

3 October 2024

Yasir Shaikh
fyi-request-28338-befe6a1d@requests.fyi.org.nz

Our ref: OIA 115664

Tēnā koe Yasir

Official Information Act request: Firearms laws

Thank you for your email of 9 September 2024, to the Ministry of Justice (the Ministry), requesting, under the Official Information Act 1982 (the Act), information on changes to firearms law. Specifically, you requested:

- ... 1. *What mechanisms are currently in place to ensure that these gun law changes will not lead to an increase in violence, particularly against Muslims and other minority communities?**
- 2. *In the unfortunate event of any future incidents of violence against Muslims, what steps will be taken to hold Mr. McKee or any other responsible parties accountable for their role in making firearms more accessible?**
- 3. *How does the Ministry of Justice plan to safeguard the rights and safety of Muslims and other minorities in this evolving legislative landscape?** ...

While the Act allows anyone resident in New Zealand to ask Ministers and agencies for information, there is no requirement under the Act for agencies to create new information, compile information they do not hold or, as in this case, respond to hypothetical questions or provide or prove an opinion. The Act does not support requests where statements are put to agencies for response, couched as a request for official information. I am therefore refusing your request under section 18(g) of the Act on the grounds that the information requested is not held by the Ministry and I have no grounds for believing it is held by another agency or Minister. However, I can provide general information on firearms reform and the role of Ministers and the Ministry in the policy process.

In general terms, Ministers are responsible for determining and promoting policy, defending policy decisions, and answering questions in the House of Representatives on both policy and operational matters. Ministers have a duty to give fair consideration and due weight to free and frank advice provided by the public service.

As a Public Service department, the Ministry's role in the legislative process is to develop policy and advise the Government on proposed legislation. All advice provided by the Ministry is underpinned by fundamental principles of justice, including the rule of law, representative democracy and fundamental human rights including the right to life and security.

In line with the Arms Act 1983, our advice on firearms law reform will aim to promote safety and impose controls on the possession and use of firearms. The Ministry acknowledges the terrorist attack on Christchurch masjidain on 15 March 2019 and honours the findings of the subsequent Royal Commission. It is also providing administrative support to the coronial inquest into the attacks.

Any changes to firearms law will be subject to the legislative process. This means proposed changes will be introduced to the House and referred to a select committee, where there will be an opportunity for public submissions, the hearing of evidence, and amendments to proposed laws. This represents an opportunity for the public to scrutinise the proposed law changes and have their say.

The accountability of Ministers for their actions is outlined in the Cabinet Manual, which is available at: dpmc.govt.nz/our-business-units/cabinet-office/supporting-work-cabinet/cabinet-manual/4-ministers-law-and-inquiries/litigation-involving-ministers/ If you wish to directly engage with the Associate Minister of Justice, Hon Nicole McKee, her contact details are available at: beehive.govt.nz/minister/hon-nicole-mckee/

If you require any further information, please contact Media & Social Media Manager Joe Locke at media@justice.govt.nz.

Please note that this response, with your personal details removed, may be published on the Ministry website at: justice.govt.nz/about/official-information-act-requests/oia-responses/.

If you are not satisfied with this response, you have the right to make a complaint to the Ombudsman under section 28(3) of the Act. The Office of the Ombudsman may be contacted by email to info@ombudsman.parliament.nz or by phone on 0800 802 602.

Nāku noa, nā



Kathy Brightwell
General Manager, Civil & Constitutional, Policy