

BRIEFING FOR THE MINISTER OF POLICE			
Priority	<input type="checkbox"/> Urgent <input checked="" type="checkbox"/> Time-sensitive <input type="checkbox"/> Routine The attached paper needs to be lodged with the Cabinet Office by 10 am on Thursday 3 November.		
Title	Cabinet Legislation Committee paper and Arms Amendment Regulations 2022		
Date	1 November 2022	Ref	BR/22/100CH

Executive summary

1. This briefing provides a Cabinet Legislation Committee paper on the Arms Amendment Regulations 2022 for lodging by Thursday 3 November.
2. The regulations relate to shooting clubs and shooting ranges, and are needed to implement changes to the Arms Act 1983 that came into force in June 2022.

Recommendations

Police recommends that the Minister of Police:

- a) **note** that the policy decisions for the Arms Amendment Regulations 2022 have been agreed [SWC-22-MIN-0154]
- b) **note** that the draft regulations have been reviewed by your Arms Advisory Group
- c) **note** that your ministerial colleagues have been consulted on a draft of the Cabinet paper and regulations
- d) **note** the attached talking points for your use at the Cabinet Legislation Committee meeting
- e) **agree** to refer the attached paper to the Cabinet Office by 10 am on Thursday 3 November, so it may be considered by the Cabinet Legislation Committee meeting on Thursday 10 November (the certified copy of the regulations will be lodged by PCO). Yes/No

Minister's comments and signature

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Hon Chris Hipkins
Minister of Police

Cabinet Legislation Committee paper and Arms Amendment Regulations 2022

Purpose

1. This briefing seeks your agreement to lodge the attached paper *Arms Amendment Regulations 2022* with the Cabinet Office by 10 am on Thursday 3 November 2022, so it can be considered by the Cabinet Legislation Committee (LEG) on 10 November.
2. The amendment regulations with the paper relate to the approval of shooting clubs and the certification of shooting ranges. They are necessary to enable the implementation of changes to the Arms Act 1983.
3. We are aiming for the Arms Amendment Regulations 2022 to come into force before the end of 2022. They are overdue as the changes to the Arms Act requiring shooting clubs and shooting ranges to be approved or certified by Police came into force in June 2022. The one-year transitional period for clubs and ranges to be approved or certified is nearly half way through.

Policy decisions have been made

4. Amendments to the Arms Act 1983 that came into force in June 2022 require shooting clubs to be approved and shooting ranges to be certified by Police. Regulations are needed to prescribe how those provisions are implemented.
5. Cabinet has agreed on the policy decisions for the regulations [SWC-22-MIN-0154, 24 August 2022].

Regulations have been drafted

6. Police instructed the Parliamentary Counsel Office (PCO) to draft regulations to give effect to Cabinet's decisions. The regulations have been drafted and Police has consulted other agencies on them. This agency consultation resulted in no changes.
7. Some minor or technical changes have been made to the proposals in the paper under SWC-22-SUB-0154, consistent with the overall policy direction in the paper. These facilitate implementation of the regulations and are not expected to be controversial. They are detailed in appendix 1.
8. PCO considers that approval should be sought from LEG for one change to ensure that regulations about secure storage of firearms and ammunition deal with both storing the items and the security of the building. This was proposed in the policy paper, but through an oversight recommendations 26 and 40 in SWC-22-MIN-0154 referred only to r 8A of the Arms Regulations 1992 and not also to r 8. This is addressed in the LEG paper.

Your Arms Advisory Group has provided advice

9. Your Arms Advisory Group reviewed the draft Cabinet paper on policy decisions, and its feedback was reflected in changes made to the final paper [SWC-22-SUB-0154].

10. The Arms Advisory Group also reviewed the draft regulations, and provided no substantive comment on the draft regulations. The chair again expressed the group's appreciation for the revised approach reflected in the proposed regulations compared with the proposals previously consulted on.

Consultation

11. The following agencies were consulted on the draft regulations: the Treasury; Ministry of Justice; Department of Conservation; Ministry for Primary Industries; Department of the Prime Minister and Cabinet; the New Zealand Defence Force; Parliamentary Counsel Office; Ministry of Business, Innovation and Employment; Te Puni Kōkiri; Te Arawhiti Māori/Crown Relations; New Zealand Customs Service. No changes were suggested.
12. Your ministerial colleagues have been consulted on a draft of the LEG paper and regulations [BR/22/77CH].

Next steps

13. We recommend that the Cabinet paper and regulations be lodged with Cabinet Office by 10 am on Thursday 3 November 2022, to allow consideration by LEG at its meeting on Thursday 10 November. (PCO will lodge the certified copy of the regulations.)
14. The regulations would then be considered by Cabinet and the Executive Council on Monday 14 November. Gazetting on Thursday 17 November would enable the regulations to come into force on 15 December 2022. This will enable shooting clubs and shooting range operators to apply for approval or certification well before the end of the one-year transitional period on 24 June 2023.
15. Talking points for you to use at the LEG meeting on 10 November are attached. Police officials will be available to support you at the meeting if required.

T M Roth
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Tanya Roth
Acting Director, Policy

First contact	Tanya Roth, acting Director, Policy	s.9(2)(a) OIA
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Attachments

- LEG paper for ministerial consultation.
- Arms Amendment Regulations 2022 (the certified copy will be lodged by PCO).
- Talking points for LEG meeting on 10 November.

Appendix 1 Minor or technical changes

Regulation	Variation from SWC-22-MIN-0154	Rationale
Matters not included in regulations		
28GA	Applicant for club approval must supply rules regarding primary membership where a person is a member of more than one pistol shooting club.	There is no longer any need to designate an endorsement-holder's 'primary club' as being responsible for reporting participation in shooting activities, as under the regulations all clubs must report participation and endorsement-holders will too once the registry is in operation.
28GB, 28GP	Reference to charities register.	Unnecessary because only one club is known to be a registered charity, and is in any case an incorporated society.
—	Pistol endorsement holder must provide via the registry records of participation in club shooting activities.	Will be included in the forthcoming registry regulations.
28GT	Applicant for range certification must declare that they are aware of the need to notify Police of changes in range construction or operation.	Unnecessary because this is included in range standing orders, which range operators must comply with.
Additional matters included in regulations		
28GG, 28GZA	Clubs and range operators must notify changes in the nominated contact person.	The recommendations require clubs and range operators to nominate a person or persons the Police can contact. It's also necessary to require details of contact persons to be current. This mirrors incorporated society legislation.
28GH, 28GZD	Security of premises used by a club or at a shooting range if firearms or ammunition are stored there.	The paper proposed that secure storage requirements would be based on those for a dealer, modified as necessary for the club or range environment. This is what the draft regulations do, based on current regulations 8 and 8A. Through an oversight only r 8A was cited in the recommendations. r 8A deals with securing the firearm or ammunition (e.g. must be in a steel cabinet) and r 8 deals with the security of the premises (e.g. doors and locks). Both are important.
28GI, 28GZE	Pistol magazines and pistol carbine conversion kits may not be stored overnight at premises used by a club or at a range without the express permission of Police.	The recommendations refer only to overnight storage of pistols, but because of their attractiveness to thieves these associated parts should also be included.
28GN, 28GZF	Records of incidents or safety breaches.	The recommendations require clubs and range operators to keep such records. The regulations include how the records may be kept and how long they must be kept for.

Talking points — Arms Amendment Regulations 2022

Cabinet Legislation Committee 10 November 2022

Key points

- This paper seeks approval to submit the Arms Amendment Regulations 2022 to the Executive Council, so they can be gazetted on 17 November 2022 and come into effect on 15 December 2022.
- Policy decisions were made in August 2022 [SWC-22-MIN-0154].

Why the regulations are needed

- Police must approve shooting clubs and certify shooting ranges, following changes to the Arms Act in June 2022.
- Regulations are needed to implement these changes.
- Will give Police oversight of all shooting clubs and shooting ranges (both club-run and commercial) for the first time.
- Assurance that shooting clubs and shooting ranges are run responsibly and to appropriate safety standards.

What the regulations cover

- Application procedures for clubs and range operators.
- Conditions on certificates of approval or certification.
- Record-keeping and reporting obligations on clubs and range operators.
- Membership of a shooting club and its committee.
- Who may take part in shooting activities at a pistol shooting club.
- Secure storage of firearms and ammunition at club premises or a shooting range.
- Sale or supply of ammunition on behalf of a shooting club.
- Safe operation of a shooting range.
- Partial cost recovery.

- Also some minor or technical corrections to errors in the Arms Regulations 1992 that have been identified by Police and the Parliamentary Counsel Office.

How the regulations were developed

- Public consultation on proposals earlier this year, with more than 1,000 written submissions.
- Police engaged directly with my Arms Advisory Group.
- And with the stakeholder groups Firearms Community Advisory Forum, Range Certification Engagement Group and Arms Engagement Group.
- There has been considerable modification of the regulatory proposals that Police originally consulted on.
- My Arms Advisory Group has welcomed the significant rewrite of those proposals, and commended Police for listening to and considering the input from submitters and stakeholder groups.
- Policy proposals for the regulations were then developed, and approved by Cabinet in August 2022.
- Police consulted other agencies on the draft regulations. My Arms Advisory Group reviewed them. I also consulted ministerial colleagues on the draft LEG paper and draft regulations.
- I consider these regulations strike an appropriate balance between promoting the safe possession and use of firearms and ammunition in a safe shooting club and range environment, and imposing controls that meet a clear regulatory purpose.

Next steps

- I intend to seek confirmation of the regulations by Cabinet on Monday 14 November and gazettal on 17 November 2022.
- The regulations would come into force on 15 December 2022.
- Police has planned how to communicate the new requirements to affected parties (shooting clubs and shooting range operators), and more widely through its website. It is preparing guidance for clubs and range operators on their new obligations.

If required

- Have made some minor or technical changes to the policy paper on matters that came up during the drafting process.
- Some facilitate compliance with the regulations by removing unnecessary detail.
- Some provide for administrative matters such as notifying changes in the contact person for a club or range and clarifying record-keeping requirements.
- There is also clarification of secure storage requirements, by including provisions for security of a building where firearms or ammunition are stored as well as those for secure containers (such as safes) used for storage. This was included in the policy paper but through an oversight was not reflected adequately in the regulations, so for completeness the committee's agreement is being sought.