

Office of the Minister of Police
Chair, Cabinet Legislation Committee

Arms Amendment Regulations 2022

Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the Arms Amendment Regulations 2022, which relate to the approval of shooting clubs and the certification of shooting ranges.

Executive summary

- 2 Amendments to the Arms Act 1983 that came into force on 24 June 2022 require Police to approve shooting clubs and certify shooting ranges.
- 3 Regulations are needed before regulated parties can apply, and before Police can approve shooting clubs and certify shooting ranges.

Policy

- 4 The proposed regulations implement policy decisions on amendments to the Arms Regulations 1992 made by Cabinet on 29 August 2022 [SWC-22-MIN-154]. The amendments were based on proposals included in a public consultation paper released on 4 May 2022 for a 6-week consultation period [SWC-22-MIN-0038 of 16 March 2022 agreed to the release of the public consultation document].
- 5 The final proposals to Cabinet included some modification of the proposals in the consultation document, as a result of analysing stakeholder feedback and re-assessing the proposals against the need for a clear safety outcome. Careful consideration was given to the regulatory burden on clubs and range operators, and some requirements are no longer proposed. Police's revised proposals were further considered by my Arms Advisory Group and Police's stakeholder groups the Firearms Community Advisory Forum, Range Certification Engagement Group and Arms Engagement Group, which resulted in a few additional changes.
- 6 The paper under SWC-22-SUB-0154 proposed that where firearms or ammunition are stored at premises used by a shooting club or at the premises of a shooting range, the club or range operator (respectively) must ensure that secure storage facilities are available that meet a standard that will be that prescribed for dealers adapted as necessary for a club or range environment. However, recommendations 26 and 40 of SWC-22-MIN-0154 referred only to r 8A of the Arms Regulations 1992, which deals with storing the firearms and ammunition in secure container. They should also have referred to r 8, which deals with the security of the building. This paper rectifies that oversight.

- 7 In line with Cabinet's decision [SWC-22-MIN-0154], I have made some decisions on minor or technical matters that came to light while the Parliamentary Counsel Office was drafting the regulations.
- 8 The amendment regulations relating to shooting clubs cover:
 - 8.1 method for and contents of application for approval;
 - 8.2 conditions of approval;
 - 8.3 record-keeping and reporting;
 - 8.4 membership of a club and club committee;
 - 8.5 participation in the activities of a pistol shooting club;
 - 8.6 secure storage of firearms and ammunition;
 - 8.7 sale or supply of ammunition on behalf of a shooting club;
 - 8.8 fees to recover approximately 50% of the costs to Police to deliver the related regulatory activities (these are new fees).
- 9 The amendments relating to shooting ranges cover:
 - 9.1 method for and contents of application for certification and renewal of certification;
 - 9.2 conditions of certification;
 - 9.3 record-keeping and reporting;
 - 9.4 range standing orders;
 - 9.5 secure storage of firearms and ammunition;
 - 9.6 fees to recover approximately 50% of the costs to Police to deliver the related regulatory activities (these are new fees).

Minor and technical amendments

- 10 The proposed amendment regulations also include some corrections to minor or technical errors in the Arms Regulations 1992 that have been identified by Police and the Parliamentary Counsel Office and were listed in appendix 4 of the submission under SWC-22-SUB-0154.

Timing and 28-day rule

- 11 No waiver of the 28-day rule is sought.
- 12 The requirements in the Arms Act 1983 for shooting clubs to be approved and shooting ranges to be certified came into force on 24 June 2022. There are transitional provisions:

- 12.1 Pistol shooting clubs and pistol shooting ranges approved by the Commissioner of Police at that date are treated as approved or certified.
- 12.2 Other shooting ranges and shooting clubs existing on that date may continue to operate provided an application for certification or approval is made by 24 June 2023.
- 13 A shooting club that was not in operation immediately prior to 24 June 2022 may not operate until it is approved by Police. A shooting range that was not in operation immediately prior to that date may not be operated until it is certified by Police.
- 14 Shooting clubs and shooting range operators are unable to apply for approval or certification until these regulations are in force, nor can Police approve any shooting club or certify any shooting range.

Compliance

- 15 The proposed regulations comply with:
 - 15.1 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
 - 15.2 the principles of the Treaty of Waitangi;
 - 15.3 the principles and guidelines set out in the Privacy Act 2020;
 - 15.4 relevant international standards and obligations;
 - 15.5 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.
- 16 Under section 74(4) of the Arms Act 1983, regulations may be made pursuant to the Act only on the recommendation of the Minister of Police after being satisfied that the Commissioner of Police has done everything reasonable to consult with individuals and organisations (or representatives of those organisations) that appear to be affected or likely to be affected by such regulations. I am satisfied that the Commissioner of Police has met that requirement through public consultation and further consultation with relevant stakeholder groups.

Regulations Review Committee

- 17 I do not consider there are grounds for the Regulations Review Committee to draw the amendment regulations to the attention of the House of Representatives under Standing Order 327.

Certification by Parliamentary Counsel

- 18 The amendment regulations have been certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

Impact analysis

- 19 Treasury's Regulatory Impact Analysis team determined that most of the policy proposals relating to the regulation of shooting clubs and shooting ranges were exempt from the requirement to provide a regulatory impact statement, on the grounds that the proposals had no or only minor impacts on businesses, individuals and not-for-profit entities.
- 20 However, the proposals relating to cost recovery levels for the regulation were not exempt, and a stage 2 cost recovery impact statement was submitted at the time policy decisions were sought [SWC-22-MIN-0154]¹.
- 21 The Climate Implications of Policy Assessment (CIPA) team was consulted and confirmed that the CIPA requirements did not apply to this proposal as the threshold for significance was not met.

Publicity

- 22 Police's new clubs and ranges team is engaging with shooting range operators and users, and reports a good awareness of the new legislation and a general understanding of what is likely to be required for certification. Draft guidance on shooting ranges is publicly available and guidance for shooting clubs is being prepared. Police is also communicating with different shooting sectors through articles in their publications.
- 23 Police has developed a comprehensive stakeholder communications and engagement plan based on analysis of stakeholders and the likely impact of the new regulations on different groups. There will be comprehensive publicity about the new regulations when they are made.

Proactive release

- 24 I intend to proactively release this paper, with any necessary redactions that are consistent with the Official Information Act 1982, within 30 business days or following the promulgation of regulations, whichever comes first.
- 25 I also propose to release at the same time any other documents that supported the policy and legislative decisions, with any necessary redactions that are consistent with the Official Information Act 1982.

Consultation

- 26 Police consulted on the draft regulations with the following agencies: 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

1 Cost-recovery provisions were included in the Arms Legislation Act 2020, which has an associated [regulatory impact statement](#)

Business, Innovation and Employment; Te Puni Kōkiri; Te Arawhiti
Māori/Crown Relations; New Zealand Customs Service.

- 27 My Arms Advisory Group also gave advice on the policy decisions for these regulations, and has further reviewed the draft regulations.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 **note** that on 24 August 2022 the Cabinet Social Wellbeing Committee agreed to policy decisions on the contents of the Arms Amendment Regulations 2022 [SWC-22-MIN-0154];
- 2 **note** that the Arms Amendment Regulations 2022 will give effect to the policy decisions referred to in recommendation 1 above;
- 3 **agree** that if firearms or ammunition are stored on premises used by a shooting club or the premises of a shooting range, the shooting club or shooting range operator (respectively) must ensure that secure storage facilities are available for the firearms or ammunition, and that these facilities meet a prescribed standard (which will be those prescribed for dealers in r 8 and r 8A of the Arms Regulations 1992, adapted as necessary for a club or range environment);
- 4 **note** that under section 74(4) of the Arms Act 1983, regulations may be made pursuant to the Act only on the recommendation of the Minister of Police after being satisfied that the Commissioner of Police has done everything reasonable to consult with individuals and organisations (or representatives of those organisations) that appear to be affected or likely to be affected by such regulations;
- 5 **note** that I am satisfied the Commissioner of Police has met that requirement through public consultation and further consultation with relevant stakeholder groups;
- 6 **authorise** the submission to the Executive Council of the Arms Amendment Regulations 2022;
- 7 **note** that the Arms Amendment Regulations 2022 will come into force on 15 December 2022.

Authorised for lodgement

Hon Chris Hipkins
Minister of Police