

INFORMATION REQUEST	
Sporting exemptions options discussion	
Deadline: 3 June 2019	Date of Response: 29 May 2019

## Purpose

1. This paper provides further advice on options for an exemption to the prohibition on some semi-automatic and military-style semi-automatic (MSSA) firearms for competitive sports shooting.

## Competitive shooting using prohibited firearms

2. The new law providing for exemptions to possess and use prohibited firearms did not include an exemption for sporting competitors or competitions. There were a number of public submissions received on this matter. These were predominantly from pistol clubs, which noted that the proposed amendments would mean that certain sports competition shooters would no longer be able to compete in national and international events using semi-automatic rifles and shotguns. Submissions noted that sports competition shooters, most of whom hold B (pistol) or the previous E (MSSA) endorsements, are a responsible and legitimate user group that should continue to be able to participate in their sport, especially to attend international sporting competitions.
3. There are 34 formally accredited target shooting sports in New Zealand, with semi-automatic shotguns or rifles being used in five of these. Pistol New Zealand (PNZ), the NZ Service Rifle Association (NZSRA) and NZ Deerstalkers Association (NZDA) are three umbrella organisations that have individual membership and a system of affiliated and non-affiliated clubs. These clubs, up until 12 April, provided practice and competition opportunities for people using now prohibited firearms.
4. Classes of competitions that involve now prohibited firearms are the Multi-gun and 3-Gun events run by pistol clubs (PNZ), service rifle events (NZSRA), and centrefire events (NZDA). According to these organisations, they have the following numbers of members competing with prohibited firearms:
  - 4.1. PNZ - 1,500 (members)
  - 4.2. NZSRA - 400 (members), plus 1,200 (members of affiliated clubs)
  - 4.3. NZDA - unknown, estimated to be around 1,500 – 2,000 individuals.
5. It is difficult to estimate the lower and upper ranges of the number of users who, prior to 12 April 2019, participated regularly in sports involving now prohibited firearms. At the lower level, the recent PNZ National 3-Gun event involved 90 participants (of which 10 were from Australia) and the NZSRA National event involved 100 entrants (of which 14 were from overseas). This is largely consistent with information received through submissions on the first Bill.

6. For an upper range, a conservative assumption is that approximately 50 percent of the 7,566 E endorsement holders may have been active in using prohibited firearms in shooting competitions. This would equate to 3,783 people competing at various levels, and would corroborate the numbers obtained from the organisations above. As indicated, considerably fewer people are likely to be involved in competitions at the national and international level.

#### **Option 1: Do not allow an exemption for competitive shooters**

7. This option retains the status quo – no exemption. This option does not prevent any person from competing in any of the existing shooting disciplines at the Olympic or Commonwealth Games. These international events, as well as all events in Australia, do not hold competitions that use the newly prohibited firearms.
8. The key problem with providing an exemption for sporting competitors is that it allows more now prohibited semi-automatic firearms and MSSAs to remain in circulation among the general population. This creates a risk of theft, misuse and another means of firearms ending up in the wrong hands. Therefore this undermines the objective of the new law, especially if the numbers of people eligible for an exemption is significantly above the estimated low end of the range. The reasons that retaining the status quo is preferred are that:
  - 8.1. the greater the volume of MSSAs in New Zealand, the proportionately greater the risks to public safety
  - 8.2. the activity has seen recent growth, and an exemption may continue to grow the industry. It would be concerning if there were increases in the numbers of people and/or numbers of events that utilise prohibited firearms for competition purposes
  - 8.3. the compliance and monitoring costs of making a regime safe for the public are high given the small number of competitors who will benefit from an exemption and
  - 8.4. other groups of people, such as farmers, with a possibly greater need for an exemption (such as pest control to retain the value of their land), and for whom a wider benefit falls to New Zealand (economic and conservation benefits), did not get an exemption. This is likely to be considered unfavourably by the farming community, and re-open the debate about the relative benefits of exemptions for sporting purposes vis-à-vis farming and pest control purposes.
9. Under this option, the people affected by the prohibition will receive compensation through the buy-back scheme.

#### **Option 2: Allow for an exemption for competitive shooters that enables an ongoing sport in New Zealand**

10. Option 2 would exempt sports competition shooters from the prohibition. This option would enable new people to enter the sport but could, by virtue of stringent

regulatory requirements, limit significant growth in numbers of people and events to which the exemption applies.

11. The use of prohibited firearms for this purpose would take place in a club or range, and competitors in this sport must hold a specific sport shooter endorsement on their licence and be a member of an approved club or range. This option is dependent on clubs and ranges being licensed under the current policy proposals for amendment to the Arms Act. This would enable the exemption to operate alongside tightly controlled eligibility and robust public safety measures.
12. In addition to the general requirements for a club or range to be licensed, a mixture of legislation, regulation and notices would set out the parameters of the sporting exemption, including:
  - 12.1. a requirement to be an approved club or range for the purposes of sport shooting with prohibited firearms
  - 12.2. specifying the classes of prohibited firearms and the types of shooting competition events for which prohibited firearms may be used, and alignment of these shooting classes with international rules
  - 12.3. a requirement to notify and seek pre-approval of Police for each sporting competition
  - 12.4. a requirement to have an annual training schedule planned in advance, as well as an operator supervisor plan, and approved by Police
  - 12.5. a requirement to have processes for incident reporting to Police
  - 12.6. the safety specifications for ranges that draw from international military standards of safety for shooting ranges, and balance what is practical and implementable in the New Zealand context<sup>1</sup>, and
  - 12.7. a requirement that the exempt shooter surrender their firearm to Police, or provide evidence to Police (through the registry) that the prohibited firearm has been transferred to a person who has a permit to possess the firearm and the correct endorsement.

#### *Eligibility of competitive shooters*

13. This option would limit eligibility to compete in New Zealand based competitions to New Zealand citizens or residents only. In addition:

---

<sup>1</sup> Examples of current best practice for range design and development are: Ministry of Defence JSP403 (Joint Services Publication (JSP) 403 – Handbook of Defence Land Ranges Safety, Volume II – Design Construction and Maintenance of Small Arms, Infantry Weapon Systems and 30mm Weapon System Ranges). Range Design and Construction Guidelines produced by the Canadian Firearms Centre. The New Zealand Pistol Association Range Manual (2005).

- 13.1. the fit and proper test for a competitive shooter licence endorsement would require additional referees over and above a standard licence fit and proper test, as well as more rigorous safety training tests
  - 13.2. an exempted shooter would be endorsed for competitive shooting purposes and endorsement would be renewable every two years
  - 13.3. an exempted shooter would be required to demonstrate that they are actively working towards international competitions
  - 13.4. the ongoing secure storage and transport arrangements for shooters' prohibited firearms would be required to not pose a risk of theft and loss, with security arrangements on premises and in vehicles inspected when endorsements are renewed (or at any other time considered necessary as per the Arms Act).
14. This option would enable New Zealand competitive shooters to continue to participate in overseas events, and would enable them to train at New Zealand-based events under well-controlled conditions. This option enables people to compete in New Zealand based events in order to develop the necessary skill to be able to compete on the national and international stage. Thus, there would likely be local and regional competitions to flow through to the competition infrastructure at the higher levels, and any person, in practice, could become a competitive shooter.
  15. The supporting regulations to establish this regime would come into force in 2020.

*Enabling overseas visitors to attend exempted events*

16. A sub-proposal under this option would be to enable overseas visitors to attend New Zealand events for the purposes of competing using prohibited firearms. This proposal is based on concerns from PNZ which, in its submission, said that it wishes to grow this sport from a tourism perspective. PNZ signalled that preventing visitors that can lawfully compete with MSSAs in their home country from attending New Zealand based competitions could disrupt the principle of reciprocity in event-hosting within the international sporting community.
17. On the basis that the objective is to minimise the numbers of competitive shooters using MSSAs in New Zealand, rather than grow the industry, this proposal is not recommended. In addition, considering the development of tourism market for firearms that have been prohibited in New Zealand would send the wrong messages domestically and internationally.

*Implications of option 2*

18. Option 2 would need to be closely monitored and reviewed if there is unexpected growth in this sport. Concerns would arise if:
  - 18.1. there is evidence that competitive shooting becomes a de facto means of retaining and using now prohibited firearms

- 18.2. the number of exempted competition shooters rises significantly or the sport grows rapidly
  - 18.3. the number of prohibited firearms possessed by each competitor for this purpose grows significantly
  - 18.4. there are incidents of breaches in conditions, permitting or endorsements, and
  - 18.5. there is evidence in this cohort of unsafe practices, firearms accidents, thefts, or incidents of misuse of firearms.
19. The framework for exempted competitive shooters should be reviewed and should be able to be amended after five years.

### **Option 3: Grandfather existing international competitive shooters**

20. Option 3 entails exempting the people who, over the last five years, can show that they have already travelled overseas to compete in international competitions that utilise newly prohibited firearms. We understand that there are approximately 10 people who fall within this category currently. This group of people would be allowed to continue their training and competitions in New Zealand for the purposes of preparing for international events.
21. Similar parameters would need to put around this exemption as outlined in option 2 above. Some of these parameters may already be in place to some extent at pistol clubs. We would need to ascertain this through further work to implement the regime. There is a risk that this option may result in a costly regime being established for a small and declining number of people.
22. However, unlike option 2, this option would be unlikely to need to be reviewed in five years as the number of people who actively participate in international competition would likely be low and this cohort will retire from the sport over time.
23. A grandfather regime for prohibited firearms was applied in Australia. If New Zealand follows the same path as Australia, this option may be able to be managed safely.

### **Transitional matters for options 2 and 3**

24. Under options 2 and 3, people would be able to keep their firearms once the Arms Act is amended, but not before (as they are currently prohibited). Under this circumstance we recommend that a regulation is developed to exempt sport shooters, as a transitional measure, until the Arms Act is amended through Bill 2. The Arms Act enables transitional exemptions through regulation. The regulation could enable sport shooters to legally retain, but not use, their prohibited firearm in New Zealand, until clubs and ranges are licensed. This will give sporting shooters the ability to retain their firearms, and not surrender them during the amnesty and buy-back period.

25. Should the Government agree to exempt sporting shooters, an announcement could be made in the coming weeks, along with the development and promulgation of regulations.

### Discussion of options

26. Police's preference is option 1. This is because options 2 and 3 both open New Zealand to taking on a significant public safety risk when the primary benefit is private and there are many alternative sports shooting events and disciplines.
27. Further, options 2 and 3 will be costly to administer for a very limited public or private benefit. There would need to be new policy and operational frameworks required prior to setting up the regime, and the inspection regime would be resource-intensive. A grandfathering option would exempt fewer people and so would be less resource-intensive. Initial calculations suggest that if there was full cost recovery for this cohort, the licence fees would be approximately \$800 over a five year licence period.

### Recommendations

- a) Minister of Police to discuss with colleagues the options and implications of establishing an exemption for sports shooters to use prohibited firearms in competition.

<b>Prepared by</b>	s 9(2)(a)	
<b>Approved by</b>	Michael Clement, Deputy Commissioner	s 9(2)(a)