firearms safe to continue through the local collection event;
  - two or three assessment teams, each comprising an assessor, an administrator, and a person to photograph and label each item;
  - a person transporting the firearms, magazines, and parts to a place for making them inoperative;
  - a person operating a machine that bent the firearm in three places, making them inoperative;
  - a concierge role to keep the public participating in the event engaged and informed or to answer questions from the public;
  - an armed police officer overseeing security at the facility where the event was being held; and
  - staff involved in off-site back-up security arrangements.
- 3.10 In the days leading up to each local collection event, the Police's Major Operations Centre provided real-time intelligence about risks in the area so the Police could put in place mitigation steps, where required.

### **The Police were empathetic to firearms owners**

- 3.11 Many people have emotional and financial attachments to their firearms – for example, firearms that have been handed down from generation to generation. Giving up a legally obtained item that had been previously used lawfully was also distressing for some people.

- 3.12 Police staff, assessors, and other support staff understood this and showed empathy towards people handing in their firearms. Senior police staff were present at most of the local collection events. They engaged with firearms owners and their families at those events and stressed to them that handing in their firearms, magazines, and parts was the right thing to do.

### People attending local collection events were positive about how the events were managed

- 3.13 The Police commissioned a research company to carry out face-to-face interviews at local collection events between 31 August and 30 September 2019. Overall, there were 438 interviews at 19 local collection events. Respondents were largely positive about their experiences at local collection events (see Figure 2). The interviews identified that the Police could improve two areas: communication about events and waiting times.

**Figure 2**  
Surveyed experiences of people participating in local collection events

	Percentage of people who responded positively
I had a positive experience with New Zealand Police and the local collection event	93%
I found the process easy once at the event	93%
I had a positive interaction with collection event employees	95%
I would recommend collection events to other firearms holders	85%

Source: Research First research report (October 2019), *Firearms buy-back process review*.

- 3.14 The Police collected information midway through the scheme that showed that the waiting time was less than 30 minutes for about half the people attending local collection events. The waiting times likely increased towards the end of the scheme, when there was an observed increase in the volume of firearms collected. This is consistent with the Australian Police's buy-back experience.
- 3.15 The number of formal complaints, including to the Independent Police Conduct Authority (IPCA), was low when compared to the total number of those taking part. As at 17 January 2020, the Police received 18 formal complaints out of more than 36,000 transactions.

### **There was a planned and co-ordinated approach to health and safety**

- 3.16 The Police's approach to health and safety at local collection events was well planned and well co-ordinated. It was informed by risk assessments and a review midway through the scheme. A person at each event had overall responsibility for health and safety. There was a positive approach to reporting any incidents that could have caused harm and capturing lessons learnt from them, which reflected a good health and safety culture.
- 3.17 Loaded firearms were discharged in two incidents. Although these happened in a secure, non-public space, the effects could have been extremely serious. Fortunately, nobody was injured in either case. This brought to attention the need to strengthen the procedures to check that firearms were not loaded – in particular, those with tubular magazines. The Police provided staff with additional training after these incidents.
- 3.18 By the end of the scheme, there were 22 incidents that could have caused harm at local collection events. Of these, 17 involved ammunition that the Police and staff found after initial checks.
- 3.19 The Police told us that there were no arrests for disorderly behaviour at local collection events. Three participants at local collection events voluntarily removed themselves, and the Police had to remove only one person from an event.

### **The Police provided other ways for people to comply with the firearms buy-back and amnesty scheme**

#### **Handing in firearms, magazines, and parts to dealers**

- 3.20 The Police identified dealers' retail stores as important collection points. This was informed by the Australian buy-back scheme, which used dealers extensively. By working with dealers, the Police hoped to increase community engagement, build the public's trust and confidence in the scheme, and provide more opportunities for people to hand in firearms.
- 3.21 The Police worked closely with some dealers to design an approach that would work for the public, the dealers, and the Police. Some dealers agreed to allow people to hand in their prohibited firearms, magazines, and parts at their retail store. However, the Police's assessors assessed the firearms handed in to decide how much to compensate the owner. Dealers received a \$50 administration fee for each buy-back application.
- 3.22 The Police and the dealers involved successfully piloted the approach to using dealers as a collection point in early September 2019. The Police then recruited dealers through an online "invitation to treat",<sup>10</sup> which 60 dealers responded to.

10 An invitation to treat is an invitation for people to express a willingness to participate. It is not legally binding.

A Police evaluation panel reviewed the applicants. The panel approved 43 dealers to be part of the scheme.

- 3.23 From mid-September 2019, dealers participated in the scheme. However, they stopped taking newly prohibited firearms, magazines, and parts at the end of November 2019 because they had to prepare for the Christmas period. Also, towards the end of the scheme, the Police wanted to consolidate the ways firearms, magazines, and parts could be handed in. As at 21 December 2019, about 11% of all firearms collected was through dealer collection points.

### **Modifying firearms to make them comply with new regulatory requirements**

- 3.24 Police-approved gunsmiths could modify newly prohibited firearms to comply with the new regulatory requirements. For example, a modification could reduce the number of rounds or cartridges a firearm can fire. Under the scheme, the Police subsidised modification work from Police-approved gunsmiths up to \$300. Any modification work to a prohibited firearm must be permanent.
- 3.25 The option to modify a prohibited firearm became available in the scheme from mid-September 2019. Because the gunsmith industry is unregulated, it took some time for the Police to establish a list of authorised gunsmiths.
- 3.26 As with recruiting dealers, the Police used an online invitation. Through that process, 43 gunsmiths applied to be certified as a Police-approved gunsmith, and 34 were approved. An evaluation panel consisting mainly of police staff reviewed the applications.
- 3.27 The Police's provisional information, as at 21 December 2019, showed that 2717 firearms were modified through the scheme to comply with the new regulations. As at 13 February 2020, 1208 applications for modification were still to be completed.

### **Endorsements**

- 3.28 Under the scheme, people were able to apply for an endorsement and permit to continue to legally own newly prohibited firearms, magazines, and parts. This includes people who need to use their firearm:
- for pest control or wild animal recovery;
  - as part of a collection or as an heirloom or memento;
  - for museum or theatrical use; or
  - as a licensed dealer, or employee or agent of a licensed dealer.
- 3.29 People needed to apply for an endorsement from the Police before 20 December 2019. There was a \$204 fee for the application.

- 3.30 The Police's provisional information shows that they had received 1750 applications for an endorsement as at 13 February 2020. Of these applications, 1022 applications were pending, 611 were approved, and 117 were refused.
- 3.31 The Police are prioritising their consideration of endorsement applications from people who most rely on an endorsement for their livelihood, such as professional pest controllers.

### **Compensating dealers for stocks of newly prohibited firearms, magazines, and parts has been challenging**

- 3.32 The Police identified that, as at 29 November 2019, there were 517 licensed dealers in New Zealand. The new firearms regulations and the scheme will affect dealers differently, depending on the size and type of their business. At the time the scheme was being implemented, some dealers had a lot of newly prohibited firearms, magazines, and parts in stock.
- 3.33 Under the scheme, dealers could hand in their newly prohibited stock for compensation at cost (essentially, at wholesale or import price, including any direct or attributable costs) or, if dealers chose to return stock to suppliers, the difference between cost and the discounted refund. Dealers were prohibited from using local collection events to hand in, and receive compensation for, commercial stock.
- 3.34 Initially, dealers could hand in personal items (that were not part of their commercial stock) at local collection events. However, this was complex and time consuming because of the need to establish that these items were personally owned and not part of their stock. Instead, the Police decided that they would case-manage all dealer hand-ins and requested that dealers make a one-off submission for both personal items and dealer stock. These submissions were, and continue to be, managed by a central team.
- 3.35 The Police took some steps to mitigate the risk of dealers presenting commercial stock as personal items (that would be eligible for nearer to retail value compensation, rather than as commercial stock that was eligible to be compensated at cost only). These steps included:
- flagging the personal firearms licences belonging to people who also hold a dealer licence so that they could be asked appropriate questions if they attended a local collection event;
  - performing a series of checks against the Police's records and other information that is available about a licensed dealer; and
  - on-site interviews and formal investigations, where required.
- 3.36 At first, the control implemented to block dealers from getting compensation for their personal items at local collection events did not work – dealers were still able

to hand in firearms at those events. That was later rectified. Until then, about 20% of dealers handed in personal items at local collection events.

- 3.37 As at 20 December 2019, the Police were intending to review the payments made for those items. The Police told us that their view is that dealers who handed in personal items at those events did so as fit and proper persons asserting that these items were personal property and not commercial stock.
- 3.38 The process for buying back dealers' personal and commercial stock was ongoing at the time of writing this report. Implementing the process has been more operationally challenging than the Police anticipated.
- 3.39 The Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 provided an explicit evidentiary threshold that a dealer had to meet to be entitled to compensation. This has been challenging for several dealers and requires the Police to provide high-level support to enable dealers to participate in the stock buy-back process.
- 3.40 The Police worked with some dealers to develop the process for compensating dealers. However, many dealers (especially dealers with smaller businesses) did not have sophisticated information systems to support this process.
- 3.41 Many of those dealers run small businesses that sell low numbers of firearms and have basic information systems. We understand that this has meant delays in receiving applications from dealers, and the Police rejecting some of those initial applications.
- 3.42 As at 13 February 2020, 1195 stock firearms had been collected. There is substantial work left to do to compensate dealers for their stock, with 144 out of 517 claims still being processed. The claims that still need to be processed include those from dealers with larger businesses.
- 3.43 Regulations were put in place that enable dealers to hold prohibited items after 20 December 2019, providing they have registered their intention to participate in the scheme before that date.
- 3.44 The Police's case-management approach involves working closely with dealers, talking through their applications, and resolving disagreements where possible. Formal resolution of disputes might involve legal action in the future.
- 3.45 The Police did not use their SAP system to track dealer stock. Instead, the Police used a dealer portal developed for the scheme, in combination with their standard emergency management information system used to task operational responses and provide case management of incidents. These systems did not support the same level of traceability of individual items as the SAP system.

## The process for recruiting and training firearms assessors was robust

- 3.46 The Police employed independent contractors to assess firearms, magazines, and parts that people handed in to determine how much compensation would be paid.
- 3.47 Because assessors' decisions determined the amount of money people would receive for handing in their newly prohibited firearms, magazines, and parts, they were exercising a delegated financial authority on behalf of the Government. It was important that the Police recruited people with relevant skills, expertise, and experience and provided good training.
- 3.48 The Police advertised the assessor role to groups likely to have firearms expertise, such as the Army Reserves and those already in the Police's talent pool. The Police also accepted applicants referred by a police officer. The assessor role description had clear expectations about professional duties, service delivery and quality, knowledge of health and safety, and a focus on customer satisfaction and engagement.
- 3.49 Each applicant for the assessor role had to:
- demonstrate that they had significant knowledge and experience to make accurate assessments on the condition of firearms, magazines, and parts;
  - pass the Police's standard vetting check;
  - hold a current Firearms Safety Certificate;
  - possess the temperament and personal qualities required for the role (which the Police assessed in interviews); and
  - satisfy personal health requirements to perform prescribed duties.
- 3.50 The Police recruited people as assessors who had previously held positions such as Police-approved firearms instructors, armourers, dealers, and military roles.

### Firearms assessor training

- 3.51 The main features of assessor training included:
- a detailed training needs analysis for each phase (prepare, collect, manage, and pay);
  - a clear training and delivery plan, with subject-matter experts embedded throughout to help deliver a consistent approach;
  - training resources specifically designed to facilitate alignment and co-ordination of the framework for identifying firearms, magazines, and parts and assessing their condition;

- clear separation of duties between the assessor role and other roles, such as the administrator; and
  - using customer profiles to support the establishment of a customer-centric approach.
- 3.52 Assessors also received training and associated testing on:
- determining buy-back eligibility by applying the legislation;
  - accurately identifying firearms, magazines, and parts in conjunction with the condition-assessment framework; and
  - accurately communicating the rationale behind their assessment to firearms owners.
- 3.53 The risk of assessors having conflicts of interest (that is, the risk of an assessor assessing the value of a firearm of a person they know) was also carefully considered. Assessors were instructed to notify the senior police officer in charge if they knew someone handing in a firearm at a local collection event and to not be involved in assessing compensation for that person's firearms, magazines, or parts.
- 3.54 The Police's quality assurance over assessors included on-site monitoring and sampling assessments at local collection events, and central monitoring and sampling assessments after local collection events by examining photographs of the assessed firearms. EY recommended that the:
- ... Police keep a log of the assessments where a formal central-based quality assurance check was undertaken along with a record of any findings and associated actions. This should be supported by a minimum assessment requirement (with this being adjusted as required based on assurance assessment outcomes).*
- 3.55 The information available to us suggests that complaints about assessors and technical errors in their assessments were low. This includes the low numbers of formal complaints about how the Police implemented the scheme to either the Police or the Independent Police Conduct Authority (IPCA). As at 17 January 2020, the Police had received 18 formal complaints.
- 3.56 The IPCA told us that it had received a very low number of complaints about alleged underpayment for firearms. It also received some complaints about police officers' attitudes. The IPCA told us that these complaints were all successfully resolved with the complainants.



### **Assessing unique prohibited items**

- 3.57 From mid-September 2019, the scheme included the option for people to apply for a unique prohibited item assessment if they had a prohibited firearm that was not on the price list or a firearm that was on the price list but that had a significantly higher value. This was for items that were:
- rare or had distinguishing characteristics that significantly affected their value;
  - otherwise unique and substantially different from any other listed prohibited item; and/or
  - modified in such a manner and to such an extent that the owner had reasonable grounds to believe the value of the items was at least 30% more than the listed price.
- 3.58 There was a non-refundable fee of \$138 to apply for a unique prohibited item assessment.
- 3.59 Applications were assessed by a panel (called the Unique Prohibited Items Advisory Panel), which included four mandatory members, a private sector commercial expert, an insurance expert, a valuation expert, and an international firearms expert.
- 3.60 The unique prohibited item assessment process was well documented, and the assessment panel operated in accordance with the documented process.

### **The Police’s communication with the public was well planned and co-ordinated**

#### **The Police had a sound and well-targeted communications plan**

- 3.61 The Police had a comprehensive communications plan. It was informed by 20 “personas” likely to participate in the scheme. Examples included a “reactive confirmer” (a person who wishes to comply at the minimum level and is not deliberately difficult) and a “sentimentalist” (a person who has several firearms with significant financial or sentimental value attached and who might be reluctant to part with them).
- 3.62 The communications plan identified the likely behaviours of each persona and their information needs. Communication was, to some extent, tailored for each persona.
- 3.63 The Police regularly monitored the effect of their communications. They used multiple communications channels and targeted particular publications, radio, and television, and communicated directly with firearms owners and

organisations. This included directly calling licence holders with an E endorsement on their licence. The Police used an 0800 number dedicated to questions about the scheme, which received more than 30,000 calls.

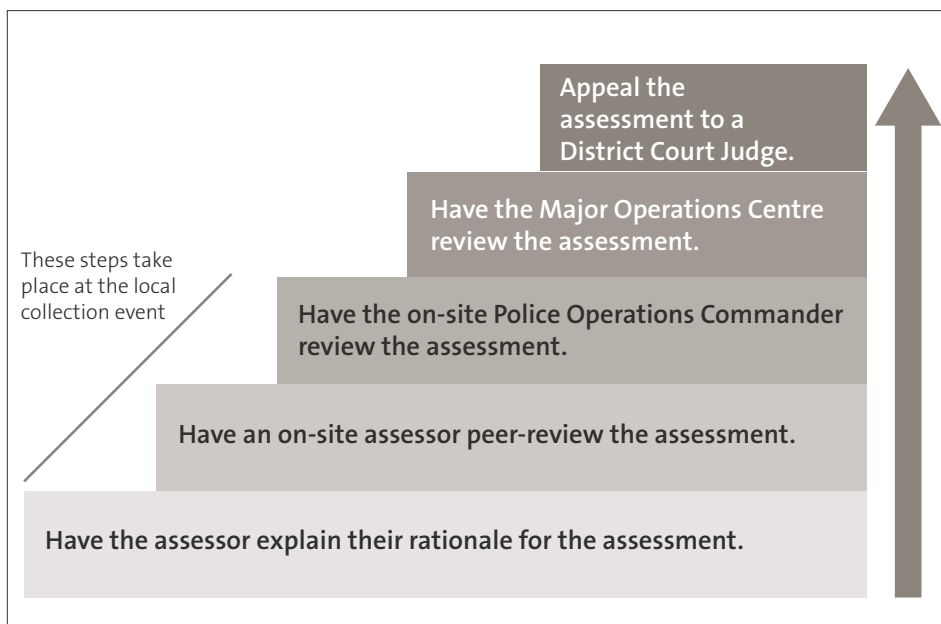
- 3.64 The Police provided extensive information about the scheme on their website, including videos. Some of that information was hard to navigate and some detailed, specific technical information was difficult to locate. Feedback we received from EY, the Council of Licensed Firearms Owners, and firearms owners shared this view. However, the information on the website about the process for getting an endorsement for a prohibited item was clear, comprehensive, and transparent.
- 3.65 Between 1 May and 20 December 2019, there were 939,000 page views of firearms-related content on the Police's website.
- 3.66 EY recommended that the Police "monitor the sentiment of the firearms community as a lead indicator for the success of the Scheme" and include that information as part of the broader reporting framework.
- 3.67 The Police have not included that information in their public dashboard reporting about the scheme. Apart from their survey of people at local collection events, the Police did not have a formal mechanism to monitor the sentiment of firearms owners during the scheme.

### **The disputes resolution process could have been communicated better**

- 3.68 The Police had a standardised disputes escalation process for when a person did not agree with the amount of compensation offered for their firearm. The escalation steps are shown in Figure 3.
- 3.69 The escalation process for disputing an assessment at dealers' retail stores was the same, except that the assessors and Operations Commander were not on site.
- 3.70 The Police securely held prohibited items that were being disputed, and they were not made inoperative until the dispute had been resolved.
- 3.71 It would have been preferable if the Police had made information about the disputes resolution process more available so that it was clear that people could dispute assessors' decisions without appealing to a District Court Judge.
- 3.72 EY recommended that the Police increase the transparency of the dispute resolution process by putting more information about it on their website.

**Figure 3**  
**Steps a person could take to escalate a dispute about an assessment they disagree with**

The steps someone could take to escalate a dispute about a firearms assessment were: having the assessor explain their rationale for the assessment, having an on-site assessor peer-review the assessment, having the on-site Police Operations Commander review the assessment, having the Major Operations Centre review the assessment, and, finally, appealing the assessment to a District Court Judge.



### All handed-in firearms, magazines, and parts were securely destroyed

- 3.73 At local collection events, the Police made handed-in firearms inoperative on site. This was done by a machine press that bent and crushed the firearm in three places (the barrel, the receiver, and the stock).
- 3.74 Firearms handed in at dealers' retailer stores were stored safely for the Police's regional teams to collect and make inoperative.
- 3.75 The Police securely stored inoperative firearms that were handed in at Police locations. They were then transported to another location to be fully destroyed. We did not see evidence that any firearms, magazines, or parts in the Police's custody

had been lost, stolen, or not accounted for. The Police performed a three-way reconciliation process between when items were collected and when they were destroyed to support this. There was no evidence of material gaps in this process.

- 3.76 The process included a final reconciliation between the SAP system information and the physical storage crates, and checking final shredded material for any remaining identifiable pieces that required re-shredding.

### **The firearms buy-back and amnesty scheme was supported by good systems and processes**

- 3.77 The Police engaged SAP, one of their existing providers of information systems (including their finance and payroll system), to develop and support the SAP system to process applications and compensation payments. The SAP system also provided a means to track and trace firearms, magazines, and parts from the point they were handed in to final destruction. The SAP system was a strength of the scheme.
- 3.78 The Police's documentation for the SAP system identified and reported on risks and controls, and there was a comprehensive testing strategy.
- 3.79 On 2 December 2019, there was a privacy incident. The Police told us that a user accessed 436 citizen records, of which 34 were at a detailed account level (including bank account details and firearms licence numbers). The Police contacted all of the affected individuals and briefed the Privacy Commissioner and the Government Chief Digital Officer.
- 3.80 The incident occurred after an external provider updated the system in a way that the Police did not authorise. Although the Police did not make the unauthorised change to the system, the Police are ultimately responsible for the protection of private information.
- 3.81 The Police's response to, and management of, the incident was professional. Other government agencies provided the Police with good support when responding to the incident.
- 3.82 Local collection events were able to continue after the incident. The Police suspended public access to the SAP system (which people would use to register their intention to hand in prohibited firearms, magazines, or parts). Instead, staff in the Police's call centre and at local collection events had access to the SAP system and would enter that information after talking with a member of the public.
- 3.83 Although the incident might have affected public confidence in the scheme, members of the public continued to participate in local collection events.

- 3.84 The Police had adequate ICT controls over the systems managing the scheme. The controls included those over user access management, data loss prevention and system output, change management, IT disaster recovery, and network security and vulnerability management.
- 3.85 Penetration testing (that is, testing how easy the Police's systems were to hack) was done at the design stage of those systems and throughout the development of the system. The incident was not a result of those systems being hacked.
- 3.86 Access to the cloud-based SAP system databases supporting the scheme was tracked and reported on. Between September and December 2019, monthly access ranged from 99% (in November 2019) to 61% (in December 2019, reflecting the impact of a privacy incident and the decision to stop direct public access to the application).

## **Determining the level of compliance with the firearms buy-back and amnesty scheme is difficult because of uncertainty about the number of prohibited firearms**

### **Estimating the number of prohibited firearms**

- 3.87 One of the most important ways to judge the effectiveness of the scheme is to determine the proportion of newly prohibited firearms and parts that were handed in.
- 3.88 To do this, we need to know how many prohibited firearms there are in the community. The previous regulatory regime focused on firearms owners instead of individual firearms. In part, because of this, the Police do not have accurate information about how many firearms there are in the community. Therefore, the Police can only provide estimates. Figure 4 shows the Police's estimates of the number of newly prohibited firearms.

**Figure 4**  
**The Police’s estimates of the number of newly prohibited firearms in New Zealand**

Estimate by type of firearm	Total	Low estimate of prohibited number		High estimate of prohibited number	
		%	Estimate	%	Estimate
<b>The Police’s estimates as at 20 March 2019</b>					
Military-style semi-automatics	<b>13,175</b>	100%	13,175	100%	13,175
Rifles	758,811	5%	37,941	20%	151,762
Shotguns	379,405	1%	3,794	2%	7,588
All types	1,151,391	5%	<b>54,910</b>	15%	172,525
<b>The Police’s estimates as at 2 April 2019</b>					
All types	1,200,000	5%	60,000	20%	<b>240,000</b>
<b>KPMG’s estimates as at 7 June 2019 (commissioned by the Police and using volume estimates provided by the Police)</b>					
Military-style semi-automatics	14,286	100%	14,286	100%	14,286
Rifles	758,811	5%	37,941	20%	151,762
Shotguns	379,405	1%	3,794	2%	7,588
All types	1,152,502	5%	56,021	15%	173,636
<b>The Police’s estimates as at 21 December 2019</b>					
Military-style semi-automatics	<b>15,037</b>	100%	15,037	100%	15,037

Sources: New Zealand Police 2019, KPMG 2019.

Note: The numbers in bold are the numbers we refer to in this report when discussing the Police’s range of estimates.

- 3.89 The only records of newly prohibited firearms were of military-style semi-automatics that were covered by an E endorsement.
- 3.90 However, because of deficiencies in how the information was recorded in the past, the Police’s records of the numbers of firearms covered by an E endorsement are not certain, ranging at different times from 13,175 to 15,037.
- 3.91 It is important to note that not all centrefire semi-automatic rifles are covered by an E endorsement. Although the Police had a record of firearms covered by an E endorsement in private ownership, they did not know the number of other semi-automatics.
- 3.92 Some firearms could be relatively easily altered to, or from, a type of firearm requiring an E endorsement. For example, adding a previously unregulated large-capacity magazine to a semi-automatic firearm would make it a firearm that required an E endorsement. Removing a “bar” between the stock and trigger housing of a semi-automatic firearm so it had a free-standing trigger mechanism would also make it a firearm that required an E endorsement.

- 3.93 EY recommended that the Police take steps to better understand and manage the accuracy of their estimates of newly prohibited firearms. To do this, the Police commissioned the New Zealand Institute of Economic Research (NZIER) to:
- review the current estimates of the amount of civilian firearms, including the proportion of those firearms that are now prohibited;
  - clarify the confidence that can be placed on the estimates; and
  - explore whether existing data sources could be used to improve the estimates.

- 3.94 NZIER assessed the information used for the different estimates of newly prohibited firearms against four criteria:
- reliability and consistency;
  - validity and accuracy;
  - verifiability; and
  - bias.

- 3.95 NZIER concluded that only a low level of confidence could be placed in the different estimates of newly prohibited firearms. This was based on a medium level of confidence in the Police's estimate of the total number of firearms in the community, but a low level of confidence in the information about what proportion of the total number is made up of newly prohibited firearms.

- 3.96 NZIER found that it would be possible, with significant investment, to improve the reliability of the estimate of the total number of firearms and, to a lesser extent, the estimate of the number of newly prohibited firearms using existing data.

- 3.97 However, in NZIER's view, confidence in that estimate would remain low. This is because the ease of using parts to modify firearms makes the boundaries between prohibited and non-prohibited highly permeable, and because import tariff categories do not map readily on to what is or is not prohibited.

### **Quantity of collected firearms, magazines, and parts**

- 3.98 The level of compliance with the scheme can be judged only against the Police's estimates of the total number of prohibited firearms in New Zealand. According to NZIER, these estimates have a low level of confidence.
- 3.99 The Police's provisional information about the number of prohibited firearms that have been collected or modified (61,332 as at 13 February 2020) is at the lower end of the Police's estimates of the total number of newly prohibited firearms (54,910 to 240,000).

- 3.100 As at 21 December 2019, nearly two-thirds (63%) of the firearms handed in (excluding dealer stock) were characterised as centrefire semi-automatics (valued at under \$10,000), and a further 22% were rifles capable of firing 11 or more rounds from a single magazine (valued at under \$2,000). Of the firearms handed in, 58% were assessed as being in new or near new condition. Only 2% were assessed as being in poor condition.
- 3.101 As at 21 December 2019, nearly one-tenth (8.7%) of firearms and only about 3% of parts collected in the scheme were collected for amnesty.

**Most firearms covered by an E endorsement were accounted for**

- 3.102 According to the Police's provisional information, 67% (10,009 out of 15,037) of firearms covered by an E endorsement were handed in as at 20 February 2020. A further 4211 were in the process of being assessed through the dealer buy-back, E endorsement application process, or as unique prohibited items.
- 3.103 Taken together, this means that 95% of firearms covered by an E endorsement (out of a total of 15,037) have been either collected or accounted for under the new regulations. The Police are actively following up on the remaining estimated 817 firearms covered by an E endorsement. Those firearms include those:
- that are legitimately being retained by licensed firearms owners for modification;
  - that have become no longer prohibited because prohibited parts were handed in (for example, extendable magazines for shotguns);
  - that people have indicated would be handed in but have not been and for which no endorsement has been sought; and
  - where there are issues with the accuracy and/or currency of the recorded information.
- 3.104 Until the Police have fully completed processing the endorsement applications, all of the applicants will continue to hold firearms covered by an E endorsement. They must store them securely and not use them.



# 4

## Costs and funding of the firearms buy-back and amnesty scheme

- 4.1 In this Part, we assess:
- the costs and funding of compensation to firearms owners;
  - ACC's contribution to the scheme; and
  - the costs and funding to administer the scheme.
- 4.2 We conclude that:
- the Police did not exceed the appropriation for the cost of compensation to date;
  - ACC's decision to provide funds to the scheme is consistent with its functions and relied on reasonable actuarial assumptions that involved a high level of judgement; and
  - the administrative costs of the scheme were higher than the Police's estimates, and the Police used a lot of their wider resources to support the scheme's administration.
- 4.3 We have assessed the efficiency and cost of the scheme's implementation according to the following four criteria:
- whether compensation and administrative costs were managed to budget;
  - whether expenditure on compensation and administrative costs was appropriately authorised;
  - whether expenditure on compensation and administration was well tracked and reported; and
  - whether expenditure on compensation and administration was well managed to get value from the use of public funds.

### **Compensation costs did not exceed what was appropriated**

- 4.4 The 2019 Budget included an appropriation of \$150 million in Vote Police for compensation payments made as part of the scheme. This amount was based on the mid-range of estimates that the Police prepared. The known number of military-style semi-automatics and the estimated number of prohibited rifles and shotguns informed the Police's work.
- 4.5 The Police's 2018/19 annual report included a provision and associated expenditure of \$150 million for compensating people handing in newly prohibited firearms, magazines, and parts. The estimated level of future costs was based on the best information available to the Police at the time.
- 4.6 The Police applied the following main assumptions in determining the cost of compensation:
- All newly prohibited firearms would be handed in.

- All of the roughly 15,000 military-style semi-automatic firearms are prohibited and would be handed in – this knowledge was based on the required record of ownership.
- Up to 20% of the estimated total 760,000 rifles and 2% of the estimated total 380,000 shotguns would be prohibited and handed in. These estimates were created using internal knowledge and discussions with trusted retailers.
- Pricing has been estimated based on discussions with trusted retailers and second-hand firearms data from the last three years.

4.7 As at 20 December 2019, the Police’s provisional information reported that compensation costs were \$102 million. The final compensation costs are currently unknown but will be higher because not all compensation for dealers has yet been processed.

4.8 At the end of February 2020, the Police were forecasting those costs to be about \$120 million once they has completed remaining work for the scheme. This included the remaining payments yet to be made for unique prohibited items, dealer stock, gunsmith invoices for modifications, and dealer administration fees (the fees paid to dealers for being a collection channel).

### **ACC’s contribution to the firearms buy-back and amnesty scheme was compatible with its statutory functions**

4.9 Within two days of the Christchurch attacks, the Treasury considered several potential sources of funding for a firearms buy-back scheme. These sources included ACC, existing or new budgets, a tax or duty, funds obtained back from criminals under proceeds of crime arrangements, or baseline savings.

4.10 The Treasury informed the Office of the Minister of Finance that, without changing legislation, ACC could contribute funding to the scheme under section 263 of the Accident Compensation Act 2001. Section 263 allows ACC to promote measures that reduce the incidence and severity of personal injury. Section 263(3) sets conditions for any ACC contribution to injury prevention measures, including that they are likely to result in a cost-effective reduction in actual or projected levy rates.

4.11 ACC carried out an actuarial assessment to assess whether it would be cost-effective for ACC to contribute to the scheme. This assessment concluded that, in the next 20 years, the benefits (the reduction in claim costs) will be about \$70.5 million, or \$1.76 for every \$1 that ACC invested.

4.12 ACC’s approach to assessing the funding contribution was consistent with its assessments of other funding decisions about injury prevention. ACC’s injury

prevention portfolio target for 2018/19, as described in its Service Agreement, was \$1.80 of savings, on average, for every \$1 invested.

- 4.13 The ACC Board made the decision to contribute funding of up to \$40 million to the scheme. The decision to contribute funding was a resolution of the full Board, and the Board documented that decision through a written resolution, as required by the Crown Entities Act 2004.
- 4.14 The Chairperson of ACC wrote to the Minister for ACC on 4 April 2019 to offer funding support. The Minister accepted ACC's decision to contribute funding to the scheme and wrote to accept the offer on 14 June 2019. We understand that ACC determined that a contract was not needed in addition to the letter from the Minister accepting the ACC Board's offer of funding.
- 4.15 ACC's contribution was limited to funding compensation costs and the modification of newly prohibited firearms, and not the administrative costs of the scheme.
- 4.16 EY is also ACC's appointed auditor. We commissioned EY's actuary team to test ACC's actuarial assumptions behind the funding decision. EY concluded that, although the assumptions were based on a high degree of judgement, they appeared to be reasonable. The main uncertainty is that ACC's assessment of the extent of the reduction in claims might not be as expected.
- 4.17 To date, ACC has paid \$20 million to the Police for the scheme. ACC told us that any further payment will depend on the final cost of the scheme. This is because ACC wishes to limit its contribution to 21.1% of the total firearms owners' compensation cost. This reflects the ACC Board's initial decision to contribute \$40 million when it looked like the compensation cost could be about \$190 million.
- 4.18 ACC will monitor firearms-related injuries and their effect on the Outstanding Claims Liability.

### **Administrative costs were higher than the Police's estimates**

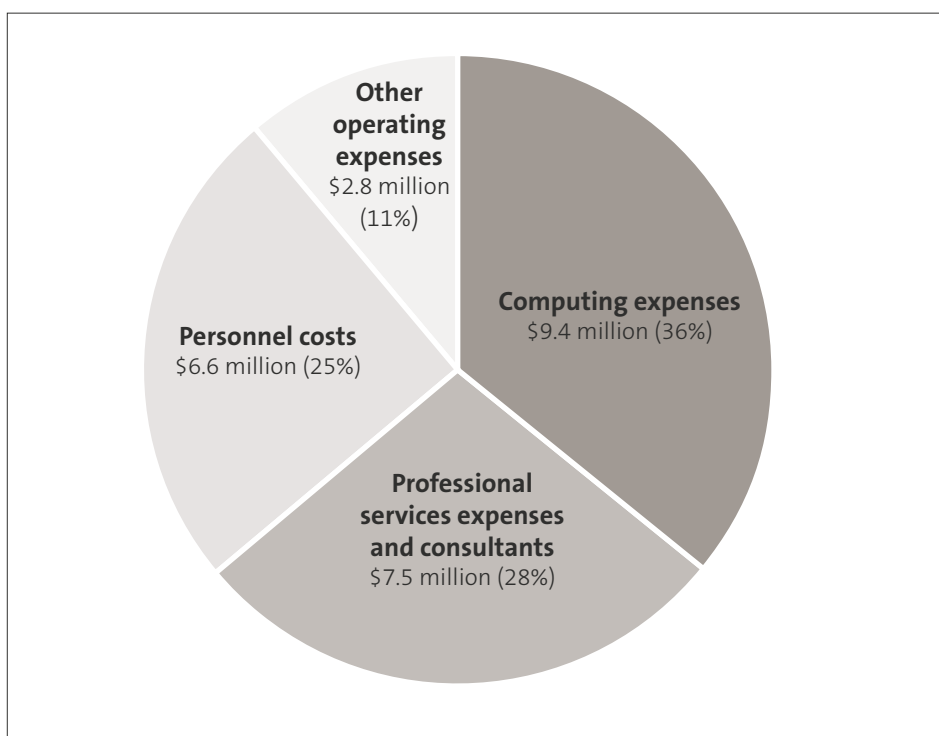
- 4.19 In March 2019, the Police produced an initial estimate of \$18 million to fund the scheme's administrative costs. This amount was included as a new initiative in Budget 2019 as part of the General Crime Prevention Services appropriation.
- 4.20 The Police's estimate was completed quickly, before the costs of supporting technology were fully known. The estimate was based on a per-capita proportion of both the nationwide, and Australian Capital Territory's, costs of the Australian buy-back scheme. The Police took foreign exchange rates and inflation into account.
- 4.21 The Police now estimate that it will cost up to \$35 million to administer the scheme. This includes the costs of staff time, contractors, and goods and services.

This is nearly double the \$18 million provided through the 2019 Budget for 2019/20 and includes about \$5 million the Police spent in 2018/19 on the scheme's administration.

- 4.22 Figure 5 shows a high-level breakdown of the administrative costs at 31 December 2019. The total administrative cost at that date was slightly more than \$26 million, with about two-thirds of the costs for computer services and for professional and consultancy services. One-quarter was for personnel costs (which exclude the personnel costs of police staff not engaged full time on the project).

**Figure 5**  
**Administrative costs of the scheme, by category, as at 31 December 2019**

The administrative costs categories are divided into four segments. They are computing expenses (\$9.4 million), professional services expenses and consultants (\$7.5 million), personnel costs (\$6.6 million), and other operating expenses (\$2.8 million).



Source: Unaudited information from the New Zealand Police.  
Note: The numbers have been rounded to the nearest \$100,000.

- 4.23 The Police have sought an increase to the \$18 million provided for administrative costs in 2019/20, but decisions about that had not been finalised at the time of writing this report. If an increase is not approved, the Police will need to use resources from their General Crime Prevention Services appropriation to cover any administrative costs in excess of \$18 million.
- 4.24 Authority to use those resources comes from the Police's general spending authority in the Crime Prevention appropriation (which can be used for any crime prevention activities). Doing so will affect other areas of the Police's work that could have been delivered with this funding.
- 4.25 Although the administrative costs of the scheme were considerably higher than what the Police estimated, there were adequate financial controls over administrative spending, including procurement. EY did not identify any material gaps in supplier management, purchasing, invoice processing, and payment processes. We did not see evidence of wasteful spending.
- 4.26 Administrative costs were not sufficiently covered in the original programme documentation. EY noted that police staff and contractors were investing significant time setting up and running the scheme, and it was likely that this time would have affected the Police's resources.
- 4.27 EY recommended that the Police report on the administrative and opportunity costs of the scheme. That information was not included in the Police's publicly reported dashboard information about the scheme's performance (see paragraph 2.20).
- 4.28 The Police's other resources also supported the scheme's implementation – for example, frontline staff working at local collection events. Using these resources to support the scheme meant that they were not available for other police work. This is an opportunity cost.
- 4.29 The Police do not separately record the time spent on the scheme by routinely rostered staff working less than full time on the scheme, so they cannot calculate this opportunity cost. This also means that the real cost of the scheme will be higher than the cost we have referred to in this report.

# 5

## Realising the benefits of the firearms buy-back and amnesty scheme

- 5.1 In this Part, we describe the work the Police need to do to complete the scheme. We also provide some recommendations for the Police to consider as they prepare for future approaches to firearms regulation.

### The Police still have work to do

- 5.2 Although the period when firearms owners could get compensation for handing in their newly prohibited firearms, magazines, and parts ended on 20 December 2019, the Police have yet to complete several aspects of the scheme. These include:
- **Endorsements so that certain people can continue to use newly prohibited firearms under certain conditions.** As at 13 February 2020, there were 1022 applications for endorsement pending. The Police have prioritised applications from people who most rely on an endorsement for their livelihood, such as professional pest controllers.
  - **Compensation for stock held by dealers.** As at 13 February 2020, the process to collect, destroy, and compensate dealers for stock of prohibited firearms, magazines, and parts was not fully completed, and some stock had not yet been collected or compensated for. Out of 517 claims, 144 were still in the process of being assessed.
  - **Modifications to firearms so that they comply with the new regulatory requirements.** As at 13 February 2020, 1208 applications for modification were still to be completed.
  - **Processing applications of unique prohibited items.** As at 13 February 2020, there were 77 applications pending.
- 5.3 It is important that the Police complete these outstanding aspects of the scheme soon, particularly applications for an endorsement to hold and use prohibited firearms, magazines, and parts.
- 5.4 When the Police complete these aspects of the scheme, they should be able to provide an accurate figure of the total number of firearms, magazines, and parts that have been collected and destroyed, have been modified, or are now owned and used by licensed firearms owners with an endorsement. It will also be possible to identify the total cost of the scheme, including administrative costs.
- 5.5 In our view, the Police should continue to report publicly on the performance of the scheme until this remaining work is completed and report to Parliament about the final outcomes of the scheme.

## The Police should build on their engagement with firearms owners and licensed firearms dealers

- 5.6 Through the scheme, the Police had a high level of engagement with firearms owners, gun clubs, collectors, and dealers. In our view, the Police should take the opportunity to build on this engagement to continue to strengthen relationships and foster trust and confidence in how the current and future regulatory framework is implemented.

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### Recommendation 1

We recommend that the New Zealand Police build on their engagement with firearms owners and licensed firearms dealers gained during the firearms buy-back and amnesty scheme to further strengthen relationships and build trust and confidence in how the current and future firearms regulatory framework is implemented.

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## The Police should continue to improve their information

- 5.7 Having good information is important for effective regulation. As discussed in Part 3, the Police did not have accurate information about the different types and numbers of firearms in the community under the previous regulatory regime. The Police state that this was largely because previous firearms regulation was focused on licensing users, rather than regulating most firearms types.
- 5.8 The Police had information on the number of firearms covered by an E endorsement because owning these types of firearms required a special endorsement, and a record was kept. However, there were issues with the certainty of the information about these firearms – the number that the Police reported that they knew about varied at different times from 13,175 to 15,037.
- 5.9 Some people with E endorsements on their firearms licence told us that the Police had inaccurate records of what they owned. Some people also told us that the Police approached them to hand in prohibited firearms that they had already handed in.
- 5.10 The Police kept the record of firearms covered by an E endorsement on their National Intelligence Application, which was not integrated with the SAP system used for the scheme. Rather than focusing on reconciling information from the two systems, the Police prioritised contacting every person with an E endorsement on their firearms licence to make sure that they had enough opportunity to comply with the scheme and were fully aware of the consequences of not complying.

- 5.11 In our view, the Police should ensure that newly endorsed licences are recorded and maintained more accurately than the previous records of firearms covered by an E endorsement.

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**Recommendation 2**

We recommend that the New Zealand Police improve the information they use to support their regulatory responsibilities for firearms and firearms owners, and their management of that information.

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- 5.12 The Police have gathered a lot of data during the scheme. They now need to consider how they can realise benefits from this data, particularly in designing their approach to implementing future regulatory frameworks and approaches. It is important that those future regulatory frameworks and approaches take into account manufacturing technologies that could complicate managing the availability of firearms in New Zealand.

**The Police should evaluate the firearms buy-back and amnesty scheme's effectiveness in improving public safety**

- 5.13 The purpose of the scheme was to improve public safety by reducing the availability of firearms that can cause harm in a rapid and highly destructive way from a distance. The extent to which this will have been achieved will become apparent over time.
- 5.14 The Police might also inform this work by using information collected through their Gun Safe work. This is an initiative to centrally record incidents where firearms are encountered during normal police work. Over time, it might be possible to observe the effect of the scheme using the Gun Safe information (for example, whether there is a reduction in the use of firearms, or changes in the types of firearms presented at the Police and used for criminal purposes).

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**Recommendation 3**

We recommend that the New Zealand Police design and implement a framework to evaluate the extent to which changes to firearms regulation have made New Zealand safer, including taking steps to find out what level of compliance with the scheme has been achieved, and publicly report the findings of future evaluations to ensure that Parliament and the public have trust and confidence in their administration of firearms legislation.

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Office of the Auditor-General  
PO Box 3928, Wellington 6140

Telephone: (04) 917 1500

Email: [reports@oag.parliament.nz](mailto:reports@oag.parliament.nz)  
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