



## **Target Shooting New Zealand Inc**

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## **To the Finance and Expenditure Committee**

### **Submission to Arms Legislation Bill**

### **We wish to speak to our submission**

### **Submission from Target Shooting NZ on behalf of 333 people**

### **Target Shooting New Zealand (TSNZ)**

The aims of TSNZ, as per our Constitution, are:

1. To encourage and to further the interests of all target shooting;
2. To arrange such competitions as may be deemed necessary;
3. To procure or assist in procuring equipment for affiliated Associations, Clubs and Members;
4. To generally manage the sport and disciplines of target shooting in New Zealand.

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## Executive Summary

Our submission outlines many issues that Target Shooting NZ Inc (TSNZ) and our concerned members have with the Arms Legislation Bill.

Due to the number of issues and concerns we have with this Bill, TSNZ oppose this Bill in its current form.

These are discussed in detail in the sections below, together with recommended changes. These include:

- Supply of ammunition and firearms to unlicensed persons
- Fit and proper person conditions
- Duration of licence
- Clubs certificate of approval, annual reporting, and right of review
- Range certification and right of review
- Marking of firearms and parts
- Cost recovery
- Health practitioners
- Gun Registry
- Specially dangerous airguns

Of all these issues, there are several parts of the Bill that would have a huge negative impact on our sport and many other shooting sports within New Zealand.

The biggest issue revolves around the Gun registry and its impact on Clubs, together with Club and Range certification and associated costs. Together these conditions will mean Clubs will no longer be able to have club firearms and ammunition for new non-licensed visitors and members.

***In order to keep our sport and Clubs alive, TSNZ believe that Part 6 should be deleted from this Bill and Sections 93 and 94 changed, as per our recommendations.***

If clubs and ranges close down due to over-regulation and cost, many shooters are likely to revert back to game shooting on farms and in public places, to the detriment of public safety.

Another major issue is the impact the proposed costs will have on licence holders, Clubs and ranges.

## Key Recommendations

Our key recommendations include:

1. Remove Part 6 from the Bill
2. If Part 6 is not removed, then remove the requirement for certification of Clubs and ranges that belong to a National Sporting Organisation
  - a. The National Sporting Organisations (NSO) for each discipline already specify the appropriate safety standards and range management standards for all their clubs and ranges.
  - b. The NSO standards are higher and more rigid than the Police standards
  - c. Using the NSO Inspectors would reduce the cost to the Police
  - d. Retain the Sections 38T – 38V regarding compliance.
    - i. Ensures Clubs and Ranges are maintained to correct standards.
    - ii. NSO's would be happy for the Police to review any Range Inspection standards, etc.
  - e. Costs to individuals and Clubs would be significantly reduced.
3. Introduce a **Club category** in the Gun Registry for any Club that holds Club firearms
  - a. Clubs would then register with the Registry, together with all Club firearms
    - i. This would negate the need for formal certification of Clubs and ranges.
  - b. Allow Club Firearms Licence holders to transport and supply Club firearms to unlicensed persons, while under the direct supervision of a Club Firearms Licence holder, be it in the Club rooms or on the range.
  - c. Allow Club Firearms Licence holders to transport and supply ammunition to unlicensed persons, while under the direct supervision of a Club Firearms Licence holder, be it in the Club rooms or on the range.
  - d. Clubs would be subject to the same security requirements as any Firearms licence holder and be open to Compliance and Police inspections.
4. Retain the duration of a Firearms Licence of ten years or licence renewals every ten years with a five-year duration for first time licence holders.
  - a. The change to the conditions of the firearms licence which allows Police inspections throughout the duration of the licence means a change to five years is unnecessary.
  - b. This would also reduce the financial impact on both Licence Holders and Clubs.
5. Simplify the marking requirements by only marking the action of a firearm.

Target Shooting NZ is a well-structured, properly managed, and safety-conscious organisation that provides safe and secure venues for people to learn about firearm safety and the correct handling and use of firearms. Over 90% of our shooting is on enclosed indoor ranges that do not pose any risk to the public. Our outdoor ranges which are all fully safety compliant are used by our potential Olympic shooters and do not pose any risk either.

Our safety record dates back to over 100 years with no single instance of a fatality or wounding by gunshot on any civilian range. Please compare that with the Police ranges record.

The potential loss of Clubs and facilities within our organisation would significantly reduce firearms safety and education in NZ.

## General Comments

Firstly, as private citizens and responsible firearms licence holders, we were appalled by the Christchurch massacre and that such an event could ever occur in NZ. Like everyone else in NZ, our shooters do not want to see this ever occurring again and are supportive of effective law changes to achieve that.

There are parts of the Bill that would have a huge negative impact of our sport and many other shooting sports within NZ. These are discussed in more detail within this submission.

***Given the potential impact this Bill would have on our sport, TSNZ oppose the current Bill.***

We consider that the timeframe is rushed, and the submission restrictions are limiting the opportunities to work with all interested parties to formulate new laws that are workable and fair. As it has taken us more than two weeks to prepare our submission, our membership has only one week to review our submission and indicate their support. This is not sufficient time for everyone to respond. Given the importance of this Bill, a better process would wait for the Royal Commission outcome before making rushed, ill-prepared law.

It is also very clear from many sources that the general public and many MPs do not understand shooting sports in regard to who participates, the firearms involved, or the ranges and the Clubs which effectively run the day to day shooting activities. We have taken this opportunity to provide some details for the Committee on these issues, relating primarily to our shooting code and would appreciate the Committee's consideration of our sport.

The Police Regulatory Impact Analysis appears to be the basis for the Arms legislation Bill. Unfortunately, some of their assumptions are incorrect or misleading, particularly relating to sporting clubs and ranges. None of our ranges pose a threat to public safety. Nor do any of our Clubs provide an opportunity for the reinforcement of extremist views or encourage the inappropriate behaviour with firearms.

In fact, safety is every Club's Number One priority and inappropriate behaviour of any sort is not tolerated.

In the Police Regulatory Impact Analysis, 2.2, it also appears to be very biased categorising concerned Firearms Licence holders as "the Gun Lobby" while placing greater emphasis on a five-month old organisation, Gun Control NZ, formed purely as a lobby group.

We also have real concerns about the security of information held by central government agencies regarding the Gun registry, Club and Range certification. The risks from unauthorised access, unauthorised disclosure and other forms of data leakage will be a major threat to every Firearms owner. Almost weekly, news reports, if they are to be believed, advise of data losses, either in physical or in electronic form.

Overall the bill is imposing greater regulation, more responsibilities, and more costs on the current law-abiding citizens who are practicing safe and responsible management and use of their firearms. It is doing very little of any substance to address genuine criminal activity.

## About Target Shooting New Zealand

Target Shooting New Zealand, originally known as the NZ Smallbore Rifle Association, is the governing body for .22 Smallbore Rifle 20 – 25-yard indoor and 50m outdoor target shooting, together with 10m .177 Air Rifle Indoor shooting.

TSNZ is directly affiliated to New Zealand Shooting Federation (NZSF), which governs all Olympic and Commonwealth Games target shooting disciplines within New Zealand. NZSF comprises approximately 350 clubs and 14,000+ members.

Through the New Zealand Shooting Federation, TSNZ is directly linked to the International Sport Shooting Federation, Commonwealth Shooting Federation, Oceania Shooting Federation, New Zealand Olympic Committee, Hillary Commission, Sport New Zealand and the other three target shooting associations – Clay Target / Fullbore rifle / Pistol – who collectively with TSNZ form the New Zealand Shooting Federation.

Target Shooting New Zealand is currently made up of:

- 31 Associations;
- 4 Cooperating Affiliated Bodies;
- 138 Indoor Clubs; and
- 18 Outdoor Clubs.

Membership of TSNZ currently stands at approximately 1,200 active members together with approximately 5,000 members who are not presently active.

Our TSNZ Clubs are also active in introducing students in more than 50 Schools every year, to target shooting, which includes safety with firearms, their introduction and competition.

An estimate of 1,000+ people come along to Club introduction sessions, annually.

## Clubs

Clubs are the backbone of TSNZ. Apart from Life Members, all members belong to Club, be it an Indoor or Outdoor Club or both. Some of our Clubs have been active for over 100 years. Clubs comprise at least three or more members and manage the day to day club activities and members.

TSNZ alone has approximately 140 affiliated Clubs throughout NZ that all follow the rules laid down in our Constitution. As an Incorporated Society, the TSNZ Constitution is available online. All of our Clubs who are Incorporated Societies will also have their own Constitutions online, together with all other required documentation, provided annually.

A Club is typically associated with a range.

Ranges vary from being purpose built, which can be shared with other Clubs or disciplines like pistol and air rifle, to being in a Community Hall which is shared with other community activities. TSNZ organises courses for Range Safety Inspectors, who inspect and certify our ranges to ensure they are safe and comply with our regulations.

A Club supports their members through the management of the range and shooting activities on the range. A significant part of all Clubs is the introduction and the training of new shooters in firearms safety and safe handling and use of firearms on the range. All shooting activities on a range are performed under the control of a designated Range Officer, who ensures all the safety rules are adopted and followed. See Appendix A.

In order to support new shooters, many Clubs own shared club rifles, jackets and other equipment for use by members who do not have their own. Without any club rifles, Clubs would not be able to attract and retain new shooters.

Most Clubs also have coaches who can progressively develop shooters to compete at higher levels. Essentially, our Clubs provide a very safe and highly controlled environment for the safe introduction to and use of firearms.

## Our Sport

Target shooting is a sport practised and enjoyed by millions of people globally through many different disciplines. Our focus is on the Olympic sports of 10m Air Rifle and Smallbore Rifle events, supporting both able-bodied and para-shooting disciplines.

**“The practice of sport is a human right. Every individual must have the possibility of practicing sport in accordance with his or her needs.”**

(Olympic Charter, Fundamental Principles)

Smallbore Target Rifle Shooting is a sport which is enjoyed by male and female, young (10+) and old (80+), able bodied and people with disabilities, people with good eyesight or those who have the need to wear glasses, in fact people from all walks of life. Most of our shooters shoot in the prone (lying down) position with our elite shooters also competing in the kneeling and standing positions.

You can be as competitive as you like, or just come along for the sociality. Our competitions are graded so you are competing against shooters of the same ability as themselves. Men and women compete on equal terms. We have members of school age right through to



those well past retirement age, competing against each other in the same grades. All shooting sports require concentration, self-discipline and great self-control. Many find it very mentally relaxing through the combination of focussed concentration and relaxation necessary to succeed.

It is also an excellent sport to help all shooters develop a very high level of mental discipline and control which can be applied throughout their life and work.

All new members are taught the correct principles of firearm safety and the safe handling of rifles, by Club Instructors, within a very controlled environment that is supervised by range officers. Our form of shooting is for pure sporting endeavours, which sees many family groups participating.

The rifles used are .22 calibre single-shot, heavy (4 – 7kg) target rifles. Sporting rifles using magazines are not permitted. All clubs have rifles, jackets and other equipment for use by members who do not have their own.

Typically, we shoot on 20 – 25-yard indoor ranges in the winter and then shoot on outdoor 50 metre ranges in the summer.

Smallbore rifle shooting and air rifle shooting is extremely popular all round the world, with the tradition of target shooting going back many years.

### **Air Rifle**

Air Rifle is a different shooting discipline which is shot in the standing position with a .177 calibre target air rifle. The ranges are indoors over 10 metres. Air rifle matches consist of 60 shots and are shot by both able bodied and para shooters, with both genders jointly contesting many of the events in New Zealand.

Air Rifle is an inexpensive way to get into shooting, and it is a particularly appropriate way to introduce juniors to shooting.

A target air rifle may weigh up to 5.5 kg and is restricted to a maximum velocity of 175 metres/sec (575 fps).

### **Secondary School Shooting**

A Secondary School Postal Shoot is held each year; this postal event is open to every Secondary School in New Zealand. Up to 900 school pupils take part in this competition every year, gaining valuable practical knowledge of firearms safety and handling, and experience the thrill of target shooting as a sport. The school-aged shooters who go on to compete in the TSNZ Inter-Secondary Schools Inter-Island Match can represent their school, their region, their Island, and ultimately New Zealand at this event. The TSNZ Secondary School competitions provide many of our next generation of target shooters.

## Detailed Comments

The comments relating to each Section are made with our best knowledge; any errors or omissions are inadvertent and unintended.

In particular, we have mentioned a number of organisations that have Clubs and ranges in some sections. We know this is not a complete list of all shooting organisations e.g. we have not included the NZ Black Powder Shooters Federation or the NZ Service Rifle Association. These omissions are largely due to our limited knowledge of these organisations and the restricted timeframe.

We have reviewed many Sections within the Bill with which we have real issues or concerns. In those Sections, we have included the actual clauses in question. This is primarily to assist our members to understand the issues, prior to committing their support of this submission.

We also have issues or concerns with many other sections, but have tried to keep our focus on the primary issues impacting TSNZ, in order to be as concise and as constructive as possible.

In each reviewed section we have provided feedback, comments and suggestions under the **TSNZ comment** subsection.

These sections are ordered, as per the Bill.

We note that many sections rely on a subjective test by individual police officer, or the Commissioner of Police too easily redelegating his/her power confirmed under the Act, without recourse to the law by way of appeal. The proposed internal review of a case before a person is eligible to have it assessed by an independent court is a breach of natural justice.

The number of administrative offences has increased by 80% and the overall penalties have increased by 100% from the previous Act, as it currently stands. The level of bureaucratic and administrative complexity on this Bill has doubled that of the current Act. Hopefully, during the Select Committee phase, these concerns will be considered and addressed.

## Section 22C Restrictions on selling or supplying ammunition

- (1) A person who sells or supplies ammunition must hold a firearms licence.
- (2) A person may only sell or supply ammunition to a person who holds a firearms licence.
- (3) Subsection (1) does not apply to an employee of an ammunition seller performing their duties under the supervision of a person who is the holder of a firearms licence.
- (4) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, contravenes subsection (1) or (2).
- (5) It is a defence to a prosecution for an offence against subsection (1) or (2) if—
  - (a) the defendant proves that the defendant took reasonable steps to ascertain whether the person to whom the defendant sold or supplied the ammunition (A) was the holder of a firearms licence; or
  - (b) the defendant proves that—
    - (i) the ammunition was sold or supplied to A for use under the immediate supervision of another person who holds a firearms licence (B); and
    - (ii) at all times while A was in possession of the ammunition, A was under the immediate supervision of B.

### TSNZ Comment

This impacts on our sport in two main areas.

Firstly, TSNZ sells and supplies firearms and ammunition to its members and distributes the ammunition to our agents around the Country. There is no consideration given to the transport/shipping of the ammunition and this potentially will require our agents to become classed as an Ammunition Seller, doubling up of sales records, etc.

Secondly, our Clubs currently sell and supply ammunition to Club members, who do hold a Firearms licence. Under strict supervision the Clubs also supply limited amounts of ammunition non licenced members and visitors to the Club to learn how to shoot in a safe and controlled environment. The required record keeping will place an increased burden on all members involved in ammunition sales and supply.

#### ***At issue is the phrase "under the immediate supervision of another person"***

While the Club person who supplies ammunition or a firearm to an unlicensed person can personally supervise while they are in the Clubrooms, that unlicensed person then takes the ammunition or firearm onto the range. The person in charge on the range is the Range Officer, who is not the person who supplied the ammunition or firearm to the new person in the first instance.

The same issue applies when a licence holder carries ammunition to a competition on behalf of a non-licensed shooter.

We recommend that clause 5(b)(ii) is changed to:

“at all times, while A was in possession of the ammunition, A was either under the immediate supervision of B or another person who also holds a firearms licence, such as a range officer or delegated Club member.”

## Section 24A Fit and proper person to hold firearms licence

- (1) A member of the Police may, for the purposes of section 24(1)(a)(ii), find an applicant is not a fit and proper person to be in possession of a firearm or airgun if the member of the Police is satisfied that 1 or more of the following circumstances exist:
- (a) the **applicant has been charged** with or convicted of an offence in New Zealand or overseas that is punishable by a term of imprisonment (including, but not limited to, an offence involving violence, drugs, or alcohol):
  - (b) **the applicant has been charged** with or convicted of an offence under this Act:
  - (c) the **applicant has been charged** with or convicted of an offence against—
    - (i) section 231A of the Crimes Act 1961; or
    - (ii) the Wildlife Act 1953; or
    - (iii) the Wild Animal Control Act 1977:
  - (d) the applicant has, or has had at any time, **a temporary protection order** made against them under—
    - (i) section 79 of the Family Violence Act 2018; or
    - (ii) section 14 of the Domestic Violence Act 1995:
  - (e) the applicant has engaged in any conduct involving non-compliance with any requirements of—
    - (i) this Act; or
    - (ii) any regulations made under this Act; or
    - (iii) any conditions to which a permit, licence, or endorsement previously issued to the applicant under this Act was subject:
  - (f) the applicant has exhibited significant mental health issues, including attempted suicide or other self-injurious behaviour, that might adversely affect their ability to safely possess firearms:
  - (g) the applicant abuses alcohol, or is dependent on alcohol, to an extent that affects detrimentally their judgement or behaviour:**
  - (h) the applicant uses drugs (illegal or legal) in a way that affects detrimentally their judgement or behaviour:**
    - (i) the applicant is a member of, or has close affiliations with, a gang or an organised criminal group:
    - (j) the applicant has shown patterns of behaviour demonstrating a tendency to exhibit, encourage, or promote violence, hatred, or **extremism**:
  - (k) the applicant has been assessed as a risk to a State's national security.

## TSNZ Comment

The Bill proposes a "Fit and Proper person check" for all Firearms Licence holders. In principle, we do not oppose this check, but we are concerned with the wording.

We believe that determining a person is not a fit and proper person solely because they have been charged but not convicted is contrary to natural justice.

For Section 24A, Subsection 1 (a, b, and c) remove the words "charged with or"

Section 24A Subsection 1(d) is also contrary to natural justice as temporary protection orders are granted ex parte (only one side is heard from and no opportunity to defend yourself is possible).

Section 24A, Subsections 1(g, h and i) are too broad and are open to a wide range of interpretations. These need to be removed or re-phrased.

In Section 24A, Subsection 1(j) the word "extremism" can refer to a wide range of activities which are not related to firearm safety. Either "**Extremism**" should be removed from this Clause or it is defined in more detail to avoid any subjective interpretation.

We are also concerned as to how the Police are going to assess all these issues.

## Section 24B General conditions of firearms licence

(1) Every firearms licence is issued subject to the conditions that the holder of firearms licence must,—

- (a) when using a firearm, act in a way that does not pose a risk to themselves or others; and
- (b) produce any firearm within the licence holder's possession to a member of the Police on demand; and
- (c) permit a member of the Police to inspect all firearms in the licence holder's possession, and the place or places where the firearms are kept and, for that purpose, to enter at all reasonable times upon the premises where that place or those places are situated; and
- (d) permit a member of the Police to inspect the security arrangements in any vehicle used by the holder to transport the licence holder's firearms; and
- (e) inform a member of the Police if, after the issue of the licence, any of the circumstances described in section 24A(1) apply to the licence holder.

### TSNZ Comment

The Bill outlines the general conditions for all Firearms Licence holders. In principle, we do not oppose this check, but need Subsection(1)(d) clarified.

All TSNZ Associations conduct competitions that are open to shooters throughout NZ and many shooters attend these competitions. This requires the shooters to travel with their rifle and equipment to the competition, typically by car or plane if the distance is significant.

The Arms Act 1983 (Order in Council) details that a firearm is not to be left unattended in a vehicle.

In theory, if a car with three competitors stops at a café, en route, they should take their firearms into the café with them. This is likely to cause great unease to the other patrons of the café. In practice, the competitors take just a small bag containing the bolt of the firearm, rendering the firearm safe. However, this may be construed as breaking the law.

Shooters have a similar issue if they stay in a motel, hotel or friends place overnight. While the shooters would remove the firearm from the car, the motel/hotel room does not provide safe storage facilities for firearms, on premises or in rooms.

Typically, a rifle is kept in a rifle case which is approximately 1.2 metres long. These cases do not fit into a normal car without the rear seats being folded flat. Consequently, rifle shooters cannot have any form of safe built into a standard vehicle. No vehicle safe would be able to contain multiple firearms, unless they were just pistols.

***Greater consideration needs to be given with respect to the issue of transportation and storage of firearms with clearer and better definitions, as firearms licence holders wish to respect and avoid breaking the law.***

We would recommend that the Section 24B(1)(d) is changed to:

**“permit a member of the Police to inspect any vehicle used by the holder to transport the licence holder's firearms; and.”**

## Section 25 amended (Duration of firearms licence)

(1) A firearms licence comes into force on the date specified in the licence and, unless revoked or surrendered earlier, expires 5 years from that date.

### TSNZ Comment

We believe that the original duration of 10 years should not be changed. During the last licence renewal phase, the Police took over six months to renew most of the 10-year licences. Increasing the frequency of licence renewal will exacerbate the renewal issues.

We note that in the Police Regulatory Impact Analysis for this Bill, Section B, the Police state

*“Ongoing costs could be recovered from firearm licence holders through an increase in licence and other fees. Likewise, any shortening of duration to licences would result in an increase to the average annual cost paid by the licensee”.*

The proposed change seems to be designed more as a revenue exercise, than to improve firearms safety.

Enabling the Police to check firearm storage between renewals provides a suitable compromise.

The Police Impact Statement does offer an option (3) in Section 3.2.2 for the initial licence to be for five years and subsequent renewals to be every ten years.

***If the Select Committee does not accept that the duration remains at 10 years, we would request they adopt Option 3 with the proviso that the Police can check firearm storage between renewals.***

We would recommend Section 25(1) is deleted.

If the Select Committee does not delete this Section, we would recommend Section 25(1) is changed to:

*“An initial firearms licence comes into force on the date specified in the licence and, unless revoked or surrendered earlier, expires 5 years from that date. A subsequent renewal of a firearms licence comes into force on the date specified in the licence and, unless revoked or surrendered earlier, expires 10 years from that date.”*

## Part 6 Section 38A Interpretation - Shooting clubs and shooting ranges

In this Part,—

**application for approval** means an application made under **section 38C** to have a shooting club approved

**application for certification** means an application made under **section 38K** to have a shooting range certified

**certified shooting range** means a shooting range certified under **section 38O**

**shooting activities**—

(a) means activities that are carried out using a firearm or airgun for the purpose of shooting at inanimate targets (whether fixed or moving); but

(b) excludes—

(i) paintball shooting; and

(ii) airsoft shooting

**shooting club** means a voluntary association of people who—

(a) act in accordance with a set of written rules; and

(b) participate in, or intend to participate in, shooting activities on a regular basis

**shooting range**—

(a) means a facility (whether indoor or outdoor), or a designated area of land, used by a shooting club or members of the public for the primary purpose of carrying out shooting activities; and

(b) includes any defence area (as that term is defined in section 2(1) of the Defence Act 1990) used by a shooting club.

### TSNZ Comment

Based on the definition of **shooting activities**, shooting at targets is classed as a shooting activity, while shooting at animals and game is not classed as a shooting activity.

Based on the definition of a **shooting club**, a collection of shooters, without a set of written rules would not constitute a Club, and therefore would not need to be certified. Such a group of shooters clearly has more potential for risky behaviour than a well-managed formal Club.

Based on the definition of a **shooting range**, a person who practices shooting in the same place on a farm, albeit their own, their family's or a friend's property will have that location classed as a range and therefore would require certification at \$2,500 every five years.

These definitions are illogical, confusing and bad. That they are then used to define what activities and ranges require approval and certification is equally illogical, confusing and bad.

***Greater thought is required to provide for more sensible and clearer definitions.***



## **Section 38B Shooting club must have certificate of approval**

(1) A shooting club that uses a shooting range for its shooting activities must hold a certificate of approval issued by the Commissioner.

(2) A person who establishes or continues to operate a shooting club without the club holding a certificate of approval commits an offence and is liable on conviction to a fine not exceeding \$10,000.

### **TSNZ Comment**

Shooting Clubs are already registered with their National Sporting Organisation and they already have rules about their Clubs and how Clubs run their ranges.

No evidence whatsoever has been put forward indicating that requiring the approximately 400 Firearms Clubs in NZ to have a Certificate of Approval will increase public safety with or around the use of firearms.

TSNZ alone has approximately 140 affiliated Clubs throughout NZ that all follow the rules laid down in our Constitution. As an Incorporated Society, the TSNZ Constitution is available online, as are those of our Clubs who are incorporated.

To reiterate, there is oversight of the "...estimated 260 clubs that operate ranges for different types of firearms..." (p. 40). This is achieved by the holding of insurance certification for public liability, which in turn requires range certification, (if the club operates a club range facility) and annual registration as a body corporate (under the Incorporated Societies Act (1908)). These responsibilities have long been happily accepted by clubs.

Under Proposed Section 38B, the identification of putative costs for "club registration and club oversight" of the order of \$435 to \$520 per club, point to cost recovery intentions. The estimated costs, presumably for a five-year period, are given on p. 76 of the Regulatory Impact Analysis for the Arms Legislation Bill (August 2019). The external approval of incorporated bodies (clubs) and their rules (constitutions) is already covered by the requirements of the Incorporated Societies Act (1908), whereby Registrar approval is required of its objects, its winding up provisions, and, on an annual basis, the presentation of an annual financial statement (AFS).

In Appendix A, we have included an extract from our Constitution showing the detail of our Range safety conditions and our Range Standards, as a demonstration of our concern to meet very high safety and operating conditions for our sport.

The Deerstalkers Association (40+ Clubs) was mentioned in Parliament (Hansard) as an example of an organisation which already has a voluntary regime in place in terms of regulating their own membership. They are not alone. TSNZ and other organisations including Clay Target (80+ Clubs), Fullbore Rifle (20+ Clubs), Sporting Rifle (10+ Clubs), and Pistol (90+ Clubs), all have voluntary regimes, negating the need to be formally regulated.

***One real concern is the lack of right of appeal for a refusal by the Police to issue a certificate.***

Another concern is that the registration fees of both a Club and its range will add more cost for every Club member and in some cases, force the closure of the Club.

***In summary, TSNZ believe that Part 6 should be deleted from this Bill.***

***In the case of the Select Committee not deleting Part 6, we propose an alternative compromise.***

***If a Club belongs to a National Sporting Organisation (NSO), the NSO or Club could provide the Club information to the Police annually, negating the need for formal approval.***

***If the requirement for a shooting club to have a certificate of approval is enacted, then TSNZ would request that TSNZ Clubs and other NSO Clubs are exempted from the requirement to be certified.***

***Clubs would still register through the Gun Registry to be able to list their Club firearms and airguns.***

We have also made several points relating to the impact on Clubs in our comments for **Section 93 Content of registry** which also need to be taken into account.

## Section 38J Annual reports

(1) A shooting club must, not later than 3 months after the end of its financial year, provide to the Commissioner an annual report on its operation.

(2) The annual report must include the particulars prescribed in regulations made under this Act.

The regulations in this Bill outlines the requirements of annual reporting.

These include providing information on:

- Finances;
- Storage;
- Safety;
- Discipline;
- Training;
- Competitions;
- Office holders;
- Membership;
- Participating non-members; and
  - ratios of members who are licence holders;
  - endorsement holders;
  - or trained range officers to those who are not.

## TSNZ Comment

This will add significantly to the voluntary Secretary's and other office bearers' duties.

Our Clubs are also incorporated through the Incorporated Societies with their own Constitutions online. The Club finances and key office holder details are also provided, annually, as required.

Much of the licencing information is private to the individual and a Club has no right to request this information.

We do not understand how this will improve Club safety, as TSNZ already manage our Clubs and ranges in the required manner.

We believe there should not be any requirement for additional Annual reporting by Clubs.

## Section 38K Shooting ranges must be certified

(1) A person may not operate a shooting range unless the shooting range is a certified shooting range.

(2) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person contravenes subsection (1).

### TSNZ Comment

As noted in **Section 38A**, the definition of a **shooting range** is too broad and not appropriate.

Like Clubs, shooting ranges are already registered with their National Sporting Organisation and TSNZ already has rules about the ranges and how Clubs run their ranges. Ranges used for TSNZ activities all undergo Range Inspections and certification by our qualified Range Inspectors based on a system that was set up in conjunction with and approved by the NZ Police. See Appendix A.

***All the TSNZ indoor ranges are designed and managed to ensure that no bullet can “escape” the confines of the range, consequently they pose no risk to the public and should not require certification. Our outdoor ranges are also fully safety compliant to Olympic standards and are used by our potential Olympic shooters.***

It must be noted that outdoor ranges are certified for specific types of shooting and skill levels. One key measure used to determine the safety template for a range design is the “cone of fire”. For target shooters, the cone of fire is very small which reduces the required template size. For army and police ranges who must cater for a wider range of skills, the cone of fire is quite large and requires a significantly larger safety template.

While the majority of TSNZ ranges are permanent establishments, we do occasionally need temporary ranges for some of our larger Inter Island competitions. These are often Community or School halls or even Wool Stores. Our Constitution already requires any temporary range to be approved by Range Safety Inspector, appointed by the TSNZ Executive.

Having to certify such temporary ranges with the Police, in addition to TSNZ’s certification, will create a great level of extra work by the local organising committees who are already stretched organising a major competition for approximately 200 shooters.

To our knowledge, there has been no serious gunshot injury or fatality on a civilian range in NZ in the last 100 years. However, it has been noted that Police on Police ranges have had several cases of gunshot injuries in recent times.

Clearly, the current NSO safety practices are far superior to any Police standards.

No evidence whatsoever has been put forward indicating that certifying ranges with the Police will increase public safety with or around the use of firearms.

If Part 6 is not deleted, we believe that the NSO could provide all the Club and Association range information to the Police, annually, negating the need for formal certification and cost.

Using the NSO Inspectors would reduce the cost to the Police, ensure Clubs and Ranges are maintained to correct standards and keep costs to individuals and Clubs to an acceptable level.

*In summary, TSNZ believe that Part 6 should be deleted from this Bill.*

*In the case of the Select Committee not deleting Part 6, we propose an alternative compromise.*

Delete **Sections 38A – 38V** but retain **Sections 38T – 38V** on Compliance.

### **Section 38K Cancellation of certification**

The Commissioner may cancel certification in respect of a shooting range if the Commissioner is satisfied that—

- (a) the shooting range is no longer being operated as a shooting range; or
- (b) the shooting range is not being operated with proper regard to individual or public safety; or
- (c) the owner or operator of the shooting range is not complying with any conditions imposed under section 38P; or
- (d) having regard to the matters specified in section 38N, it is no longer appropriate that the shooting range be certified

### **TSNZ Comment**

With regard to (a), TSNZ does have a number of ranges that go into recess from time to time when the membership drops. Once a range loses its certification, we believe the difficulty and cost of re-establishing a range will be prohibitive, when a small number of shooters want to re-start the Club and range.

## Section 41A Marking of firearms

(1) This section applies to all firearms, **parts**, and magazines possessed by firearm licence holders, including those manufactured in or imported into NZ, but does not apply to antique firearms.

(2) Firearms, **parts**, and magazines to which this section applies must be marked in accordance with regulations made under section 74.

(3) The Crown is not liable to pay compensation in respect of—

(a) the loss of value in the case of any firearm, part, or magazine that results from it being marked in accordance with the regulations; or

(b) the cost of marking the firearm, part, or magazine.

## Interpretation

(1) **part**—

- (a) in relation to a pistol or a restricted weapon, includes anything, such as a butt, stock, magazine, silencer, or sight, that, although not essential for the discharge by a pistol or a restricted weapon of any shot, bullet, missile, or other projectile, is designed to be, or is intended to be, an integral part of the pistol or restricted weapon; and
- (b) in relation to a prohibited firearm, includes anything, such as a butt, stock, magazine (other than a prohibited magazine), silencer, or sight, that, although not essential for the discharge by the prohibited firearm of any shot, bullet, missile, or other projectile, is designed to be, or is intended to be, an integral part of the prohibited firearm; and
- (c) in relation to any firearm (other than a pistol, restricted weapon, or prohibited firearm), means the action for that firearm and, if relevant, includes the upper receiver and lower receiver, whether together or individually; and
- (d) **in relation to any firearm, includes anything**, such as bolt carrier group parts, trigger group parts, lower parts kits, barrel, gas block, gas tube, folding or telescoping stock, magazine loader, sub-calibre conversion kits, and carbine stock

## TSNZ Comment

The requirement to mark anything related to a firearm is completely excessive and, in most cases, impractical.

For example, there are interchangeable triggers used in target rifles and pistols – changing these has little effect on the overall performance of the firearm and they are completely impracticable to mark. Another example is the removable sights and sight components we use on a firearm are unnecessary to mark and impractical.

A stock on a target rifle is also interchangeable and is not restricted to being associated with a single action. For 3 Positional shooters who shoot standing, kneeling and prone, the competition rules now require them to change the butt component of their stock for each discipline during a match.

Many single shot target rifles have an adjustable stock to ensure the rifle fits the marksperson. Our concern is that this would be classified as a telescoping stock which is wrong.

Target rifle barrels have a finite life. Fullbore rifle barrels need to be replaced every ~5,000 rounds otherwise their accuracy drops to an unacceptable level. Smallbore barrels need to be replaced less often. Consequently, the replacement barrels do not have any markings on them to match the rifle action. The reality is that all firearms require an action in order to be fired, so only the action needs to be marked. Rifle manufacturers do stamp the registration number on the action or receiver.

If an action is installed in a new stock, do both old and new stocks require marking?

If components of a stock are removable/replaceable, do they require marking?

An issue is that shotguns do not have serial numbers engraved on the barrel, and to do so would potentially damage the barrel and render it unsafe.

We consider the potential requirement that individual parts of a firearm or airgun to be marked is excessive and unnecessary.

The only component of a firearm that holds the bullet is the action, which is usually proof tested and marked by the manufacturer.

***We would recommend that for an A category firearm, only markings to the action is required.***



## Section 43 Selling or supplying firearm or airgun to unlicensed person

(1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$20,000, if the person—

(a) sells or supplies a firearm (other than a pistol, prohibited item, or restricted weapon) to any person who is not the holder of a firearms licence, a dealer's licence, or a permit issued for the purposes of **section 16(1)**; or

(b) sells or supplies an airgun to any individual who is under the age of 18 years and is not the holder of a firearms licence.

(2) It is a defence to a prosecution for an offence against subsection (1)(a) if the defendant proves—

(a) that the defendant took reasonable steps to ascertain whether the person to whom they sold or supplied the firearm (A) was the holder of a firearms licence; or

(b) that—

(i) the firearm was sold or supplied to A for use under the immediate supervision of another person, not being a visitor to New Zealand, who holds a firearms licence (B); and

(ii) at all times, while A was in possession of the firearm, A was under the immediate supervision of B.

(3) It is a defence to a prosecution for an offence against subsection (1)(b) if—

(a) the defendant proves that the defendant took reasonable steps to ascertain whether the individual to whom they sold or supplied the airgun (not being a specially dangerous airgun) (C) was the holder of a firearms licence and was a person of or over the age of 18 years; or

(b) the defendant proves—

(i) that the airgun was sold or supplied to C for use under the immediate supervision of another person (D) who holds a firearms licence and was a person of or over the age of 18 years; and

(ii) that at all times while C was in possession of the airgun, C was under the immediate supervision of D.

## TSNZ Comment

Our Clubs supplies firearms or airguns to Club members, who may or may not hold a Firearms licence, and to unlicensed visitors to the Club to learn how to shoot in a safe and controlled environment.

In most cases, the Clubs will meet the requirements of the Bill in Section 43 2(b) or 3(b)

### ***At issue is the phrase “under the immediate supervision of another person”***

While the Club person who supplies the firearm or airgun to an unlicensed person can personally supervise while they are in the Clubrooms, the unlicensed person then takes the firearm or airgun onto the range. The person in charge on the range is the Range Officer, who is not the person who supplied the firearm or airgun to the unlicensed person in the first instance.

***The same issue applies when a licence holder transports a firearm or airgun to a competition on behalf of a non-licensed shooter.***

We would recommend that clause 2(b)(ii) is changed to:

“at all times, while A was in possession of the firearm, A was either under the immediate supervision of B or another person who also holds a firearms licence, such as a range officer or delegated Club member.”

We would recommend that clause 3(b)(ii) is changed to:

“at all times, while A was in possession of the airgun, A was either under the immediate supervision of B or another person who also holds a firearms licence, such as a range officer or delegated Club member.”

## Section 62 Right of review of official decisions

- (1) This section applies to a decision to refuse an application for, or to revoke, a firearms licence.
- (2) A person who is the subject of a decision to which this section applies may apply in the prescribed manner to the Commissioner for a review of the decision.
- (3) An application must state—
- (a) the decision that the applicant wishes to be reviewed; and
  - (b) the reasons why the applicant thinks the decision should be reviewed; and
  - (c) the outcome the applicant is seeking.
- (4) An application must, subject to subsection (5), be made within 28 days after the date on which notice of the relevant decision is given to the person.
- (5) The Commissioner may accept a late application no later than 28 days after the closing date in subsection (4) if satisfied that there are extenuating circumstances that affected the ability of the claimant to make the application by the closing date.

### TSNZ Comment

***Currently, the Bill does not provide Clubs the right of appeal to the Commissioner or a District Court Judge for a refusal by the Police to issue a certificate of approval or for an application for certification in respect of a shooting range.***

We recommend Subsection (1) and associated subsections, should be modified to also apply in the case of a decision to refuse a Club a certificate of approval.

We also recommend Subsection (1) and associated subsections, should be modified to also apply in the case of a decision to refuse an application for certification in respect of a shooting range.

## Section 80 Activities that may be subject to cost recovery

(1) The Minister of Police may recommend the making of a regulation under **section 86** only if satisfied that the fee or charge concerned relates to an activity in respect of any licence, application, or other matter under this Act that is undertaken by the Police in administering this Act.

(2) The activities for which fees or charges may be imposed under **section 86**—

(a) include—

(i) the development, provision, or approval of training materials, and testing of applicants, for any licence, endorsement, certificate, or approval; and

(ii) the assessment of applications for any licence, endorsement, permit, certificate, or approval; and

(iii) the issue of, administration relating to, and recording of any licence, endorsement, permit, certificate, approval, transaction, or notice; and

(iv) the monitoring and audit of compliance or non-compliance with the requirements and conditions relating to any licence, endorsement, permit, transaction, certificate, approval, or notice; but

## TSNZ Comment

This is an area of concern for all our members, as the costs of our sport look to escalate significantly. The Bill appears to give the Police control to specify fees to recover all their costs against a small number of shooters through:

- Higher licence fees;
- Higher frequency of licence renewals from every 10 years to every five years;
- Fees to register Clubs;
- Fees to register ranges;
- Recurring range licence fees every five years.

The Police Regulatory Impact Analysis for this Bill, Section 4, outlines some of the estimated costs:

- Licence application fee \$450 – 500;
- Club registration fee \$500 – 600;
- Range certification fee \$2,500 – 3000 (renewed every five years).

Many of our members earn the average wage or less and it is estimated that 25 – 30% of our members rely on Club equipment and firearms to shoot and compete. The cost of smallbore and airgun ammunition is lower than many other forms of shooting and this enables many of our shooters to continue to participate in this discipline.

For them, every cost is significant, an estimated one-off cost of \$750 plus annual costs of \$150 is likely force some shooters to quit the sport (based on 15-person Club).

***Given that the Police Regulatory Impact Analysis considers the Bill to benefit all New Zealanders, it is therefore logical that all New Zealanders should also contribute, rather than just the firearms licence holders that are being unfairly penalised.***

## **Section 88 Commissioner's Firearms Advisory Group**

(1) The Commissioner must establish a Commissioner's Firearms Advisory Group (the advisory group) comprising a chairperson appointed by the Minister of Police and up to 8 other members appointed by the Commissioner.

(2) The purpose of the advisory group is to advise the Commissioner on matters that contribute to achieving the objectives of this Act, in particular, the safe use and control of firearms.

(3) The advisory group may provide advice on any matter relating to firearms in New Zealand, including legislative proposals, policies for regulating New Zealand's firearms regime, and the promotion of firearms safety.

### **TSNZ Comment**

As one of the larger shooting related organisations in NZ, TSNZ should be represented in this Advisory Group.

## **Section 91 Health practitioners may give Police medical reports of persons unfit to use firearm**

(1) This section applies if a health practitioner who has attended or been consulted in respect of a person who the practitioner knows or has reason to believe is a firearms licence holder considers that the mental or physical condition of the licence holder is such that, in the interests of the safety of individuals or the public, the licence holder—

(a) should not be permitted to use or possess a firearm; or

(b) should only be permitted to use or possess a firearm subject to any limitations that may be warranted by the mental or physical condition of the licence holder.

### **TSNZ Comment**

We are concerned that this will lead to the lack of reporting and the hiding of symptoms by individuals until it is too late, due to increased lack of trust and faith with all health practitioners, and this Section should not be included in the Bill.

The change could also result in health practitioners reporting issues to NZ Police concerning patients who are not Firearms Licence holders, under the risk of accidentally not reporting an issue, and this would constitute a clear breach of patient confidentiality.

## Section 93 Content of registry

(1) The following particulars must be recorded in the registry:

- (a) the number and date of expiry of every licence held by a person under this Act:
- (b) every licence holder's full name, date of birth, and address:
- (c) every endorsement on a licence:
- (d) every condition on a licence or an endorsement that is additional to conditions imposed by this Act or regulations made under section 74:
- (e) the particulars of the make, model, and identifying markings of every firearm, restricted weapon, and prohibited magazine possessed by a licence holder, and of the location of the firearm, restricted weapon, and prohibited magazine, if the particulars are held by the Police:
- (f) every particular that regulations made under section 74 require to be recorded in the registry.

(2) The registry may include—

- (a) photographs provided under section 34A; and
- (b) any other information that the Commissioner considers necessary or desirable—
  - (i) to ensure that the registry is complete and accurate; or
  - (ii) for the administration of this Act and regulations made under it; and
- (c) any other photographs that the Commissioner considers necessary or desirable.

## TSNZ Comment

TSNZ believe that the current form of firearms licence documentation and vetting should not change. We oppose the proposed Gun registry as it does not support the concept of Clubs with Club firearms and potentially could expose our members through registry hacking.

Any registry will not be 100% accurate. Consequently, the Police would be ill advised to rely on it to determine firearms present at an address of interest.

## Online Registration

The quality and timeliness of the current Firearms Licencing system is already poor, based on the personal experiences of many of our members. Adding a major software system to this to provide an online registry system could exacerbate the issues.

A number of our members are not computer literate and would not be able to complete an online registration.

There are risks of mistakes, errors, and misinterpretation in the registry, leading to prosecutions for individuals who have inadvertently made mistakes, forgotten information, been distracted, unwell, or not understood a computer-based system etc. All are non-criminal intention reasons why a person may not fully comply with the registration process.

We also have real concerns about the security of information held by central government agencies regarding the Gun registry, Club and Range certification. The risks from

unauthorised access, unauthorised disclosure and other forms of data leakage will be a major threat to every Firearms owner. Almost weekly, news reports, if they are to be believed, advise of data losses, either in physical or in electronic form.

### **Impact on Clubs**

While the intent is to register all firearms held by a licence holder, it makes no provision to register any firearms held by a Shooting Club or Range.

Our Clubs are relatively small, typically range from five to 30 people, and are effectively a collective of individuals. All the Club Officer holders are voluntary members, and most Clubs are properly Incorporated Societies.

A Club supports their members through the management of the range and shooting activities on the range. A significant part of all Clubs is the introduction and the training of new shooters in firearms safety and safe handling and use of firearms on the range. All shooting activities on a range are performed under the control of a designated Range Officer, who ensures all the safety rules are adopted and followed.

Clubs will usually have between 4 – 20 Club rifles available for visitors, schools, scouts, and new members. These heavy rifles typically weigh 4 – 6 kg, are strictly single-shot bolt or Martini action and are fitted with aperture sights. They are definitely not “high harm” firearms.

These rifles are stored in a safe storage facility within the range and bolts are kept separate in a proper manner according to the Arms Regulations.

While we have a Club President, his/her role is as a Chairperson and is not considered to be a Club “Manager” or “Operator”. Requiring an individual member to be the “Operator”, responsible for all the Club firearms and having them linked to their personal Firearms Licence, is likely to kill our sport, as no one will be prepared to commit to that responsibility, particularly with the new penalty regime.

***Consequently, without Club rifles our clubs will die as we won't be able to attract and support new shooters and the Clubs would effectively cease to function. This will have the same effect on all shooting sports from Clay Target, Fullbore Rifle, Sporting Rifle, Deerstalkers and Pistol.***

### **Security**

Having the firearms registered and secure, does not stop them from being stolen. We know of cases where criminals are now visiting homes known to have firearms, and arriving complete with angle grinders and other steel cutting gear, specifically designed to cut open gun safes, etc. It is common that the criminals who do steal firearms usually remove any markings to avoid them being traced.

As a result, many clubs and ranges try to “fly under the radar” in order to avoid being a known target.

We also have real concerns about the security of information held by central government agencies regarding the Gun registry, Club and Range certification. ***The risks from unauthorised access, unauthorised disclosure and other forms of data leakage will be a major threat to every Firearms owner.***



The history of electronic security in the past twelve months demonstrates that no electronic storage of confidential information is secure from hacking and other unauthorised accesses. A Gun registry would be a prime target for the criminals.

Firearms owners have genuine concerns that their personal safety and the security of their property will be vulnerable under the proposed gun register.

In practice, a firearms register will achieve little in reducing crime or assisting the police and may in fact do some serious harm. Its cost and complexity will outweigh its usefulness as a crime prevention tool.

### **Changes to the Bill**

The Bill needs to be changed to include the registration of firearms and airguns to a Club rather than an individual person.

***Rather than require a Club to be certified, we suggest that a Club should register in a similar way as an individual. This would record all the information the Police require and allow for all Club rifles to be listed against the Club, rather than an individual.***

***The Clubs would still be required to provide adequate security for any Club firearm or airgun and would be open to any Police inspection.***

Currently, the Bill does not specify whether firearms or airguns registered to one individual may be loaned to anyone else who holds a firearms licence.

For example, currently, we have Club members with a firearms licence transporting Club firearms to a competition venue for our non-licensed members. There are a number of different scenarios that are similar in nature.

As the firearms may be moved from time to time, the Bill should specify the “**primary location**” rather than just “**location**”.

We would recommend that Section 93 (1) is changed to:

- (1) The following particulars must be recorded in the registry:
  - (a) the number and date of expiry of every licence held by a person or Club under this Act:
  - (b) every licence holder’s full name, date of birth, and address or Club’s Incorporated Societies name, its NZBN number; and address:
  - (c) every endorsement on a licence:
  - (d) every condition on a licence or an endorsement that is additional to conditions imposed by this Act or regulations made under section 74:
  - (e) the particulars of the make, model, and identifying markings of every firearm, restricted weapon, and prohibited magazine possessed by a licence holder, and of the primary location of the firearm, restricted weapon, and prohibited magazine, if the particulars are held by the Police:
  - (f) every particular that regulations made under section 74 require to be recorded in the registry.

## Section 94 Obligation to provide information to registry

(1) This section applies to the following persons:

- (a) every holder of a firearms licence:
- (b) every holder of a dealer's licence:
- (c) every other person who is or intends to be in possession of a firearm or other item controlled by or under this Act.:

### TSNZ Comment

Subsection 94(1)(c) is too encompassing and would be a major issue for Clubs and new visitors, schools, etc.

On this basis, a person intending to visit one of our Clubs and try the sport of target shooting by shooting a firearm at the Club range would have to provide information to the Registry.

Some Clubs hold "Give it a go Days" where tens of people try our sport. Should they have to register before they try?

***Subsection 94(1)(c) should be deleted.***

This section also needs to change to reflect our proposed inclusion of a Club licence.

We would recommend that Section 94 (1) is changed to:

(1) This section applies to the following persons:

- (a) every holder of a firearms licence:
- (b) every holder of a dealer's licence:
- (c) every holder of a club's licence;

## Schedule 1 Part 2 Provisions relating to Arms Legislation Act 2019

### Section 14 Shooting Clubs

(1) Subclause (2) applies to an incorporated pistol shooting club that, immediately before the date of commencement of Part 6, was recognised by the Commissioner for the purposes of section 29 (as in force immediately before the commencement of section 42 of the amendment Act).

(2) On and after the commencement of Part 6, the incorporated pistol shooting club is to be treated as if the club has been issued with a certificate of approval under section 38F.

(3) In the case of any other shooting club that existed as a shooting club immediately before the commencement of Part 6, section 38B does not apply to that club until 12 months after the date of commencement of Part 6.

### TSNZ Comment

Our concern with Sub Section (3) relates to the timeframe of implementation.

The time to register 150 Smallbore clubs and 100 Smallbore ranges in 12 months equates to 2.5 per week for TSNZ only. With approximately 300 Clubs, excluding Pistol Clubs, the time required to certify all Clubs and ranges is likely to exceed the 12-month timeframe.

***TSNZ believe that Part 6 should be deleted from this Bill.***

In the case of the Select Committee not deleting Part 6, we propose an alternative compromise. We would recommend that Schedule 1, Part 2, Section 14 (3) is changed to:

***(3) In the case of any other shooting club that existed as a shooting club immediately before the commencement of Part 6, section 38B does not apply to that club until 5 years after the date of commencement of Part 6.***

## Schedule 1 Part 2 Provisions relating to Arms Legislation Act 2019

### Section 15 Shooting ranges

(1) Subclause (2) applies to a shooting range that at the date of commencement of Part 6 was approved by the Commissioner.

(2) The shooting range is to be treated as if the range has been issued with a certificate **under section 38O** during the period that—

(a) commences on the date of commencement of Part 6; and

(b) ends on whichever of the following dates first occurs:

(i) the date of cancellation of the Commissioner's approval of the shooting range given before the commencement of Part 6:

(ii) the date that is 5 years after the date of commencement of Part 6.

(3) In the case of any other shooting range that existed as a shooting range immediately before the commencement of Part 6, section 38K does not apply to that shooting range until 12 months after the commencement of Part 6.

### TSNZ Comment

Our concern with Sub Section (3) relates to the timeframe of implementation.

With approximately 300 Clubs/Ranges, excluding Pistol Clubs, the time required to certify all ranges is likely to exceed the 12-month timeframe.

Also requiring a certificate every five years will place a huge financial burden on many of our smaller Clubs and ranges.

***TSNZ believe that Part 6 should be deleted from this Bill.***

In the case of the Select Committee not deleting Part 6, we propose an alternative compromise. We would recommend that Schedule 1, Part 2, Section 15 is changed to:

(1) Subclause (2) applies to a shooting range that at the date of commencement of Part 6 was approved by the Commissioner.

(2) The shooting range is to be treated as if the range has been issued with a certificate under **section 38O** during the period that—

(a) commences on the date of commencement of Part 6; and

(b) ends on whichever of the following dates first occurs:

(i) the date of cancellation of the Commissioner's approval of the shooting range given before the commencement of Part 6:

(ii) the date that is 10 years after the date of commencement of Part 6.

(4) In the case of any other shooting range that existed as a shooting range immediately before the commencement of Part 6, section 38K does not apply to that shooting range until 5 years after the commencement of Part 6.

## Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984

### Order in Council

#### Section 3 Specially dangerous airguns

- (1) The airguns known as the Larc International Model 19A and the Larc International Model M19-AMP are hereby declared to be specially dangerous airguns.
- (2) ***Specified pre-charged pneumatic air rifles*** are declared to be specially dangerous airguns.

Clause 3(2): added, on 15 October 2010, by clause 5 of the Arms (Restricted Weapons and Specially Dangerous Airguns) Amendment Order 2010 (SR 2010/308).

#### TSNZ Comment

Currently the type of PCP target rifles we use have been declared by the Governor-General, by Order in Council made under section 4, to be a specially dangerous airgun.

The PCP target air rifles used for TSNZ and ISSF competitions are restricted to a velocity less than 200 m/s (650 fps) and typically weigh approximately 5 kg. The number of these specific airguns in NZ, probably number less than 100.

Consequently, we believe they should be exempted from the “specially dangerous airgun” category. By exempting these specific airguns, the requirement for our junior and para shooters to obtain a firearms licence would be removed. This would align with PCP air pistols that are already exempt.

This would be very beneficial to both our junior shooters who learn to shoot and compete with these airguns and our para shooters, many of whom only use this type of airgun and would not need a firearms licence.

#### ***We recommend the following:***

- (1) Replace Section 3 Subsection (2) with***
- (2) Specified pre-charged pneumatic air rifles, with a muzzle velocity greater than 200 metres per second, are declared to be specially dangerous airguns***

## Appendix One – TSNZ Constitution Rules of Conduct

### Indoor Competition

#### Subsection 2.2 Safety

2.2.1 The safety of competitors, range officials, and spectators requires continued attention to safe firearms handling. Self-discipline is necessary on the part of all concerned. Where such discipline is lacking, it is the duty of range officials to enforce discipline, and the duty of all members of TSNZ to assist and encourage such enforcement.

2.2.2 The Range Committee is responsible for overall safety. The Range Committee may establish further safety rules considered necessary for any particular venue.

2.2.3 The Range Officer is responsible for safety on the firing point and must ensure that the commands are obeyed and that all firearms are handled safely.

2.2.4 Any competitor who acts in an unsafe manner or fails to respond to the commands of the Range Officer, shall be required to stop firing immediately and the matter shall be reported to the Range Committee for consideration.

2.2.5 Any person who has consumed alcohol or other substance which may render him/her unsafe to handle firearms, shall not participate in any shooting competition while under the influence of the alcohol or other substance.

2.2.6 The actions of all rifles containing the bolt or lever action must remain open with a safety flag inserted at all times, except when on the firing point, after the range officer has given instructions to remove safety flags or turned the red light off.

2.2.7 At the commencement of each detail shooters may not get into position until the range has been cleared of personnel, and the red light has been turned off.

2.2.8 Rifles must only be loaded on the firing point with the muzzle pointing forward of the firing line after the appropriate instruction has been given by the Range Officer.

2.2.9 Should it be necessary for personnel to go forward of the firing line during the course of a detail (for instance to replace a target), the range officer shall give the cease fire command, and ensure that all rifles are unloaded, with butts on the ground, and safety flags inserted, and the red light turned on before allowing personnel on the range.

2.2.10 A rifle is considered to be loaded when a live round is on the loading ramp or in the breech, regardless of whether the action is open or closed, and at any time when the action is closed.

2.2.11 The final locking of the action shall not take place until the butt of the rifle is in contact with the competitor's shoulder and the muzzle is pointed in a safe direction towards the target(s).

2.2.12 Upon the command "SHOOTERS, STOP AND UNLOAD" competitors must stop shooting immediately, unload their rifles and, with the action open, lower the butts to the ground.

2.2.13 At the end of the detail the Range Officer shall give the command "SHOOTERS, CLEAR ACTIONS AND INSERT SAFETY FLAGS". Competitors shall respond by closing and opening the action and shall then insert a safety flag. The Range Officer shall verify that all actions are clear and safety flags are in before the rifles are taken from the firing point.

2.2.14 When personnel are forward of the firing line rifles shall be unloaded with the actions open and the butts on the ground.

2.2.15 All competitors, officials and other people in the immediate vicinity of the firing point must wear earplugs, earmuffs or similar hearing protection during live firing.

## Subsection 2.3 Range Standards

2.3.1 Ranges must have a line of targets and a firing line parallel to the target line. The firing line shall be clearly marked with a line with a maximum width of 25mm. The firing points are located behind the firing line and must be numbered to correspond with the targets.

2.3.2 Ranges may be of either 18.288 meters (20 yards) or 22.860 meters (25 yards) +/-50mm (2 inches). The length of the range is to be determined by measurement of the shortest distance between the forward edge of the firing line and the face of the targets.

2.3.3 The firing point shall preferably be flat. If sloped, any slope shall be towards the rear and the grade not more than 87mm in each 2 meters.

2.3.4 The firing point may be equipped with permanent padding not exceeding 25mm thick uncompressed.

2.3.5 The range shall be constructed with suitable protection that, under all normal conditions, will prevent any projectile from exiting the range perimeter.

2.3.6 All ranges shall have provision for the firing of warning shots while the competitor is on the firing point and in accord with Rule 2.2.8.

2.3.7 All ranges, both permanent and temporary, must be inspected and certified, prior to use, by a Range Safety Inspector appointed by the TSNZ Executive. For permanent ranges re-inspection shall be required when substantial alterations or modifications are made to the range. For temporary ranges the Range Certificate shall specify the approved period of use.

2.3.8 It is the responsibility of the affiliated body concerned to make application to TSNZ for any required inspection.

2.3.9 Each range shall be equipped with a red safety light, controlled by the Range Officer. The light on indicates to shooters that rifles must be made safe and butts placed on the mound.

2.3.10 Range Certificates, a list of Range Safety Inspectors, and recommendations on range construction, target heights, lighting and ventilation are available from the TSNZ Executive Officer.

2.3.11 Lighting: All ranges must have artificial illumination providing the necessary amount of light without glare or distracting shadows on the targets or firing points. The entire area must be evenly illuminated with not less than recommended minimum 300 lux.

2.3.11.1 Targets must be illuminated evenly with not less than 1000 lux. The background area behind the targets must be a non-reflecting, medium, neutral colour. If fluorescent lights are used, multiple tubes working "out of phase" must be provided.

2.3.11.2 Measuring of the target illumination (minimum of 1000 lux) must be done with the measuring device held at the level of the target and pointed towards the firing point.

2.3.11.3 Measuring general range illumination (minimum 300 lux) must be done with the measuring device held at the firing point and midway between the firing point and the target line, with the device directed towards the ceiling illumination.