

PROACTIVE INFORMATION	
<b>Updated draft Cabinet paper - <i>Arms Act 1983: Release of discussion document for public consultation on proposals for regulations about shooting clubs and ranges</i></b>	
Deadline: NA	Date of Response: 9 March 2022

## Purpose

1. This paper provides you with:
  - an updated draft of the Cabinet Social Wellbeing Committee (SWC) paper *Arms Act 1983: Release of discussion document for public consultation on proposals for regulations about shooting clubs and ranges*
  - an updated discussion document for public consultation (appended to the Cabinet paper)
  - talking points to support you at SWC on 16 March.
2. These papers are scheduled to be lodged with the Cabinet Office by 10am on Thursday 10 March 2022, for consideration by SWC on Wednesday 16 March 2022. Police officials will be available to support you at SWC, if required.

Regulations are required to support the implementation of Part 6 of the Arms Act 1983 (the Act), which requires approval of shooting clubs and certification of shooting ranges. The provisions in the Act come into force on 24 June 2022.

This information note provides you with a Cabinet paper which seeks approval to release a discussion document for public consultation on proposals for regulations for shooting clubs and ranges. These papers update previous versions provided to you [BR/22/04 and IPR/21/350 refers].

There are no significant changes to the proposed final version of the Cabinet paper. The draft discussion document has been amended to reflect feedback from stakeholders and further development of the proposals.

These papers are now ready to be lodged for SWC on 16 March 2022.

## The SWC paper seeks agreement to the release of the discussion document for public consultation

3. The Arms Act 1983 (the Act) will require approval of shooting clubs and certification of shooting ranges.
4. These changes to the Act will come into force on 24 June 2022 and are in Part 6 of the Arms Legislation Act 2020.
5. As part of the implementation of Part 6, regulations must be made to provide clear and comprehensive directions on expectations around legislative requirements. These new regulations will be added to the Arms Regulations 1992.

6. The focus of Part 6 is the requirement for approval of shooting clubs and certification of shooting ranges by the Police Commissioner, plus associated provisions to support these changes. Shooting club committees and shooting range operators will have until 24 June 2023, to apply for certification.

### **Public consultation is required to support the making of new regulations**

7. Public consultation on the regulations is required to meet the Commissioner's statutory obligation to consult with those people affected or likely to be affected by the proposed changes. The consultation aims to give stakeholders an opportunity to understand the impacts of the proposals in the discussion document and seeks feedback to ensure the regulations are fit for purpose.
8. The aim of the new regulations is to promote consistency and transparency in the application of standards and processes when implementing the legislation. It gives stakeholders an opportunity to understand the impact of the proposals and provide feedback to ensure the regulations are fit for purpose and any unintended consequences are understood.
9. The discussion document is in two parts. Part one relates to shooting clubs and part two relate to shooting ranges.

### **We have made changes to the draft SWC paper and the discussion document**

10. A draft Cabinet paper and discussion document were provided to you on 1 February 2022 [BR/22/04 refers] to support Ministerial consultation. No feedback was received during Ministerial consultation.
11. The draft Cabinet paper and discussion document have been updated to reflect feedback from agencies, your Arms Advisory Group (which advised their desire to provide feedback as individuals or through other firearms stakeholder groups), and further development of the proposals.
12. Changes to the Cabinet paper relate to including further information on the engagement plan for tangata whenua, and editorial changes.
13. The key changes to the discussion document:
  - 13.1. Add a proposal about secure storage of firearms or ammunition at a shooting range. This change was made to create better alignment with parallel proposals for shooting clubs, and to propose greater consistency and clarity across the regulatory framework.
  - 13.2. Remove some minor content to reflect the further development of the work. This includes improving consistency across the document, or removal in response to the identification of matters that are better treated outside of the regulatory regime.
  - 13.3. Add additional options to some proposals to ensure the discussion document does not unduly narrow down regulatory options.
14. 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.

15. 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.

### **Timing of implementation**

16. Amendments to the Act extending regulatory oversight to shooting clubs and ranges come into force on 24 June 2022. Police is working to have the regulations in force as close to June as possible, and this is likely to be by the end of 2022. Police is engaging with club committees and range operators to help them prepare for application.
17. Transitional provisions in the Act:
  - 17.1. 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.
  - 17.2. mean that once application is made, a shooting club or range is enabled to continue to operate as if having been issued with approval or certification.
  - 17.3. recognise all established pistol clubs and pistol ranges as having been approved and certified.

### **The Cabinet paper and discussion document are scheduled to be considered by the SWC on 16 March 2022**

18. Talking points to support you at SWC are provided below. Officials can be available if required.

### **Next steps**

19. Subject to Cabinet approval, we will commence public consultation as soon as possible following Cabinet approval.
20. Police will issue a media statement announcing the release of the discussion document for public consultation and inviting interested parties to make a submission.

<b>Reviewed by</b>	Gillian Ferguson, Acting Executive Director: Policy	s.9(2)(a) OIA
<b>Approved by</b>	Jevon McSkimming, Deputy Commissioner: Service and Strategy	s.9(2)(a) OIA

# **Talking Points – Arms Act 1983: Release of discussion document for public consultation on proposals for regulations about shooting clubs and ranges**

**Cabinet Social Wellbeing Committee on 16 March 2022**

## **Purpose**

- **I am seeking agreement** to release a discussion document for public consultation on proposals for Arms (Shooting Clubs and Shooting Ranges) Amendment Regulations 2022.
- **These regulations will** amend the Arms Regulations 1992, to implement upcoming amendments to the Arms Act 1983.

## **Background**

- **Changes to the Arms Act,** made by the Arms Legislation Act 2020, will come into force on 24 June 2022.
- **Regulations are needed** to implement these changes, which introduce regulatory oversight of shooting clubs and shooting ranges by requiring:
  - Shooting clubs to apply for a one-time certificate of approval and for conditions to be applied to those approvals
  - Shooting clubs to report annually against the prescribed conditions
  - Shooting range operators to apply for a 5-yearly certification of their ranges and for conditions to be applied to those certificates.
- **Regulations under the** Arms Act 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 that appear to be affected, or likely to be affected, by such regulations.
- **The proposed public consultation** is an important step

towards meeting this requirement.

- **My Arms Advisory Group** was provided an early copy of the discussion document. Police has also provided an overview of the proposals to the Range Certification Engagement Group, the Firearms Community Advisory Forum, and the Arms Engagement Group. No significant concerns have been raised at this stage.

## **Timing**

- **Subject to Cabinet agreement**, Police intend to release the discussion document on 23 March and invite submissions until 4 May.

## **Potential Q&As**

### **Who will the proposals affect?**

- **The proposals will primarily affect** shooting club committees and shooting range operators, with some flow-on effects for club members and range users.

### **What are the next stages?**

- **Police will report back to me** following analysis of all submissions. I intend to report back to Cabinet on the consultation and with final proposals for the Arms (Shooting Clubs and Shooting Ranges) Amendment Regulations (on which drafting instructions can be based).

### **What are the implications of introducing a new fee for the approval of clubs and ranges?**

- **The discussion document contains** an estimated cost to Police of delivering the new regulatory activities resulting from extending regulatory oversight to shooting clubs and ranges.
- **Submitters are invited** to provide feedback on the level of cost recovery to apply, taking into account the balance of public

and private benefit that accrues from the delivery of the new regulatory activity.

- **As the exact number of shooting clubs and ranges** is unknown, it is difficult to estimate the level of revenue that will be collected. Any revenue generated will begin to be received in the second quarter of the financial year 2022-23.

### **How does the timing of implementation of the new regulations impact shooting clubs and ranges?**

- **Amendments to the Act** extending regulatory oversight to shooting clubs and ranges come into force on 24 June 2022. Police is working to have the regulations in force as close to June as possible, and is engaging with club committees and range operators to help them prepare for application.
- **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**.
  - mean that once application is made, a shooting club or range is enabled to continue to operate as if having been issued with approval or certification.
  - recognise all established pistol clubs and pistol ranges as having been approved and certified.

### **[IF NEEDED]**

#### **Overview of proposals**

- **The proposed regulations** arising from the Arms Legislation Act will cover:
  - **information to be included** in an application for approval of a shooting club, matters relating to club membership, such as age restrictions and participation requirements,

- and the club's obligations to members;
- **conditions relating to sales** of firearms and ammunition by the club for the benefit of the club, and secure storage of those items;
  - **information to be included** in clubs' annual reports;
  - **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;
  - **conditions relating to** secure storage of firearms and ammunition at a range;
  - **the contents of Range Standing Orders** and other (specific) safety measures such as signage, inspections, and improvement notices;
  - **Proposed fees for approval of clubs** and certification of ranges, because new Part 6 of the Act requires Police to undertake new services relating to the approval of shooting clubs and certification of ranges.