

Submission on the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Bill

04 April 2019

A. Introduction

1. This submission to the Finance and Expenditure Select Committee outlines Barnardos' position on the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Bill (the Bill).
2. Barnardos supports the changes to New Zealand's gun laws introduced through this Bill, in the wake of the 15.03.19 terror attacks that took the lives of 50 people – including children – and injured many others.
3. Barnardos is one of Aotearoa New Zealand's oldest and leading children's charitable non-governmental organisations.¹ Our vision is 'An Aotearoa New Zealand where every child shines bright'. In all our work, we focus on the whole-child, and the fact that all children exist within the context of their family and whānau. We are based in the community, helping to create positive long-term outcomes.²
4. In our work, Barnardos focuses everyday on keeping children safe from harm, and listening to what they say is important to them. Keeping children safe from harm must extend to the most extreme and violent forms of harm, such as violence perpetrated through the use of guns as weapons.
5. Barnardos believes that because children and young people are members of our communities and society, and because the issues dealt with in this Bill affect them, it is crucial that a children's and young people's perspective is considered through this reform process.
6. Barnardos' aim with this submission is to use our platform as a national children's organisation to ensure that a children's and young people's perspective has visibility in this important systems-change.³ This is especially important given the short time allowed for submissions on the Bill, and the likelihood that children and young people will not have the opportunity to be heard directly in relation to it.

¹ <https://www.barnardos.org.nz/>

² We provide Early Learning Services, Child and Family Services, and systemic Advocacy on children's needs, rights and wellbeing.

³ We acknowledge the submissions made on this Bill by other child-focused organisations, such as Save the Children New Zealand and IHC.

B. Why Barnardos supports the Arms Amendment Bill

7. Barnardos supports the purpose of the Bill and the reforms to New Zealand's firearms legislation that it introduces, with the aim of tightening gun control to increase the safety and security of New Zealanders, by reducing the risk of death or injury from guns.
8. Barnardos' two key reasons for supporting the Bill are outlined as follows.

Gun law reform is framed largely as an adult-focused issue, but children and young people must have visibility and be heard

9. Children and young people in Christchurch and around Aotearoa New Zealand have been profoundly affected by 15.03.19. Many are feeling anxious about safety and violence in our communities, and about discrimination, racism and stigma in Aotearoa New Zealand.
10. Some children and young people who have called [Barnardos 0800 What's Up](#)⁴ since 15.03.19 have spoken to our counsellors about their specific fears of retaliatory attacks and violence as a result of the terror attacks.
11. In the weekend and week immediately following 15.03.19, Barnardos 0800 What's Up experienced a marked increase in the number of children and young people calling or web-chatting with our counsellors about being anxious, scared and worried. During this time, there was also an increase in children and young people who talked with 0800 What's Up about feeling angry.
12. It has been clear through our counsellors' engagement with children and young people during this time that children and young people were focused on the horror of what happened on 15.03.19.
13. Being aware and taking into account children's and young people's views on this Bill and firearms law reform more broadly is crucial, because this is an issue affecting them. Children and young people do not want to ever see such acts of violence occur again. They want to live in communities, families and whānau that are safe, and in a more inclusive and peaceful country and world.
14. Barnardos emphasises the importance of ensuring that children and young people's views related to the purpose and aims of the Bill must have visibility and be listened to, especially given that this Bill affects their communities and lives, and the reality that debate around it will be largely adult-focused.

⁴ Our child and youth helpline and webchat service providing a safe place for any child or teenager in Aotearoa New Zealand to talk about anything with qualified and specially trained counsellors.

The Bill will close existing loopholes, helping to make the lives of Aotearoa New Zealand's children safer

15. Barnardos commends the Government for acting to quickly reform New Zealand's gun laws to make Aotearoa New Zealand a safer place, and to close loopholes in legislation and policy which have been exposed since 15.03.19. These loopholes currently leave children and our country vulnerable to violence perpetrated using weapons which have no place in New Zealand society.
16. All children in New Zealand have rights to life, survival and development,⁵ and to be kept safe from all forms of violence.⁶ Keeping children safe from all forms of violence must, therefore, be a priority for the State. By prohibiting the firearms specified in the Bill and reducing the number of firearms in circulation through amnesties, Barnardos believes that the Bill is one step in helping to make the lives of children and young people living in Aotearoa New Zealand safer. Effective implementation of these system-level changes should make our communities and society safer, and children and young people will, as a result, be safer from harm and violence. Without this law change, violence and extreme harm can too easily be perpetrated by using the types of firearms prohibited by the Bill as weapons.
17. Barnardos observes that this Bill will further provide important safeguards against gun violence in homes. While not particularly common in our country, children in New Zealand have previously been murdered by family members using guns as weapons in the child's home environment.⁷ This legislation alone will not have the effect of completely protecting children from gun violence. However, Barnardos supports closing existing loopholes in firearms legislation as a measure guarding against children falling victim to gun violence, including in family violence situations.
18. The trauma experienced by children who witness gun violence either directly or indirectly – including through viewing gun violence online – can also be significant and long-lasting. Barnardos sees this Bill as one measure the State can take to keep children safe from this particular type of violence, consistent with their rights.

⁵ Art. 6(1) of the UN Convention on the Rights of the Child establishes that every child has the inherent right to life; Art. 6(2) requires that States Parties ensure, to the maximum extent possible, the survival and development of the child.

⁶ Art. 19(2) of the UN Convention on the Rights of the Child requires States Parties such as New Zealand to “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”

⁷ E.g. see: *Summary of Coroner's Recommendations and Comments of Chief Coroner Judge D. Marshall*, 16 June 2015, available at: <http://www.nzlii.org/cgi-bin/download.cgi/cgi-bin/download.cgi/download/nz/cases/NZCorC/2015/50.pdf>

C. Forthcoming second tranche of firearms legislative and policy reform

19. Barnardos notes the Government's stated intention to introduce a second tranche of related legislative and policy reform later in 2019. We understand the Government's intention to ensure the policy settings introduced through the second tranche of reform are appropriate and robust. We highlight the need for these to be enduring over time.
20. Barnardos emphasises that even where legitimate access and use of firearms occurs, keeping children, families, whānau and communities safe remains of utmost importance. This should be a continued focus for the State in any future firearms reforms.
21. Barnardos looks forward to any further reform to New Zealand's policy and legislative framework that tightens systems settings governing the purchase, ownership and use of firearms. We support that this should include a strengthened firearms registration system.

D. Conclusion

22. Barnardos thanks the Finance and Expenditure Select Committee for considering our submission. We believe that the urgent reforms effected by the Bill will contribute to Aotearoa New Zealand being a safer place for our children and their families and whānau, and that their views and perspectives need to be considered in this reform.
23. Barnardos encourages continued and further support across political lines to ensure that the changes introduced through this Bill occur swiftly and are implemented effectively for the benefit of Aotearoa New Zealand's children, families, whānau and society at large, now and into the future.
24. Barnardos encourages Select Committee members, and all members of the House to keep children's needs, rights and wellbeing uppermost in their minds as this legislation and future firearms reform progresses. Seeking and listening carefully to the views of young people on this reform should form an important part of this ongoing process.

Contact details for anything relating to this submission

Dr Claire Achmad | General Manager Advocacy

E: Claire.achmad@barnardos.org.nz