

ARMS AMENDMENT BILL (NO. 2)

EXPLANATORY NOTE

General Policy Statement

This Bill aims to promote responsible attitudes to firearm ownership, firearm transfer, and firearm security, and to enhance law enforcement and the safety of the public and the Police by requiring all non-exempt firearms to be registered. In addition, certain penalties are increased and an infringement notice regime for registration and some other offences is introduced.

Background

The Arms Act 1983 discontinued the registration of rifles (including semi-automatic rifles) and shotguns. Since then the Police have not kept records relating to rifles and shotguns and the whereabouts of many of them is uncertain or unknown. Pistols, military style semi-automatic rifles, restricted weapons, and specially dangerous airguns must be registered but they comprise only 5% of the total number of firearms.

The 1983 Act also provided for a new firearms licence which was valid for life.

In November 1990, David Grey, who held a .22 rifle when he obtained a lifetime licence in 1984, shot and killed 13 people using 2 military style semi-automatic rifles (MSSAs). This highlighted the destructive power of MSSAs such as the AK47 and the M16, the deficiencies of the lifetime licence concept, and the lack of records and registration that, had they been required, may have prevented the massacre.

The resulting Arms Amendment Act 1992 introduced registration for MSSAs and a 10-year firearms licence. Holders of the previous lifetime licence were "called in" progressively to apply for the new licence. This was intended to bring licence holders who had become unfit to hold a licence to the notice of the Police.

Licences held by persons who failed to respond to the call in are deemed to be revoked. Many have been traced, but about 40,000 may be outstanding. The Police do not know how many rifles or shotguns that were held by persons who failed to respond to the call in, their present whereabouts, or where and to whom they may have disposed of them.

Recommendation 6.2.1 of the Review of Firearms control conducted by Sir Thomas Thorp recommended that all firearms be registered. The benefit of this is that the Police will be able to progressively create a record of the location of firearms. Registration will help to prevent the transfer of firearms to criminals,

thefts of firearms being unreported, and will encourage owners to comply with security requirements. Registration of firearms will assist the Police in tracing the origin of firearms located, alert the Police to persons who are accumulating firearms, assist in firearms seizure following domestic violence situations, and will provide information to the Police about the weapons they may face when attending incidents or entering premises.

Clause by Clause Analysis

Clause 1 relates to the Short Title and commencement of the Bill. The Bill comes into force on a date to be appointed by the Governor-General by Order in Council. The reason for having the Bill commence by Order in Council is to allow time to make regulations prescribing a form of infringement notice and specifying infringement fees for infringement offences before the Bill comes into force.

PART 1

PRELIMINARY PROVISIONS, OFFENCES, AND REGISTRATION OF FIREARMS

Clause 2 amends section 2 of the principal Act by inserting new definitions. The definitions inserted are “approved form”, “authorised person”, “exempt firearm”, “infringement notice”, “police database”, “registered firearm”, “registered holder”, and “required details”.

Clause 3 amends section 20 of the principal Act, which prohibits a person from having possession of a firearm unless the person is the holder of a firearms licence, or unless permitted by the principal Act or regulations made under that Act. *Clause 3* increases the maximum fine for contravention of section 20 (1) of the principal Act from \$1,000 to \$4,000. *Clause 3* also provides that where an infringement notice is served in respect of such an offence, the person must, on entering a plea of guilty or on being found guilty of the offence, be ordered to pay a fine equal to the prescribed infringement fee. This provision is also contained in the other clauses of the Bill that relate to infringement offences.

Clause 4 inserts *new sections 34c to 34c* into the principal Act. These sections provide for the registration of firearms.

New section 34c requires a person who sells or supplies a firearm to any other person to deliver written advice to an Arms Office, within 7 days of the date of sale or supply, of—

- the make, model, and serial number of that firearm, and any other identifying mark on that firearm
- the number of the firearms licence or dealers licence of the person who sold or supplied the firearm
- the number of the firearms licence of the person to whom the firearm is sold or supplied.

New section 34c does not apply to any person who is exempt from the provisions of this section under *new section 34E*.

New section 34D requires the holder of a firearms licence who is in possession of a firearm to apply for the registration of that firearm in the name of the holder, within 7 working days of coming into possession of that firearm. An application for registration must be on an approved form, contain the required details of the firearm and a statutory declaration by the person making the application verifying the information contained in the application, and be sent to an Arms Office together with the appropriate application fee. On receiving an application that complies with these requirements, an authorised person must, unless the firearm to which the application relates does not comply with any applicable requirement as to the marking, modification, or identification of firearms, record the required details of the firearm on the Police database, and notify the person

who made the application that the firearm has been registered in the name of that person. If the application does not comply with the applicable requirements, or the firearm to which the application relates does not comply with any applicable requirement as to the marking, modification, or identification of firearms, the person who made the application must be notified that the firearm has not been registered and of the reasons for that decision.

For the purposes of determining whether a firearm to which an application for registration relates complies with any applicable requirement as to the marking, modification, or identification of firearms, or to facilitate the modification of the firearm to satisfy any such requirement, an authorised person may require the person who made the application to present the firearm at an Arms Office for inspection within such reasonable period as the authorised person specifies. *New section 34D* does not apply to any person who is exempt from the provisions of this section under *new section 34E* or *new section 34C*.

New section 34E specifies a range of circumstances in which a person is exempt from the requirements of *new section 34C* or *new section 34D*. These exemptions relate principally to exempt firearms, and certain circumstances where a firearm is lent by the registered holder to another person, or is used for the purposes of a recreational activity in which the registered holder of the firearm is also participating, or is supplied by the registered holder and is being used on property occupied by the supplier.

New section 34F introduces a requirement for a person who makes a temporary loan of a firearm to another in circumstances where the firearm will not be or is not returned within 30 days of the date on which it is lent. The person is required to deliver advice to an Arms Office, on an approved form, of the name, address, and licence number of the firearms licence of the person to whom the firearm is lent, and the make, model, and serial number of the firearm. The advice must be accompanied by the appropriate notification fee. The return of the firearm must similarly be notified.

New section 34G is a transitional provision dealing with the registration of firearms in the possession of a firearms licence holder immediately before the commencement of this Bill. The section provides that such a person is not required to apply for the registration of firearms already in the person's possession immediately before the commencement of the Bill until the person receives notification requiring the person to apply for the registration of each firearm in his or her possession.

Clause 5 amends section 39 of the principal Act to require the notification of the loss, theft, or destruction of any firearm (other than an exempt firearm), pistol, or restricted weapon by the owner. At present the loss or theft of any firearm, pistol, and restricted weapon must be notified, although the destruction of pistols and restricted weapons only is required to be reported. *Clause 5* also increases the maximum fine for an offence involving the contravention of section 39 (1) from \$500 to \$4,000.

Clause 6 repeals section 49A of the principal Act (which creates an offence relating to the unlawful possession of a firearm or airgun after the revocation of a firearms licence), and substitutes a new section. The maximum term of imprisonment for unlawful possession of a firearm or airgun if, at the time of the commission of the offence, the person's firearms licence was revoked as a consequence of the operation of section 38 of the Arms Amendment Act 1992 is reduced from a term of 1 year to a term of 3 months. Provision is also made for a person to be served with an infringement notice in respect of an offence committed where the person's firearms licence was revoked as a consequence of the operation of section 38 of the Arms Amendment Act 1992. Section 38 of the

Arms Amendment Act 1992 provides for the calling in of existing firearms licences and the consequences of failure to respond to a “calling in” notice, which include the “deemed” revocation of the person’s firearms licence.

Clause 7 inserts *new sections 50A to 50c* into the principal Act. These sections create new offences relating to the contravention of *new sections 34c, 34D (1), 34F (2), (3) and (5), and 34G (1)*, possession of an unregistered firearm by a person, and possession of a registered firearm by a person other than the registered holder. These offences are punishable on summary conviction for a term of imprisonment not exceeding 3 months or by a fine not exceeding \$4,000 or both. These offences are also infringement offences which may be proceeded against by serving an infringement notice.

Clause 8 consequentially amends section 62 (1) of the principal Act to provide for a right of appeal in respect of decisions relating to the registration of a firearm.

PART 2

PROCEDURES RELATING TO INFRINGEMENT OFFENCES AND OTHER MATTERS

Clause 9 inserts *new sections 68A to 68c* into the principal Act.

New section 68A specifies certain offences that are infringement offences for the purposes of the Act and provides that an offence may be specified as an infringement offence in regulations made under the Act. This section also provides that if a person is alleged to have committed an infringement offence, that person may either be proceeded against summarily for the alleged offence or be served with an infringement notice.

New section 68B specifies the procedure for issuing and serving an infringement notice and specifies certain particulars that must be included in the prescribed form of notice.

New section 68c provides that different types of infringement notice may be prescribed in regulations made under the Act in respect of different kinds of infringement offences.

Clause 10 amends section 74 of the principal Act (which empowers the making of regulations). *Clause 10* provides for the making of regulations requiring identifying marks to be placed on firearms before registration. It also increases the maximum fine which may be prescribed for breach of regulations made under the principal Act (from \$400 to \$2,000), and provides for regulations prescribing infringement offences and infringement fees.

Clause 11 consequentially repeals section 26 of the Arms Amendment Act 1992.

Hon Clem Simich

ARMS AMENDMENT (NO. 2)

ANALYSIS

Title	7. New sections inserted	
1. Short Title and commencement	50A. Contravention of provisions relating to registration of firearms	
PART 1		
PRELIMINARY PROVISIONS, OFFENCES, AND REGISTRATION OF FIREARMS		
2. Interpretation	50B. Possession of unregistered firearm	
3. Restrictions on possession of firearms	50C. Possession of firearm by person other than registered holder	
4. New heading and sections inserted	8. Right of appeal from official decisions	
<i>Registration of Firearms</i>		
34C. Duties of seller or supplier	PART 2	
34D. Duties of holder	PROCEDURES RELATING TO INFRINGEMENT OFFENCES AND OTHER MATTERS	
34E. Exemptions	9. New sections inserted	
34F. Notification of temporary loan and return	68A. Infringement offences	
34G. Existing licence holders	68B. Infringement notices	
5. Loss, theft, or destruction	68C. Forms of infringement notice	
6. Unlawful possession of firearm or airgun after revocation of firearms licence	10. Regulations	
	11. Repeal	

A BILL INTITULED

An Act to amend the Arms Act 1983

BE IT ENACTED by the Parliament of New Zealand as follows:

5 **1. Short Title and commencement**—(1) This Act may be cited as the Arms Amendment Act (No. 2) 1999, and is part of the Arms Act 1983* (“the principal Act”).

(2) This Act comes into force on a date to be appointed by the Governor-General by Order in Council.

*1983, No. 44

Amendments: 1985, No. 5; 1987, No. 166; 1992, No. 95; 1999, No. 23

PART 1

PRELIMINARY PROVISIONS, OFFENCES, AND REGISTRATION OF
FIREARMS

2. Interpretation—Section 2 of the principal Act is amended by inserting, in their appropriate alphabetical order, the following definitions: 5

“ ‘Approved form’ means a form that is approved by the Commissioner:

“ ‘Authorised person’ means a person, or a member of a specified class of persons, authorised by a member of the Police to process an application for registration of a firearm: 10

“ ‘Exempt firearm’ means—

“(a) A firearm to which section 22 (1) applies; or

“(b) A firearm of a kind known as a muzzle loaded, single shot, black powder gun: 15

“ ‘Infringement offence’ means an offence to which **section 68A (1)** applies:

“ ‘Police database’ means a record, containing the required details of all registered firearms, that may be kept by or on behalf of the Commissioner in any form or manner that the Commissioner thinks fit, including, either wholly or partly, by means of a facility— 20

“(a) That records or stores information electronically or by other means; and 25

“(b) That permits the information so recorded to be readily inspected or reproduced in usable form; and

“(c) That permits the information in the record to be accessed by electronic means, including (without limitation) by means of remote log on access: 30

“ ‘Registered firearm’ means a firearm in respect of which the required details are recorded in the Police database: 35

“ ‘Registered holder’, in relation to any firearm, means the person who is recorded in the Police database as the person in whose name that firearm is registered:

“ ‘Required details’, in relation to any firearm, means—

“(a) The make, model, and serial number of that firearm, and any other identifying mark on that firearm; and 40

“(b) The calibre of that firearm; and

“(c) The name and the address of the person who has possession of the firearm at the time when application for registration of the firearm is made; and

5 “(d) The number of the firearms licence of the person who has possession of the firearm at the time when application for registration of the firearm is made:”.

3. Restrictions on possession of firearms—Section 20 of the principal Act is amended by repealing subsection (3), and substituting the following subsections:

“(3) A person commits an offence if the person contravenes subsection (1).

15 “(4) A person who commits an offence against **subsection (3)** is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$4,000 or to both.

20 “(5) A person who is served with an infringement notice under **section 68B** in respect of an offence against **subsection (3)** must, on entering a plea of guilty or on being found guilty of the offence, be ordered to pay a fine equal to the prescribed infringement fee.

 “(6) **Subsection (4)** does not apply if **subsection (5)** applies.”

25 **4. New heading and sections inserted**—The principal Act is amended by inserting, after section 34B, the following heading and sections:

“Registration of Firearms

30 **34C. Duties of seller or supplier**—(1) A person who sells or supplies a firearm to any other person must, within 7 working days of the date of sale or supply, deliver written advice to an Arms Office of—

 “(a) The make, model, and serial number of that firearm, and any other identifying mark on that firearm; and

35 “(b) The number of the firearms licence or dealers licence of the person who sold or supplied the firearm; and

 “(c) The number of the firearms licence of the person to whom the firearm is sold or supplied.

 “(2) This section does not apply to any person who is exempt from the provisions of this section under **section 34E**.

40 **34D. Duties of holder**—(1) A holder of a firearms licence who is in possession of any firearm must, within 7 working

days of the date of coming into possession of the firearm, apply for registration of that firearm in the name of the holder.

“(2) An application must—

“(a) Be made on an approved form; and

“(b) Contain the required details of the firearm; and 5

“(c) Contain a statutory declaration by the person making the application verifying the information contained in the application; and

“(d) Be delivered to an Arms Office, together with the appropriate application fee. 10

“(3) On receiving an application made in accordance with **subsection (2) (a), (b), and (c)** and the appropriate application fee, an authorised person must, unless **subsection (4)** applies,—

“(a) Record the required details of the firearm on the Police database; and 15

“(b) Notify the person who made the application that the firearm to which the application relates has been registered in the name of that person.

“(4) If an application for registration of a firearm does not comply with **subsection (2) (a), (b), and (c)**, or is not accompanied by the appropriate registration fee, or the firearm to which the application relates does not comply with any applicable requirement as to the marking, modification, or identification of firearms, an authorised person must— 20

“(a) Notify the person who made the application that the firearm to which the application relates has not been registered; and 25

“(b) Notify that person of the reasons why it has not been registered.

“(5) For the purposes of determining whether a firearm to which an application for registration relates complies with any applicable requirement as to the marking, modification, or identification of firearms, or to facilitate the modification of the firearm to satisfy any such requirement, an authorised person may require the person who made the application to present the firearm at an Arms Office for inspection within such reasonable period as the authorised person specifies. 30 35

“(6) This section does not apply to a person who is exempt from the provisions of this section under **section 34E** or **section 34G**.

“**34E. Exemptions**—(1) A person who sells a firearm to any other person is not required to comply with **section 34C** if the firearm is an exempt firearm. 40

“(2) A person who supplies a firearm to any other person is not required to comply with **section 34C** if—

- 5 “(a) The firearm is an exempt firearm; or
“(b) The supplier is the registered holder of the firearm and it has been lent to the holder of a firearms licence for a period of 30 days or less, and the supplier has a written record of—
- “(i) The date on which the firearm was lent; and
 “(ii) The name, address, and firearms licence number of the person to whom the firearm has been lent; or
- 10 “(c) The supplier is the registered holder of the firearm and supplies the firearm to a person for the purposes of a recreational activity in which the supplier is also participating at the same time; or
- 15 “(d) The supplier is the registered holder of the firearm, and the firearm is being used on property occupied by the supplier; or
- “(e) The supplier is the registered holder of the firearm and has lent it to the holder of a firearms licence for a period of more than 30 days, and has advised an Arms Office in accordance with **section 34f**.
- 20 “(3) A holder of a firearms licence is not required to comply with **section 34d** if—
- “(a) The firearm is an exempt firearm; or
- 25 “(b) The firearm has been lent to the holder of the firearms licence by the registered holder for a period of 30 days or less, and the holder of the firearms licence has provided the registered holder with a written record of—
- “(i) The date on which the firearm was lent to the holder of the firearms licence; and
- 30 “(ii) The name, address, and licence number of the holder of the firearms licence; or
- “(c) The holder of the firearms licence is in possession of the firearm for the purposes of a recreational activity in which the registered holder of the firearm is also participating at the same time; or
- 35 “(d) The firearm has been supplied to the holder by the registered holder of the firearm, and the firearm is being used on property occupied by the registered holder; or
- 40 “(e) The firearm has been lent to the holder of the firearms licence by the registered holder of the firearm for a period of more than 30 days, and the holder has advised an Arms Office in accordance with **section 34f**.

“(4) In this section and in **section 34F**, ‘lent’ includes any form of supply on condition of return, whether or not for a fee or other reward.

“**34F. Notification of temporary loan and return—**

(1) This section applies if—

“(a) A person lends a firearm to any other person without a condition that the firearm be returned at some time within 30 days of the date on which it is lent; or

“(b) A person lends a firearm to any other person on condition that the firearm is returned at some time within 30 days of the date on which it is lent, but it is not returned before the expiry of that period of 30 days.

“(2) A person who lends a firearm to another person must deliver advice to an Arms Office on an approved form accompanied by the appropriate notification fee, as soon as is reasonably practicable after the date on which the firearm is lent, or as soon as reasonably practicable after the expiry of 30 days following the date on which the firearm is lent, as the case may require, of—

“(a) The name, address, and licence number of the firearms licence of the person to whom the firearm is lent; and

“(b) The make, model, and serial number of that firearm.

“(3) On the return of a firearm that has been lent, the person who lent the firearm must, as soon as reasonably practicable after the date of return, deliver advice of the return of the firearm to an Arms Office on an approved form accompanied by the appropriate notification fee.

“(4) On receiving advice under **subsection (2)** or **subsection (3)**, a member of the Police or an authorised person must—

“(a) Record details of the advice on the Police database; and

“(b) Notify the registered holder of the firearm, and the person to whom the firearm has been lent, that details of the advice have been recorded.

“(5) A person who lends a firearm must keep a permanent record of—

“(a) The date on which the firearm is lent; and

“(b) The name, address, and licence number of the firearms licence of the person to whom the firearm is lent; and

“(c) The make, model, and serial number of that firearm; and

“(d) The date on which the firearm is returned.

“34G. **Existing licence holders**—(1) A person who, immediately before the commencement of the Arms Amendment Act (No. 2) 1999, is the holder of a firearms licence, is not required to apply for the registration of any firearm in his or her possession immediately before the commencement of that Act until the person is notified that he or she is required to apply for the registration of each firearm in his or her possession.

“(2) If a person receives notification under subsection (1) addressed to him or her, the person, if then the holder of a firearms licence, must, within 21 working days of the date of notification, apply for the registration in his or her name of each unregistered firearm in his or her possession.

“(3) Sections 34D (2) to (5), and 34E, with any necessary modifications, apply to an application made under subsection (2).

“(4) Notification may be given to a person under subsection (1) by an authorised person or by any other person acting on his or her behalf, and may be given either—

“(a) Orally; or

“(b) By notice in writing, given or served on the person to whom it is addressed, in accordance with section 72A.”

5. Loss, theft, or destruction—Section 39 of the principal Act is amended—

(a) By omitting from subsection (1) the words “firearm, pistol, or restricted weapon is lost or stolen, or a pistol or restricted weapon is destroyed”, and substituting the words “firearm (except an exempt firearm), pistol, or restricted weapon is lost, stolen, or destroyed”:

(b) By omitting from subsection (2) the expression “\$500”, and substituting the expression “\$4,000”.

6. Unlawful possession of firearm or airgun after revocation of firearms licence—The principal Act is amended by repealing section 49A, and substituting the following section:

“49A. (1) A person whose firearms licence has been revoked commits an offence if the person is in possession of a firearm or airgun at a time when that person is not the holder of a firearms licence and is not authorised by or under this Act to be in possession of that firearm or airgun.

“(2) If the firearms licence of a person who commits an offence against subsection (1) was, at the time of the commission

of the offence, revoked other than as a consequence of the operation of section 38 of the Arms Amendment Act 1992, the person is liable on summary conviction to imprisonment for a term not exceeding 1 year or to a fine not exceeding \$4,000 or to both.

“(3) If the firearms licence of a person who commits an offence against **subsection (1)** was, at the time of the commission of the offence, revoked as a consequence of the operation of section 38 of the Arms Amendment Act 1992, the person is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$4,000 or to both.

“(4) A person who is served with an infringement notice under **section 68B** in respect of an offence against **subsection (1)** must, on entering a plea of guilty or on being found guilty of that offence, be ordered to pay a fine equal to the prescribed infringement fee.

“(5) **Subsections (2) and (3)** do not apply if **subsection (4)** applies.”

7. New sections inserted—The principal Act is amended by inserting, after section 50, the following sections:

“50A. Contravention of provisions relating to registration of firearms—(1) A person commits an offence if the person, without reasonable excuse, fails to comply with any of **sections 34C, 34D (1), 34F (2), (3), and (5), and 34G (1)**.

“(2) Despite **subsection (1)**, a person does not commit an offence against that subsection simply—

“(a) By providing advice to an Arms Office under **section 34C** that is not in written form, or that does not comply with **section 34C (1) (a), (b), or (c)**; or

“(b) By making an application under **section 34D or section 34G** that does not comply with **section 34D (2) (a), (b), (c), or (d)**; or

“(c) By providing advice to an Arms Office under **section 34F** that is not on an approved form, or that is not accompanied by the appropriate notification fee, or that does not comply with **section 34F (2) (a) or (b)**.

“(3) A person who commits an offence against **subsection (1)** is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$4,000 or to both.

“(4) A person who is served with an infringement notice under **section 68B** in respect of an offence against **subsection (1)** must, on entering a plea of guilty or on being found guilty of

that offence, be ordered to pay a fine equal to the prescribed infringement fee.

“(5) **Subsection (3)** does not apply if **subsection (4)** applies.

5 “**50B. Possession of unregistered firearm**—(1) A person commits an offence if the person, without reasonable excuse, is in possession of an unregistered firearm (except an exempt firearm).

10 “(2) Without limiting the meaning of the expression ‘reasonable excuse’ in **subsection (1)**, a person has a reasonable excuse for the purposes of that subsection if the person proves that, at the time that the offence is alleged to have been committed, the person was the holder of a firearms licence, and that the person—

15 “(a) Came into possession of the firearm less than 7 working days before the date of the alleged offence; or

“ (b) Had applied for the registration of the firearm in accordance with **section 34b** within 7 working days of the date of coming into possession of the firearm; or

20 “(c) Had applied for the registration of the firearm in accordance with **section 34c** within 21 working days of the date of receiving notification requiring him or her to apply for the registration of each firearm in his or her possession; or

25 “(d) Was in possession of the firearm immediately before the commencement of the Arms Amendment Act (**No. 2**) **1999**, and—

“(i) Had complied with the provisions of section 34 (which relate to notification of changes of address); and

30 “(ii) Had not received any notification requiring him or her to apply for the registration of each firearm in his or her possession.

35 “(3) A person who commits an offence against **subsection (1)** is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$4,000 or to both.

40 “(4) A person who is served with an infringement notice under **section 68b** in respect of an offence against **subsection (1)** must, on entering a plea of guilty or on being found guilty of the offence, be ordered to pay a fine equal to the prescribed infringement fee.

“(5) **Subsection (3)** does not apply if **subsection (4)** applies.

“**50C. Possession of firearm by person other than registered holder**—(1) A person commits an offence if the

person, without reasonable excuse, is in possession of a firearm that is registered in the name of another person.

“(2) Without limiting the meaning of the expression ‘reasonable excuse’ in **subsection (1)**, a person has a reasonable excuse within the meaning of that subsection if he or she proves that, at the time that the offence is alleged to have been committed, he or she was the holder of a firearms licence and that—

“(a) The firearm had been lent to him or her by the registered holder for a period of 30 days or less, and that he or she had given the registered holder a written record of—

“(i) The date on which the firearm was lent; and

“(ii) The name, address, and licence number of the holder of the firearms licence; or

“(b) He or she was in possession of the firearm for the purposes of a recreational activity in which the registered holder of the firearm was also participating; or

“(c) The firearm was being used on property with the consent of the registered holder of the firearm on property occupied by the registered holder; or

“(d) The firearm had been lent to him or her by the registered holder of the firearm for a period of more than 30 days, and notification had been provided to an Arms Office in accordance with **section 34F**.

“(3) A person who commits an offence against **subsection (1)** is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$4,000 or to both.

“(4) A person who is served with an infringement notice under **section 68B** in respect of an offence against **subsection (1)** must, on entering a plea of guilty or on being found guilty of that offence, be ordered to pay a fine equal to the amount of the prescribed infringement fee.

“(5) **Subsection (3)** does not apply if **subsection (4)** applies.”

8. Right of appeal from official decisions—Section 62 (1) (a) of the principal Act is amended by inserting, after subparagraph (iii), the following subparagraph:

“(iii a) The registration of a firearm; or”.

PART 2

PROCEDURES RELATING TO INFRINGEMENT OFFENCES AND
OTHER MATTERS

5 **9. New sections inserted**—The principal Act is amended by inserting, after section 68, the following sections:

“68A. **Infringement offences**—(1) In this Act, ‘infringement offence’ means—

10 “(a) An offence against **section 49A** committed in circumstances where the person’s firearms licence has been revoked as a consequence of the operation of section 38 of the Arms Amendment Act 1992; or

“(b) An offence against any of **sections 20, 50A, 50B, and 50C**; or

“(c) An offence specified as such in regulations made under this Act.

15 “(2) If any person is alleged to have committed an infringement offence, that person may, despite section 21 (1) of the Summary Proceedings Act 1957, either—

“(a) Be proceeded against summarily for the alleged offence; or

20 “(b) Be served with an infringement notice as provided in **section 68B**.

25 “68B. **Infringement notices**—(1) If a member of the Police has reasonable cause to believe that an infringement offence is being or has been committed by any person, that member of the Police may issue that person with an infringement notice in respect of that offence.

“(2) An infringement notice may be served—

“(a) By delivering it personally to the person who appears to have committed the infringement offence; or

30 “(b) By sending it by post addressed to him or her at his or her last known place of residence or business.

“(3) For the purposes of the Summary Proceedings Act 1957, an infringement notice sent to a person by post under **subsection (2) (b)** must be treated as having been served on the person when it would have been delivered in the ordinary course of post.

“(4) Every infringement notice must be in the prescribed form, and must contain the following particulars:

40 “(a) Such details of the alleged infringement offence as are sufficient fairly to inform a person of the time, place, and nature of the alleged offence;

“(b) The amount of the infringement fee for that offence;

“(c) The address at which the infringement fee may be paid:

“(d) The time within which the infringement fee must be paid:

“(e) A summary of the provisions of section 21 (1) of the Summary Proceedings Act 1957:

“(f) A statement of the right of the person served with the notice to request a hearing: 5

“(g) A statement of the consequences if the person served with the notice does not pay the infringement fee and does not make a request for a hearing:

“(h) Such other particulars as are prescribed in regulations made under this Act. 10

“(5) If an infringement notice has been issued under this section, proceedings in respect of the offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957 and, in that case, the provisions of that section apply with the necessary modifications. 15

Cf. 1990, No. 98, s. 58

“68c. **Forms of infringement notice**—Different forms of infringement notice may be prescribed in regulations made under this Act in respect of different kinds of infringement offences.” 20

10. Regulations—(1) Section 74 (1) of the principal Act is amended by repealing paragraph (l), and substituting the following paragraph: 25

“(l) Making provision for—

“(i) The marking of firearms or any class of firearms, before the issue of a licence or permit, or before registration; or

“(ii) The modification of firearms or any class of firearms by insertion of a chip or code, before the issue of a licence or permit, or before registration.”. 30

(2) Section 74 (1) of the principal Act is amended by repealing paragraph (r), and substituting the following paragraphs: 35

“(r) Prescribing offences in respect of the contravention of or non-compliance with any regulations made under this Act and the maximum fine, which must not exceed \$2,000, that may be imposed in respect of each offence: 40

“(ra) Prescribing those offences against regulations made under this Act that constitute infringement offences against this Act:

“(rb) Prescribing the infringement fee, which must not exceed \$500, for each infringement offence against this Act:”.

5 **11. Repeal**—Section 26 of the Arms Amendment Act 1992 is consequentially repealed.