

25 April 2021

New Zealand Police
Firearms Policy and Partnerships
13th floor Police
National Headquarters, Wellington



NZDA SUBMISSION FOR CONSULTATION ON ARMS REGULATIONS (PHASE ONE)

The NZDA advocates on behalf of New Zealand's recreational hunters and shooters. Our fundamental purpose is to ensure the rights of recreational hunters in New Zealand are protected, advanced and advocated for in the best interests of sportsmen and sportswomen.

In respect to firearms, NZDA's policies are:

1. To maintain the right of the people generally to own and bear firearms and to oppose any regulations which would unduly restrict such rights.
2. To support the principles of firearms registration of the user based on appropriate levels of qualification, and to oppose registration of individual firearms as a system which has been a proven failure.
3. To support firearms security measures which by their economy and effectiveness, will encourage purchase and use.
4. To oppose security measures which are designed as a financial penalty to discourage ownership of some category firearms.
5. To support the penalising of intimidation by use of firearms.
6. To safeguard property both private and public and to show due respect for the rights and safety of others.
7. To promote international and Olympic style competition shooting and the grading and participation in such competitions.

NZDA's overarching position and submission is that any changes to the Arms Regulations should reflect the above policies and section 1A(2)(b) of the Arms Act 1983 (inserted, on 25 June 2020, by section 5 of the Arms Legislation Act 2020 (2020 No 23).) which states the regulatory regime should imbue the principle that any decisions by Police need to result in an outcome that is "*in the interests of personal and public safety*", therefore any change or new regulation must demonstrably achieve that principle to be supported by NZDA.

NZDA's specific submissions are included in the Police supplied form, supplemented by our cross-referenced responses in the Schedule to this covering letter.

For and on behalf of NZDA by,

A handwritten signature in blue ink, appearing to read 'Gwyn Thurlow', is written over a light blue horizontal line.

Gwyn Thurlow, NZDA Chief Executive and General Counsel

SCHEDULE – SUPPLEMENTARY RESPONSES

Question	Comment
6	<p>NZDA sees the existing arrangements as largely fit for purpose with any changes to security measures for retailers of particular concern to recreational hunters.</p> <p>NZDA would not like to see, and does not support, regulations imposed that result in expensive and costly measures or security upgrades that might restrict access and availability of ammunition for use and purchase and that do not result in meaningful personal or public safety outcomes.</p> <p>Storage solutions should be regulated in such a manner that they are not overly costly, which would discourage current "retailers" (soon "dealers") from supplying or displaying ammunition, especially smaller retailers in rural New Zealand.</p>
10	<p>Yes, the licence could be issued such that it is only valid while carrying on the specified business and could include a condition that the licence ceases automatically when the dealer ceases that business, but only if that same business is not active or otherwise re-commenced for a period of 20 working days (for example only) since ceasing. This avoids additional actions by the dealer and mitigates the need for additional administration, notices or steps.</p>
11	<p>All inspections should be undertaken during 'standard operating hours' of the specific dealer being inspected, and with no less than 7 working days' prior notice by Police to dealers. For example, NZDA National Heritage Museum, which has firearms as part of its collection and on display, will become a dealer but is run by volunteers as a not-for-profit, as well as certain shooting clubs now subject to the dealer regime. This means not all dealers are commercial operators and Police need to understand that the expansion of the dealer definition captures "noncommercial" entities by nature.</p>
12	<p>A separate regime could apply to dealers that are retailers and those that are not, for example curators or shooting clubs. There also needs to be a differentiation between commercial and non-commercial dealers, and their availability and capacity to allow for an inspection by Police.</p> <p>The new dealer regime includes new types organisations, e.g. museums and shooting clubs, who are not always open, open on weekends or week nights only, and/or run by volunteers. The regulations must reflect this and cater for this situation.</p>
13	<p>Subject to a qualification that changes that require notification relate to the storage areas of items that require a dealers/firearms licence to display, acquire and sell, and an express exception for changes that are of a minor, or of maintenance, in nature. For example, the Deerstalkers House, NZDA's museum and head office will be a dealer's premise and NZDA would not</p>

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	want to notify Police of minor changes made to our building that do not relate to our rifle strong room and firearms displays.
21	<p>Each dealer will have a unique situation, undertaking/business, premise and set of security arrangements, and therefore the conditions should be specific to each dealer in their context and situation.</p> <p>Having regulations set out "all conditions" for "all categories of a dealer type" defeats the purpose of "conditions" and is therefore in effect just further regulation, which in many cases may not be fit for purpose for all dealers in the new categories of dealers being established.</p>
22	Yes, specific conditions to be included on each dealer, as necessary, on a case by case based by reference to their application and situation. This may result in more work (in some situations) for Police but overall results in a better, and more relevant, outcome for each dealer and all dealers on the whole.
27 a)	<p>General specifications and guidance should be sufficient and Police should not need, or be required by regulation, to approve storage solutions on a case-by-case basis.</p> <p>NZDA strongly opposes this proposal.</p> <p>However, NZDA welcomes any clarifications that are easily understood, can be reasonably and cost-effectively complied with, and are helpful to firearms owners to enable them to follow to ensure safe storage of their items from theft or access by children or unsupervised non-licence holders.</p>
27 b)	<p>Yes, so long as such security measures are practical and not overly impractical or costly and therefore result in discouraging the ownership, use, and storage of firearms by users that regularly use their mobile homes and campervans as part of their regular access to recreational hunting.</p> <p>Any conditions/regulations should not to act to discourage the use of these assets owned or hired by the firearms community, as many people use them to access the outdoors and to go hunting.</p>
29	<p>NZDA strongly opposes this proposal.</p> <p>This will impose a material extra cost on firearms owners for no corresponding safety benefit (personal or public) because owners will need to acquire new metal/steel containers and/or a second safe or make safe upgrades (to meet requirements within the confines of their premise).</p> <p>The proposal will make many existing safes and secure storage solutions obsolete. Many firearm owners have existing locked/secure areas or storage</p>

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	<p>solutions, or can (and do) have separate (non-metal/steel) secured storage places for their bolts and/or ammunition (quite separate from their rifles) to make their rifles inoperable and unable to be fired. This proposal does not consider existing storage locations such as lockable built-in wooden cabinetry, walk-in strong rooms, secure display cases, or concrete or brick storage locations which can be used to store larger quantities of ammunition separate from firearms.</p> <p>This proposal, therefore, does not add clarity, rather additional expenditure, cost and hassle to firearms owners and is overall simplistic and not reflective of the storage options available or already in existing premises (which may be superior to a steel container).</p> <p>NZDA supports the practical, secure storage of firearms. We do not see this change as adding to safety outcomes in a way that is better than the existing requirements because the intent is to stop casual theft and access by children and other non-licensed / unauthorised people on the premises where firearms and ammunition are stored.</p> <p>NZDA recommends the current regulations remain, being that ammunition should be stored separately to firearms and in a locked container/cupboard - it may form part of the main cabinet or safe provided it is separately locked. It is <u>not</u> necessary for the storage solution to be steel/metal in order to be secure.</p>
<p>31 and 32</p>	<p>NZDA strongly opposes this proposal.</p> <p>NZDA submits that the present regulation is clear but could benefit from further clarification, being:</p> <p><i>A person transporting firearms and/or ammunition must take all practical steps to prevent easy removal by unauthorised persons.</i></p> <p><i>Where firearms and/or ammunition are transported, they should be hidden from view, preferably in a locked boot, glovebox or similar compartment that can secure the items.</i></p> <p><i>When firearms are being transported in a vehicle it should be a requirement to remove the bolt, mechanism and/or end of the firearm. The rifle should be stored separately from the bolt and/or ammunition. If a firearm cannot be made inoperable (for example a lever action or single shot firearm) then a trigger lock may be used.</i></p> <p><i>The bolt, rifle and ammunition should be concealed from view in the locked vehicle.</i></p>

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	<p><i>The vehicle should not be left unattended and when not occupied locked, i.e. when making a toilet or rest stop during a journey.</i></p> <p><i>If the vehicle is to be left unattended for prolonged periods, the firearms and/or ammunition should be removed from the vehicle to a more secure location or under the direct possession and control and the person.</i></p> <p>NZDA believes the above expansion will adequately deal with the risk Police seek to mitigate without imposing undue costs or expense and complexity on those transporting firearms.</p> <p>NZDA notes that it appears on its face the assumption of Police by making the proposal is that people only travel in their own vehicles when transporting firearms and ammunition. The proposal also assumes that only small quantities of ammunition and/or firearms are transported, and further assumes there is a fixing point or separate locking container(s) in all vehicles in a suitable location like a boot. These assumptions are not correct. In many cases hunters carpool on hunting trips, travel to and from airports and via public transport in taxis/Ubbers or third party vehicles, and in many situations hunters hire vehicles for trips, i.e. annual roar trip, including international visitors on hunting trips to New Zealand. Competitive and regular target shooters transfer many rifles to and from the rifle range, as well and a large amount of ammunition. The proposed regulations are not capable of being complied with or meet the needs to firearms users when considered in the context of real world realities of transporting firearms and ammunition.</p> <p>NZDA does not support the guidance that vehicles containing firearms, and which are left unattended for short periods of time, must have an immobiliser and/or alarm fitted. This is unrealistic and discriminates against many firearms owners who do not have vehicles with these systems. It imposes additional costs on firearms users, especially when such systems are only installed in modern and expensive vehicles. This proposal is out of proportion with the purpose of the proposal that firearms and ammunition must be secure.</p>
34 and 35	<p>NZDA does not agree with the imposition of the carry container regulation, especially because the firearm is in the direct possession of the person, rather NZDA proposes the following clarified regulation:</p> <p><i>When firearms are carried on public transport or in public places they should be unloaded, be kept covered in a suitable case, and remain with the holder at all times.</i></p> <p>NZDA submits that hunters must be given clear guidance that they are <u>not</u> required to have a case when carrying their rifles while hunting or in the</p>

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	<p>hunting grounds, including on public land / Conservation land (which is a public place).</p> <p>NZDA also submits that Police should not prescribe the type of case/container because it can lead to confusion and NZDA's proposal deals with the primary concern that the firearm is under the direct control of the licenced person and is not visible such that it does not cause alarm/concern by members of the public seeing a person carry a firearm in a public place.</p>