



Proactive Release

The following document has been proactively released by the Department of the Prime Minister and Cabinet on behalf of Hon Mark Mitchell, Associate Minister for National Security and Intelligence:

Proactive Release: Amendment Paper to the Arms Bill - Firearms Information and the Intelligence and Security Act 2017: Approval for Release

The following documents have been included in this release:

Title of paper: Amendment Paper to the Arms Bill - Firearms Information and the Intelligence and Security Act 2017: Approval for Release
(CAB-26-SUB-0233 refers)

Title of minute: Amendment Paper to the Arms Bill - Firearms Information and the Intelligence and Security Act 2017: Approval for Release
(CAB-26-MIN-0233 refers)



Cabinet

Minute of Decision

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Amendment Paper to the Arms Bill – Firearms Information and the Intelligence and Security Act 2017: Approval for Release

Portfolio **Associate National Security and Intelligence**

On 20 July 2026, Cabinet:

- 1 **noted** that the Arms Bill has been through the Select Committee stage, and is coming up to the Committee of the whole House stage in the House of Representatives;
- 2 **noted** that the Amendment Paper attached under CAB-26-SUB-0233 will enable a Direct Access Agreement to be developed between the New Zealand Security Intelligence Service and the new Arms Regulator (subject to the safeguards set out in the Intelligence and Security Act 2017), by removing an existing caveat that obstructs implementation and limits its value;
- 3 **noted** that this specific change has not been consulted during the Arms Bill process, but that the wider principle of direct access to firearms information has been consulted previously;
- 4 **approved** the Amendment Paper [PCO 26218-1/2.0] for release, subject to sufficient support in the House of Representatives;
- 5 **agreed** that the Amendment Paper be released prior to the Committee of the whole House stage for the Arms Bill.

Rachel Hayward
Secretary of the Cabinet

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Office of the Associate Minister for National Security and Intelligence

Cabinet

Amendment Paper for Arms Bill: Firearms information and the Intelligence and Security Act 2017: Approval for Introduction

Proposal

- 1 This paper seeks approval to introduce an Amendment Paper proposing a further amendment to the Intelligence and Security Act 2017 (ISA) under the Arms Bill, relating to direct access to firearms information.¹
- 2 This amendment is needed to fix a critical gap in our information sharing arrangements and enable the New Zealand Security Intelligence Service (NZSIS) to have appropriate access to firearms information, so they can identify and verify potential national security threats.

Policy

- 3 On 8 June 2026, Cabinet agreed that NZSIS should be able to develop a Direct Access Agreement with the new Arms Regulator regarding information collected under the Arms Act, **without** the existing caveat in Schedule 2 of the ISA. Cabinet invited me to prepare an additional Amendment Paper (attached) to give effect to that decision [CAB-26-MIN-0190].
- 4 This reflects an earlier Cabinet decision made in the context of reforms to the Arms Act implemented in the Arms Legislation Amendment Act 2020.²

What is direct access under the ISA?

- 5 Direct access is a key tool within the ISA to allow access to key public sector databases in support of the intelligence agencies' functions, with a number of benefits (including allowing the NZSIS and/or GCSB to access information to verify or draw connections that are relevant to identifying and assessing national security risks). The approach also minimises resourcing demands on holder agencies, and better protects the necessary secrecy of intelligence operations, by minimising the need for case-by-case information requests.
- 6 Schedule 2 of the ISA sets out datasets that are eligible for direct access, subject to safeguards including the development of a Direct Access

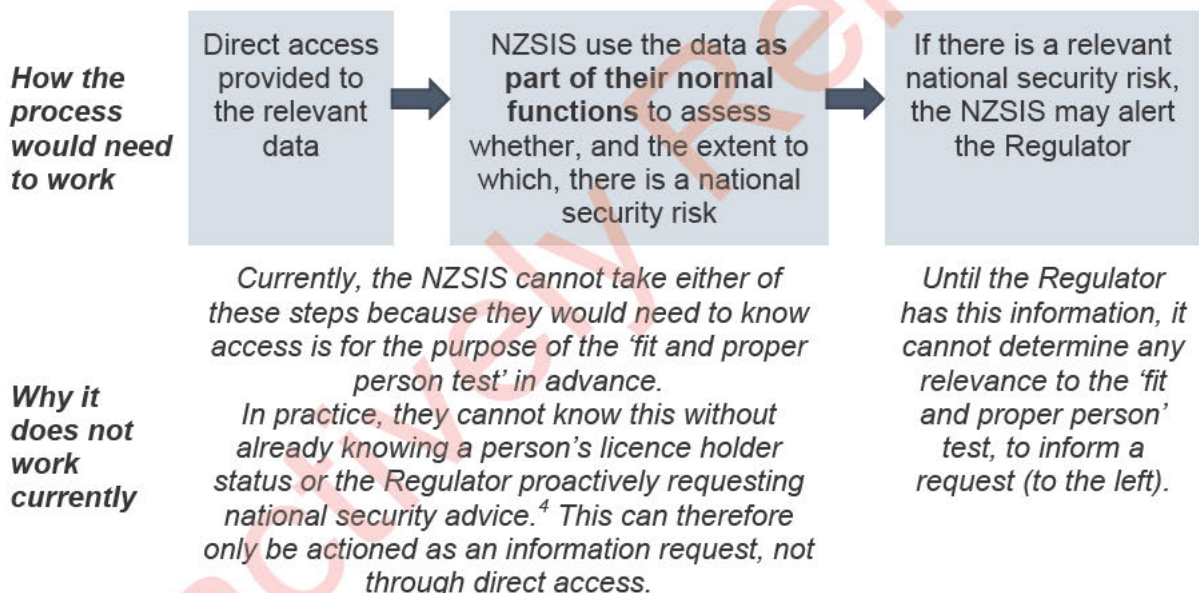
¹ The term 'firearms information' refers to 'information about people and firearms collected in connection with the performance or exercise of a function, duty, or power under the Arms Act' (as set out in Schedule 2, ISA).

² The original policy decision taken by Cabinet in 2019 to enable direct access to firearms information was clear that direct access should occur, and that the only caveat on use was to support the NZSIS to achieve its functions under the ISA (SWC-19-MIN-0063). This is consistent with the change proposed in this Amendment Paper.

Agreement between the intelligence agency and the holder agency. Existing agreements for immigration and Customs information are publicly available.

Why is an amendment needed?

- 7 Schedule 2 of the ISA already includes provision for direct access by NZSIS to firearms information, but notes that it is **‘to be used for the purpose of assisting Police in determining whether a person is a fit and proper person to possess firearms or airguns’**.³
- 8 While the current provision has the appearance of being enabling, the wording in bold has the effect of making direct access functionally unworkable, and needs to be removed, enabling the NZSIS to use direct access as part of their functions under the ISA.
- 9 This is because there is no practical way for NZSIS to know that using direct access is necessary for the ‘fit and proper person’ test on a case-by-case basis *without* prior access to the data, or a request from the Regulator. For example:



- 10 In directly accessing firearms information, the NZSIS would be at risk if they did not have certainty about whether or not that access will assist the Regulator to perform its functions. This is not direct access as envisaged under the ISA, and has prevented implementation.
- 11 When in 2019 Cabinet agreed to the NZSIS being able to have direct access to firearms information through a direct access agreement with the Police, it was intended that this would support the NZSIS to carry out its functions

³ The Arms Bill already includes some consequential amendments to this section, including to replace ‘Police’ with the new ‘Arms Regulator’.

⁴ For example, the NZSIS does not necessarily know that an individual poses a national security risk, or that they have or are seeking access to firearms and therefore that the access will assist the Regulator. It would also be inappropriate for the NZSIS themselves to take a view on whether the ‘fit and proper person’ test is relevant, noting the scope of that test goes beyond their functions under the ISA.

under the ISA (SWC-19-MIN-0063 refers). This is consistent with other datasets listed in Schedule 2 and the wider ISA policy for direct access, which is intended to provide added value beyond case-by-case information sharing.

- 12 The earlier Cabinet approval could not be implemented in full because the insertion of the amendment to the ISA in the Arms Act, using the vehicle of the Arms Legislation Amendment Bill 2020, raised a scope issue. No equivalent issues have been raised for this Amendment Paper.

What value does this change offer?

- 13 This change would support the response to an increasingly complex threat environment in which threats can materialise with little or no warning, and would assist the NZSIS to quickly assess the credibility of, and prioritise an increasing volume of reports of national security concerns that would otherwise be unknown.
- 14 It would enable the development of a Direct Access Agreement under which the NZSIS could access firearms-related data points which may appear of limited significance in isolation, but could be relevant to national security when pieced together with other data in its intelligence holdings.
- 15 This has significant public safety and national security value, to address a critical gap. Alternative information sharing mechanisms require either NZSIS or the Regulator to know which information might be relevant to share or request, and can result in unnecessary delays. The risk of 'unknowns' remaining unknown is a critical flaw that has been identified by the Royal Commissions of Inquiry into the March 15 attacks⁵ and the Bondi shootings.⁶
- 16 The NZSIS is the best placed agency to treat this sensitive information with the care it deserves, while also drawing on all sources of intelligence to identify and verify potential risks. I note also that direct access can better protect the privacy and reputation of individuals, including licenced firearms owners, in that the Regulator will only be alerted to an individual if the national security concern is assessed as credible. Other safeguards for privacy are outlined below.

What safeguards are in place?

- 17 I note important safeguards apply for direct access – including that:

⁵ The Royal Commission found that firearms information was one of the few potential indicators of concern, but because this could not be aggregated with other information held by the public sector, it was only viewed in isolation and therefore appeared of limited significance (refer *Report of the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019*, Part 7, chapter 2).

⁶ One of the major questions following the Bondi shootings has been how someone could lawfully hold firearms while living in a household connected with an unlicensed person who had been examined by the Australian intelligence agencies. The Royal Commission's Interim Report notes it is considering this issue further (refer *Royal Commission on Antisemitism and Social Cohesion Interim Report*, chapter 7).

- 17.1 Direct access is not automatic. The ISA requires a written Direct Access Agreement (DAA) to be developed, approved by the Ministers responsible for the Arms Regulator and the NZSIS,⁷ and published.
 - 17.2 The DAA must specify which information can be accessed, and the responsible Ministers must be satisfied that direct access to this information is necessary for the NZSIS to perform its functions.
 - 17.3 The Privacy Commissioner and the Inspector-General of Intelligence and Security (IGIS) must be consulted before entering into any DAA, and Ministers must be satisfied there are adequate safeguards to protect the privacy of individuals. The DAA must specify procedures for the access, use, disclosure, and retention of the information.
 - 17.4 The NZSIS must comply with its wider general duties and obligations, including ensuring that information is used only where relevant for the performance of its functions. Consistent with this, any access would need to be for a justified national security purpose.
 - 17.5 The NZSIS is subject to independent oversight by the IGIS, who has extensive powers to review the NZSIS' activities, and unfettered access to its records for this purpose.
 - 17.6 The agreement must be reviewed by responsible Ministers every three years, which must include consultation with the Privacy Commissioner and IGIS.
- 18 While consultation has not occurred during the Arms Bill process, the Arms Bill is already clear that it would enable a DAA to be developed between the NZSIS and the new Arms Regulator. Direct access itself was consulted under the Intelligence and Security Bill 2017; and the principle of direct access to firearms information was consulted under the Arms Legislation Amendment Bill 2020. I do not expect the amendment to be contentious, noting the clear public safety rationale and that it supports a well-established aspect of the ISA.

Impact analysis

- 19 DPMC has determined that this proposal is exempt from the requirement to provide a Regulatory Analysis Summary on the grounds that it has no or only minor economic, social, or environmental impacts.

Compliance

- 20 The Amendment Paper complies with:
 - 20.1 the principles of the Treaty of Waitangi;

⁷ Cabinet does not have a decision-making role due to the statutory nature of the decision; however, I expect the responsible Ministers would need to give consideration to whether section 5.12 of the Cabinet Manual would apply, and (if it does) whether Cabinet should be informed of the intended decision.

- 20.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 (NZBORA) and the Human Rights Act 1993;
 - 20.3 relevant international standards and obligations;
 - 20.4 the Legislation Guidelines, which are maintained by the Legislation Design and Advisory Committee.
- 21 Direct access (in general) engages with the right affirmed in s21 of NZBORA (to be secure against unreasonable search and seizure), as it could be considered to amount to a search. Such a search is considered reasonable given the clear public interest. Safeguards are also in place to ensure the power should not be used unreasonably. We note the same proposed amendment was vetted for consistency with NZBORA in 2019 (before the changes noted in paragraph 12 were made) and no concerns were raised.⁸
- 22 The Amendment Paper also engages with the principles and guidelines of the Privacy Act 2020, in that it relates to access to and use of personal information by public sector agencies. The Office of the Privacy Commissioner (OPC) notes direct access requires the displacement of key privacy principles, but that other privacy safeguards will be put in place through the DAA. These safeguards are intended to provide protections that are equivalent to those in the Privacy Act in a number of respects.
- 23 A Consistency Accountability Statement (CAS) has not been prepared, as CAS requirements do not apply for Government amendments to Bills introduced before commencement of s11 of the Regulatory Standards Act.

Consultation

- 24 This paper was prepared by DPMC (the National Security and Resilience Group), which administers the ISA. Consultation has taken place with the Ministry of Defence, the Ministry of Justice, the Ministry for Regulation, New Zealand Police, and the NZSIS. DPMC (the Policy Advisory Group) was informed.
- 25 OPC has been consulted, and does not object to the proposed amendment, noting that the information is very relevant to the NZSIS' functions, and direct access appears to be the most practical means of providing access. The direct access requirements of the ISA should ensure that appropriate safeguards will be in place, and that the Privacy Commissioner is consulted when a DAA is developed.
- 26 The Inspector-General of Intelligence and Security (IGIS) has also been consulted. The IGIS is supportive of the proposed amendment, and notes the information has prima facie relevance to the NZSIS' functions.

⁸ Arms Legislation Bill: consistency with New Zealand Bill of Rights Act 1990 (6 September 2019)

Binding on the Crown

- 27 The amendment will be binding on the Crown.

Commencement of legislation

- 28 We propose the amendment will come into force on 23 September 2026 (consistent with the wider approach for most parts of the Arms Bill).

Parliamentary stages

- 29 The Amendment Paper is expected to be introduced during the Committee of the Whole House stage for the Arms Bill.

Proactive Release

- 30 I propose this paper is proactively released at a similar time to introduction of the Amendment Paper, subject to any redactions as appropriate under the Official Information Act 1982.

Recommendations

I recommend that Cabinet:

- 1 note that the Arms Bill has been through the Select Committee stage, and is coming up to the Committee of the Whole House stage in the House of Representatives;
- 2 note that the Amendment Paper will enable a Direct Access Agreement to be developed between the NZSIS and the new Arms Regulator (subject to the safeguards set out in the ISA), by removing an existing caveat that obstructs implementation and limits its value;
- 3 note that this specific change has not been consulted during the Arms Bill process, but that the wider principle of direct access to firearms information has been consulted previously;
- 4 approve the Amendment Paper for introduction, subject to sufficient support in the House of Representatives; and
- 5 agree that the Amendment Paper be introduced during the Committee of the Whole House stage for the Arms Bill.

Authorised for lodgement

Hon Mark Mitchell

Associate Minister for National Security and Intelligence