

# Introduction

1. The National Collective of Independent Women’s Refuges (NCIWR) is a non-governmental organisation delivering services to women and children affected by domestic violence in New Zealand. NCIWR receives over 50,000 crisis calls per year (nearly 140 per day), and provides support, advocacy, legal, and health services to over 26,000 clients annually, and. Forty-seven percent of these are women, and 53 percent are children.
2. We would like to thank the Select Committee for the opportunity to submit on this Bill. We strongly support the Government’s reform of our firearms laws. We congratulate the Government both on the legislative changes made so promptly following the Christchurch shootings in March 2019, and on the updating of the Arms Act in the Arms Legislation Bill. We support both the purpose and specific provisions of this Bill, and would welcome further strengthening of firearm law to ensure the safety of the public, and, in particular, women and children in their homes.
3. We comment specifically on the potential for misuse of firearms when people who use violence or abuse against their partners have either firearms in their homes or access through acquaintances to such firearms. We also detail how the invisibility of domestic violence in many cases precludes the restriction of access to such weapons when this access is otherwise generally available. In this submission we also present some examples of women’s experience of the use of guns for threats and brandishing. There is evidence of deaths and injuries from guns in the ‘Family Violence Death Review Committee Fifth Report Data: January 2009 to December 2015’. We ask that the role of guns in family violence and intimate partner violence be addressed where possible in this Bill. We recommend that Police be asked to inquire about the use of guns for threats and brandishing where there are indications that coercion may be taking place, and we strongly recommend that research into the use of guns in family and domestic violence situations, including threats and brandishing, be included in the five year review.

# The case for change

1. New Zealand has an extraordinarily high rate of violence against women, with one in three women being subjected to physical or psychological violence by an intimate partner over the course of their lifetime[[1]](#footnote-1). Both child sexual abuse and adult sexual assault disproportionately affect women, with one in four girls being sexually abused before their 16th birthdays[[2]](#footnote-2) and one in five women sexually assaulted in their adult lifetimes, with three quarters of these assaults perpetrated by somebody known to the victim[[3]](#footnote-3)[[4]](#footnote-4).
2. The proportion of cases where firearms are used is small but substantial. However, although uncommon, access to firearms can escalate the likelihood of fatality when family violence is perpetrated, as has been evidenced in recent years through high-profile cases of abusive men committing homicide using firearms in response to victims’ attempts to leave them. Gun violence needs to be understood as part of wider pattern of violence in our communities. There is growing research linking mass shootings (more than four people, not including the shooter killed in one event) to domestic and intimate partner violence in a variety of jurisdictions including Australia and the USA.[[5]](#footnote-5) In more than half of all mass shootings in the United States from 2009 to 2017, an intimate partner or family member of the perpetrator was among the victims. We note that the Australian Royal Commission on Family Violence found that there seemed to be little difference between legal and illegal guns in respect of the use of them in family violence.
3. Although use of firearms in family violence deaths is not prevalent, the threat of having firearms used (against the victim, against the victim’s children, or against other people or animals) is much more frequently a tool for ensuring the continued and effective control of the victim and suppression of her potential resistance than the actual use of firearms.
4. In one such example in 2018, a Women’s Refuge client reported to us that she had been trapped in a relationship with an abuser in a relatively isolated community for over eight years. If she ever carried out any actions that were suggestive of her deciding to leave or preparing to assert greater independence (such as visiting neighbours or trying to use the abuser’s phone) he would take out his collection of firearms and clean them in front of her, while explicitly detailing how they killed animals instantly. This deterred her from leaving this partner for many years, and, accordingly, kept her and her children captive in a situation of fear and control for the duration of this relationship.
5. This anecdote is a common story heard by our advocates. While objectively this does not denote any breach of law, it is apparent that the availability of weapons contributes to the ability of abusers to misuse these to convey a threat to women and children. As most abuse is not reported to Police, perpetration of domestic violence is often not recorded and thus does not represent a barrier to obtaining a firearm. We have recently undertaken research that has covered the use of guns in family violence. In our experience, while it is uncommon for victims to be shot by their partners, their knowledge of their abusers’ access to firearms precludes opportunities for escape. While the potential use of firearms is often alluded to in threats by abusers, it is more commonly an implicit or symbolic threat – the ostentatious cleaning of a firearm after an argument, the unlocking of the safe where it is kept during violence, or the keeping it close to the bedroom. In more extreme cases, victims have been hit with guns, had them pushed into their abdomens or pointed at their faces, or had their pets shot in front of them and their children as part of an increasingly dangerous sequence of violence. Some victims had kittens, puppies, a pet lamb, and a pony shot in front of them after refusing to comply with an abuser’s instructions. The following stories are from our most recent research projects: one into stalking, one into domestic violence and suicide, and one into the intersection between pet abuse and domestic violence:
	1. **Example of use threats:**

**Jayde\*** had been in a relationship with Tony\* for over two years. His violence had escalated to strangulation, he had isolated her from her family and persuaded her to leave her job. Jayde eventually reported her fear of being hurt by Tony to Police. They asked her if he had ever threatened her with a firearm. She said no, because he had never explicitly told her he would use his gun. He had sat her down at the kitchen table, and placed his gun next to him while gently asking her questions about her intentions to stay. She promised she would never leave, and reassured him that she loved him and wanted to have a family with him. Two weeks later, he discovered that she had withdrawn money from the bank and he confronted her again, this time holding the gun by his side. He said to her “I just want you to know that I’ll always love you, even if you leave”. The proximity of the gun at times when he was attempting to secure her obedience acted as a compelling deterrent to her making any concrete plans to leave, and just knowing that he had the gun in the house left her reluctant to risk his anger. Because he was never convicted, he retained his firearms license. She lives in a different town, but has never stopped feeling unsafe.

* 1. **Example of threats and the use of the gun as a physical club**

The following quote is from a victim of intimate partner violence:

“We got engaged after 5 months and pregnant 3 months after that (planned)… He started scaring me. Pinning me down and choking me against the wall. Then he started to hold me down until I would pass out (5 months pregnant at this point). I tried mouthing off to stop the blacking out stage out of fear for my baby so he started pinning me down and biting me, inside my arms at first so long tops would hide it but he lost control and left half my face and eye swollen shut at one stage. I got louder during fights (more scared) so he learnt to just king hit me and put me to sleep. Then he got scared of me leaving I guess, so he started with the guns. At first it was a pistol to the face, or he would hold one while we argued. Then he started pointing them at me and looking down the scope of his rifles. Then the shotgun became his favourite. The side by side double barrel shoved down my throat until I would vomit blood – [that] became his most effective way to silence me for days at a time.”

* 1. **Examples of guns used to kill animals and frighten children**

This is illustrated through the following quotes, which are taken from recent research into New Zealand victims of pet abuse:

*“When the puppies were born, he took my two sons (aged 5 and 8) out to the shed and shot the pups dead while the boys watched.”*

*“He after we separated (with a protection order covering myself and the children) he threatened to kill and shoot a ram I purchased for my sheep. The ram was indeed dead in the paddock a few later.”*

*“[The relationship] was loveydovey until I started ignoring him, then it turned violent, [with him] saying in front of my children he will not hesitate to put a gun to my head.”*

* 1. **Brandishing and threats**

These quotes are taken from 2018 Women’s Refuge research into victims’ experiences of violence, and highlight the power of threats with firearms, and the use of them to demonstrate lethality.

*“[I was] followed around with [his] sawn off .22 rifle with silencer in one belt, and axe in the other.”*

*“When angry he would either go out and have a debauched night or smash things. He threatened to kill me once with a gun.”*

1. The firearms used by abusers to threaten and intimidate victims (either by explicit threat or by conspicuous presence) are almost always legally obtained. In the instances where they are not personally legally obtained, they are typically legally obtained by an acquaintance. This suggests that gun control law that prohibits or restricts easy access to firearms would have an immediate impact on the breadth of threats to women’s safety.

# Support for the Statement of the Purposes of this Bill

1. We support the inclusion of a purposes statement in the Bill.
2. We believe that Section 1(a) should read to “Promote safety in possessing and using firearms and other weapons” rather than the current wording which reads 1**(a)** promote the safe possession and use of firearms and other weapons.
3. We are pleased to support the principles in Section 2:
	1. that the possession and use of arms is a privilege; and
	2. that persons authorised to import, manufacture, supply, sell, possess, or use arms have a responsibility to act in the interests of personal and public safety.

# Recommendations we support:

1. The creation of a gun register to store information on firearms and link them to license holders in order to keep better track of firearms and provide information that contributes to the safety of women and children and to that of frontline Police, particularly on family violence call outs.
2. Recording ammunition sales and linking the record to a license and limiting the ammunition type sold to that used in the guns registered against that license.
3. That the license period should be shortened from ten to five years.
4. Strengthening the firearms owners licensing regime to focus more on filtering out, or where appropriate establishing conditions supporting men who have offended in the past, by establishing clearer criteria. We particularly wish to support making consideration of family violence and animal cruelty offences mandatory for Police.
5. Legislative provision to ensure that those who may have difficulties affording the fee to become a licensed firearms owner are not prevented from doing so for that reason.
6. Placing a duty to report upon doctors when they believe a person lacks the cognitive and behavioural capacity to safely manage firearms.
7. The introduction of an advisory group with membership from the firearms and non-firearms communities, with provision in the terms of reference for issues to be raised by non-firearms users that may not be seen as relevant by firearms users and Police. These issues may include concerns about the normalisation of firearms use and advertising to children, or in public places where the promotion of killing that is inherent in firearms use is insensitive.
8. Provision for a review of the Act to commence 5 years after the Bill is fully in force and we ask that research into the current use of guns in family violence be funded to provide a baseline.
9. Enabling New Zealand to accede to the United Nations Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (the Firearms Protocol).

# Additional comments

1. We support the form of vetting which involves substantial face to face, in person interviews undertaken where possible in the home with the applicant and their spouse or next of kin, as well as contact with two referees. We do not believe that online vetting will be effective in enabling the nuanced, complex assessments of applicants that are required. Interviewing in the home demonstrates the seriousness with which the granting of a firearms license is taken and enables the vettor to inspect the firearms storage in an atmosphere of trust and respect.
2. We support an age limit of 13 and above for training, use, or contact with firearms by children. Our intention is that training in use of firearms, and/or introduction of so-called safety information (in any form, including videos, books, in person teaching) should not be taking place in pre-school education or primary schools. We note that some adults are capable of training some children to use firearms safely; this is also the case with fireworks and driving a vehicle but as a society we have decided the consequences for children when a mistake is made is too great in these instances. The same is true of firearms.
3. We do not want to wait until there is a string of tragic injuries and deaths (as in the USA) to improve standards of child safety. We are aware that firearms users are encouraging the normalisation of use of firearms by very young children and we believe should not be possible.
4. Normalising access to and use of firearms by children is highly undesirable in our view. Many adult New Zealand shooters started using firearms at an early age. Children are now exposed to videos and online games and they participate in fantasy worlds in which shooting has no consequence – even in games seen as non-violent this often takes place. Children’s capacity to recognise consequences and respond appropriately to risk develops as they mature. We believe it is inappropriate for young children to handle firearms and that the Bill should specify an age restriction so that children under 13 cannot handle or use firearms.



1. Fanslow, J., & Robinson, E. (2004). Violence against women in New Zealand: prevalence and health consequences. *New Zealand Medical Journal, 117 (*1206), 1-12. [↑](#footnote-ref-1)
2. Van Roode, T., Dickson, N., Herbison, P., Paul, C. (2009). Child sexual abuse and persistence of risky sexual behaviors and negative sexual outcomes over adulthood: Findings from a birth cohort. [↑](#footnote-ref-2)
3. Auckland Sexual Abuse HELP (2017). *Sexual Abuse Statistics*. Retrieved from <http://helpauckland.org.nz/get-info/statistics> [↑](#footnote-ref-3)
4. NZ Family Violence Clearinghouse. (2017*). Data Summary: Violence Against Women*. Retrieved from https://nzfvc.org.nz/sites/nzfvc.org.nz/files/DS2-Violence-Against-Women-2017.pdf [↑](#footnote-ref-4)
5. <https://everytownresearch.org/reports/mass-shootings-analysis/> [↑](#footnote-ref-5)