

Office of the Minister of Police
Cabinet Social Wellbeing Committee

Arms Act 1983: Release of discussion document for public consultation on proposals for regulations about shooting clubs and ranges

Proposal

- 1 This paper seeks agreement to release a discussion document for public consultation on proposals for regulations that will support implementation of amendments to the Arms Act 1983, which come into effect on the 24 June 2022. The proposals relate to approval of shooting clubs and certification of shooting ranges.

Relation to government priorities

- 2 These new regulations, which relate to the approval of shooting clubs and the certification of shooting ranges, will contribute to the Government's priority to "support healthier, safer and more connected communities".

Executive Summary

- 3 Regulations are needed to implement the 2020 amendments to the Arms Act 1983 (the Act), which come into force on 24 June 2022. The new provisions require approval of shooting clubs, and certification of shooting ranges, by the Commissioner of Police (the Commissioner).
- 4 The proposed regulations deliver on the regulatory framework for the safe use and control of firearms strengthened by the Arms Legislation Act 2020. The focus of the proposals is on delivering transparency and certainty for those making application for approval of shooting clubs and certification of shooting ranges. Fees are proposed for these new services.
- 5 Before recommending that regulations are made under the Act, I must be satisfied that the Commissioner has done everything reasonable to consult with individuals and organisations that appear to be affected by such regulations. The attached discussion document for public consultation is an important step towards meeting this requirement.

Background

- 6 In 2020, a number of changes were made to the Act by the Arms Legislation Act. These included changes regarding shooting clubs and shooting ranges. The overall objective of those changes is to strengthen the regulatory framework for the safe use and control of firearms by extending regulatory oversight to shooting clubs and shooting ranges.

- 7 Some of the 2020 amendments took effect immediately, and others came into force in December 2020 and June 2021. Part 6, which comes into effect on 24 June 2022, formalises the existing regulatory oversight of pistol clubs and pistol ranges, and extends oversight to all shooting clubs and shooting ranges. With the exception of pistol clubs in operation as at June 2022,¹ all shooting clubs and ranges must have applied for approval or certification by 24 June 2023 to continue operating (or to be established). The Arms Regulations 1992 need to be amended to include new regulations that support these new approval and certification requirements.
- 8 The amendments to the Act provide an opportunity to deliver a formal basis and authority to rules and safety standards applied through clubs' constitutions and governing committees and assist range operators to achieve the safe use of firearms. The proposed regulations deliver transparency and certainty for applicants for club approval or range certification.
- 9 Regulation-making powers are set out in section 74 of the Act. Under section 74(3) regulations may be made 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.
- 10 The updated New Zealand Police Range Manual has been used in developing these proposals. The update of the manual involved close collaboration with the Range Certification Engagement Group (RCEG).² RCEG, which was established in 2020, meets regularly, and continues to contribute to this work and the development of associated work (such as the shooting range inspector's course).

Context for the setting of new fees

- 11 The discussion document also proposes the setting of fees for two new services: the approval of clubs and the certification of ranges in accordance with the cost recovery provisions of the Act (sections 79 through to 86). These club and range fee proposals have been developed because new Part 6 of the Act requires Police to undertake new services relating to the approval of shooting clubs and certification of ranges.
- 12 Fee proposals have been included in this consultation document (in advance of all other fee proposals) so that those who are affected by the new Part 6 are presented with a complete package of regulatory changes relating to shooting clubs and ranges.

¹ These established clubs will have a deemed approval consistent with transitional provisions.

² RCEG comprises representatives from the Council of Licensed Firearms Owners, Pistol New Zealand, NZ Deerstalkers Association, NZ Clay Target Association, Target Shooting NZ, Game Animal Council, Aotearoa Firearms, and three private field shooting business providers.

Overview of the proposals

- 13 The proposals in the discussion document aim to increase safety in the use of firearms and shooting ranges. The proposals cover:
- 13.1 information to be included in an application for approval of a shooting club, and matters relating to membership, such as age restrictions, participation requirements, and club obligations to members;
 - 13.2 conditions relating to sales and secure storage of firearms or ammunition by the club for the benefit of the club;
 - 13.3 information to be included in club annual reports;
 - 13.4 information to be included in an application for certification of a shooting range, including processes for renewal, cancellation, voluntary surrender of certification, and conditions of certification;
 - 13.5 conditions relating to secure storage of firearms or ammunition at a range;
 - 13.6 the contents of Range Standing Orders and other (specific) safety measures such as signage, inspections, and improvement notices;
 - 13.7 fees for approval of clubs and certification of ranges.
- 14 The regulations will provide the basis for forms and operational processes.

Engagement plan

- 15 My Arms Advisory Group (MAAG) was provided an early copy of the discussion document. Police has also provided an overview of the proposals to RCEG, the Firearms Community Advisory Forum (FCAF), and the Arms Engagement Group. No significant concerns have been raised at this stage.
- 16 Public consultation is proposed for a period of six weeks to begin following Cabinet approval. For these stakeholder groups, and the MAAG, we will offer the opportunity to participate in workshops as part of the public consultation process. Members of these groups can also submit on the consultation document through the same channels open to the public.
- 17 Engagement with Māori is supported through consultation with FCAF, which includes representation from the Whakatūpato Firearms Licensing Programme. Whakatūpato blends the National Firearms Safety Course with tikanga Māori and is specifically designed to be marae-based for remote and rural communities. The discussion document will also be provided to the Commissioner's Māori Focus Forum.

Timing of implementation

- 18 Regulatory changes flowing from the Arms Legislation Act 2020 work programme are extensive. As a consequence, it is likely that the new

regulations will not be finalised by 24 June 2022, when amendments to the Act come into effect. Police is working to have the regulations in force as close to June 2022 as possible and is engaging with club committees and range operators to help them prepare for application.

- 19 Transitional provisions in the Act enable any established shooting club or range operator to continue to operate prior to receiving formal approval and certification, provided they make application for approval or certification by 24 June 2023. Pistol clubs and pistol ranges established as at 22 June 2022 are deemed as having been approved and certified.

Financial Implications

- 20 There are no immediate financial implications related to the release of this consultation document.
- 21 Fiscal implications for achieving the public safety objectives of implementing the strengthened Arms Regulatory Regime, including the regulatory oversight of shooting clubs and shooting ranges, have been included in the development of the Arms Safety and Control Detailed Business Case. The Detailed Business Case was considered by the Social Wellbeing Committee on 2 March 2022 and Cabinet on 7 March.
- 22 An Order-in-Council to set the fees for approving clubs and certifying ranges is planned to take effect at the same time as the proposed regulations for shooting clubs and ranges. Receipt of revenue resulting from any application fee will start to be received in the second quarter of financial year 2022-2023.

Legislative Implications

- 23 Following public consultation and Cabinet approval, proposals will be implemented through amendments to the Arms Regulations 1992.
- 24 With respect to setting new fees for the new activities relating to clubs and ranges, these will be incorporated as an amendment to the current Schedule of Fees of the Arms Regulations 1992. This change to the Schedule will be made ahead of the review of all other fees which will, after consultation, result in the making of a new Schedule of Fees.

Regulatory Impact Statement

- 25 Treasury's Regulatory Impact Analysis team has determined that these proposals are exempt from the requirement to provide a Regulatory Impact Statement on the grounds that it would substantively duplicate the discussion document. This exemption is granted on the condition that the discussion document does not narrow down regulatory options and otherwise includes the key features of a Regulatory Impact Statement.
- 26 Police's internal Regulatory Impact Analysis panel has reviewed the discussion document and confirmed that it meets these requirements. A separate Regulatory Impact Statement may be completed to inform Cabinet's

final decisions on these proposals, when draft regulations are brought for approval.

- 27 A Cost Recovery Impact Statement will be prepared for Cabinet's consideration on policy decisions due to the proposal to introduce fees for the new activities of approving shooting clubs and certifying ranges. The Cost Recovery Statement will provide the information required to make decisions on cost recovery levels for these services.

Population Implications

- 28 There are around 240,000 firearms licence holders in New Zealand. Approximately 92 percent of firearms licence holders are men, and 74 percent are currently aged 40 years or older. Of the 59 percent of firearms licence holders that have their ethnicity recorded by Police, 90 percent are Pākehā and 7 percent are Māori.
- 29 There are an estimated 1400 shooting ranges identified by the various umbrella shooting disciplines, 400 shooting clubs, and 11,000 club members in New Zealand. There is an unknown number of commercial ranges, such as those used for tourism.
- 30 There are no specific statistics on population groups for operators and users of shooting ranges, nor for shooting club committees and members. It is likely that population representation will vary, depending on the location and type of the shooting club or range.
- 31 Based on the demographics for firearms licence holders, it is likely that the proposals would have a greater effect on Pākehā men, aged 40 or older.

Human Rights

- 32 The proposals in the consultation document are consistent with the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990.

Consultation

- 33 This paper and the discussion document have been consulted with the Local Government New Zealand; Taituarā – Local Government Professionals Aotearoa; Department of Conservation; Ministry of Justice; Ara Poutama Aotearoa Department of Corrections; New Zealand Customs Service; Te Puni Kōkiri; the Treasury; the Department of the Prime Minister and Cabinet; Ministry of Foreign Affairs and Trade; Ministry of Business, Innovation and Employment; Ministry of Primary Industries; the New Zealand Defence Force; and Te Arawhiti.

Communications

- 34 A media statement will be made announcing the release of the discussion document for public consultation and to invite interested parties to make a submission.

- 35 A communications plan about the timing of implementation for the Act's provisions on shooting clubs and ranges, commencing on 24 June 2022, will be released on the Police website. This will ensure affected groups are notified and can prepare well in advance. This information will also be provided directly to stakeholder groups.

Proactive Release

- 36 This paper will be proactively released by publishing on the Police website.

Recommendations

The Minister of Police recommends that the Committee:

- 1 note that regulations are needed to support the implementation of amendments to the Arms Act 1983 requiring approval of shooting clubs and certification of shooting ranges by the Commissioner of Police, which take effect on 24 June 2022;
- 2 note that before recommending any regulations be made under the Arms Act 1983, the Minister of Police is required to be satisfied that the Commissioner of Police has done everything reasonable to consult with individuals and organisations that appear to be affected by such regulations;
- 3 agree to the release of the attached discussion document for a six-week public consultation, commencing as soon as possible following Cabinet approval;
- 4 authorise the Minister of Police to make any editorial or minor technical changes to the consultation document prior to its release;
- 5 invite the Minister of Police to report to Cabinet once the consultation is complete, to seek decisions on the proposals and approval to issue drafting instructions to the Parliamentary Counsel Office for regulations.

Authorised for lodgement

Hon Poto Williams

Minister of Police