

Date	Name	Court	Notes
December 1963	<b>Dickey v Police</b> NZLR 503 [1964]	Supreme Court Auckland	<b>History</b> of definition of firearm - assists in modern definition of what is or is not a firearm in the Arms Act today. Decision - a rifle with no bolt or magazine was not a "firearm" for the purposes of s 18 of the Arms Act 1958. This case resulted in a law change in regards to the "replacement of component parts".
April 1968	<b>R v Shepherd</b> NZLR 673 [1968]	Court of Appeal	<b>Helps</b> to define what a special reason is, in regards to applications for import permits under the Arms Act 1983 where a special reason must be given.
October 1978	<b>Police v Jackson</b> [1980] 1 NZLR 78	Supreme Court Christchurch	<b>Involved</b> a person carrying a rifle without a bolt who was charged with being in possession of a rifle without a lawful proper and sufficient purpose. Held that under the expanded definition of a firearm in s 2, it noted that "by its completion the rifle was indeed a firearm", however it must have the general characteristics of a firearm; that is, a "bolt" alone could not constitute a firearm that by its completion would be capable of discharging a projectile.
October 1986	<b>Police v Cottle</b> [1986] 1 NZLR 268	High Court Dunedin	<b>Nature</b> of appeal pursuant to s 62 of the Arms Act 1983 - a refusal to issue a firearms licence, the hearings are to be conducted "de novo" (from the beginning) and can take into account all relevant matters. Decision referred to the lack of onus on police to show that a person isn't a fit and proper person and hearsay evidence can be admitted, as well as other general matters concerning the applicant's character and temperament.
April 1988	<b>Stanbury v Police</b> [1988] AP 15/88	High Court Wellington	<b>Concerned</b> an appeal against s 52 of the Arms Act 1983 presenting a firearm at another person. The appellant presented an imitation gun to a neighbour after drinking heavily and after he had been burgled earlier in the day. The judge noted that he had mistakenly believed that the knock on the door was from a burglar and not a neighbour; lack of criminal intent; the appeal was allowed and conviction quashed.
October 1989	<b>Carvell &amp; Anor v Police</b> DCR 1989 295	District Court Auckland	<b>Appeal</b> pursuant to s 62 of the Arms Act 1983 regarding importation of firearms into New Zealand; decision based on perceived public interest and the long title of the Arms Act; appeal disallowed.
July 1990	<b>Dreadon v Police</b> AP 69/90 1990	High Court Hamilton	<b>Interpretation</b> of s 48 of the Arms Act 1983 in regards to the meaning of the word "frighten" in the context of "so as to endanger, annoy or frighten any person"; the prosecution must show that someone was in fact frightened; in this case because of past difficulties and a trespass notice being issued against their son, the sound of the shotgun blast can reasonably be said to have frightened the parents; the parents reacted straight away by telephoning police.

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July 1990	<b>Bush v Police</b> DCR [1990] 385	District Court Dunedin	<b>S 62</b> appeal against the revocation of a firearms licence. Appeal refused. Case useful for the development of the interpretation of the law of s62; decision based on whether decision of police inspector was wrong on principle, relating to the facts or the law. The Judge found the inspector was therefore manifestly wrong. This was overruled by <i>Fewtrell v Police</i> .
November 1990	<b>Feng v Police</b> [1990] 6 CRNZ 540	High Court Christchurch	<b>Selling</b> a firearm by way of business without having a dealer's licence. S 5 to 15 of the Arms Act 1983; conviction overturned as it was found that it was not by way of the appellant's business; the appellant was the sole director of a company that imported the firearms but the key shareholder of the company was Mr Tipple; the sole director therefore was not "in the business" of selling firearms but merely as a function of the larger company's operation.
June 1991	<b>Tipple v Police</b> [1992] DCR 444	District Court Christchurch	<b>Return</b> of seized firearms pursuant to s 65 of the Arms Act 1983. The meaning of the word just and expedient as "being which was right and proper". Facts involved the importation of shotguns to New Zealand; an import permit was only issued after shotguns arrived in the country; permit issued for only for 1 as a sample; all other shotguns seized. Decision - any import permit must be held before importation occurs; any legal entity is entitled to apply for an import permit and be an importer (no firearms licence is required). Application for release of shotguns from police custody successful.
August 1991	<b>Rose v Police</b> AP No. 112/91	High Court Wellington	<b>Appeal</b> against sentence and conviction, s 48 of the Arms Act to annoy or frighten any person. Interpretation of this section - the prosecution does not have to prove an intention to frighten but they did have to establish a person was frightened; that there was an obligation upon the appellant to establish he had reasonable cause to establish that he had a duty of care not to frighten anyone; the discharge must be near to a public place or dwelling house and the meaning of these words as close proximity or short distance. Appeal allowed. It was found that 1) the appellant had not seen the girl; 2) the girl could not be associated with the dwelling house; and 3) the distance being 130 metres cannot be seen to be within the meaning of the Act.

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August 1991	<b>Practical Shooting Institute v Commissioner of Police</b> [1992] 1 NZLR 709	High Court Christchurch	<b>Judicial</b> review against unreasonable police policy. A fetter on exercise of discretion regarding importation of AR15 based firearms. Police made blanket policy to ban all types of these firearms from importation. Declaration made - Commissioner of Police not given power by parliament in the name of a reasonable policy to ban a class of non-restricted firearms. Commissioner ultra vires (beyond) his authority, he had neither the expressed or implied authority to wield that power.
April 1992	<b>Dobbs v Police</b> [1992] DCR 650	District Court Whangarei	<b>Revocation</b> of firearms licence after conviction for cultivation of cannabis for supply - reasons for revocation not given; court can substitute its own decision, interpretation of the words confirm, vary or reserve - case de novo (from the beginning) and fit and proper person definition; the requirement for legitimate use important and risk to public safety. Appeal allowed; no convictions relating to firearms; no inference that there was a link between the cannabis and the firearms; conviction not relevant. Onus still on appellant to show that he is a fit and proper person - changes later with the decision in Fewtrell.
July 1992	<b>Broeren v Comm. of Police &amp; ors</b> CD No. 474192 NZLR 31/7	High Court Wellington	<b>Judicial</b> review - revocation of firearms licence and dealers licence and seizure of firearms. Applicant seeking interim orders to return both the firearms licences and firearms. Appeal refused - there is an element of potential risk to public safety.
August 1992	<b>Twining v Police</b> MA No. 338/91	District Court Pukekohe	<b>S 62</b> appeal against revocation of firearms licence, followed Bush and Cottle - part of the history of the development of the nature of these appeals under the Arms Act; held that the onus was on the appellant to prove he was a fit and proper person, now clarified by Fewtrell. The judge concluded that different material could be heard at an appeal of this nature and that the decision to revoke was not made by an independent judicial officer but by the police as a disciplinary force who were affected by departmental guidelines and directives which would not concern, guide or govern a judicial officer. Revocation decision by police overturned.
October 1992	<b>Jonker v Police</b> AP 308/92	High Court Christchurch	<b>Concerned</b> charges brought under s 47 being drunk with a firearm and s 53 (3) careless use of firearms; wife was concerned about him being a suicide risk, evidence fell short of facts of the case, the rifle was packed away before drinking began and the prosecution failed to prove that the discharge of the firearm was likely to cause injury or endanger any person. Appeal allowed, convictions quashed.

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December 1993	<b>Tipple v Police</b> [1994] 2 NZLR 362	High Court Christchurch	<b>Official</b> induced error - resulting in a person committing a crime believing it to be lawful because they were acting in accord with practices specially approved by the police. Selling of pistols to seamen at port was permitted by police. Public interest considerations are important and a discretion was applied by the court. Appeal allowed, s 19 discharged without conviction.
March 1995	<b>Glucina v Police</b> DCR 895/85 D	District Court Auckland	<b>Costs</b> in a criminal case - police failed to properly provide evidence for a serious charge, costs were awarded against the police. Mr Glucina had stored firearms from another licenced dealer without completing the necessary paper work; it was found that the arms officer via conversations with Mr Glucina had "authorised or permitted, expressly or by implication, by or pursuant to the act" for the storage of these firearms in this way without obtaining a permit to procure first. No precedent was set as it revolved solely on the circumstances of this case.
October 1995	<b>Bray v Police</b> AP 191/95	High Court Wellington	<b>Appeal</b> against 5 convictions under the Arms Act, unlawful possession of firearm, unlawful possession of a firearm without a licence and possession of explosives. Appeal on the basis that the search warrant was unlawful; definition of a requisite belief for a valid search warrant. The court found that something more than mere suspicion is required, there was no evidence to substantiate the beliefs of the police applying to the court for a search warrant. Police search found to be unlawful, convictions quashed.
November 1995	<b>Lincoln v Police</b> DC Palmerston North 281/95	District Court Palmerston Nth	<b>Appeal</b> pursuant to s 62 of the Arms Act 1983 against the revocation of a firearms licence; allegations from ex-partner regarding domestic violence threats, abuse and anger problems; all allegations strongly denied by appellant; ex-partner's affidavit inconsistencies and conflicting evidence given, her version of events seen as unreliable. The judge said "I am in no doubt that the appellant is far from perfect" however because of the fact that time had passed, with several years without incident, an order was made for the issue of his firearms licence.

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December 1995	<b>Bibby v Police</b> AP No. 13/95 Blenheim	High Court Blenheim	<b>S 53 (2)</b> charges of leaving a firearm loaded in a place and in such circumstances as to endanger the life of any person without taking reasonable precautions to avoid such danger; a mossberg shotgun left loaded in an open wardrobe with cartridges in the magazine tube. Judge found that the only person who could have access to the firearm, the appellant's wife, was unfamiliar with firearms and had no interest, intention or need to touch the firearm, or knowledge or expertise to make it ready to fire; reasonable precautions to prevent harm were taken. Appeal was allowed, convictions quashed.
May 1996	<b>Police v Berkahn</b> Hamilton HC AP No. 23/96	High Court Hamilton	<b>S 16 (1)</b> imports pistol without a permit. An appeal by police against the issuing of fines for this offence in the District Court; police seeking imprisonment and lifting of name suppression. Decision - fines quashed, replaced by 6 months PD, name suppression order lifted.
May 1996	<b>Police v Bruce</b> DC Wellington CRN 5085022673	District Court Wellington	<b>S 50 (1)</b> unlawfully in possession of an MSSA. Firearm broken into parts and stored in cupboard, reassembled by police, 2 magazines. Case established that a MSSA is defined as such if a person is in possession of a magazine capable of holding more than 7 rounds of ammunition even if it is not at the time fitted to the firearm concerned. Conviction entered.
October 1996	<b>Wall v Police</b> WDLS AP 57/95	High Court Palmerston Nth	<b>S 50</b> Arms Act unlawful possession of MSSA rifles. Appeal against order for forfeiture of firearms. Definition of firearm in s 2 of the Arms Act. One firearm had barrel welded up and firing pin removed; words considered are by its "completion" or "repair" it could be made to fire a projectile. Judge found that a new receiver could be made from an alloy block and so therefore falls under the definition. This has been more recently clarified in Tipple v Chief Executive NZ Customs. Decision - guns were not forfeited for destruction but were to be sold with proceeds going back to the appellant.

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November 1996	<b>Fewtrell v Police</b> HC Wellington AP 164/96	High Court Wellington	<b>S 62</b> appeal interpretation case. Firearms licence revoked; police cited the fact that he was a gang associate; Judge concluded that it was not relevant to the questions concerning an assessment of a persons fit and proper status; there is no restriction on the scope of the appeal heard by the court; the Commissioner's Office must comply with the rules of natural justice and that the onus once appealed is on the District Court to satisfy themself de novo and there is no onus on either the appellant or respondent; the Judge is free to reach their own decision on the matter; the inspector's decision at the time does not need to be shown as wrong but the court can re-examine all factors and evidence at hearing and impose its own decision afresh. Appeal successful, costs awarded against police.
November 1996	<b>Stevens v Police</b> HC NPR AP 48/96	High Court Napier	<b>S 51</b> unlawful possession of a firearm in a public place. Argument that the airgun lacking certain parts was not an airgun under s 2; statutory interpretation failed. Appeal dismissed.
September 1997	<b>Police v Muench</b> DCR [1997] 1016	District Court Wellington	<b>S 50</b> unlawful possession of a MSSA - defendant was in possession of an SKS rifle and a 30 round magazine was stored close by; was the firearm in a sporting configuration? Court found that the rifle and magazine, if they can be reasonably associated together by close proximity under the same roof, can be seen as being part of the firearm for the interpretation of what constitutes an MSSA. It is important to note that he held a standard licence only and the magazine(s) were 1/2 a metre away.
February 1998	<b>Brocas v Police</b> HC Auckland AP 279/97	High Court Auckland	<b>Appeal</b> against conviction for unlawful possession of restricted weapons without a lawful proper and sufficient purpose. The restricted weapons were purchased and held by him in the context of being a bona fide collector of historic weapons, mortar, hand grenades, smoke grenades, CS gas cannisters etc, and so he was found to have a lawful proper and sufficient purpose for the possession of these items in the factual context provided. Convictions quashed, appeal allowed.
March 1998	<b>Bevan v Police</b> HC Auckland AP 319/97	High Court Auckland	<b>Appeal</b> against conviction under s 53 (2) failure to take reasonable precautions to avoid endangering life. A 303 rifle in the corner of a garage covered with sheets and locked, contained bullets in the magazine. Conviction required a degree of speculation, ie. a trespasser might access the garage at some time; the two occupants of the house did not know of the presence of the firearm in the garage. Evidence not sufficient to show two ingredients required - actuality and a failure to take reasonable precautions to the necessary degree. Conviction quashed, appeal allowed.

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August 1998	<b>Police v Coard</b> HC Blenheim AP 5/98	High Court Blenheim	<b>Appeal</b> against judgment of a dismissal of a charge under s 50 (1) (b) Arms Act 1983; police appealed on the basis that a M72 anti-tank rocket launcher was in fact a restricted weapon. Judge allowed the appeal and remitted it back to the District Court for determination as a test case. Issues arising in nature and definition of a restricted weapon, definition of weapon in Order in Council.
February 1999	<b>Gillespie v Police</b> HC Wellington AP 294/98 WDLS	High Court Wellington	<b>S 53 (1)</b> careless use of a firearm causing bodily injury; appeal against refusal to issue s 19 discharge without conviction. Judge dismissed the appeal because the use of a firearm in a careless manner needs to be taken seriously.
February 1999	<b>Holland v Attorney General</b> CA 190/96	Court of Appeal	<b>Appeal</b> against revocation of H's firearms licence; mental stability in question; loaded shotgun under bed; no questions of law arising. High Court's decision to refuse a review of the decision, attempt to address new issues. Appeal dismissed, District Court decision stands.
March 2001	<b>O'Loughlin v Police</b> Timaru 60/2000	District Court Timaru	<b>S 62</b> appeal against revocation of a firearms licence for a violent incident, breaches of the Arms Act for failing to secure his firearms and notify of change of address. The key concern of the judge was: did the applicant have a propensity for violence? The address requirement in s 34 (1) does not necessarily have to be the address at which a person lives but the address given at the time the licence was applied for. Judge found no breach of regulations in regards to storage or transport for this reason and that a single violent episode does not overrule the previous 11 years of responsible gun ownership. Appeal allowed, revocation overturned and licence returned.
November 2001	<b>Waller v Police</b> AP 11/01 HC Masterton	High Court Masterton	<b>S 43 (1) (b)</b> case concerning supply and possession in regards to firearms. Appeal against conviction of a father who purchased an airgun for his son and left it in a cupboard in his bedroom, however was told that he was not allowed to touch or access the gun without permission and his father being present. Key question was: is this "supply" under s 43 (1) (b)? Judge found that there was an error in law that mere access to airgun alone was conclusive and that there was not a supply, as supply is quite a different order from that of enabling access as the son did not have permission to touch the airgun. Appeal allowed, convictions quashed.

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December 2002	<b>Peck v Police</b> HC Hamilton AP 58/02	High Court Hamilton	<b>S 47</b> being in possession of a firearm under the influence of alcohol; he had an SKS in his car when stopped for a drink driving matter. The question was whether the defendant was "in charge" of the firearm at the relevant time. Police needed to establish beyond a reasonable doubt that he would use the firearm while it was present in the vehicle. Appeal allowed regarding Arms Act offence, conviction quashed.
July 2005	<b>Daly v Police</b> 2005 HC Plm Nth CRI 2005-45417	High Court Palmerston Nth	<b>S 8 (2)</b> Wildlife Control Act and s 45 (1) possession without lawful proper and sufficient purpose.
December 2005	<b>Queen v Tipple</b> CA 217/05 2005	Court of Appeal	<b>S 53 (3)</b> Careless use of a firearm. Discussion on the term "deal with" and recklessness. It was found that the appellant was reckless to allow the shooting party to fire the rifle where they did and ample evidence that this target shooting endangered lives. Appeal dismissed.
February 2006	<b>Horn v Police</b> DC New Plymouth 2006 CIV 2005-043- 000290	District Court New Plymouth	<b>S 62</b> appeal against the revocation of a permit to import 20 Czech CZ 58 rifles. Issues relating to s 16 (1) and s 2 definition of a firearm and definition of a MSSA firearm. Rifles were imported into NZ on the basis that they were semi-automatic only, so MSSA. A sample was sampled under s 18 (1) and the police position was that they could easily be modified to fire in a full-automatic way. The judge found that it was a matter of degree of the relative ease of modification of these firearms back to full automatic. Appeal unsuccessful, however guns ordered to be released for re-export.
March 2006	<b>Mallasch v Police</b> DC Invercargill 2006 CIV 2005-025- 917	District Court Invercargill	<b>S 62</b> appeal against refusal to issue a firearms licence. Application for a new licence some 9 years after it was revoked. Hearing heard de novo and no onus established. Applicant had a historical connection with Sinn Fein motorcycle club, no evidence of continued criminal activity. Mere contact with club is not a sufficient reason for refusal. Appeal allowed, firearm licence returned.
April 2006	<b>Tipple v Queen</b> SC 19/2006 NZSL 28	Supreme Court	<b>Supreme Court</b> - refusal of leave to appeal from decision in Queen v Tipple, Court of Appeal 2005.
April 2006	<b>C v Police</b> 2006 HC ChCh CRI 2006-409-000038	High Court Christchurch	<b>S 23</b> Arms Act - possession of firearms without a licence. Appellant claimed he had a common law right to possess firearms for self defence and food gathering. Citizens in New Zealand can't choose what system of laws they are subject to. Appeal without merit, appeals dismissed, convictions stand.



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May 2006	<b>L v Police</b> HC Hamilton CRI 2006-41930	High Court Hamilton	<b>S 53 (3)</b> without reasonable cause dealt with an air rifle with reckless disregard for the safety of others. Definition of what constitutes "dealing" with the firearm. Court found that the appellant could not have known of the change of circumstances in the storage of the firearms thus cannot have been seen to have dealt with it. Convictions quashed.
May 2006	<b>Harris v Police</b> HC AK 2006 CRI 2005-404-000181	High Court Auckland	<b>Appeal</b> from convictions pursuant to s 16 (1) of importing a firearm without a permit to import. Import of a Ford Focus car, 3 pistols hidden in the car. Meaning of "caused" to be brought in examined at District Court level. Appeal failed, convictions upheld.
June 2006	<b>Queen v McGoon</b> HC Palm. Nth CRI 2005-015-666	High Court Palmerston Nth	<b>Possession</b> of cannabis and cultivates cannabis for supply. This case is useful in regards to matters raised concerning certain appeals taken against the revocation of a firearms licence for possession of cannabis.
November 2006	<b>Queen v Smith</b> HC Hamilton CRI 2006-419-124	High Court Hamilton	<b>Sentencing</b> in regards to unlawful possession of firearms and unlawful possession of explosives; meaning of lawful proper and sufficient purpose. Loaded firearms found in property, gang master of arms. Level of sentencing where aggravating features are firearms offences.
March 2007	<b>Queen v MacPherson &amp;ors</b> HC Hamiton CRI 2006-419-168	High Court Hamilton	<b>Sentencing</b> for supply of drugs and possession of firearms. Sentencing discussion concerning lawful proper and sufficient purpose where no firearms licence was held. Found that hunting is a lawful proper and sufficient purpose - acquitted of charges concerning this. Nature of evidence given.
April 2007	<b>R v Iti</b> 2007 23 CRNZ 572	Court of Appeal	<b>S 48</b> and s 51, definition of "public place" and "lawful sufficient and proper purpose". S 48 requires the establishment of a "consequence", the requisite harm. Evidence that someone was annoyed or frightened must be strong. Appeal successful, convictions quashed.
October 2007	<b>Police v Jenner</b> DC Hamilton CRN 07019006761-62	District Court Hamilton	<b>Facts</b> hearing in regards to i) MSSA to sporting configuration, lawfully possessed; ii) Dealer hand-in provisions. Found the representative charges were not appropriate for this type of matter - court declined to deal with the MSSA charges before guilty pleas entered.

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December 2007	<b>Queen v Beddis</b> DC Wellington CRI 2007-085-002212	District Court Wellington	<b>S 50 (1) (b)</b> - two charges of unlawful possession of restricted weapons; two charges of unlawful possession of MSSAs. Question concerned whether B "was authorised or permitted to be in possession". Judge's decision focused on the fact that the provisions of the Act "permit the holder of relevant endorsements to possess RW and MSSA even though there is no permit to procure". B's possession of RWs and MSSAs is permitted by the issue of appropriate endorsements (see <i>Lincoln v Police</i> July 2013 for a restatement and additional interpretation). All charges dismissed.
February 2008	<b>Eden v Police</b> CRI 2008- 41600001 HC Gisborne 2008	High Court Gisborne	<b>S 52 (1)</b> and s 45 (1) presenting and being in possession of an airgun without lawful proper and sufficient purpose. Prosecution failed to show the the item was in fact an air gun under the definition of the Act; no evidence given by the police as to the operation or nature of the gun. Appeal allowed, convictions quashed.
October 2008	<b>Queen v Gadsby</b> CA 359/2008 NZCA 432	Court of Appeal	<b>S 53 (3)</b> discharges a firearm without reasonable cause in a manner likely to injure or endanger the safety of any person with reckless disregard for the safety of others. Gadsby pursued a car believed to contain burglars and tried to shoot the tyres of the car to stop its escape. Jury convicted, appeal against conviction and sentence. Appeal dismissed.
December 2008	<b>Queen v Bath</b> CRI 2008-044- 004083 DC Nth Sh	District Court North Shore	<b>S 106</b> Sentencing Act - application for a discharge without conviction and sentencing matter in regards to charges under 35 of the Arms Act 1983. Consequences do not outweigh severity of offending. Convicted and sentenced.
January 2009	<b>McCabe v Police</b> DC Timaru 2009 CIV 2008-076- 000345	District Court Timaru	<b>Appeal</b> against the revocation of applicant's firearms licence, s 62. Mr McCabe's firearms licence was revoked because he was threatening to commit suicide. Stressful situation now passed. Judgement deferred for further counselling to continue and if completed successfully, indication was that his licence would be returned.
February 2009	<b>Gun City v NZ Customs</b> CIV 2008-009- 001450 DC Christchurch	District Court Christchurch	<b>Yunkers</b> case. New Zealand Customs seized a shipment of Yunkers air rifles on advice from the police armourer who said they could be converted from air guns to a real firearm in "little over an hour". Judge did not accept this and found that to convert a Yunkers airgun to a firearm calls for replacement of its component parts to such a degree that the unaltered air gun cannot fairly be regarded as a firearm. Appeal allowed, release ordered, costs ordered.

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June 2009	<b>Jenner v Attorney General &amp; ors</b> 2009 HC Hamilton CIV 2008-485-002551	High Court Hamilton	<b>Judicial</b> review - refusal of lower court to allow Mr Jenner to vacate guilty pleas on the basis of the decision in Queen v Beddis 2007. Each MSSA and RW requires its own separate endorsement under the Act. One gun one endorsement. Words examined - "authorised" and "permitted expressly or by implication". Some conflict with the decision in Lincoln v Commissioner of Police 2013 in regards to permission and permitted by possession of an endorsement specific to a category of firearms. Declaration refused.
July 2009	<b>Keane v Police</b> HC Auckland 2009 CRI 2008-404-285	High Court Auckland	<b>S 53 (3)</b> discharges a firearm without reasonable cause in a manner likely to injure or endanger the safety of any person with reckless disregard for the safety of others. Rifle discharged in a rural property; rounds from a .223 rifle went over a neighbour's house; children 50 metres away; frightened the children. Discharge can include the sound not just the projectiles. Requires deliberate and unreasonable risk running. If the accused did not know of the risk that people would be endangered by what he was doing then he is not guilty of the offence, R v Tipple, Court of Appeal 2005 followed. Judge concluded that the case fell short of the threshold and couldn't establish that the appellant knew or should have known the actual location of the children or their ages. Conviction quashed, appeal allowed.
August 2009	<b>Lincoln v Police</b> HC Palm. Nth 2009 CIV 2009-454473	High Court Palmerston Nth	<b>Application</b> for interim relief pending a hearing for judicial review. Application to the court to prevent the police from re-interpreting the meaning of "sporting configuration" before the full hearing was to occur. Application refused.
November 2009	<b>Keung v Police</b> HC ChCh 2009 CRI 2009-409-000094	High Court Christchurch	<b>Case</b> useful for the definition of a mistake of law as opposed to a mistake of fact. From the evidence the judge found that it was a genuine mistake of fact and not of law. Appeal allowed, convictions quashed.
November 2009	<b>X v Police</b> HC Invercargill CRI 2009-425-000028	High Court Invercargill	<b>Carrying</b> a firearm without a lawful, sufficient and proper purpose. Attempted suicide. Guilty plea to charge, refusal by District Court judge for an application for discharge without conviction. S 107 of the Sentencing Act 2002 appealed. Appeal allowed.

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November 2009	<b>Sargeant v Police</b> HC ChCh CRI 2009-409-00170	High Court Christchurch	<b>S 45 (1)</b> regarding possession of explosives. The defendant was convicted in the District Court. Appeal against conviction. Words what is a "sufficient purpose"? Defendant claimed it as an interest and hobby. Judge found that for the word "sufficient" to have its own meaning it must have some purpose having regard for all the circumstances. A "lawful purpose" is one that is not criminal. The Appellant may have had a sufficient purpose if the explosives were going to be for a display but that purpose had expired. Appeal dismissed.
December 2009	<b>Tai-Agassiz v Police</b> HC Tauranga CRI 2009-463-51	High Court Tauranga	<b>Appeal</b> against conviction for unlawful possession of an MSSA and a restricted weapon. Police made an error; firearm only had 7 shot magazine. Accordingly it did not fit the definition of an MSSA. Appeal allowed, conviction for unlawful possession of an MSSA quashed.
March 2010	<b>Lincoln v Police</b> HC Palmerston North CIV 2009-454-475	High Court Palmerston Nth	<b>Judicial</b> review. Meaning of the term "military freestanding pistol grip". This issue arose because of restrictions imposed by the police on the importation of MSSAs. Judge found that there was a distinction between "freestanding" and "military pattern". Judge concluded that the police interpretation was incorrect with regards to construction of the term "military pattern". Declarations made accordingly.
May 2010	<b>Queen v Goldstone</b> HC Auckland CRI 2009-044-10031	High Court Auckland	<b>S 51 (1) (a)</b> carrying a pistol in a public place without a lawful proper and sufficient purpose. Defendant obtained a sawn off shotgun and was cleaning it and showing it off to his girlfriend. He posed with it while she took photos. He said he had forgotten that he loaded the gun. The gun went off in his girlfriend's face moments after a photo was taken of the defendant posing with the shotgun pointing at his girlfriend. Sentencing judge imposed 3 years imprisonment.
June 2010	<b>Caie v DC Pukekohe &amp; ors</b> CIV 2009-404-007220 HC AK	High Court Auckland	<b>Judicial</b> review regarding a refusal by the District Court to hear an appeal against the revocation of a firearms licence. Licence already issued by police. Appeal was "moot" and outside the bounds of s 62.
June 2010	<b>Koni v Police</b> DC AK CIV 2010-004-000461	District Court Auckland	<b>S 62</b> appeal against the decision of police to revoke Mr Koni's firearms licence. Ongoing threats of violence and physical violence, ongoing verbal abuse. He refuted he was ever in the wrong. Appeal without merit. Appeal refused.

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October 2010	<b>Flynn v Police</b> DC ChCh CIV 2010-009-000605 2010	District Court Christchurch	<b>Appeal</b> against the revocation of a firearms licence under s 62. Appellant's firearms licence was revoked because of an assault on his wife. Many various allegations, all unproven by the courts and with little or no evidence; the only matter he was convicted of was ten years ago. Judge found that it was dangerous to listen too seriously to the opinions of people who clearly disliked Mr Flynn. Appeal allowed.
October 2010	<b>Bevins v NZ Customs</b> 2010 DC AK 2010-004-000478	District Court Auckland	<b>Application</b> pursuant to s 231 of the Customs and Excise Act 1996 for an order disallowing seizure of a hunting rifle by customs. Outside of the box labelled "sporting goods". Mr Bevins had an import permit issued. A large label saying "customs documents" with a full description of the package contents cannot be ignored by customs. Appeal allowed, firearm release ordered.
December 2010	<b>Hepi &amp; ors v Queen</b> CA 295/2010 2010 NZCA 503	Court of Appeal	<b>S 45 (1)</b> unlawful possession of a firearm and explosives. Hepi was found with equipment used to cultivate cannabis. S 66 of the Arms Act was used to show he was in possession of the firearms. The Crown's case was that the appellant was in occupation. What constitutes possession was discussed. The accused needed to show that he had some lawful proper and sufficient purpose or was not in fact in possession. Appellant could show that the firearms and ammunition located was the property of another person and denied occupation. Appeal allowed, convictions regarding firearms quashed.
December 2010	<b>Graves v Police</b> CRI 2010-463-57 HC Rotorua 2010	High Court Rotorua	<b>S 52 (1)</b> presenting an airgun without lawful proper and sufficient purpose. Mr Graves was intoxicated, broke into his own house at night and was in bed asleep when he heard a person coming into his home downstairs. He shone a red laser on an airgun down the stairs at the police who had entered his property because of a complaint by a neighbour who heard the glass breaking. Question: was the pointing of a laser an "assault"? Could Mr Graves rely on a defence of self defence? Judge found that police had called out to him, he should have turned on the light and ascertained the identity of the intruder breaking into his house at night. Appeal dismissed.
February 2011	<b>R v Mears</b> HC Rotorua CRI 2010-069-2211	High Court Rotorua	<b>Manslaughter</b> - accidental shooting of Rosemary Ives in the Taupo area. Sentencing notes. Standard of care expected, failure to identify target and failure to consider firing zone. Sentenced to 2 1/2 years imprisonment.

Date	Name	Court	Notes
March 2011	<b>A v Chief Executive NZ Customs</b> NZCAA 03 2011 CAA 018/10	Customs Appeal Authority Chch	<b>Review</b> of seizure of goods by Customs. Packages of firearms parts arrived in NZ. Customs and police classed them as being MSSA parts. Appellant claimed that they were for standard firearms only. Part of the shipment contained flash suppressors instead of them being muzzle breaks as requested. Customs wanted to seize and forfeiture the entire shipment because of the error. Appellant said that the Turkish exporter had mistakenly placed these items in the parcel to be imported. Court found that there had been an illegal importation but not via the fault of the importer. Order for forfeiture revoked.
April 2011	<b>HBT v Police</b> HC NZ Palmerston North CRI 2010-45451	High Court Palmerston Nth	<b>S 49 (a)</b> possession of firearm after revocation of licence. Mr T attended a small bore rifle range where his sons were being taught. He used a firearm at this range under supervision. Question: can a person who has a revoked licence be immediately supervised to use a firearm? S 22 (2) (a) an unlicensed person who has possession of a firearm has a defence if they are being immediately supervised. Decision: "possession is established when an unlicensed person knowingly controls a firearm with intention to exercise control". Appeal dismissed.
June 2011	<b>O'Byrne v Police</b> HC NZ Christchurch CRI 2011-409-000037	High Court Christchurch	<b>S 48</b> Arms Act. Mr O'Byrne had shot a possum on his property at night. His neighbour who he had a dispute with, unknown to him called the police. Armed offenders called out. He fired a warning shot out the window of his house believing them to be intruders and to scare them away. Charged with discharging a firearm near a dwelling house to frighten a police officer. Judge found police officer not frightened. Charge dismissed. Costs in criminal cases matter and appeal on amount of costs awarded against the police. Appeal dismissed, cost appropriately given.
September 2011	<b>Police v More</b> 2012 CRI 2010-077-1088 DC Tokoroa	District Court Tokoroa	<b>S 53 (1)</b> and (3). More charged in relation to a hunting accident involving his 13 year old son who accidentally shot another person while hunting. Immediate supervision meaning. Appeal dismissed.
December 2011	<b>FA v Chief Executive NZ Customs</b> NZCAA 12 2011 CAA 008/11	Customs Appeal Authority Wgtn	<b>Appeal</b> to Customs Appeal authority against seizure of rifle parts. Package arrived from the USA with a description of "stamped metal parts". Permits issued for importation did not match imported parts received. Items included in shipment were not ordered and were mistakenly sent into NZ by exporter. Appeal allowed.

Date	Name	Court	Notes
February 2012	<b>Bath v Commissioner of Police</b> AK DC 2012 CIV 2011-004-000977	District Court Auckland	<b>S 62</b> appeal. Direction by judge indicating that "no such thing as lifting a revocation of licence". A person can at any time apply for a firearms licence. Revocation of licence is a one-off event. The judge also commented that a commissioned officer should not be involved in the application of a person who has previously had their licence revoked unless it can be said that they indeed work "at the Arms Office". Appeal allowed.
April 2012	<b>H v Chief Executive NZ Customs</b> NZCAA 02 2012 CAA 011/11	Customs Appeal Authority Wgtn	<b>Customs</b> Appeal Authority. Seizure of Kimar blank firing guns. Appeal dismissed. Guns forfeited on the basis that blank firing guns were firearms as defined by s 2 of the Arms Act. Now overturned by Tipple v Chief Executive of NZ Customs 2014.
April 2012	<b>Carruthers v Police</b> CRI 2011-047- 000050 DC Opotiki 2012	District Court Opotiki	<b>Appeal</b> pursuant to s 62 of the Arms Act against revocation of licence. Mr Carruthers had supplied a firearm to an unlicensed person who used the firearm to kill another person. Mr Carruthers assumed that Mr Allan had a licence as he was a farm worker. Not been charged with an offence. Insight into events and evidence of firearms safety. Appeal allowed. Revocation of licence reversed.
May 2012	<b>Gadsby v Police</b> DC Masterton CIV 2012-035-000064	District Court Masterton	<b>Appeal</b> pursuant to s 62 against revocation and refusal to issue a licence. The decision to revoke his licence was a breach of natural justice rules. Both a letter of consideration of revocation and one of revocation arrived at the same time. Appeal allowed, revocation overturned.
June 2012	<b>Dotcom v Attorney General</b> 2012 3 NZLR 115 HC 28/06/12	High Court Auckland	<b>Judicial</b> review regarding search warrant applications, form and extent. Warrant needs to adequately describe offence. Declarations made that the search warrants were invalid.
November 2012	<b>Police v Takaki</b> DC Upper Hutt CRI 2012-078-000185	District Court Upper Hutt	<b>Application</b> for a discharge without conviction. Conviction related to being in control of a firearm while under the influence of alcohol. "The issue of a firearms licence is governed by s 24 of the Arms Act. There is no reason that I can see why Mr Takaki cannot apply for another licence at any time". He must satisfy the police Arms Officer that he is a fit and proper person to be in possession of a firearm. No mention of the involvement of a stand down period or an involvement of a commissioned officer of the police required to review a licence application.

Date	Name	Court	Notes
December 2012	<b>Robertson &amp; ors v Police</b> 2012 NZHC 3564	High Court Wanganui	<b>S 45 (1)</b> being in possession of a firearm except for some lawful proper and sufficient purpose. Appeal against conviction. Shooting of a deer on private property by trespassers. Intention to annoy not made out on the s 48 charge. Definition of "lawful sufficient and proper purpose". Hunting is an intrinsically lawful act but in this case it was found that hunting on a private property being a deer farm was unlawful regardless. Appeal dismissed.
May 2013	<b>Brown v Police</b> CA 250/2012 2013 NZLA 132	Court of Appeal	<b>S 20</b> possession of firearms without a licence. Forfeiture of firearms. S 69 (1) definition and application. Court found the words "as part of conviction" is part of the conviction process not sentencing process, but does not limit forfeiture to only being at the time that the conviction is entered and can be part of the sentencing process.
June 2013	<b>Thompson v Police</b> 2013 NZHC 1369	High Court Wellington	<b>S 48</b> Arms Act. Mr Thompson fired a gun at a home in Masterton. Mr Thompson was intoxicated and fired a paintball gun in the back yard of a property and hit a neighbouring house. Appeal against sentence and for sentence of a discharge without conviction to be entered. Test for discharge met, appeal allowed.
July 2013	<b>Lincoln v Commissioner of Police</b> 2013 NZHC 1813	High Court Christchurch	<b>Judicial</b> review hearing. Involved applications for various declarations concerning procuring, importing, possessing and using MSSA rifles. Judge found no permit to procure was required for a person who wished to convert a standard firearm that they already possessed to MSSA configuration. They needed to apply for an endorsement for the one gun. Re-emphasis of the one gun one endorsement decision previously entered in Jenner v Attorney General 2009 decision. Also spoke of the permits and authority to possess MSSAs by having a category specific endorsement and the gap that exists in the legislation. Other declarations refused to be made.
September 2013	<b>Milton v Police</b> 2013 NZHC 2537	High Court Dunedin	<b>S 53 (3)</b> discharge of a firearm with reckless disregard for the safety of others. Appellant was on the road in a car, stopped at the road side and took a shotgun out of the boot and shot a road sign. Refusal by District Court to give a discharge without conviction saying gravity was too high. Principles of s 107 of the Sentencing Act discussed. Judge believed consequences out of proportion to gravity of offending. Appeal allowed, convictions quashed.



Date	Name	Court	Notes
November 2013	<b>Cooper v Queen</b> CA 157/2013 [2013] NZCA 551	Court of Appeal	<b>S 45</b> - convictions in District Court for possession of firearms and ammunition without a lawful proper and sufficient purpose. Cannabis was found in relation to a search and firearms also located. Cooper said that the firearms were for a lawful purpose, ie. possum hunting.
November 2013	<b>T v Chief Executive of NZ Customs</b> 2013 NZCAA 007 CAA 005/12	Customs Appeal Authority Wgtn	<b>Appeal</b> against seizure of a large shipment of Kimar blank firing guns. Appeal refused on the basis that they are defined as firearms pursuant to s 2 of the Arms Act and can be modified to fire live ammunition. This decision was appealed to the High Court and overturned (see Tipple v Chief Executive of NZ Customs 2014).
June 2014	<b>Pue &amp; ors v Queen</b> CA 853/2013 [2014] NZCA 273	Court of Appeal	<b>Unlawful</b> possession of a pistol. Appeal against sentence of imprisonment. Appeal dismissed. Loaded pistol found under front seat of a car driven by another person. Questions relating to the meaning of possession. Where does the presumption lie to show that the pistol was not his property and he was not in possession of it. The Crown only need to show that he knew the pistol was in the car or had sole possession or control of it. Failed to show Ms Chand had requisite knowledge. Appeal allowed for Ms Chand. Mr Pue's appeal dismissed.
September 2014	<b>Jordan v Commissioner of Police</b> 2014 AK DC CIV 2012-004-002276	District Court Auckland	<b>S 62</b> appeal against refusal to issue a permit to import MSSAs. Police armourer determined that they could easily be turned into full automatic restricted weapons. Evidence given that this was false and exaggerated. The judge determined how the firearms were "born" from the factory. If semi automatic then they should remain as such. Appeal allowed, costs awarded against the police.
September 2014	<b>Tipple v Chief Executive NZ Customs</b> [2014] NZHC 2356	High Court Auckland	<b>Appeal</b> to the High Court from a decision by the Customs Appeal Authority concerning the importation of Kimar blank firing guns. Judge found that they were not firearms as defined by s 2 of the Arms Act 1983 and that the level of modification went far beyond that of the "average motivated home handyman with basic tools". Appeal allowed, order to return pistols and costs awarded.

Date	Name	Court	Notes
November 2014	<b>Boko v Police</b> 2014 NZHC 2758	High Court Auckland	<b>S 53 (1)</b> careless use of an airgun causing injury. Domestic incident. Mr Boko's father was assaulted in his home by Mr Parker. Mr Boko went and got his air rifle. Mr Parker and Mr Boko's father were still fighting in the lounge. Mr Boko fired one shot into the back of Mr Parker's body. The pellet lodged between Mr Parker's ribs. Mr Boko asked for a discharge without conviction. Appeal allowed, conviction quashed.
March 2016	<b>Jenner v Commissioner of Police</b> CIV 2015-004-000478 [2016] NZDF 4102	District Court Auckland	<b>S 62</b> appeal against the refusal to issue a firearms licence. Mr Jenner had reapplied for his licence seven years on from his revocation. His application was refused by the police. Appeal allowed. Firearms licence application refusal overturned. Re-established principles for assessment of what constitutes a fit and proper person, being i) public safety; ii) safety of themselves and others; and iii) the control and legitimate use of firearms. Police criticised for their intransigence. Costs awarded against police.
June 2016	<b>Police v Stevenson</b> CRI 2016-006-000378 [2016] NZDC 10833	District Court Blenheim	<b>Prosecution</b> for unlawful hunting. Prosecuted for being a party to an overseas visitor who was dropped off on private property to hunt. Mr Stevenson also charged with supplying a firearm to an unlicensed person. Matters raised concerning immediate supervision. Matter later withdrawn by police. Sentencing was a fine, no disqualification from driving and no forfeiture of firearm.