

PROACTIVE INFORMATION

Talking points for SWC on 24 August 2022 – Police items

Date: 22 August 2022

Purpose

1. This paper provides you with talking points to support you on two items at the Cabinet Social Wellbeing Committee (SWC) on 24 August 2022:
 - 1.1. *Arms Safety and Control: regulation of shooting clubs and ranges* – seeks approval for policy proposals and authority to issue drafting instructions for regulations (talking points attached at Appendix 1).
 - 1.2. *Arms Act 1983: release of discussion document for public consultation on a firearms registry* – seeks approval to release a discussion document for public consultation, on proposals for regulations (talking points attached at Appendix 2).

Officials available to support you at the meeting

- Gillian Ferguson (acting for the Executive Director Policy and Partnerships).
- Catherine Petrey (Principal Strategic Policy Advisor – for clubs and ranges).
- Geoff Dunn (Principal Advisor, Firearms Policy – for the registry).

Next steps

Shooting clubs and shooting ranges

2. Subject to Cabinet approval, Police aims to have the regulations drafted by mid-October, submitted to the Cabinet Legislation Committee, and then notified in the New Zealand Gazette in early December.
3. Gazetting in early December will enable the regulations to take effect in mid-January 2023.

Registry

4. Subject to Cabinet approval, Police will publish the discussion document for six weeks of public consultation as soon as possible.

Appendices

Appendix 1: Talking Points - Arms safety and control: regulation of shooting clubs and shooting ranges

Appendix 2: Talking points - Arms Act 1983: Release of discussion document for public consultation on regulations for a firearms registry

Reviewed by	Karen Threadwell, Manager, Firearms Policy	s.9(2)(a) OIA
Approved by	Cherie Engelbrecht, Acting Director, Policy	s.9(2)(a) OIA

Talking Points - Arms safety and control: regulation of shooting clubs and shooting ranges

Cabinet Social Wellbeing Committee on 24 August 2022

- **I am seeking** agreement for policy proposals for shooting clubs and shooting ranges to be put into regulations and for officials to issue drafting instructions.
- Also opportunity to make minor technical corrections to the regulations (see Appendix 4 of Cabinet paper).

Why do we need these regulations?

- Recent changes to the Arms Act 1983 mean that all shooting clubs must be approved, and all shooting ranges certified, by Police.
- The regulations will tell club representatives and range operators what will be required of them to continue to operate.
- Extending regulatory oversight to all clubs and ranges will enable well-run clubs and range operators to demonstrate their adherence to safety standards.

Public consultation generated considerable comment

- Over 1000 submissions. Most from representatives of groups or individual firearms users.
- Police had follow-up meetings with representatives of umbrella shooting organisations.
- Many law-abiding, licence holding shooters feel this new regulatory regime is unnecessary as they are committed to the safe use of firearms.
- Others recognise that the formal approval and certification processes, will enable club committees, club members and range operators to demonstrate to the public and prospective members that they adhere to high safety standards.

Appendix 1 - regulation of shooting clubs and shooting ranges

- **Subsequently, Police has shared** a summary of all policy proposals contained in this paper with my Arms Advisory Group (MAAG) and members of the Police's Firearms Community Advisory Forum (FCAF).
- While there is not 100% agreement with all the final policy proposals, both the MAAG and FCAF welcomed evidence that their concerns had been heard and responded to.

Changed policy proposals

- Appendix Two of the Cabinet paper lists all the original options, summarises the submissions and the recommended changes.
- Changes focus on achieving safety and control outcomes, while considering the compliance burden.

Limitations on the age children under 16 years participating in club-organised competitions:

- I am not progressing this proposal.
- Limiting who can shoot in competitions based on age went beyond that which is provided for in the Act.

The requirement for club governing committee members to include licence holders

- **I have decided** not to specify this in regulations to widen the pool of possible candidates.
- Requirements still prevent anyone who is disqualified from obtaining a firearms licence from being part of a club committee.
- Also, anyone who has had their licence revoked within the previous 5 years can't be appointed to a governing committee.

Non-licence holders' participation in pistol shooting-clubs

- After further consultation with FCAF and representatives of Pistol New Zealand, **I am proposing** to continue an existing arrangement where a person without a licence can try pistol shooting on up to three occasions after which, to continue, they must apply for a firearms licence and for a pistol endorsement.
- This is a compromise between preventing any new person from having a chance to try-out this sport or leaving it wide open to anyone to shoot pistols at a pistol club without ever obtaining a firearms licence.

Information and reporting requirements have been scaled back

- Relying on already available sources of information to reduce compliance burden.

Simplified the recording of ammunition sales for immediate use versus bulk purchase

- Requirements distinguish between recording ammunition supplied for use at a shooting range and ammunition sold or supplied to licence holders for their use whether on or off the range.
- This approach reduces recording effort while mitigating the risk of ammunition diversion for illegal use.

Reporting – corrected recommendation 48

- Your office has been provided with an amended recommendation 48 for tabling:

“agree that a shooting range operator and a shooting club must maintain a risk register available for inspection by Police recording incidents and safety breaches that do not result in injury or death but have the potential to do so in other circumstances.”

- Recommendation amended to reflect a change in proposals following consultation with FCAF and MAAG.

Costs of the regulatory system will be shared between the regulated parties and the Crown

- Bringing clubs and ranges into the regulatory system introduces new costs to them and Police.
- **I am proposing** fees recover only 50% of the direct costs to Police.
- There are safety outcomes for both target shooters and the public from having a supportive club environment and a network of shooting ranges which have been certified against recognised safety standards.

Backpocket Q&As on shooting clubs and shooting ranges

What is being regulated?

- The activities of the public and club members that use ranges to shoot at inanimate objects (i.e. targets), not live animals.

How are clubs and ranges expected to become compliant?

- Changes to the Act requiring approval/certification are already in force.
- Club representatives and range operators must apply to the Commissioner of Police for approval or certification by 24 June 2023.
- Transitional provisions allow for applications made by that date to be considered as compliant until a decision is taken on their application.
- Police has been engaging with shooting clubs and shooting ranges in advance to support them to understand the likely requirements for making an application.

What exact details will the regulations cover?

- the content and manner of application for approval of shooting clubs and certification of shooting ranges
- shooting club operations, record-keeping, reporting and committee membership
- membership of pistol shooting clubs and participation in their shooting activities

Appendix 1 - regulation of shooting clubs and shooting ranges

- secure storage of firearms and ammunition at club premises and shooting ranges
- design and operation of shooting ranges
- cost recovery for processing applications and undertaking inspections and compliance checks.

**Talking Points - Arms Act 1983: Release of discussion document
for public consultation on regulations for a firearms registry
Cabinet Social Wellbeing Committee on 24 August 2022**

Purpose

- **I am seeking** the Committee's agreement to the release of a discussion document on regulations for the firearms registry.
- Changes to the Arms Act introducing the registry, come into force on 24 June 2023.
- Regulations are needed to implement these changes.

Recent changes to the Arms Act 1983 have created a need for new regulations

- The registry must be able to record details of firearms licence holders and particulars of firearms and other specified arms items possessed by them.
- Regulations may be made only on the recommendation of the Minister of Police once satisfied that the Commissioner consulted with individuals and organisations that are likely to be affected.
- Public consultation is an important step towards meeting this requirement.

Police has consulted stakeholder groups

- My Arms Advisory Group and Police stakeholders have been consulted on a draft of the discussion document.
- No concerns raised at this stage.

Methods of consultation

- An online submission form will be available on the Police website.
- There will be a paper-based option for submitters who do not have access to the internet.

Backpocket Q&As on the registry

Who will the proposals affect?

- The proposals affect all firearms licence holders and dealers. The Department of Conservation, which owns firearms for use by their employees, is also affected.

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 outcome of the consultation and with final proposals and approval to issue drafting instructions before the end of the year.

What are the implications of introducing a firearms registry?

- The registry is not about imposing further restrictions on lawful licence holders.
- Majority of firearms owners are responsible law-abiding New Zealanders while there are a small minority of firearms users who do not respect this privilege. It will assist with assuring them that they are buying or selling firearms from or to other legitimate licence holders.
- Greater visibility of the firearms environment. Currently there is no centralised oversight of the number and specifications of arms items held by firearms licence holders.

How does the timing of implementation of the new regulations impact firearms licence holders?

- The registry provisions come into force on 24 June 2023.
- Transitional provisions in the Act:
 - provide for the staged gathering of information for the registry, to be detailed in the regulations
 - require licence holders and prescribed persons to provide up-to-date information on specified items in their possession in specified circumstances during the first five years of the registry.

Appendix 2 - firearms registry

- You could note the circumstances include:
 - applying for a licence or an endorsement
 - notifying a change in circumstances (such as a change of address)
 - selling, supplying, purchasing, manufacturing, importing or exporting a firearm or other item regulated under the Act
 - being subject to compliance or enforcement action by Police under this Act.
- If none of these events have applied to firearms licence holders within five years of the registry being established, they must provide Police with the relevant information after that five-year period.

Backpocket detail on the registry

Overview of proposals

- The proposed regulations arising from the Arms Legislation Act 2020 which amended the Arms Act 1983 will cover:
 - The particulars of firearms licence holders, the arms items they possess and where they are stored, to be recorded in the registry
 - Information on transactions and events that must be recorded in the registry
 - The manner and timing of providing information to Police for inclusion in the registry
 - Persons other than licence holders to provide specified information
 - Accessing information in the registry
 - Duration of records in the registry
 - Application of regulations to the Department of Conservation.

Reaction to discussion document

- Some negative reaction from within firearms community is expected, although this will largely stem from reaction to the substantive provisions on the registry that are already law.

Appendix 2 - firearms registry

- The discussion document makes it clear that substantive provisions on the registry that are already law are outside the scope of the consultation.
- The non-firearms owning community, represented by groups like Gun Control NZ who have indicated strong support for a registry in the past, are likely to be generally in favour of the proposed regulations.

The proposals take into account what is practical and not overly onerous for firearms licence holders

- Only major firearm parts need to be recorded in the registry
- No airguns except restricted airguns need to be recorded
- Non-prohibited magazines do not need to be recorded
- Ammunition holdings, and private transfers of ammunition do not need to be recorded
- A paper-based option for providing information to Police for the registry will be available for those who cannot access the registry online.