



Our Reference: 16/7782/124

24 April 2018

Dear [REDACTED]

I am writing to you in response to your request dated 13 March 2018. Your request was made pursuant to the Official Information Act 1982 and specifically requested:

- *How many individuals have been given gun licenses in New Zealand and were then later discovered to have Australian criminal records?*
- *Did any of them commit firearm offenses after getting a firearm license?*

Of people known to New Zealand Police to have had a previous criminal conviction in Australia, there have been 1,132 people who have been given New Zealand firearms licences (standard, dealer, or visitor). This data goes back to 1977 and the time between known conviction and issue of the New Zealand firearms licence issue date is highly variable.

Of the 1,132 people known to New Zealand Police to have been previously criminally convicted in Australia and given a New Zealand firearms licence, 36 people have been prosecuted by Police for firearm offences (ie, offences specified in the Arms Act 1983):

- 29 of them committed these offences while having a current firearms licence (ie, they were licensed at the time of offence).
- 7 of them had their licence revoked or surrendered prior to the charges being filed (ie, they were not licensed at the time of offence).

Only one person in this set of 36 people has a current firearms licence and the Arms Act charges against this person were dismissed, therefore not giving sufficient evidence for revocation.

There are caveats that need to be applied to this data. Firstly, the information is true as of the date the Australian conviction was made and may not have been updated if the convictions were later successfully appealed; and secondly not all Australian convictions are disclosed to New Zealand Police either by Australian authorities or by the individual.

New Zealand Police relies on information provided by Australian authorities when a person is deported from Australia. An information sharing Arrangement is in place between Police and the Australian Department of Home Affairs, under which Police receives information, including criminal convictions, on people who are deported from Australia.

The Arrangement does not cover people who voluntarily leave Australia, for example, where the person has received notice that their visa may be cancelled or where they leave voluntarily without receiving any notice from Australian authorities.

There are two barriers to Australia being able to share information on the individuals who voluntarily leave Australia. Australian authorities will not know prior to departure when a person is voluntarily leaving Australia. Following the person's departure, if Australian immigration authorities have taken

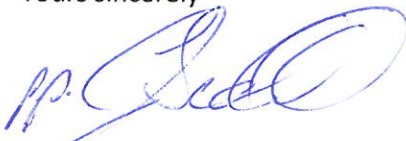
no action to cancel the person's visa they will not hold relevant information to share with New Zealand Police.

Further, New Zealand Police may not know that the person was in Australia when that person applies for a firearms licence. This issue also applies to people returning voluntarily from any overseas country.

If you are not satisfied with my response to your request, you have a right under section 28(3) of the Official Information Act 1982 to ask the Office of the Ombudsman to seek an investigation and review of my decision.

For your information, Police is developing a process for proactive release of information, so the response to your request may be publicly released on the New Zealand Police website.

Yours sincerely



Mike McIlraith  
Acting Superintendent  
Arms Act Service Delivery Group