



23 April 2021

Our ref: BB21-159

Firearms Policy and Partnerships
13th floor
Police National Headquarters
PO Box 3017
WELLINGTON

via email: consultation@police.govt.nz

Tēnā koe

Consultation – Proposals for new Regulations under the Arms Act 1983 (Phase One)

Thank you for the opportunity to provide comment on policy proposals for potential inclusion in the Arms Regulations to assist with implementation of amendments to the Arms Act 1983, made by the Arms Legislation Act 2020.

The Royal New Zealand College of General Practitioners (RNZCGP) is the largest medical college in New Zealand. Our membership of 5,500 general practitioners comprises almost 40 percent of New Zealand's specialist medical workforce. Our kaupapa is to set and maintain education and quality standards for general practice, and to support our members to provide competent and equitable patient care.

The RNZCGP notes that in the interests of public safety, the new Firearms Legislation Act 2020, presents an opportunity to introduce a proactive component to implementation. We consider that changes in policy need to be supported by regulatory changes that clarify both the existing and new obligations on holders of Firearms Licences and Dealer Licences to meet personal and public safety standards. The proposed changes put GPs in the position of considering the appropriateness of a Firearms Licence and notifying Police if they believe there are potential safety concerns that may arise in the future.

GPs have a significant role in the implementation the new regulations but need support to do this.

GPs are implicated in the new regulations and play a key role in part of the legislation change. Since 24 December 2020, the Police notify GPs when a person has been granted a firearms licence and have named them as their GP. Police notifications include the details of the firearms licence holder as well as detailing a GP's obligation under the Arms Act 2020. The Firearms Licence status is recorded in a practice management system (PMS).

We recommend:

- **To support GPs with their significant role in the implementation of the Regulations, that the Police hold a workshop with the College and other key stakeholders, such as the Family Violence Death Review Committee and Women's Refuge.**

Gaps in the process

- Notification triggers: GPs must consider notifying the Police if they are concerned about a patient who is a Firearms Licence holder and their medical condition is such that, in the interests of their own or other's safety, that the GP believes the licence holder should not be permitted to use or possess a firearm.
- The RNZCGP identifies potential gaps in the implementation process that need clarification, including:
 - Standard recording possession of a Firearms Licence in the PMS.
 - Standardisation of the process to notify the police to ensure consistency.
 - Clarify concerns about privacy and disclosure of information.

- **We recommend development of an education/support package to support best practice in accordance with the Act would provide greater consistency and improve the ability of practitioners to work safely, provide protection if patients consider their privacy was breached in disclosing information to the Police.**

Key points for clarification

1. Firearms Licence applicants must now name their 'health provider' when making an application.

Health providers as defined in the proposal, should be enabled to provide information to the police if they are concerned that one of their patients/clients has medical, physical, or psychosocial issues that might make owning a firearm a safety issue. This should include mental health providers, psychologists, and nurse practitioners as well as GPs.

We recommend:

- **When making a Firearm Licence application, the person applying must inform the Police of the GP they are currently registered with, not another health provider, as defined in the proposal. GPs are the single point of contact for a shared medical record. Other health providers, such as psychologists who do not hold patient records. can alert a GP about their concerns and this would be recorded in the PMS. Due to potential concerns about privacy, training is needed to clarify the parameters and protections for health practitioners in this space.**

2. Firearm's Dealers

All firearms dealers must hold a Firearms Licence; however, a GP would not be notified of this under the current proposal. For example, a person's status as a Firearm License holder will be recorded in the PMS, but not that they are a firearms dealer. This is important information for a GP to be aware of when making a risk assessment, and 'considering' whether to inform the Police of any medical/safety concerns around the licence holder.

We recommend:

- **GPs are notified when one of their patients is issued with a Firearms Dealers licence, and that the status is recorded on their clinical record.**

3. Secondary residences

At present the storage and security of firearms applies to a primary or main dwelling. The requirements for secure storage have been tightened in the new proposal, but there is no mention of secondary dwellings. This means that a licence holder would have appropriate secure firearms storage to meet requirements of the licence at the designated residence, however, does not apply to holiday homes or other places when stored off site.

We recommend:

- **Applicants are asked to record other dwellings when they submit their application and that the same rules around secure storage of firearms applies to all places of residence, including but not limited to: baches, lodges, holiday homes.**

4. Applicants from overseas

The proposal states that applicants from overseas are required to produce criminal history checks from previous countries of residence for the 10 years prior to the application. If there are no relatives or close connections in NZ, the Police can interview the person, whānau members or others who have known them well in other countries where they have lived.

The process is likely to be robust for those entering NZ as immigrants as they will be required to have thorough police vetting and medical checks as part of the immigration process; however, this is not the case for NZ and Australian residents coming back to NZ. Potentially this is a loophole, and the wording for this needs to be tightened. It is also quite possible that someone moving to NZ could move without any prior medical records or history being available.

We recommend:

- **Providing a medical reference from a NZ GP be included as a part of any application by people who have recently been residing overseas (this would highlight anyone with significant medical, mental health or psychosocial safety concerns, and prevent them from being issued a license).**
 - **Raise the current threshold the Police use for refusing the application of any applicant who cannot provide robust referees who have known them well, in their main or recent country of residence.**
 - **That the proposed requirement for a 10-year criminal record period be extended substantially, as the cycle of partner abuse is often much longer.**
5. **General practitioners will be notified when one of their patients is issued with a Firearms Licence so that it can be recorded in the medical record.**

We note that this directive only applies to 'new' licences or renewals, i.e., existing Firearm Licence holders will not be made known to GPs until they apply for a renewal (maximum of 10-year period).

We recommend:

- **GPs be immediately made aware of any directives to consider when assessing an existing patient with a significant mental health issue or violent/abusive history.**
- **GPs should be informed by the Police of the process for determining whether a patient is in possession of a Firearms Licence if they have any concerns regarding safety.**

Conclusion

Thank you for the opportunity to provide comment on the proposed new Regulations. While we note that GPs are vicariously implicated in the Firearms Regulations. We are keen to work with you to ensure the process maintains the integrity of the patient - GP therapeutic relationship and that both parties are supported and protected.

We wish to meet with you to clarify our key points discuss a potential workshop to develop an education and support package to ensure GPs can practice in accordance with the Act and work safely.

If you require any further clarification, please contact RNZCGP Policy, Advocacy, and Insights at policy@rnzcgp.org.nz

Nāku noa, nā



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