

Proposals for new regulations under the Arms Act 1983

(Phase Two)

Shooting Clubs and Ranges

This discussion document sets out proposals for new Arms Regulations in relation to:

- **the new requirement for approval of shooting clubs by the Police Commissioner**
- **the new requirement for certification of shooting ranges by the Police Commissioner**
- **associated provisions that support these changes.**

DISCUSSION DOCUMENT

23 MARCH - 4 MAY 2022

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New Arms Regulations (Phase Two)

Shooting Clubs and Ranges

Introduction

In 2020, a number of changes were made to the Arms Act 1983 (the Act) to strengthen the control and regulation of firearms in Aotearoa / New Zealand. The changes reflect the Act's principles that owning a firearm is a privilege, and people with that privilege have a responsibility to act in the interests of personal and public safety. Not all of the changes have come into force at the same time. Instead, implementation is in phases. The next group of changes will come into force on 24 June 2022, and they can be found in the Arms Legislation Act 2020 in the section labelled 'Part 6 Shooting clubs and shooting ranges' (for a copy of Part 6 and other relevant provisions, please see **Appendix 2**).

Shooting clubs, range operators, and their members and users are key parts of the firearms community in New Zealand. Clubs and ranges can provide a safe space to use firearms in a controlled environment for recreation. While the vast majority of clubs and ranges operate responsibly, the 2020 amendments strengthen the oversight framework by creating an approval and certification regime for shooting clubs and ranges. In order to implement this framework, regulations must be made that set out the practical requirements for clubs and ranges to be approved and certified. Regulations will spell out duties and requirements, and ensure transparency and consistency, across the framework.

New Zealand Police | Ngā Pirihimana o Aotearoa (Police) encourages you to share your views on the proposals for these regulations.

1. What are we consulting about?

Police is seeking your views on proposed regulations¹ that set out the requirements for the approval of shooting clubs and certification of shooting ranges by the Police Commissioner (the Commissioner). Shooting club committees and shooting range operators will have until 24 June 2023 to apply for approval or certification.

Regulations must be made to provide clear and comprehensive directions on expectations around legislative requirements for new Part 6 of the Act, 'Shooting clubs and shooting ranges'.

The general aims of this consultation are to:

- ensure the regulations are fit for purpose and minimise any unintended consequences, and
- give stakeholders, in particular shooting club committees and members, and shooting range operators, opportunity to understand and shape the proposed regulations.

¹ These new regulations will be added to the Arms Regulations 1992.

New Zealand Police invites you to submit your views on the proposals in this discussion document. We are particularly interested in your thoughts on whether the proposals are fit for purpose and whether you can foresee any unintended consequences.

1.1 Out of scope

We are not seeking feedback on Part 6 itself, or on the transitional provisions in new Clauses 12 and 13 of Part 2 of Schedule 1 of the Act (inserted by the Arms Legislation Act 2020). We are only seeking feedback on proposed changes to the Arms Regulations 1992, relating to shooting clubs and shooting ranges.

In this document, any use of the words ‘club’ or ‘range’ refers only to shooting clubs or shooting ranges as defined in section 63 of the Arms Legislation Act 2020, which will be section 38A of the Arms Act 1983.

1.2 How to have your say

To assist you, a submission form is attached as **Appendix 1**.

You can submit by:

- following the link to fill out your submission online, or
- downloading and saving the submission form, filling it out, and then attaching and emailing your submission to consultation@police.govt.nz, or
- posting your submission to Firearms Policy Team, Policy and Partnerships Group, Police National Headquarters, 180 Molesworth Street, PO Box 3017 Wellington 6011.

The closing date for submissions is 4 May 2022.

1.2 Privacy

[The Privacy Act 2020](#) governs how Police collects, holds, uses, and discloses personal information about you and the submission you provide. You have the right to ask to access and correct your personal information held by Police.

- Your submission, or a summary of your submission, may be made publicly available on Police’s website.
- If you are submitting as an individual (not on behalf of a group or organisation, nor in your professional capacity), your personal details and any identifying information will be removed. Please indicate in the box provided in the submission form if you do not want your submission published on Police’s website.

Sometimes people request copies of submissions under the [Official Information Act 1982 \(OIA\)](#). If you want your name and any identifying information removed from your submission before any release to a requester, please indicate in the box provided in the submission form.

1.3 What happens to my submission?

Police will read and analyse each submission received, and then collate this information. Your feedback will help Police to identify problems, solutions, and ensure the regulations are clear and fit for purpose. The collated results of submissions will be considered by Cabinet, alongside Police's recommendations.

Once we have considered all the submissions, final proposals will be put to Cabinet for approval. Any new regulations will be notified in the New Zealand Gazette prior to coming into force during 2022.

2. Proposals for new regulations

The proposals are presented in two parts:

1. Proposed regulations relating to shooting clubs.
2. Proposed regulations relating to shooting ranges.

2.1 New 'Part 6, Shooting clubs and shooting ranges'

The provisions of new Part 6 of the Act, together with the transitional provisions that will be in Part 2 of Schedule 1 of that Act (see **Appendix 2**), recognise the important role shooting clubs can play in promoting the responsible and safe use of firearms.

Historically, Police has worked on reaching some voluntary understanding or arrangements with the voluntary leadership of the umbrella associations of the various shooting disciplines.

As at 24 June 2022 a statutory basis will be given to many of the voluntary rules, standards, and protocols adopted by the range of target shooting disciplines² modelled, to a large extent, on the limited regulatory regime that currently applies to pistol clubs and pistol ranges.

Part 6 defines:

- A shooting club as a voluntary association of people who act in accordance with a set of written rules and intend to participate in shooting activities on a regular basis.
- A shooting range as 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 includes any defence area (as defined in section 2(1) of the Defence Act 1990) used by a shooting club.
- Shooting activities are activities that are carried out using a firearm or an airgun³ for the purpose of shooting at inanimate targets (whether fixed or moving); but excludes paintball shooting and airsoft⁴ shooting.

2.2 Why are new regulations required?

The provisions in new Part 6 of the Act extend regulatory oversight to pistol clubs and ranges by formalising existing arrangements being implemented under a voluntary letter of

² Target shooting disciplines include: pistol, rifle, shotgun, airguns, small bore pistols and rifles, skeet, clay, trapshooting (shotguns), and field shooting (rifles, shotguns). Paintball and Airsoft clubs and shooting on ranges designed for this type of shooting are excluded.

³ Airgun includes – any air rifle; and any air pistol; and any weapon for which by the use of gas or compressed air (and not by force of explosive) any shot, bullet, missile or other projectile can be discharged.

⁴ Airsoft guns fire plastic pellets and are pre-charged pneumatic air rifles which are exempt from the Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984.

agreement with the New Zealand Pistol Association (Inc) (PNZ).⁵ They also extend equivalent oversight to other target shooting clubs and shooting ranges and require approval or certification by the Commissioner. Regulations are needed to implement these new provisions.

New regulations are required to:

- Assist club committees and the operators of shooting ranges to comply with the new provisions.
- Formalise established administrative rules and standards which typically are designed to:
 - promote safety and responsibility in the care and handling of firearms
 - promote safety and responsibility in the secure storage of any firearms and ammunition held temporarily or permanently on club premises or on ranges
 - define and maintain the conduct of competitive shooting disciplines
 - define and maintain the standards and protocols (including Range Standing Orders) for the safe construction, maintenance and use of shooting ranges whether permanent or temporary.
- Clarify the accountability of club members for adherence to the rules and standards of their clubs.
- Clarify the process for introducing non-firearm licence holders to the shooting discipline.
- Enable members of the public and potential new licence holders and club members to identify approved clubs and certified ranges.
- Clarify that only a club member with a current firearms licence can possess and be responsible for the secure storage of firearms held for the use of any club member or any visitor (noting that the Act does not allow a club, a school, any educational or commercial entity to legally possess firearms; only a person with a current firearms licence can possess such firearms).
- Clarify the requirements relating to the sale of any arms items including firearms or ammunition for the benefit of the club.
- Clarify the requirements of range operators.
- Clarify the content of any range manual.
- Clarify the role of an officer on duty.
- Clarify the conditions relating to secure storage of firearms or ammunition at a range.
- Clarify the accountability of range users for adherence to the safety requirements as set out in the range certification documents including Range Standing Orders.

Changes will also need to be made to the Schedule of Fees attached to the Arms Regulations 1992 for fees set for the approval of a shooting club and the certification of a range.

For more background on the firearms regulatory regime, see **Appendix 3**.

⁵ The letter of Agreement sets out that the Commissioner has agreed to recognise any club affiliated with PNZ that can demonstrate it is an Incorporated Society and that its' members have the use of a range recognised by the Commissioner.

2.3 Objectives of the proposals

The proposals in this consultation paper:

- Are consistent with the purposes, and reflect the principles, of the Act.
- If implemented, will give effect to new Part 6 of the Act and the transitional provisions in new Schedule 1 of the Act.
- Meet the requirements of the cost recovery sections 79-86 of the Act.

2.4 Criteria for assessing the proposals

Each of the proposals should support the purposes of the Act to:

- promote the safe possession and use of firearms and other weapons; and
- impose controls on the possession and use of firearms and other weapons.

In support of achieving these purposes, the regulatory regime should reflect the following principles of the Act:

- that possession and use of arms is a privilege; and
- that persons authorised to import, manufacture, supply, sell, possess, or use arms have a responsibility to act in the interests of personal and public safety.

Each of the proposals (excluding proposals relating to fees) will be assessed against the following criteria:

- contribution towards the purposes and principles defined in the Act
- practicality (clear, and able to be understood and followed)
- efficiency (giving effect to them is as easy as possible)
- cost effective (Yes/No).

For most of the proposed regulations there is no previous regulatory oversight and hence maintaining the status quo would not deliver on the purposes of the Act. There is some limited oversight of pistol clubs achieved predominantly through a voluntary letter of agreement, but this does not explicitly deliver on the purposes of the Act.

Proposals regarding fees are assessed against the requirements found in section 81 of the Act, summarised below.

- They do not recover more than the direct and indirect costs.
- They are generally obtained from the users or beneficiaries of the services as far as practicable.
- The cost of the activity is efficiently incurred.
- The relationship between the fee and the nature and duration of the activity is clear.

3. Regulations for Shooting Clubs

This section describes the particulars to be included in regulations to assist implementation of the provisions in the Act requiring shooting clubs to have certificates of approval. This includes regulations to assist the Commissioner in deciding whether to issue a certificate of approval for a shooting club and to clarify the requirements for shooting clubs to be certified.

The certification of already existing incorporated pistol shooting clubs will be covered by the transitional provisions in clause 12 of Schedule 1 of the Act.⁶

Context

On 24 June 2022, Part 6 ‘Shooting clubs and shooting ranges’ will be incorporated into the Act and take effect. See **Appendix 2** for Part 6 of the Arms Legislation Act.

This will require shooting clubs to make application:

- to obtain a certificate of approval for their shooting activities in accordance with the process outlined as provided below (see **Appendix 2**, Part 6: 38B, 38D, 38E, 38F and 38G).
- to be an incorporated society if ammunition or firearms are sold for the benefit of the shooting club (see **Appendix 2**, Part 6: 38C).

3.1 Requirement for a certificate of approval for all shooting clubs that are required to make application by June 2023 and are not exempted from making application as provided for by clause 12 of Schedule 1 of the Arms Act

Context

Section 38D requires that the person making application for approval of a shooting club has the support of the club’s governing committee. Without evidence of this support, it is possible that those responsible for the administration of the club will not be committed to comply with any conditions to which its certificate of approval is subject.

3.1.1 *Manner of application for approval of a shooting club and supporting information*

Issues

It is necessary to ensure there is sufficient information available to satisfy the Commissioner that the club:

- has purposes that support the purposes of the Act
- has members and club activities that reflect the principles of the Act
- promotes the safe possession and use of firearms
- has rules relating to the safe operation of firearms and the safe management of their shooting activities
- will be using certified shooting ranges for its shooting activities
- is appropriately administered
- has proper storage for any firearm or ammunition held at any of the club premises or at a shooting range used by the club.

⁶ This provides that those clubs that have already been recognised by the Commissioner for the purposes of section 29 of the Act are to be treated as if the club has been issued with a certificate of approval under section 38G.

Other information required for the application is proposed in the next section.

Context

Section 38D specifies that the manner of making application is prescribed by regulations.

Proposal

Manner of application

It is proposed that regulations prescribe that an application for a certificate of approval for a shooting club must be made

- a. in writing in hard copy form; or
- b. electronically through an internet site.

An application in writing must be:

- a. signed by the applicant; and
- b. delivered in hard copy form to an address indicated in the application form.

An application made online (*when made available*) must be:

- a. signed by the applicant (electronically); and
- b. delivered in the manner indicated in the application form (such as through email or application portal).

Supporting information

It is proposed that the regulations require that a person making application under section 38D for a certificate of approval for a shooting club must provide evidence that:

- a. There is an incorporated society or a club with a governing committee of the club. The club's rules (if an incorporated society) or constitution or equivalent should show this.
- b. The applicant is authorised to make application on behalf of the club (for example, a minute of a meeting of the club managing committee recording the decision to authorise the application to be made).

In the case of an application made on behalf of an incorporated society the person making the application must provide evidence that the club's registration is current, and the club has met the annual reporting requirement of the Incorporated Societies Act 1908.

Advantages: Providing evidence of the body corporate or governing committee's support gives some assurance of likely adherence to any conditions attached to the approval certificate.

Disadvantages: Introduces a new requirement for clubs but with low compliance cost.

Impact: Requires the club to provide evidence such as a copy of a minute of a meeting or obtain a letter from members of the governing committee.

What do you think?

1. Do you agree with the proposed manner of application? Yes/No? Why?

The proposal sets out the supporting information required to be provided for approval of a shooting club. Requirements include that the person making application for a certificate of approval should provide evidence that an authorising body exists and evidence of approval to apply on behalf of that authorising body. An incorporated society would be required to provide evidence that their registration under the Incorporated Societies Act 1908 is current.

2. Should any information be removed from the list of supporting information? If yes, what information should be removed? Why?
3. Should any information or documents be added to the list of supporting information? If yes, what other information should be required? Why?
4. Do you have you any alternative suggestions as to the documents that could show that a person is authorised to make application? If yes, what? Why?

3.1.2 Information required for approval

Context

Section 38E specifies that the Commissioner may request information to determine whether an application should be approved. Section 38F specifies five⁷ particular matters the Commissioner must consider and be satisfied are sufficiently provided for.

Issue

The following proposal lists information that the Commissioner will require in order to determine whether the applicant should be given a certificate of approval in accordance with the provisions of section 38F. Responses provided will inform conditions that the Commissioner may apply to the certificate of approval in accordance with section 38G(2).

Proposal

It is proposed to prescribe in regulations that the application made on behalf of all shooting clubs (excluding pistol shooting clubs that are recognised by the Commissioner as at 24 June 2022) must provide the following information:

- i. The name of the club.
- ii. Rules regarding the club changing its name or amalgamating with another club.
- iii. Evidence that the club maintains a register of members that includes the names, addresses and for licence holders the firearms licence numbers of members.
- iv. The certified ranges intended to be used by the club and arrangements for their use.
- v. A copy of the minutes of the most recent Annual General Meeting which lists the names of the Chairperson, Secretary and Treasurer.

⁷ The shooting club: will be using a certified range, has rules and promotes the safe possession and use of firearms, is appropriately administered, and has proper storage for any firearm and ammunition held at club premises or held at a range the club uses.

- vi. Evidence that at least two of the club's governing committee members hold a current firearms licence – to ensure those responsible for the club promote activities that align with the principles of the Act.
- vii. Advice as to the financial year the club adheres to.
- viii. Information about the club's secure storage arrangements for any firearm or ammunition held by individual licence holders whether held at any of the club's premises or at a shooting range used by the club for their members use or for the use of other clubs' members. This information is to include advice as to the most recent inspection by Police of these storage arrangements.
- ix. A copy of the club's constitution along with any other supporting documents as necessary (for example policies) (which may be based on a template provided by their umbrella organisation) which includes or provides for the establishment of rules specifying:
 - a) The purpose of the club is a shooting club.
 - b) The safe possession and use of firearms while at the club or club events.
 - c) The functions the club undertakes.
 - d) The shooting disciplines to be followed by the club.
 - e) The process for accepting new or probationary licence-holding members.
 - f) The process for transferring members between pistol clubs.
 - g) The process for accepting full membership of licence holding shooters and non-licence-holding members.
 - h) Who is eligible to be a member of the management committee and how they are elected.
 - i) The ratio of members who are licence holders to non-licensed shooters when non-licence holders are participating in any club organised shooting activities.
 - j) The processes for terminating a person's membership of the club and the matters that may lead to consideration of termination of membership.
 - k) The process for investigating and reporting on all shooting-related incidents involving bodily injury to or death of any person by the use of a firearm on any premises or range administered or used by the club.
 - l) The process for investigating and recording any safety breaches including breaches such as projectiles leaving the shooting range and people entering the shooting range while shooting in progress.
 - m) The process for reporting the loss of any firearm from the club premises or premises or ranges used by the club and ensuring the loss is reported to the Police.
 - n) If the club intends to supply firearms for club members or visitors to the club, the licence number(s) of the person or person(s) who holds and is responsible for the secure storage of these firearms for the benefit of the club and the storage arrangements for those arms items.
 - o) Processes should the club seek to wind-up, change its name, or amalgamate with another club.

If the club is an incorporated society (in addition to the above) the application must include:

- p) Evidence that the club's registration is current, and the club has met the annual reporting requirement of the Incorporated Societies Act 1908.
- q) In accordance with section 38D, because the club intends to sell or supply firearms or ammunition, or both, to club members or on club premises on behalf of the club, evidence that this activity is approved by the club's management committee or a majority vote of club members.

- r) If the club has been purchasing and selling firearms and ammunition in the previous 12 months, a copy of the most recent audited financial report in sufficient detail to provide a reconciliation of all arms items purchased, held, or sold by the club and evidence the revenue earned has been retained by the club or used for the benefit of the club.⁸

Advantages: Listing the type of information required in regulations gives transparency. It helps both Police and shooting club management committees know what clubs will be required to present in the period up until June 2023 when the Act specifies application is to be made for a certificate of approval. It also gives umbrella organisations an opportunity to develop templates or advice as a service for affiliated clubs, particularly those clubs that may not have previously developed agreed constitutions.

Disadvantages: Shooting clubs are not currently required to submit applications for approval. Introducing these requirements will add a new compliance cost and could potentially be time consuming for the individual volunteers needing to gather the material to satisfy all conditions for approval. However, for many clubs this will be a one-time only activity.

Impact: Some smaller clubs⁹ and those in low population areas with falling membership may disband. This may negatively impact on the provision of safe target shooting activities in some geographical areas but may also strengthen the provision of these activities through amalgamations, revitalisation, and growth of membership of remaining clubs.

Alternative proposal: An alternative option would be to list those same requirements in guidance material, but this would reduce clarity and risk introducing inefficiency.

What do you think?

The proposal sets out the documents and information all shooting clubs must provide in their application for approval (excluding pistol shooting clubs that were established as at 24 June 2022). These are needed to enable the Commissioner to be satisfied that the club meets the requirements specified in section 38F of the Act before issuing a club approval.

5. a. Do you agree with the list of information that must be provided in application for approval? Yes/No? Why?
- b. Should any other information be required in an application for approval of a shooting club? Yes/No? If yes, what other information should be required?

The proposal sets out additional information that would be required if the shooting club is, or intends to be, purchasing and selling for the benefit of the club any firearms or ammunition to members or visitors shooting at the club.

6. a. Should any information or documents be removed from this list? If yes, what information should be removed? Why?

⁸ The provisions of section 2(1)(b) of the Act enable a club member to sell firearms or ammunition to another club member or on club premises conditional on the approval of the management committee and the sales revenue being used for the benefit of the club.

⁹ A new application may not be required if a club's wind-up arrangements simply provide for the members and any assets to be transferred to an established club undertaking the same shooting disciplines.

b. Should any information or documents be added to this list? If yes, what other information should be required? Why?

3.1.3 Applications must be made by all clubs newly formed or newly amalgamated after 24 June 2022 before undertaking club-organised shooting activities

Context

Transitional arrangements provided for in Schedule 1, Part 2, clause 12, allow a 12-month period for clubs established as at 24 June 2022 in which to make application (See **Appendix 2**). The transitional provision does not apply to any new shooting club (new or newly amalgamated or seeking reapproval following cancellation) established after 24 June 2022.

Issue

Provision needs to be made for any clubs established (including newly amalgamated clubs) after 24 June 2022 as the demand for clubs and club activities change with changing rural/urban demographics. This provision would need to apply to all clubs, including new pistol shooting clubs (see below) as the latter are not covered by the transitional provisions.

Proposal

It is proposed that regulations prescribe that:

- a. Any new club must not undertake any club organised shooting activities without first being granted a certificate of approval.
- b. Reapplications for approval will be required if a previous approval has been cancelled, or clubs have amalgamated, or the club intends to undertake disciplines different from those specified in their original applications, or if the club (having been an incorporated society) has ceased to be registered under the Incorporated Societies Act 1998 for at least two years.

Advantages: This provision delivers on the requirements of the Act while making clear that activities such as the formation of a governing body, drawing up of foundation documents, the initiation and acceptance of a club member, and fundraising can occur prior to making application. It clarifies that the Commissioner is to be satisfied on the matters listed in section 38F before commencing club organised shooting activities.

Disadvantages: This approach may delay the commencement of shooting activities and may limit some of the fundraising opportunities that may assist with the establishment or re-establishment of a club's shooting activities. However, it will not prevent the commencement of non-shooting activities.

Impact: The proposal is consistent with section 38B of the Act. It allows time for clubs to initiate non-shooting activities.

Alternative option: No alternative option meets the requirements of the Act.

What do you think?

It is proposed that any shooting club (new, newly amalgamated, reapplying after cancellation or intending to change shooting club organised shooting disciplines) after 24 June 2022 must not undertake any club organised shooting activities without first being granted a certificate of approval.

7. Do you support this proposal? Yes/No? Why?

3.1.4 Information required for the application for a new pistol club

Context

As noted in 3.1.3, Transitional arrangements provided for in Schedule 1, Part 2, clause 12, do not apply to any new shooting club (new or newly amalgamated or seeking reapproval following cancellation) established after 24 June 2022.

Issue

Specific provision needs to be made for the information required by the Commissioner for applications from new pistol shooting clubs. They may be an entirely new club or result from an amalgamation of pistol shooting clubs established after 24 June 2022, or a club reapplying after cancellation of a certificate of approval or in the situations provided for in section 38J (see **Appendix 2**). This information is needed for the Commissioner's decision and to inform any conditions to be placed on the approval (see 3.2 below).

The following proposal codifies many of the provisions that are currently included in the Letter of Agreement between Police and Pistol New Zealand (PNZ).

Proposal

It is proposed that the regulation prescribe that new pistol clubs must make application for approval within 12 months of establishment: In the case of a new or newly amalgamated pistol shooting club, that has not been recognised by the Commissioner prior to commencement of part 6 of the Act, the application to be made within 12 months of its establishment and provide the following information:

- i. The name of the club.
- ii. The constitution which may be a PNZ template which specifies that pistol shooting is its primary objective and includes the list of all pistol-related shooting disciplines the club intends to undertake.
- iii. Rules regarding processes should the club wind-up, change its name or amalgamate with another club.
- iv. A list of the names and licence numbers of club members together with evidence that the club maintains or intends to maintain a register of members and has record keeping processes for attendance and participation at club events as required by regulation 22 of the Arms Regulations 1992.
- v. The process for accepting new or probationary licence-holding members.
- vi. The process for accepting full membership of licence holding shooters and non-licence holding members.
- vii. Include the club's rules regarding primary club membership where a person is a member of more than one pistol club.

- viii. A list of the certified range or ranges the club uses or intends to use for club organised shooting activities – to enable confirmation that club pistol shooting activities are held only on certified ranges as provided for by Regulation 22 of the Arms Regulations 1992 and has arrangements for range access and use by members.
- ix. Include the club's rules regarding primary club membership where a person is a member of more than one pistol club.
- x. Evidence that the club is a currently listed incorporated society under the terms and conditions of the Incorporated Societies Act 1908 – to enable members to meet the requirements of section 29 of the Act (this may have already been provided as evidence that the person making application has been authorised by the club committee).
- xi. Advice of the financial year to which the club adheres.
- xii. If it is intended that firearms or ammunition or both are to be sold or supplied to club members or on club premises on behalf of the club, evidence that this activity was or will be approved by the club's management committee or a majority vote of club members and that the revenue will be used for the benefit of the club; and that the club has financial systems in place to demonstrate this.
- xiii. The names of the President/Chair, Secretary, Treasurer, Armourer and Training Officer of the club and confirming that the Armourer and Training Officer are target pistol-shooting-endorsed licence holders and provide the club's rules regarding the minimum number of members who are licence holders with current endorsement to possess pistols and who can train, assess, and support new members' eligibility to obtain an endorsement to possess pistols. This is to enable the Commissioner to be satisfied that the new members applying for pistol endorsement have been properly trained in the safe use of this type of firearm.
- xiv. Provide the clubs' rules regarding the maximum participation of visitors or prospective members who do not hold a valid endorsement to possess and shoot pistols on a range certified for pistol use noting immediate supervision must be one-on-one with a pistol-endorsed licence-holding member of the club.
- xv. Provide the clubs' rules regarding the transfer of membership between two pistol clubs and the specification of primary membership.
- xvi. Provide the club's rules relating to the safe operation of firearms and the safe possession and use of firearms: including processes to be followed (including notification to Police) if club leadership identifies concerns about any member no longer being fit and proper to safely use pistols or firearms.
- xvii. Provide information on the club's arrangements for the proper storage of any non-endorsed firearms or ammunition held at any time at any of the club's premises or at a shooting range used by the pistol club.
- xviii. Provide the clubs' rules regarding the process for becoming new or probationary or full members of a pistol shooting club.

Advantages: This option will support greater transparency, clarity, and certainty. This supports safe use of pistols by fit and proper licence holders, and by those seeking to experience this recreational shooting activity before applying for a firearms licence or an endorsement on their licence.

Disadvantages: None identified.

Impact: The approach delivers transparency and certainty, noting for most new clubs this is a one-time application.

Alternative option: No alternative option identified that delivers on the requirements of the Act.

| What do you think? | |
|---|---|
| The proposal sets out that regulations will prescribe the documents and information a new pistol shooting club will be required to provide with an application for a certificate of approval. | |
| 8. | Do you agree with the information a new pistol shooting club is required to provide with an application for certification? Yes/No? Why? |
| 9. | Should any additional information be required? Yes/No? Why? |

3.2 A certificate of approval may be granted subject to conditions

3.2.1 Type of conditions applied to all certificates of approval

Context

Once a club has been granted a certificate of approval, or in the case of pistol clubs established as at 24 June 2022 deemed to have made application, that approval lasts indefinitely (unless the certificate is cancelled or the club winds up, changes name, or amalgamates with another club). Section 38K provides for the certificates of approval being subject to conditions.

Issue

It is necessary to specify the conditions of the approval to ensure adherence to the rules, processes, and procedures upon which the approval had been made.

Additionally, provisions need to be made for pistol clubs established as at 24 June 2022 and not required to make application for approval, but which are considered to have been approved. Regulatory oversight of pistol clubs has previously been achieved through regulation 22 of the Arms Regulations 1992 and the Letter of Agreement between Police and Pistol New Zealand (PNZ). However not all pistol clubs are affiliated to PNZ. Regulation-making power in section 74(1)(e) of the Act enables the Commissioner to prescribe conditions on certificates of approval. It is appropriate to deem a certificate of approval for pistol clubs established as at June 2022 and to convert some of the matters of the letter of agreement to conditions on the deemed certificate of approval.

Proposal

Conditions to be attached to certificates of approval and deemed certificates of approval:

It is proposed that regulations prescribe the type of conditions to be applied to all certificates of approval for all clubs, including certificates issued to pistol clubs recognised as at 24 June 2022. For pistol clubs, conditions will detail the steps needed to be recorded to support compliance audit, and licence holders meeting their requirements as specified in sections 29(2)(a), and 32(2) of the Act and regulation 22(1). They will also relate to secure storage of firearms held at club premises and the sale of firearms or ammunition undertaken for the benefit of the club.

Advantages: Regulating the conditions will support greater transparency, clarity, and certainty for both Police and the regulated clubs. This will also support safe use of firearms

by fit and proper licence holders while enabling those wishing to experience a shooting activity in a safe environment before applying for a firearms licence or an endorsement on their licence.

Impact: Delivers transparency and certainty.

Disadvantages: None identified.

Alternative option: No alternative option is identified that gives clubs certainty. An approval is one-time only and lasts indefinitely unless a club wishes to change the conditions of approval.

| What do you think? | |
|--------------------|---|
| 10. | <p>Do you agree that regulations specifying the type of conditions to be applied to all certificates of approval for all clubs should include:</p> <ul style="list-style-type: none">• secure storage of firearms held at club premises• records demonstrating that any sale or supply of firearms or ammunition are undertaken for the benefit of the club• records of pistol-endorsed licence holders needed to audit their compliance with their endorsements. <p>Yes/No? Why?</p> |

3.2.2 Conditions relating to membership

Context

Section 38K provides for the certificates of approval being subject to conditions.

The following lists conditions relating to membership of clubs.

Members of the club management committee: non-pistol clubs

Proposal

It is proposed that regulations prescribe the following conditions:

Either

Option A(i) That all members of the club management committee are licence holders.

Or

Option A(ii) That the majority (more than half) of the members of the club management committee are licence holders. In the case of clubs selling ammunition or firearms for the benefit of the club the Treasurer must be on the management committee and must be a licence holder.

Advantages: Requiring all management committee members to be licence holders (Option A(i)) ensures club activities are led and supervised by those who have been deemed fit and proper and who are aware of the provisions of the Act and recognise their legislated responsibility to act in the interests of personal and public safety. On the other hand, Option A(ii) provides for the majority of the committee to be licence holders and should achieve a similar outcome to Option A(i).

Disadvantages: Requiring all of the management committee members to be licence holders (Option A(i)) does not recognise that governing committees require competent secretarial and financial management skills, and these may be better provided by members associated with the club, such as family members. It also may be an obstacle to the formation of new or amalgamated clubs.

Impact: The option requiring the majority (more than half) of management committee members to be licence holders is preferred (Option A (ii)). It supports the intent of the Act and is likely to be more practical for clubs to meet.

Members of club management committee: pistol clubs

Proposal

It is proposed that regulations prescribe the following condition for pistol clubs:

Either

Option B(i) that all management committee members are required to:

- a) be target shooting pistol-endorsed licence holders, and
- b) include the persons (i) responsible for the training of new or probationary members, (ii) responsible for holding pistols on behalf of the club (armourer), and (iii) if selling ammunition or providing firearms for the benefit of the club, must include the Treasurer

Or

Option B(ii) that the majority (more than half) of the management-committee members must:

- a) be pistol-endorsed licence holders, and
- b) include the persons (i) responsible for the training of new or probationary members, and (ii) responsible for holding pistols on behalf of the club (armourer) – both of whom must be target shooting pistol-endorsed licence holders, and (iii) if selling ammunition or providing firearms for the benefit of the club, must include the Treasurer.

Advantages: Requiring all pistol club management-committee members to be pistol-endorsed licence holders (Option B(i)) ensures club activities are led and supervised by those deemed fit and proper to possess the relevant licence and have a responsibility to act in the interests of personal and public safety. Having the majority as correctly endorsed licence holders (Option B(ii)) should achieve a similar outcome.

Disadvantages: Requiring 100 percent of the management-committee members (Option B(i)) to be pistol-endorsed licence holders does not recognise that committees require competent secretarial and financial management skills, and these may be better provided by members associated with the club, such as family members. It also may be an obstacle to the formation of new or amalgamated clubs.

Impact: The option requiring the majority (more than half) of a pistol club's management committee member to be a licence holder and only the armourer and training officer must be pistol-endorsed licence holders (Option B(ii)) is preferred and supports the intent of the Act. It brings across matters specified in the letter of agreement between Police and PNZ and is likely to be the most practical option for clubs to be able to achieve.

Members of club management committee: multidisciplinary clubs including target pistol shooting

Proposal

It is proposed that regulations prescribe the following condition for multidisciplinary clubs including target pistol shooting clubs:

Either

Option C(i) that all management committee members are required to hold a firearms licence and more than half of them should be:

- pistol-endorsed licence holders, and
- should include the persons (i) responsible for the training of new or probationary members, (ii) responsible for holding pistols on behalf of the club (armourer), and (iii) if selling ammunition or providing firearms for the benefit of the club, must include the Treasurer.

Or

Option C(ii) that the majority (more than half) of management committee members must be licence holders and must include the persons (i) responsible for the training of new or probationary members, and (ii) responsible for holding pistols on behalf of the club (armourer) – both of whom (as a minimum) must be target shooting pistol-endorsed licence holders, and (iii) if selling ammunition or providing firearms for the benefit of the club must include the Treasurer.

Advantages: Requiring all club management committee members to be licence holders and those members to include a minimum of two pistol-endorsed licence holders (Option C(i)) ensures multidiscipline club activities are led and supervised by those deemed fit and proper to possess the relevant licence – and they have a responsibility to act in the interest of personal and public safety. Having the majority as licence holders, together with a minimum of two being target pistol-endorsed licence holders (Option C(ii)), should achieve a similar outcome.

Disadvantages: Option C(i) does not recognise that committees require competent secretarial and financial management skills, and these may be provided by members associated with the club, such as family members. It also may be an obstacle to the formation of new multidiscipline or amalgamated clubs.

Impact: The preferred Option C(ii) requires the majority (more than half) of a multidisciplinary club's (including a pistol club) management committee members to be licence holders and that only the armourer and training officer must be pistol-endorsed licence holders. This is the more practical option and supports the intent of the Act.

Age restrictions on participation in club-organised shooting activities

Proposal

It is proposed to prescribe in regulations the following condition:

Either

Option D(i) that a person under the age of 16 years, and who cannot therefore apply for a firearms licence, is not able to participate under immediate supervision in a club organised shooting activity. This includes pistol clubs.

Or

Option D(ii) that for shooting clubs firing rifles or shotguns, a person between the age of 10 years and 16 years may participate in those club activities under the immediate supervision of a licence holder and with the specific permission of their parent or guardian. For pistol shooting, or multidisciplinary clubs offering pistol shooting, a person aged under 16 years is not able to participate in shooting pistols in a club organised shooting activity, even under immediate supervision.

Advantages: Option D(i) is consistent with the intent of the Act that only those who hold a firearms licence should be able to participate in club shooting activities. Young people under the age of 16 years are not eligible for assessment as ‘fit and proper’ because a licence can only be held by a person aged 16 years or older. This option does not prevent young people using a firearm under the immediate supervision of a licence holder on private property or hunting or on a range but removes the option of participating in the competing elements of club organised shooting activities

Option D(ii) recognises that family participation in shooting is not unusual and can result in younger people developing an interest in shooting as a recreational activity. It could be argued that there are advantages to introducing young people to safe handling of a firearm in a well supervised situation. This option also recognises that children involved in some farming related activities in rural areas may need a good understanding of safe shooting and handling practices.

Disadvantages: Option D(ii) provides for underage shooters (who cannot yet apply for a firearms licence) even in controlled situations. It risks giving mixed signals to young people and could lead to an increase in the number of underage participants, yet to be considered fit and proper, being issued with a firearms licence.

Impact: Option D(i) best delivers on the purposes of the Act while still providing for young people to learn to safely use a firearm under immediate supervision.

Participation in club-organised activities for non-licence holders 16 years or older (excludes pistol clubs):

Proposal

It is proposed that regulations prescribe the following condition:

Option E A person having reached 16 years of age (but without a firearms licence) can participate in any club organised shooting activity (excluding pistol clubs) under immediate supervision up to a maximum of three months. After this, they must apply for a firearms licence in order to keep participating in club competitive shooting activities – under immediate supervision – until a decision is made on their firearms licence application.

Advantages: This proposal is designed to encourage participation in shooting activities in a safe environment under the immediate supervision of club members, some of whom will

have experience in training newcomers to shooting activities. It also limits the period of supervised shooting and requires an applicant to obtain a licence, and a fit and proper assessment, to allow continued participation in club shooting activities. It does not remove the ability for a young person to shoot at a target on private land, or on a shooting range under immediate supervision.

Disadvantages: It may be difficult to oversee this requirement. It limits the period of supervised shooting in a controlled environment when a longer period may be desirable.

Impact: The proposal delivers on the purposes of the Act and supports participation in club activities.

Alternative Option: No alternative option is identified that supports introducing a young person to recreational target shooting as a recreational activity (excluding use of a pistol).

Participation in a pistol club where a person has not previously been refused or had revoked an endorsement to possess pistols (and cannot use pistols under immediate supervision)

Proposal

It is proposed that regulations prescribe the following condition:

Either

Option F(i) This option provides a route for a non-licence holder to fire a pistol under immediate supervision before becoming a probationary or full member of a club as follows: a person having reached the age of 16 years, and not yet having obtained a firearms licence may participate for up to three occasions in a pistol club organised shooting activity under immediate supervision of a club member who holds a pistol-endorsed licence. After these three occasions they must: (i) apply for a firearms licence and (ii) apply to become a probationary member to continue participation in pistol club organised shooting activities under immediate supervision. Once their firearms licence is issued, they must, within six months, become a full member of that pistol club and apply for a target shooting pistol endorsement on their licence.

Or

Option F(ii) This option provides that only a firearms licence holder can participate in club organised shooting activities and gives a route for becoming a probationary and full member of a pistol club as follows: A person having reached the age of 16 years, and having obtained a firearms licence but yet to have obtained an endorsement to possess pistols on their licence, may participate for up to three occasions in a pistol club organised shooting activity under immediate supervision of a club member who holds a pistol endorsed licence. After this, they must apply to be a probationary member of a pistol club to continue to participate in a pistol club organised shooting activity under immediate supervision. They may remain a probationary member for up to six months, after which they must become a member of that pistol club and apply for a target shooting pistol endorsement on their licence.

Advantages: Both proposals are designed to encourage participation in shooting activities in a safe environment under the immediate supervision of club members, some of whom will have experience in training newcomers to shooting activities.

Disadvantages: The first option enables people who are soon to turn 16 years (and able to apply for a firearms licence) to learn to use a pistol. It is difficult to ensure this is limited to just three occasions at one club, which may limit the efficacy of the proposal.

Impact: The second option best delivers on the purpose of the Act. Both options encourage easy and cost-effective participation in club activities.

Probationary participation in a pistol club where a person has not previously been refused or had revoked an endorsement to possess pistols (and cannot use pistols under immediate supervision)

Proposal

It is proposed that regulations prescribe the following condition:

Either

Option G(i) A probationary member of a pistol club, having obtained a firearms licence but yet to have obtained an endorsement to possess target shooting pistols on their licence, and not having been previously refused an application for an endorsement to possess a pistol, must within their first six months of being a probationary member of a pistol club:

- Sit and pass an examination based on the Pistol New Zealand Manual, or equivalent manual where the club is not affiliated with PNZ.
- Actively participate in club shooting activities under immediate supervision on at least six separate occasions (as confirmed by the club committee).

A probationary member of a pistol club must apply to be a full member of that pistol club and apply for endorsement of their licence after completing a six-month probationary period. If an application is not made, or an application is unsuccessful, the probationary membership will cease.

Or

Option G(ii) Retain a letter of agreement with PNZ and require each pistol club not a member of PNZ to enter into a letter of agreement with Police that specifies the processes and conditions that will be met before a probationary member can become a member of an approved pistol club and eligible to apply for a pistol endorsement. There would be a further condition that would require all clubs to adhere to the terms specified in the letter of agreement.

Advantages: Both proposals assist those wishing to participate in pistol shooting to meet the associated regulatory requirements of being a member of, and actively participating in, an approved pistol club. Option G(i) codifies the agreed current practice followed by most pistol clubs and ensures a consistent and transparent approach is applied across all pistol clubs. Option G(ii) provides for more flexibility for the small number of clubs that are not affiliated with PNZ.

Disadvantages: Option G(ii) requires regular maintenance of several letters of agreement. It will need an additional condition specified in the Commissioner's certificate of approval requiring each club to adhere to the letter of agreement.

Impact: Both options deliver on the purpose of the Act, but Option G(ii), while offering flexibility, imposes greater demands on the Police’s resources. Option G(i) is therefore preferred.

Pistol club to support pistol endorsed licence holding member’s compliance with the requirements of their endorsement conditions

Proposal

It is proposed that regulations prescribe the following conditions:

- Option H** A pistol shooting club must keep a record of prospective members (maximum of three attendances that involve firing a pistol) visitors, and probationary and full members’ participation (up to 12 times) in pistol club-organised training and shooting activities.
- Option I** Participation in pistol shooting activities by any pistol-endorsed licence holder on any one day will be recorded as a single activity.
- Option J** A pistol shooting club must advise Police within 28 days of receiving notice that a member who is a pistol-endorsed licence holder has resigned from the club, or has failed to renew their annual subscription, or has not been participating in club-organised shooting activities in the previous 12 months.

Advantages: Options H, I, and J are necessary to enable Police to confirm that individual pistol-endorsed licence holders are complying with their statutory requirement to participate in club organised shooting activities on at least 12 separate occasions each year.

Disadvantages: With respect to Option J, individuals may not formally resign from a club and the club may only become aware of their departure when the member fails to renew their subscription. Individual club constitutions regarding failure to renew membership may not fit with a 28-day rule.

Impact: Places no new obligations on most pistol clubs.

Alternative option: No alternative option has been identified that meets the requirements provided for in the Act.

| What do you think? |
|--|
| <p>The proposal sets out that regulations will prescribe conditions to be applied to a certificate of approval of a shooting club on the following matters.</p> <p>A: Club management committee membership: non-pistol clubs</p> <p>Option A(i) proposes that all club committee members of non-pistol clubs must be firearms licence holders.</p> <p>Option A(ii) proposes that the majority of club committee members of non-pistol clubs must be firearms licence holders.</p> <p>11. Do you prefer option A(i) or Option A(ii)? Why?</p> <p>12. Do you have another suggestion for club-committee membership? If yes, what?</p> <p>B: Club management committee membership: pistol clubs</p> <p>Option B(i) proposes all committee members of pistol clubs must be pistol-endorsed licence holders and must include: the person responsible for the training of new or</p> |

probationary members, the person responsible for holding pistols on behalf of the club (armourer), and, if members are selling ammunition or providing firearms for the benefit of the club, must include the Treasurer.

Option B(ii) proposes the same as B(i) with the exception that only the majority (more than half) of the committee members must be pistol-endorsed licence holders.

13. Do you prefer Option (B)(i)? or Option (B)(ii)? Why?
14. Do you have another suggestion for club committee membership of pistol clubs? If yes, what?

C: Club committee membership: multidisciplinary clubs including target pistol shooting

Option C(i) proposes **all** management committee members of multidisciplinary clubs involving pistol shooting must hold a firearms licence and more than half of the committee must be target pistol-endorsed licence holders. These must include the persons responsible for (i) the training of new or probationary members, (ii) holding pistols on behalf of the club (armourer), and (iii) the Treasurer, if there is selling of ammunition or providing of firearms for the benefit of the club.

Option C(ii) proposes that the majority (more than half) of management committee members must be licence holders and, as a minimum, must include the persons (i) responsible for the training of new or probationary members, and (ii) responsible for holding pistols on behalf of the club (armourer) – both of whom must be target shooting pistol-endorsed licence holders, and (iii) the Treasurer, if there is selling of ammunition or providing of firearms for the benefit of the club .

15. Do you prefer Option (C)(i)? or Option (C)(ii)? Why?
16. Do you have another suggestion for club-committee membership of multidisciplinary clubs (including target pistol shooting)? If yes, what?

D: Age restrictions on participation in club organised shooting activities

Option D(i) proposes a person under the age of 16 years is not able to participate under immediate supervision in a club organised shooting activity. This includes pistol clubs.

Option D(ii) proposes, for non-pistol shooting clubs only, that a person between the age of 10 years and 16 years may participate in shooting club activities under the immediate supervision of a licence holder and with the specific permission of their firearms licence holding parent.

17. Do you prefer Option D(i) or Option D(ii)? Why?
18. Do you have another suggestion? If yes, what?

E: Participation in club organised activities of non-licence holders 16 years or older (excludes pistol clubs)

This proposal provides for non-licence holders who are old enough to apply for a firearms licence to participate in club organised shooting activities (excluding pistol clubs) under immediate supervision, but limits this to a three-month period.

19. Do you support this approach? Yes/No? Why?
20. Do you have another suggestion? If yes, what?

F and G: Participation in a pistol club where a person has not previously been refused or had an endorsement to possess pistols revoked

Option F(i): This proposal provides for a non-licence holder, aged 16 years or older, to participate in a pistol club shooting activity under immediate supervision for up to three occasions. After this, they must apply for a firearms licence and become a probationary

member of the club to continue to participate in club organised shooting activities under the immediate supervision of a pistol-endorsed licence holder.

Options F(ii): This proposal requires all people seeking to participate in pistol club organised shooting activities under immediate supervision to be: (a) holders of a firearms licence, and (b) after participating in club organised shooting activities on no more than three occasions, be required to apply for probationary membership of the pistol shooting club in order to continue to participate in club organised shooting activities under the immediate supervision of a target pistol-endorsed licence holder.

21. Do you prefer Option F(i) or Option F(ii)? Why?

22. Do you have another suggestion? If yes, what?

Option G(i): This proposal requires that each club must have a club training manual which must include the theoretical and practical learning a probationary pistol club member must undertake within six months of becoming a probationary member, after which they must apply for an endorsement on their licence and apply to become a full member of their pistol shooting club.

Option G(ii): This proposal requires that there is a letter of agreement between Police, and each club, or representative body acting for each club, that specifies the processes and conditions that will be met before a probationary member can become a member of an approved pistol club and eligible to apply for a pistol endorsement. There would be a further condition requiring all clubs to adhere to the terms specified in the letter of agreement.

23. Do you prefer Option G(i) or Option G(ii)? Why?

24. Do you have another suggestion? If yes, what?

H, I and J: Pistol club to support pistol-endorsed licence holding members compliance with the requirements of their endorsement conditions

Option H makes it a condition of approval that a pistol shooting club must keep a record of visitor, probationary, and full members' participation in pistol club organised training and shooting activities.

25. Do you support this requirement? Yes/No? Why?

26. Do you have another suggestion? If yes, what?

Option I makes it a condition of approval that participation in pistol shooting activities by any pistol-endorsed licence holder on any one day will be recorded as a single activity.

27. Do you support this requirement? Yes/No? Why?

28. Do you have another suggestion? If yes, what?

Option J makes it a condition that a pistol shooting club must advise the regulator within 28 days of receiving notice that a member who is a pistol-endorsed licence holder has resigned from the club, has failed to attend within the previous 12 months, or has failed to renew their annual subscription. This advice is to include the action taken or intended action of the club regarding the member.

29. Do you support this requirement? Yes/No? Why?

30. Do you have another suggestion? If yes, what?

3.2.3 Conditions relating to secure storage of firearms or ammunition in relation to shooting clubs

Context

Section 38F(e) of the Act specifies that the Commissioner must be satisfied that a shooting club has proper storage for any firearm or ammunition held at any of the club's premises or at a shooting range used by the club.

Issue

It is an established requirement that all licence holders have an individual responsibility to securely store firearms or ammunition they are holding for the benefit of a club. Firearms and ammunition must be stored separately. The storage arrangements must meet the security standards set out in regulations and Police's secure storage guidelines and must be inspected and approved by Police before a certificate of approval or deemed certificate of approval is issued.

Proposal

It is proposed that regulations prescribe the following conditions relating shooting clubs and secure storage:

- a. Firearms held by a licence holder for the benefit of a shooting club, when not in use, must be securely stored consistent with secure storage regulations and guidance, and as specified by Police following inspection of the secure storage arrangements. Where the firearms are stored at club premises the regulations will prescribe that the conditions regarding storage will be the standards that apply to firearms dealers with any necessary modifications (to make them specific to clubs).
- b. Ammunition held by a licence holder for the benefit of a shooting club must be stored securely in accordance with existing secure storage regulations and guidance and in a manner approved by Police following inspection of the secure storage arrangements. Ammunition must be stored separately from any firearms. Where the ammunition is stored at club premises (or premises used by the club) the regulations will prescribe that the conditions regarding storage will be those that apply to ammunition sellers with any necessary modifications (to make them specific to clubs).

Advantages: It is understood some clubs may store firearms and ammunition at unoccupied club premises. This proposal makes clear that, in accordance with the Act, only a person can possess firearms or ammunition even if those items are held for the benefit of a club. That person possessing a firearm or ammunition for the benefit of the club must be a holder of a firearms licence and take responsibility for the secure storage of the firearms and ammunition. It makes clear that all firearms and ammunition, if not under immediate use, must be stored securely, and, if stored in unoccupied premises, in a manner in keeping with the requirements for a dealer for firearms and for an ammunition seller for ammunition.

Disadvantages: None apparent as this involves compliance with what is already in regulations and guidance.

Impact: Enables clubs to take advantage of the exemptions from having to obtain a dealer licence or register as an ammunition seller provided for in the Act while placing no new obligations on the licence holder to at all times provide secure storage of firearms and ammunition held by them.

Alternative option: No alternative option has been identified that meets the secure storage requirements provided for in the Act.

| What do you think? |
|---|
| <p>The proposal sets out that regulations will prescribe conditions on club certificates of approval that firearms and ammunition held by a licensed club member, for the benefit of the club, must always be stored securely and the storage arrangements must adhere to regulations and guidance and be inspected by Police for this activity to continue.</p> <p>31. Do you agree that the secure storage arrangements for firearms or ammunition held by the club should adhere to relevant regulations and guidance, be inspected by Police, and that the description of the storage arrangements as inspected must be recorded on the conditions of the certificate of approval? Yes/No? Why?</p> |

3.2.4 Conditions relating to sales of firearms or ammunition

Context

Under section 2 of the Act, the definition of an ammunition seller specifically excludes a person who is a member of a shooting club, if the club member sells ammunition:

- to a club member, or on club premises, with the approval of the management committee of the club or a majority vote of club members; and
- the sales revenue is used for the benefit of the club.

A person must be a licensed dealer in order to sell, hire out, lend, or otherwise supply a class of arms items. However, section 5(3) of the Act provides an exemption to that requirement if the selling, hiring, lending or otherwise supplying of firearms is by a member of a shooting club, if:

- i. the member sells hires, lends, or supplies firearms to a club member, or on club premises, with the approval of the management committee of the club or by majority vote of club members; and
- ii. the revenue from the sales, hire, lending, or supply of the firearms is used for the benefit of the club (see s5(3), **Appendix 2**).

Section 38C of the Act will provide that a shooting club must be an incorporated society if ammunition or firearms are sold on its behalf and the club may not hold a certificate of approval unless it is an incorporated society.

Proposal

It is proposed that regulations prescribe the conditions of any certificate of approval (or deemed certificate of approval in the case of pistol clubs established as a 24 June 2022) specify that records of incorporation are provided to Police. It is also proposed that the following information is recorded and updated:

- i. Identification numbers of all firearms held by a person on behalf of the recognised pistol club must be kept by the management committee.
- ii. Records kept of the date of purchase, price paid, and the make and model and identification number of the firearm purchased by a licence-holding member for the

- benefit of the club for the purposes of on-selling, lending, hiring, or supplying to club members or visitors to the club after the application for approval has been granted.
- iii. Records kept of the price, make, model and identification number of the firearm sold loaned, supplied to a member of the club for the benefit of the club, the licence number of the club member receiving the firearm, and the date of the related transaction.
 - iv. In the case of a non-licence-holder being supplied a firearm for use under immediate supervision, a record must be kept of the fee charged, make, model and identification number of the firearm supplied, the date of the supply and the name and address of that person and the name and licence number of the supervising person.
 - v. In the case of a licence holding visitor to the club premises a record of the fee charged, licence number, and the make, model, and identification number of the firearm sold, lent, hired, or supplied.
 - vi. A record of the price, quantity and type of ammunition sold or supplied, and the licence number of the member to whom the ammunition is sold.
 - vii. In the case of a non-licence holder, a record of the price, type and quantity of ammunition supplied for use under immediate supervision, their name and address, and the name and licence number of the supervising person; or
 - viii. In the case of a licence-holding visitor to the club premises, a record of the price, type, and quantity of ammunition sold and supplied, and their name and licence number.

Advantages: Requiring these records makes it possible for Police to confirm any transactions made are for the benefit of the club and that the club is meeting the requirements of an incorporated society. It also ensures this activity is managed as revenue raising opportunity for the benefit of the club. It gives clubs the opportunity to benefit from the particular exemption provided for by the Act.

Disadvantages: Some clubs currently selling, supplying, or hiring out firearms or ammunition may not have previously been keeping these records and may need to develop systems, or hold physical records, until transactions can be electronically recorded through any information system developed by Police.

Impact: Clubs will be able to demonstrate that they are meeting the requirements of the Act and records will clearly demonstrate to members of the club that transactions are for the benefit of the club.

Alternative option: No alternative option has been identified that meets the requirements provided for in the Act.

What do you think?

32. Do you agree with the list of information that must be recorded by the shooting club about the sale, loan, hire, or supply of firearms or ammunition? Yes/No? Why?
33. Should any information be added or removed from this list of what should be recorded regarding the sale, loan, hire, or supply of firearms or ammunition? If yes, what?

3.3 Provision of annual reports by all clubs

3.3.1 Annual reports of shooting clubs that are not pistol shooting clubs

Context

Under section 38K of the Act a shooting club must provide an annual report to the Commissioner on its operation not later than five months after the end of its financial year. The annual report must include the particulars prescribed in regulations made under this Act.

Issue

A certificate of approval of a club continues in force until it is surrendered by the club or cancelled by the Commissioner. The annual report is important for assisting Police to have oversight of the club continuing to operate and meet the requirements of sections 38C and 38F of the Act, which it must do in order to retain its certificate of approval. Some of these provisions may need to be amended when an electronic arms information system is made available.

Proposal

It is proposed that regulations prescribe that all shooting clubs must submit an annual report to the Commissioner, which for clubs that are not pistol clubs, must include:

- i. Advice of any changes to its constitution or rules that have changed from that submitted at the time of approval.
- ii. A list of the President/Chair, Secretary, Treasurer, Armourer (if one) and Training Officer (if one) of the club as confirmed by their most recent Annual General Meeting – to make clear the officers responsible for the safe use of firearms by club members.
- iii. A report on the target shooting activities including the types of shooting activities organised by the club during the year (and the certified ranges at which they were held).
- iv. Evidence that the club is a currently listed incorporated society, where firearms or ammunition are being sold on behalf of the club.
- v. If it is an incorporated society and firearms or ammunition are being sold on behalf of the club, a copy of the most recent annual financial report provided to the Registrar of Incorporated Societies – to demonstrate that the use of club expenses and revenue relating to the purchase and sale of arms items and ammunition has been solely used for the benefit of the club and no individual club member has obtained revenue from this transaction.
- vi. Any change to the licence holder(s) authorised by the committee to sell, supply, lend or hire firearms or sell or supply ammunition for the benefit of the club.

- vii. Any change to arrangements for the proper storage of any firearms or ammunition held by licence holders on behalf of the club.
- viii. A record of any safety related incidents and a report on the investigation of breaches of safety during club organised shooting activities.

Advantages: Specifying in regulations the information to be included in annual reports is required by the Act. The provision of annual reports has been included in the Act as an alternative to applying for a new certificate of approval after a period of time and provides a means of having ongoing oversight of clubs. The particulars specified above are considered to be key information for determining that a club is adhering to its legislative requirements and the conditions of their certificate of approval. Much of this information will already be provided to members as part of clubs' annual general meetings.

Disadvantages: Some clubs, particularly those that are not incorporated societies, may have kept only some of these records, and may need to develop new systems. It may also require physical records to be held at club premises or in a private dwelling. Both these measures may become redundant once an electronic records system is developed by Police.

Impact: Delivers an appropriate level of regulatory oversight and risk management while enabling the legitimate use of firearms.

Alternative option: No alternative option has been identified that meets the requirements provided for in the Act.

| What do you think? | |
|--------------------|---|
| 34. | Should any information be added or removed from this list of requirements for a shooting club's (other than a pistol shooting club) annual report? Yes/No? Why? |

3.3.2 Annual reports of pistol shooting clubs

Context

Currently regulation 22 of the Arms Regulations 1992 places obligations on pistol shooting clubs indirectly through conditions placed on endorsements of licence holders who possess pistols. Under section 29(2)(a) of the Act, a person may apply for an endorsement under section 30 to possess a pistol in their capacity as a member of an incorporated pistol shooting club that has been recognised by the Commissioner. Regulation 22(1)(b) provides that if a person has an endorsement in such a capacity, a condition of the endorsement is that the person only use the pistol for target shooting on a pistol range approved by the Commissioner and must take part in the club's activities, on the pistol range used by the club, on at least 12 days in each year.

The Act (as from 24 June 2022) will recognise the established oversight of pistol shooting clubs by deeming all such clubs recognised by the Commissioner to be approved clubs under section 38G as of 24 June 2022.

From 24 June 2022, the Act will also provide that all clubs, including all pistol shooting clubs, must report annually under new section 38K. It will also provide the particulars to be included in the annual report will be prescribed in regulations.

Issue

The administrative requirements placed on target pistol shooting clubs to support pistol endorsed licence holders to meet their endorsement requirements are not currently supported by regulations.

Pistol NZ (PNZ) has taken a positive leadership role to address this significant gap in the regulatory framework through the PNZ Letter of Agreement with Police. However, this approach does not ensure all target shooting pistol clubs meet the terms of the agreement, and PNZ has limited authority to ensure the members of the various affiliated clubs meet the requirements of their endorsements. There are 97 pistol clubs recognised by the Commissioner. Four of these are not affiliated with PNZ and are therefore not bound by the Letter of Agreement.

Proposal

It is proposed that regulations prescribe what target pistol shooting clubs must include in their annual report.

The intent is to ensure that members of pistol shooting clubs are meeting the requirements of their endorsement relating to the possession and safe use of pistols.

It is proposed that commencing June 2023 each pistol shooting club's annual report to the Commissioner must include:

- i. Advice of any changes to its constitution or rules that have changed from that submitted at the time of approval or deemed approval.
- ii. A list of the President/Chair, Secretary, Treasurer, Armourer (if one) and Training Officer of the club as confirmed by their most recent annual general meeting – to make clear the officers responsible for the safe use of pistols by club members.
- iii. Updated evidence that the club continues to be an incorporated society under the terms and conditions of the Incorporated Societies Act 1908 – to enable members to continue to meet the requirements of section 29 of the Act.
- iv. A copy of the most recent annual financial report provided to the Registrar of Incorporated Societies - to demonstrate that the club expenses and revenue relating to the purchase and sale of arms items and ammunition have been used solely for the benefit of the club and no individual club member has obtained revenue from this transaction.
- v. A list of the certified range or ranges the club has used in the previous financial year, and intends to use in the coming financial year, for club shooting activities - to enable the recording of endorsement holder's participation in club shooting activities and annual general meeting to meet the conditions on their endorsement as provided for by regulation 22 of the Arms Regulations 1992.
- vi. A list of all their licence holding members including probationary members who do not hold a firearms licence or an endorsement on their firearms licence but seeking to use pistols under immediate supervision including a record of the number of times the probationary member has shot under immediate supervision.
- vii. A report on records kept confirming the licence holding members active participation in the club's activities in the 12-month period for the most recent financial year ending closest to 24 June 2023.
- viii. A report of how the club has met the conditions of their approval regarding: the participation of licensed or non-licensed shooters in club organised shooting activities (see discussion in 3.2.1.).

- ix. A report of any investigation into breaches of safety during club organised shooting activities.

Advantages: Specifying in regulations the information to be included in annual reports is required by the Act. The provision of annual reports has been included in the Act as an alternative to established pistol clubs applying for approval, and to new pistol clubs after June 2022 having to apply for more than one certificate of approval. It also provides a means of having ongoing oversight of the clubs. The particulars specified above are considered to be key information for determining that a pistol club is adhering to its legislative requirements and the conditions of their certificate of approval. Much of this information will already be provided as part of clubs' annual general meetings.

Disadvantages: Some pistol clubs may have kept only some of these records and may need to develop new systems. Such systems may become redundant once an electronic records system is developed by Police.

Impact: This should have minimal impact on pistol clubs that have been adhering to the Letter of Agreement between Police and PNZ. Having these requirements specified in regulations strengthens the authority of the management committee to deliver on clubs' objectives. Template systems may assist those clubs that may not previously have had good recording systems.

Alternative option: No alternative option has been identified that meets the requirements provided for in the Act.

| What do you think? | |
|--------------------|---|
| 35. | Should any information be added or removed from this list of requirements for annual reports of pistol shooting clubs? Yes/No? Why? |

3.4 Assessing individual circumstances

Context

Section 38V of the Act allows a member of Police to issue an improvement notice in the circumstances where a club fails to comply with any condition attached to the certificate of approval or has contravened any provision of the Act.

Issue

It is unclear what steps will follow in circumstances where a shooting club has failed to comply with an improvement notice within the stated timeframe (which is at the discretion of Police). There may be extenuating circumstances for a club's failure to comply that may make it unreasonable to cancel a shooting club's approval.

Proposal

It is proposed to prescribe in regulation that if a shooting club fails to comply with an improvement notice within the timeframe set by Police under section 38V(2), Police may assess the circumstances for the delay and issue a further improvement notice if this is considered appropriate and reasonable (rather than cancel the shooting club's approval).

Advantages: Providing for an extension to an improvement notice allows for compliance delays which are outside the control of the club.

Disadvantages: None.

Impact: Delivers on the purposes of the Act while assisting clubs to meet the requirements.

Alternative option: No alternative option has been identified that meets the requirements provided for in the Act.

| What do you think? | |
|--------------------|--|
| 36. | Do you think Police should have the option of assessing the circumstances for a delay in fully complying with an improvement notice within the set timeframe and providing the club with a further improvement notice before cancelling the shooting club's approval? Yes/No? Why? |

3.5 Fees for application to approve a shooting club

Context

Under section 38D of the Act an application for a certificate of approval of a shooting club must be accompanied by the prescribed application fee (if any).

Under section 81, the Minister of Police must be satisfied that the fee or charge recovers no more than the actual and reasonable costs (including both direct and indirect costs) of the activity to which the fee or charge relates.

Sections 80(1) and (2)(a)(vi) and (viii) provide that, upon the recommendation of the Minister of Police, regulations may be made by Order in Council prescribing fees or charges for several activities including:

- a. undertaking inspections and compliance checks, including checks relating to certification, conditions, or improvement notices
- b. the processing of any application for approval of a club, or certification of a range.

Section 86 provides for the payment of a fee or charge and that the fee or charge is payable at the time prescribed whether that time is before, during, or after completion of the relevant activity.

3.5.1 Fee setting and reductions

Issue

The number of shooting clubs in Aotearoa New Zealand is not known with certainty. The main umbrella organisations and clubs affiliated to them are shown in the table below. There are a small but unknown number of clubs that are not affiliated with any of the shooting disciplines, and which will be required to make an application by 24 June 2023.

| Umbrella Shooting disciplines | Estimated¹⁰ Number of clubs |
|--|---|
| National Rifle Association | 22 |
| NZ Clay Target | 85 |
| NZ Deer Stalkers | 46 |
| Pistol shooting clubs | 97 (93 affiliated to PNZ) |
| Field shooting | Unknown |
| Target shooting NZ | 124 |
| Clubs using NZ Defence shooting ranges for club purposes | 9 |
| Total | 383 |

As noted earlier in this discussion document, there has been limited regulatory oversight over pistol shooting clubs and no oversight of firearm-regulated activities undertaken by all other shooting clubs.

Extending statutory oversight to shooting clubs introduces new costs to both the regulator and the regulated parties. It also introduces a two-way benefit:

- In the case of pistol clubs, it enables Police and club leadership to ensure club members are adhering to the conditions of their licence with respect to pistol use and regular participation in club organised shooting activities.
- In the case of all other clubs, it gives greater authority to club leadership to promote the safe use of firearms within their specific shooting activity.

A publicly available list of clubs approved by the Commissioner will assist newcomers to firearms use to identify clubs to go to in order to develop their skills, participate in shooting activities suited to their particular interests, and do so in a safe environment. The public can expect that the health and wellbeing risks associated with shooting activities are managed and mitigated (see discussion section 5 below).

3.5.2 Costs of certificates of approval

The issue of certificates of approval requires a number of new regulator activities. These are listed below. The cost to the regulator of delivering these new activities must be funded either by the taxpayer through appropriation from consolidated revenue, or by the users of the services, or a combination of both.

Activities required to issue a certificate of approval:

- receipt and acknowledge receipt of application
- check all information requested is provided and review content
- request additional information where necessary
- filter applications into new pistol club and non-pistol club channels and filter non-pistol clubs into incorporated societies and non-incorporated societies channels
- identify those applications from clubs that store or hold firearms at club premises
- arrange and conduct inspection of security
- assess all applications against relevant considerations
- decide all applications
- notify applicants/issue certificate of approval/provide guidance material

¹⁰ Police estimate developed in 2020 following advice from various umbrella shooting organisation.

- maintain publicly accessible register of clubs that are approved.

The average cost to the regulator to process an application for a certificate of approval for a shooting club is estimated at \$275.¹¹

The fee would be a one-time fee unless the club is required to apply for a new certificate in the circumstances provided for in the Act in sections 38I (cancellation) or 38J (amalgamation with another club which undertakes a different shooting discipline or incorporation has ceased to be registered for at least two years).

3.5.3 Proposed partial cost recovery and further discounts

Proposal

It is proposed to set a partial cost recovery fee to issue a certificate of approval, based on either 75% or 50% of the full cost for all clubs (excluding pistol clubs recognised by the Commissioner as at June 2022). The appropriate level of partial recovery to reflect the balance of public and private benefit is uncertain but should acknowledge that the bulk of the benefit is private and supports the recreational activities of participants.

This proposal recognises that applications for certificates of approval will require clubs to attach particular information (such as copies of their constitution, rules, processes for accepting and terminating membership, investigation and reporting of any safety breaches, reporting loss of a firearm from club premises or ranges used by the club, and winding up a club).

It is also proposed to set a fee discount for all clubs that use templates which may be agreed between Police and umbrella organisations. The proposed discount will encourage clubs to use common templates for those items that will be required to be attached to the Police provided application forms and which have been agreed between Police and umbrella organisations.

Advantages: Setting a fee at partial cost recovery recognises:

- a. the mix of public and private benefit delivered by the activity
- b. the reduced risk of non-compliance as shooting clubs come into a regulated regime.

It also takes into account the transitional provisions of the Act regarding pistol clubs which means that pistol clubs are treated as approved. Therefore, for the 97 pistol clubs recognised by the Commissioner as at June 2022, no fee will be charged.

Advantages: Offering a further discount for using agreed templates reflects that their use would reduce the administrative handling and compliance costs.

Disadvantages: Partial cost recovery fees and the additional discount for use of templates means that the taxpayer is subsidising the recreational activities of shooting clubs and club members.

Impact: Delivers on the purposes and encourages compliance with the Act.

¹¹ Estimates of time taken and costs to Police are based on experience with other firearms-related applications and advice from the Market Integrity Branch of the Ministry of Business Innovation and Employment. Estimates also assume that there will be 300 applications made by 24 June 2023.

Estimated fee for each proposed option for application for a shooting club approval certificate (inclusive of GST)

| Fee for application for club approval Percent of full cost | Partial cost \$ | 5% discount (\$13.75) If using templates \$ | 10% discount (\$27.50) If using templates \$ |
|--|--------------------|---|--|
| Option One | | | |
| 75% | 206.25 | 192.50 | 178.75 |
| Option Two | | | |
| 50% | 137.50 | 123.75 | 110.00 |
| What do you think? | | | |
| <p>Application fee: it is proposed to set a one-time fee on an application for a certificate of approval for a shooting club. The fee is to partially recover the estimated average cost to the regulator of processing an application (excluding pistol clubs recognised by the Commissioner as at June 2022).</p> <p>37. What do you consider the level at which partial cost recovery for a shooting club approval certificate should be set at: 75% (\$206.25), or 50% (\$137.50)? Why?</p> <p>38. Do you agree that the application fee for a shooting club approval certificate should be reduced further for all clubs using agreed templates? Do you think the application fee should be reduced by a further 5% (\$13.75) or 10% (\$27.50) of the full cost? Why?</p> | | | |

3.5.4 Auditing Club Compliance

Issue

The following activities are required when Police is auditing club compliance:

- visit club premises (after giving notice) if ammunition or firearms are stored club on premises
- receive annual reports and review to assess compliance with conditions
- inspect documents belonging to the shooting club after giving notice
- issue an improvement notice or guidance material where required
- record change in committee members or change of contact details
- review financial records of incorporated societies that are buying and selling ammunition and/or arms items.

To conduct annual compliance audit of clubs that do not sell arms items and ammunition the cost to the regulator is estimated at \$64 per year per club

To conduct annual compliance audit of clubs that do sell arms items and ammunition for the benefit of the club, the cost to the regulator is estimated at \$80 per year per club.

Proposal

It is proposed that clubs pay the full cost of this audit fee.

Advantages: This approach recognises the additional cost to Police of the inspections required to assess compliance with conditions. It also recognises the additional costs of inspecting and auditing the financial records of clubs buying and selling arms items for the benefit of the club.

Disadvantages: This is a new cost for clubs and will require payment to Police on invoices.

Impact: Clubs that sell firearms or ammunition will be able to include these costs in the sale prices. Other clubs will need to allow for this in their annual ongoing costs.

What do you think?

Compliance fee: It is proposed to set a fee to meet the ongoing annual compliance. This fee is estimated at \$64 for clubs **not** selling, supplying, hiring, or lending firearms or ammunition, and for clubs selling, supplying, hiring, or lending firearms or ammunition the estimated fee is \$80.

39. Do you agree to setting of an annual fee to cover the cost of Police's compliance activities? Yes/No? Why?

4. Regulations for Shooting Ranges

4.1 Applications for shooting range certification

4.1.1 *Manner and contents of application for certification of a shooting range and supporting information*

Context

On 24 June 2022, Part 6 of the Act ‘Shooting clubs and shooting ranges’ will come into force, including sections: 38L Shooting ranges must be certified; 38M Application to have a shooting range certified; 38O Decision on application to have a shooting range certified (see **Appendix 2**).

Issues

Under section 38L, shooting ranges must be certified. Under section 38M regulations are needed to prescribe:

- how an application for certification of a shooting range must be made
- the supporting information and documents needed with an application
- any application fee.

Applications need to provide sufficient information to satisfy the Commissioner that a shooting range operator has fulfilled all required safety standards for certification of the range for which the range operator is responsible.

Shooting range operators will need clear and consistent direction in regulations on what information and documents are required to apply for shooting range certification and the standard to be met to retain certification.

The fee to accompany an application is proposed later in this document at section 4.8.

Proposals

Manner of application

It is proposed that regulations prescribe that an application for certification of a shooting range must be made:

- a. in writing in hard copy form; or
- b. electronically, using the internet.

An application in writing must be:

- a. signed by the applicant; and
- b. delivered to an address indicated in the application form.

An application made online must be:

- a. signed by the applicant (electronically); and
- b. delivered in the manner indicated in the application form (such as through email or application portal).

Contents of application

It is proposed that regulations prescribe that the ‘Application for Shooting Range Certification Form’ must include the following specific information:

- i. applicant/range operator identification
- ii. range operator’s firearms licence status
- iii. range location information including number and type of ranges

- iv. the type of firearms, including the calibre/s, to be used on the range
- v. information on when the range will be available for use
- vi. a declaration to confirm:
 - a) all information provided is true
 - b) the applicant is either the range operator or authorised to make application on behalf of the range operator
 - c) awareness of the need to mitigate health risks e.g., contaminants and hearing loss
 - d) the range operator will inform Police of any proposed amendment to the Range Standing Orders (see below) or if the range deviates from the original conditions and basis of certification.

Supporting information

It is proposed that regulations prescribe that the supporting information that accompanies an application for certification must include:

- i. **Range Standing Orders (RSOs):** RSOs are required to support the safe operation of the shooting range, and range operator compliance with the RSOs will be a condition under which shooting range certification has been granted. See section 4.3 of this document for conditions of certification, and section 4.5 for requirements for RSOs.
- ii. **Range Inspection Report:** A range inspection can only be conducted by a trained Shooting Range Inspector recognised by Police. A schedule of trained firearms range inspectors will be on the Police website. The Shooting Range Inspector must also review the RSOs for content and accuracy against the physical description of the range. The Shooting Range Inspector will assess if the range meets the minimum acceptable requirements for the type of shooting range, with supporting photographs (where possible) and map images.
- iii. **Territorial authority confirmation:** The range operator is required to confirm the proposed range activity can be lawfully conducted with reference to the relevant local authority rules (for example, the activity is permitted under the relevant local plan; is an existing use recognised by the local authority; or that they have any consents required by their relevant territorial authority).
- iv. **Landowner authority permission:** If the range operator is not the owner of the land required for the range, or range danger area, the range operator is to provide a copy of the written agreement (e.g., lease, licence, or written permission). This agreement will specify the use of the land as a shooting range, and/or range danger area and that access to that land is controlled for the periods while the range is in use, so that it is clear that the 'permission to use' is granted for that purpose and that there are no safety issues with unauthorised access to the range or range danger area while it is in use. Agreements solely about the range danger area should include agreed control measures put in place to manage the risk.

Advantages: This set of proposals give effect to section 38M. Listing in regulations the type of information required provides transparency and helps both Police and shooting range operators to know what information will be required to make application for certification.

Disadvantage: Some ranges with a limited number of users may consider the provision of the supporting information onerous.

Impact: Some operators of smaller ranges may not wish to undertake this process and may disband. This may negatively impact the provision of shooting ranges in some locations but

may also strengthen the provision of ranges through amalgamation, revitalisation, and growth of use of larger range operations.

| What do you think? | |
|--------------------|---|
| 40. | Do you agree with the proposed manner of application for a shooting range certificate? Yes/No? Why? |
| 41. | Should any information be added or removed from the above 'contents of application' list? If yes, what information should be added or removed? Why? |
| 42. | Should any information be added or removed from the above 'supporting information' list? If yes, what information should be added or removed? Why? |

4.2 Application to renew a range certificate other than under section 38M

4.2.1 Manner and contents of application for renewal of certification of a shooting range and supporting information

Context

As of 24 June 2022, shooting ranges will need to comply with new requirements in the Act regarding the renewal of certification (section 38T), as certification is only valid for five years (section 38R) (see **Appendix 2**).

Issues

Under section 38T(4), if the circumstances of the shooting range have not changed significantly for five years, applications for renewal of certification may be made through a different process than the original application. Regulations are needed to clarify:

- how an application for renewal of certification of a shooting range may be made under section 38T(4)
- the supporting information and documents needed with an application
- any application fee.

It is necessary to ensure there is sufficient information available with the application to satisfy the Commissioner that the circumstances of the shooting range have not changed significantly for five years.

Shooting range operators will need clear and consistent direction in regulations on what information and documents are required to apply for shooting range certification renewal under section 38T(4) and the standard to be met to retain certification.

Proposal

Manner of application

It is proposed that regulations prescribe that an application for renewal of certification of a shooting range under section 38T(4) would be in the same manner as an application under section 38M, i.e., it must be made:

- a. in writing in hard copy form; or
- b. electronically, using the internet.

An application in writing must be:

- a. signed by the applicant; and
- b. delivered to an address indicated in the application form.

An application made online must be:

- a. signed by the applicant (electronically); and
- b. delivered in the manner indicated in the application form (such as through email or application portal).

Contents of application

It is proposed that regulations prescribe that the 'Application for Renewal of Shooting Range Certification Form' under section 38T(4) will require the range operator to state, in addition to the information set out in 4.1.2 for applications under section 38M:

- i. that there has been no change in any of the circumstances of the shooting range since certification, with supporting information; or
- ii. that there has been a change, but the change is not significant, explaining why it is not a significant change and providing supporting information where relevant.

Supporting information

It is proposed that regulations prescribe that the supporting information the shooting range operator is required to provide with an application for renewal of certification under section 38T(4) must include:

- i. **Confirmation:** The range operator's confirmation that, excluding the Renewal of Range Certification Inspection Report, the supporting information provided for the preceding 'Application for Shooting Range Certification Form' has not changed significantly for five years.
- ii. **Renewal of Range Certification Inspection Report:** A renewal of range certification inspection can only be conducted by a trained Shooting Range Inspector recognised by Police. A schedule of trained firearms range inspectors will be on the Police website. The Shooting Range Inspector must also review the RSOs for content and accuracy against the physical description of the range. The Shooting Range Inspector will assess if the range is compliant for operation and meets the minimum acceptable requirements for the type of shooting range, with supporting photographs (where possible and needed) and updated map images, if needed.

Advantages: This set of proposals gives effect to section 38T(4) and largely mirrors the information and process under section 38M with a reduction in supporting documentation. To improve efficiency and ensure that section 38T(4) applies, the focus is on seeking confirmation of any changes and reasons why those changes are not significant, rather than asking range operators to undertake the full application process again. Listing the type of information required in regulations gives transparency and helps Police and shooting range operators to know what will be required for renewal of range certification.

Disadvantage: No disadvantages.

Impact: Renewal of range certification under section 39T(4) will be transparent, support the purposes of the Act, and the process will be efficient and cost effective for range operators and the regulator.

| What do you think? | |
|--------------------|---|
| 43. | Do you agree with the proposed manner of application for renewal of a range certificate under section 38T(4)? Yes/No? Why? |
| 44. | Should any information be added or removed from the contents of the application? If yes, what information should be added or removed? Why? |
| 45. | Should any information be added or removed from the supporting information list for renewal of certification under section 38T(4)? If yes, what 'supporting information' should be added or removed? Why? |

4.3 Conditions of shooting range certification

4.3.1 Endorsements, training, and record keeping related to 'officers on duty'

Context

On 24 June 2022, Part 6 of the Arms Act 'Shooting clubs and shooting ranges' will come into force, including the new definition of a shooting range (section 38A Interpretation), and sections that require shooting range certificates to be granted subject to conditions (sections 38P and 38Q) (see **Appendix 2**).

Issues

Under section 38Q(1) a standard condition of all certifications is that there must be an officer on duty at all times that the certified range is in use. Clarification in regulations would be helpful to support compliance with the Act:

- *Endorsements for officers on duty:* officers on duty will need to hold a firearms licence. Some firearms require a specific firearms licence endorsement to possess. To supervise the use of any firearm that requires an endorsement to possess, it is proposed that the officer on duty should have the appropriate endorsement on their firearms licence.
- *Training for officers on duty:* range operators will need to know what training in range safety management is required for a person to act as an officer on duty, and this standard must be clear and consistent.
- *Use of duty officers:* range operators will need a way to show there has been an officer on duty at all times while their shooting range has been in use in order to demonstrate compliance with range certification conditions and the Act. A record will need to be kept, but there are options on the minimum degree of detail required.

Proposal

Endorsements for officers on duty

It is proposed that regulations prescribe that an officer on duty may only supervise the use of firearms for which they hold the appropriate endorsement to possess.

Training for officers on duty

It is proposed that regulations prescribe that a condition of certification is that the officer on duty required under section 38Q(1) must have received training that covers:

- i. the duties and responsibilities of the officer on duty
- ii. understanding and compliance with Range Standing Orders
- iii. the correct preparation and set up of the range prior to commencement of firing to include clearance of the danger area
- iv. that only authorised firearms, calibres and ammunition are present and used on the range
- v. that only authorised targets are used, and target placement is correct
- vi. the control and supervision of firearms security and safe firearms handling at the range
- vii. the safe conduct of the shooting activity using approved range commands and clearance of firearms
- viii. the appropriate control of all non-firing participants while firing is in progress
- ix. the procedure to follow in an emergency
- x. the range clearance procedure prior to vacating the range at the completion of the shooting activity
- xi. anything else that enhances the safe use of the range.

Register of duty officers

It is proposed that regulations prescribe that a condition of certification is that:

- the range operator must maintain a register of members or employees who have completed the minimum standard of training to act as an officer on duty. This register must include a reference to the training conducted and/or evidence of the training, where the training records are kept, and be accessible for verification and inspection purposes.

Record of use

It is proposed to prescribe the following conditions:

Either

Option A

The range operator must keep a daily record of the officers on duty when the range has been in use, by name, date, time, and range (for example, a duty officer roster). Records must be retained until after the range certificate for that time period has expired.

Or

Option B

The range operator must keep a daily record of the officers on duty when the range has been in use, by name, date, and range (for example, a duty officer roster). Records must be retained until after the range certificate for that time period has expired. This option differs from A as it excludes the requirement to record by 'time'.

Advantages: Both options create clarity and certainty for range operators, range users, and the regulator, and will support safe use of firearms, and compliance with the Act.

Regarding duty officer records, Option A provides for record keeping of duty officer use by ‘time’ as well as name, date, and range. Records with this minimum degree of detail will best support range operators to demonstrate the use of an officer on duty at all times while the range is in use, which is required under section 38Q(1). Records that include ‘time’ may be particularly relevant in the event of assessing or investigating an accident or incident on a range.

Option B provides for record keeping of duty officer use by name, date, and range, but excludes the requirement to record by ‘time’. Records with this minimum degree of detail still support range operators to demonstrate the use of an officer on duty, while the range is in use, which is required under section 38Q(1). Depending on how a range operator chooses to record information (i.e., manual versus electronic systems), this option may create less administrative burden as less detail will need to be recorded.

Disadvantages: Some range operators may need to develop systems to hold physical or electronic records, such as a duty log in a book, a duty roster spreadsheet, or using freely available QR code systems.

Option A may mean a greater administrative burden for some range operators who opt to use a manual recording system rather than electronic, as more detailed information (the time) will need to be recorded.

Option B excludes the requirement to record by ‘time’, which will mean less detailed records with greater limitations on use.

Impact: Options A and B have a similar impact in that they require appropriate endorsements and training for ‘officers on duty’; formalise practice and training already in place for ‘range officers’ on many ranges; and will strengthen range operator’s authority to set out and enforce the safety measures required. Keeping records to demonstrate compliance may be considered onerous by some range operators, but negative impacts could be mitigated using electronic recording systems where available. Option A is preferred as it best assists regulatory oversight.

What do you think?

Endorsements for officers on duty

The proposal provides that regulations prescribe as a condition of certification that an officer on duty should only be permitted to supervise the use of firearms for which they hold the appropriate endorsement to possess?

46. Do you agree with this proposal? Yes/No? Why?

Training for officers on duty

47. Should anything be added or removed from the ‘minimum training for officers on duty’ list? If yes, what? Why?

Register of duty officers

48. Should regulations prescribe that range operators must keep a register of members or employees who have completed the minimum standard of training to act as an officer on duty? Yes/No? Why?

Record of use

Option A proposes that regulations prescribe that a condition of certification is that the range officer must keep a record of the officers on duty when the range has been in use, by name, date, time, and range. Records must be retained until after the range certificate for that time period has expired.

Option B proposes that regulations prescribe that a condition of certification is that the range officer must keep a record of the officers on duty when the range has been in use, by name, date, and range (excluding the requirement to record by time). Records must be retained until after the range certificate for that time period has expired.

49. Do you prefer Option A or Option B? Why?
50. Are there any other record-keeping options that would enable a range operator to demonstrate that an officer has always been on duty when a range has been in use?

4.4 Conditions of shooting range certification – other matters

4.4.1 Other Conditions

Context

On 24 June 2022, Part 6 of the Act ‘Shooting clubs and shooting ranges’ will come into force, including the new definition of a shooting range in section 38A (see **Appendix 2**).

Issue

This definition covers a variety of shooting ranges, from those belonging to clubs or commercial shooting businesses that are purpose built for specific shooting disciplines, to shooting ranges that cater for one-time or infrequent shooting events on public or private land, to a designated area of land available to members of the public primarily for ‘sighting in’.

The definition does not include an area of private land that is not used by a shooting club or not used by members of the public.

All ranges included in the definition will need to be certified under section 38L. However, the diversity of range types means that in addition to the conditions set out in section 38Q(1), under section 38Q(2), each range will need ‘other conditions’ of certification prescribed by the Commissioner that will be tailored to that specific range.

In many cases it will not be practical to detail on the certificate itself all the specific conditions under which a shooting range certificate has been granted. A lot of requirements needed to support the safe operation of a shooting range will be contained in that range’s Range Standing Orders (RSOs), including the types of conditions set out in section 38Q(2) (maintenance, public access, restrictions on types of firearms and ammunition that can be used and competitions that may be conducted). As such a range certificate could be granted subject to a condition that the range operator is compliant with the range’s RSOs. This would reduce the list of conditions that would otherwise need to be specified by the Commissioner when a certificate is issued under section 38P.

Proposal

It is proposed that regulations prescribe that for each range, a condition of a certificate granted under section 38P is that the range operator must comply with the certified range's RSOs. This condition could be included in each shooting range certificate.

This proposal does not exclude listing other conditions, such as those relating to the matters set out in section 38Q(2), on the range certificate itself.

Advantages: This proposal provides a concise and practical way of making compliance with RSOs (which are detailed and tailored to the specific safety requirements for each range), a condition of range certification. It will also mean that letters granting applications for range certification or the certificates themselves will not need to be overburdened with detailed information.

Disadvantages: some range users may initially expect to see the detail of certification conditions on the certificate. However, the range certificate will direct readers to the RSOs, which will be required to be accessible.

Impact: Compliance with RSOs as a condition of range certification will help support safe and consistent use of shooting ranges, formalise existing practise, and strengthen range operator authority with minimal burden for all parties. Putting this condition on the range certificate with detail provided in RSOs supports safe use without overburdening range certificates with information.

| What do you think? | |
|--------------------|---|
| 51. | Should regulations prescribe that for each range, a condition of certification is that the range operator must comply with the range's RSOs? Yes/No? Why? |
| 52. | Do you think that specific detail on the conditions under which a range has been certified: a. should all be detailed on the range certificate itself? OR b. may be provided on the range certificate and in RSOs? Why? |

4.4.2 Changes that may impact on certification, and notification to Police

Issue

There may be cases where a range operator wants to make changes to the safe design, construction or shooting activities on their range. However, the original range certification and conditions will be based on the original application. It is important that if the range operator wishes to make these sorts of changes, they are considered by Police in advance of the change to consider whether this affects the basis on which the original range certification was granted, and the continued safe operation of the range.

Proposal

It is proposed that regulations prescribe that if a range operator wishes to make a change to the safe design, construction or shooting activities on their range, they must, prior to

commencing the change, check with Police whether the current range certification would likely remain valid, or if a new certification would likely be required. Police must confirm its advice in writing so there is a record of correspondence.

Advantages: Receiving advice on proposed changes in advance would support range operators to have all the information they need before deciding to commit to significant changes that may compromise range safety and range certification. This step may ultimately save the range operator time and money.

Disadvantages: The need to seek advice from the regulator adds an extra step into a range operator's timeline for change and may lengthen this process.

Impact: An extra step at the start of making changes to the safe design, construction or shooting activities on a range creates a temporary delay, but this cost is offset by the benefit of potentially saving the range operator time and money.

| What do you think? | |
|--------------------|---|
| 53. | Should regulations prescribe that, if a range operator wishes to make changes to the safe design, construction, or shooting activities of a range, they must, prior to making changes, check with Police whether new certification would likely be required? Yes/No? Why? |

4.4.3 Amendment of conditions of certification

Issue

There are two scenarios under which Police will need to be enabled by regulations to amend a range's conditions of certification in advance of a renewal of range certification. These are to account for:

- any change resulting from section 38Q(3), where a review of range certification has occurred due to a range operator's intent to depart from the conditions imposed by or under section 38Q
- any change resulting from an Improvement Notice under section 38V.

Proposal

It is proposed that regulation enables amendment of the conditions of certification to take into account any change resulting from section 38Q(3) (departure from conditions), or section 38V (improvement notices).

Advantages: Providing for an ability to amend the conditions of range certification gives effect to the intent of sections 38Q(3) (reviewing certification if there are any departures from the conditions of certification) and 38V (improvement notices). It allows for greater flexibility for range operators and changes of circumstances for which the need to amend conditions may arise.

Disadvantages: No disadvantages identified.

Impact: Practical, efficient, cost effective, and delivers on the purposes of the Act.

What do you think?

A regulation is required to prescribe the ability to amend the conditions of certification for a range to take into account any change resulting from sections 38Q(3) (departure from conditions), and 38V (improvement notices).

54. Are there any other scenarios where the ability to amend the conditions of certification for a range would be appropriate? Yes/ No? If yes, what?

4.5 Range Standing Orders

Context

Section 4.2 above outlines what proposed information a shooting range operator will be required to provide with an application for certification, including Range Standing Orders (RSOs). RSOs are an important requirement for all shooting ranges. They provide a physical description of a range, its designated use and rules for safe operation, and range operator compliance with the RSOs will need to be a condition under which certification has been granted. RSOs need to outline the approved activities that can be carried out on the range (activities that are not described as approved are considered not approved). The aim of RSOs is to promote safe range operations and to mitigate against potentially hazardous and preventable incidents.

All RSOs should clearly and consistently outline mandatory requirements for their respective range and allow the inclusion of additional material to address any particular characteristics, features, or safety requirements for a range. This will allow any new issues or gaps to be addressed quickly.

RSOs are the responsibility of the range operator who controls the shooting range or range complex. RSOs can be written for a single range or where multiple ranges are located within a range complex, they can be written for the complete range complex with each individual range included separately within the orders, or as an annex to the orders. They must be signed and dated by the range operator before being provided to Police for approval.

RSOs will be reviewed by Police for content and compliance during the range certification and renewal of certification processes.

4.5.1 Contents of Range Standing Orders

Issue

RSOs will need to include specific and detailed information. It will not be practical to put the entire list of required information in regulations, as this will create significant administrative delay if there is a need to make later amendments. The New Zealand Police Shooting Range Manual sets out what the contents are that need to be covered by RSOs.

Proposal

It is proposed that:

Either

Option A

Regulations prescribe that the contents required to be in RSOs (which are part of the proposed documentation needed to support applications for certification) will be specified in the New Zealand Police Shooting Range Manual (for the contents of RSOs, see **Appendix 4** of this document).

Or

Option B

Regulations set out (in summary form) the contents to be included in RSOs, taken from the New Zealand Police Shooting Range Manual (see **Appendix 4** of this document).

Advantages: Option A, which requires RSOs to comply with the contents set out in the New Zealand Police Shooting Range Manual, avoids what could either be a very long list of required information in regulations or a short summary of key information that may not on its own offer much guidance. It provides greater flexibility to adjust RSOs in a timely manner.

Disadvantages: Option B, which requires the development of a short summary of information in regulations, may provide more transparency about what is required, but risks being insufficient and reduces flexibility.

Impact: Option A is the preferred option as it is concise and practical and enables a flexible approach that supports timely updates to the required contents of RSOs.

| What do you think? | |
|--------------------|---|
| 55. | Do you prefer: Option A: regulations should prescribe that RSOs must include the contents set out in the New Zealand Police Shooting Range Manual? OR Option B: regulations should prescribe a short summary of the contents to be included in RSOs, with detail provided in the New Zealand Police Shooting Range Manual? Why? |

4.5.2 Notification of RSOs and changes of RSOs to all range users

Issue

RSOs must be accessible to all range users. All regular range users (including club members, in the case of a range operated by a club), and any associated organisations are to receive a copy of these orders.

The range operator must ensure that all range users are made aware of changes to the RSOs and are informed of the most up-to-date version by date and version, edition, or amendment number (whichever may be applicable). It would be good practice for the range operator to display the most up-to-date copy of the RSOs on a noticeboard at the range site, adjacent to the range(s) in question, and provide the RSOs on the range website (if available).

Proposal

It is proposed that regulations:

- require that the range operator must ensure that all regular range users (including club members, in the case of a range operated by a club), and any associated organisations receive a copy of RSOs.

- require that the range operator must take all reasonable and practicable steps to ensure all range users are made aware of any changes to the RSOs and have access to the most up-to-date version of the RSOs.

Advantages: This proposal creates clarity, transparency, and certainty for range operators, range users, and the regulator.

Disadvantages: No disadvantages.

Impact: Practical, efficient, cost effective, and delivers on the purposes of the Act.

| What do you think? | |
|--------------------|--|
| 56. | Should regulations prescribe that the range operator must ensure all regular range users receive a copy of the RSOs? Yes/No? Why? |
| 57. | Should regulations prescribe that the range operator must take all reasonable and practicable steps to ensure all range users are made aware of any changes to the RSOs and have access to the most up-to-date version of the RSOs? Yes/No? Why? |

4.5.3 Individual range summary sign

Issue

Each range has specific safety requirements. Even a range within a range complex may have specific safety requirements different from other ranges in the complex. Keeping track of what requirements are needed for which range should be as straightforward as possible for users. Signs that provide a simple, immediate way of reminding all users of the safe operating procedures for the range would help support compliance and safe use. These signs would not remove the requirement for the shooting range or range complex to have a full set of RSOs accessible to all range users.

Proposal

It is proposed that regulations require that each range has a sign listing a summary of the relevant criteria and safety rules, including any relevant safety rules specific to that range, and contained in the RSOs.

Advantage: This proposal creates clarity, transparency, and certainty for range operators, range users, and the regulator. It will be particularly useful for users who are new to a range.

Disadvantages: Range operators may incur some initial cost to create signs where they do not already exist.

Impact: This formalises what is already common practice on many ranges and would incorporate and remind users of the new requirement for an officer to always be on duty when a range is in use.

What do you think?

58. Should regulations prescribe that each range has a sign listing a summary of the relevant criteria and safety rules, including any relevant safety rules specific to that range, and contained in RSOs? Yes/No? Why?

4.5.4 Notification to Police of proposed change

Issue

There may be cases where a range needs to amend their RSOs. However, the original range certification will be based on the RSOs submitted with the original application. It is important that if the RSOs need to be amended, the proposed amendment is considered by Police in advance of the change to see whether this affects the basis on which the original range certification was granted, and the continued safe operation of the range.

Proposal

It is proposed that regulations prescribe that a condition of certification is that if the RSOs need to be amended at any time during of the five-year range certification period, the proposed amendment to the RSOs is to be submitted to Police for review against the original range certification prior to change being actioned.

Advantage: Receiving advice on proposed changes to RSOs in advance would support range operators to have all the information they need before deciding to commit to changes that may affect range safety and range certification. This step may ultimately save the range operator time and money.

Disadvantages: The need to seek advice from the regulator adds an extra step into a range operator's timeline for changes to RSOs and may lengthen this process.

Impact: An extra step at the start of making changes to RSOs creates a temporarily delay, but this cost is offset by the benefit of potentially saving the range operator time and money.

What do you think?

59. Should regulations prescribe that proposed amendments to RSOs should be submitted to Police for review against the original range certification prior to the change to RSOs being made? Yes/No? Why?

4.6 Conditions relating to secure storage of firearms or ammunition at a range

4.6.1 Security of firearms and ammunition at a shooting range

Context

If a range operator is opting to sell, hire, lend, or supply firearms or ammunition for range users as a business, they must hold a firearms dealer's licence and meet the conditions of that dealer's licence. Firearms dealer's licence conditions include those related to the secure storage of firearms and ammunition.

If a range operator is opting to hold or store firearms or ammunition for range users, they must hold a firearms licence (and any applicable endorsements) and meet the conditions of that licence.

Examples of holding firearms or ammunition for range users include:

- When a range operator offers to store a range user's firearms at the range, and that firearm is available for use by the range user at the range.
- When a range user wants to bring multiple firearms to a range (for example, for test firing). When one firearm is in use, those not in use must be properly supervised or stored.

In these cases, there will need to be a special condition on the range operator's firearm licence that any storage of firearms on behalf of users of the range will need to meet the secure storage conditions that apply to dealers.

In accordance with the Act, only a person can possess firearms or ammunition even if those items are held for the benefit of range users.

Issue

The building/s on a range where firearms or ammunition would be stored are often left unattended or unoccupied, and the required conditions of storage need to take this risk into account. Therefore, if a range operator is holding, lending, hiring, or supplying firearms or ammunition on their range, the conditions of storage should be those that apply to firearms dealers (see regulations 8 – 8A of the Arms Regulations 1992), whether or not the range operator must hold a firearms dealer's licence. However, if the range operator is a club the conditions of storage of ammunition will be those that apply to an ammunition seller.

Firearms and ammunition must be stored separately. The range building where items are stored and the way these items are stored in the building must meet the security standards set out in regulations for dealers and Police's secure storage guidelines and must be inspected and approved by Police before a range certificate is issued.

Proposal

It is proposed that regulations prescribe that a condition of certification granted under section 38P is that where firearms or ammunition are stored at a shooting range, the conditions regarding storage will be based on those that apply to firearms dealers with any necessary modifications to make them specific to shooting ranges.

Advantages: It is understood some ranges have firearms and ammunition stored in unoccupied range premises. This proposal makes clear that, in accordance with the Act, only a person can possess firearms or ammunition even if those items are held for the benefit of range users. The person possessing a firearm or ammunition for the benefit of the range must be a holder of a firearms licence and take responsibility for the secure storage of the firearms and ammunition. The proposal makes clear that all firearms and ammunition, if not under immediate use, must be stored securely and in a manner in keeping with the requirements for a dealer of firearms (or for an ammunition seller for ammunition).

Disadvantages: None apparent as this proposal involves compliance with what is already in regulations and guidance.

Impact: Provides for the secure storage of firearms possessed by range operators consistent with the Act's promotion of the need for those in possession of firearms to act in the interests

of public safety (which in this case means ensuring that these firearms are secured against theft). Some range operators may incur initial costs to ensure secure storage arrangements meet those required for dealers of firearms. Those range operators who do not wish to provide secure storage, or who cannot afford to make changes to meet the standard of secure storage that applies to dealers of firearms, may opt out of providing this service.

What do you think?

This proposal makes clear that for any range operator that is holding, lending, hiring, or supplying firearms or ammunition, the security and storage conditions will be based on those that apply to firearms dealers whether or not the range operator must hold a firearms dealer's licence. These conditions are set out in regulations, and Police's secure storage guidelines. Security arrangements must be inspected and approved by Police before a range certificate (and dealer's licence, if applicable) is issued.

60. Should regulations prescribe that a condition of certification granted under section 38P is that where firearms or ammunition are stored at a shooting range, the conditions regarding storage will be based on those that apply to firearms dealers (with wording tailored to be specific to shooting ranges)? Yes/No? Why?

4.7 Inspections of shooting ranges

4.7.1 Inspections

Context

On 24 June 2022, Part 6 of the Act 'Shooting clubs and shooting ranges' will come into force, including a new section that authorises inspections of shooting clubs and shooting ranges (section 38U) (see **Appendix 2**).

Issue

It may be helpful to provide the sort of reasons why inspections of shooting clubs and shooting ranges may take place after the initial certification inspection, such as responding to notifications of concern about the safe operation of a range or shooting club. The conclusions reached by the inspection should be provided to the range operator and/or club committees as well as advice on how to address issues.

Depending on the nature of the issues, under other sections of Part 6 of the Act, the range may be subject to an 'Improvement Notice' (section 38V), or its certification may be cancelled (section 38X), requiring the range to be closed.

Proposals

It is proposed regulations prescribe that:

- a condition of certification granted under section 38P is that a member of Police may undertake inspections of ranges under section 38U for reasons that include:
 - i. any changes or proposed changes relating to the operation of the range
 - ii. following up on notifications of concern about the safe operation of the range or compliance of the range with its certification conditions
 - iii. audit/spot check
 - iv. to check on compliance with an improvement notice.
- an inspection under section 38U may assess that a range is not being operated with proper regard to individual or public safety, does not meet the required

safety standards, or is not complying with conditions. An inspection report must be provided to inspection report must include relevant comments and reasons for decisions. Where a range has been assessed as not complying, Police will make recommendations of remedial action required to address the issues identified or the departure from the conditions of initial certification.

Advantage: This proposal creates clarity, transparency, and certainty for range operators, range users, the regulator, and the wider public. It will be particularly useful to clarify the reasons that Police may undertake inspection and the process that will follow.

Disadvantages: No disadvantages.

Impact: Practical, efficient, cost effective, and delivers on the purposes of the Act.

| What do you think? | |
|---|--|
| Regulations are required to prescribe that a condition of certification granted under section 38P is that a member of Police may undertake inspections of ranges under section 38U for reasons that include: | |
| <ul style="list-style-type: none">i. any changes or proposed changes relating to the operation of the rangeii. following up on notifications of concern about the safe operation of the range or compliance of the range with its certification conditionsiii. audit /spot checkiv. to check on compliance with an improvement notice. | |
| 61. | Do you think the reasons to undertake inspections are appropriate? Yes/No? Why? |
| 62. | Are there any other reasons when it would be appropriate for Police to undertake inspections of ranges under section 38U? Yes/No? Why? |
| Regulations are required to prescribe that an inspection under section 38U may assess that a range is not being operated with proper regard to individual or public safety, does not meet the required safety standards, or is not complying with conditions. An inspection report must be provided to the range operator and include relevant comments and reasons for decisions. Where a range has been assessed as not complying, Police will make recommendations of remedial action required to address the issues identified or the departure from the conditions of initial certification. | |
| 63. | Does the proposal broadly cover the key steps for producing and providing an inspection report? Yes/No? Why? |

4.8 Cancellation of certification

Context

As of 24 June 2022, the Commissioner may cancel a range certificate for a number of reasons (section 38S) (see **Appendix 2**).

4.8.1 Voluntary surrender of range certification

Issue

There may be circumstances where a range operator may wish to voluntarily surrender their range's certification. For example, a range operator may want to promptly desist from being

that range’s operator, although the range may intend to seek to continue to operate if a new range certificate under a new operator is issued.

Proposal

It is proposed that a regulation clarifies that the Commissioner may cancel certification in respect of a shooting range if the range operator voluntarily surrenders the range certification.

Advantages: Providing for an ability for range operators to voluntarily surrender range certification allows greater flexibility for range operators and reflects the diversity of circumstances under which the need to voluntarily surrender certification may arise.

Disadvantages: No disadvantages.

Impact: Practical, efficient, cost effective, and delivers on the purposes of the Act.

| What do you think? | |
|---------------------------|---|
| 64. | Should regulations prescribe that the Commissioner may cancel a range certificate if the range operator voluntarily surrenders the range certification? Yes/No? Why? |

4.9 Fees for application to approve a shooting range

Context

Under section 38M, an application for certification of a shooting range must be accompanied by a prescribed application fee (if any).

Under sections 80(1) and (2)(a)(viii) and 86, upon the recommendation of the Minister of Police, regulations may be made prescribing fees or charges for the processing of any application for approval or certification of a range or application for a renewal of certification of a range.

Under section 81, the Minister of Police must be satisfied the fee or charge recovers no more than the actual and reasonable costs (including both direct and indirect costs) of the activity to which the fee or charge relates.

Issue

There are an estimated 1,400 shooting ranges in New Zealand, as identified by the various umbrella organisations, and shown in the table below. There are also an unknown number of commercial ranges associated with various target shooting activities including clay target, and field shooting. All range operators will be required to make application to be approved by 22 June 2023.

| Shooting discipline | Estimated number of ranges |
|---|-----------------------------|
| National Rifle Association | 16 |
| NZ Clay Target | 400 |
| NZ Deer Stalkers | 150 |
| Pistol shooting ranges | 414 (410 affiliated to PNZ) |
| Field shooting and commercial | Estimated 300 |
| Target Shooting NZ | 124 |
| NZ Defence shooting ranges for civilian licence holder purposes | 25 |
| Total (approx.) | 1429 |

As noted earlier in this document, there has been limited regulatory oversight over pistol shooting ranges and no statutory oversight over the operations of all other shooting ranges.¹² Guiding principles for the design and development of shooting ranges have been provided through the New Zealand Police Range Manual published in 2005.¹³ Additionally, activity specific guidance has been provided by the various shooting clubs.

Extending a formal regulatory regime to the safe design operation of shooting ranges introduces new costs to both the regulator and the regulated parties. It also introduces private benefit through the provision of facilities for licence holders to:

- shoot at a range that is safe and safety monitored
- safely participate in their chosen recreational shooting activity
- sight-in their firearms for recreational or commercial hunting and pest control.

Regulatory codification of range standards supports management and mitigation of risks of harm to range users and members of the public.

The proposed publicly available list of ranges certified by the Commissioner will assist newcomers to firearms to identify who they should contact or where they can go to develop their skills on a certified range (see section 5 below).

Proposal

It is proposed that regulations set fees to be paid on application for a five-year range certification to cover the costs of the new activities required of Police.

The lists below show the new regulator activities required to ensure that all shooting ranges meet the required safety standards published by the Commissioner, and that range operators adhere to the conditions placed upon the range operator. These relate to maintenance of a shooting range, control over public access to the shooting range, restrictions on the types of firearms and ammunition to be used, and the type of shooting competitions held on the shooting range.

Guidance material: Shooting Range Manual

- prepare shooting range manual (sunk cost)

¹² Some ranges will have formal land use consent through local authority plans. Local authorities are required to assess and manage lead in soil to protect human health at all gun clubs or rifle ranges, including clay targets clubs that use lead munitions outdoors. Indoor ranges are required to adhere to guidelines provided by District Health Boards to avoid unsafe levels of blood lead levels of shooters.

¹³ <https://www.police.govt.nz/about-us/publication/new-zealand-police-firearms-range-manual>

- maintain regular update of shooting range manual.

Shooting Range Inspectors

- invite applications for shooting range inspectors
- assess applicants
- design, arrange, and deliver training and regularly update training material
- arrange courses
- arrange assessments
- design, arrange and deliver refresher and on-going development training
- analyse feedback from inspectors and range operators to allow for continuous improvement of shooting range inspector skills.

Maintain publicly available list of inspectors

- review on going suitability of recognised inspectors to remain on the list as required and notify and remove inspectors from the list as required.

Grant of five-year range certification:

- receipt and acknowledgement of receipt of application
- check all information requested on the application form is provided and includes:
 - a copy of the RSOs
 - a copy of the Range Inspection Report prepared by a Shooting Range Inspector recognised by the Commissioner
 - a copy of all necessary consents or permissions relating to land use
- analyse all applications and supporting information
- request additional information (if necessary)
- make a site visit (if necessary)
- identify the range specific conditions to be applied to the certificate
- assess application and supporting material against relevant considerations
- make recommendation to the Commissioner's delegate
- Commissioner's delegate to take into account relevant considerations and make decision on whether to certify or not
- notify applicant of intention to grant, or refuse to grant
- issue certificate of approval together with the specification of conditions.

Compliance audit

- maintain register of all certified ranges and all associated documentation
- assign compliance-related activities to district-based staff (where required)
- visit shooting range on notice to assess compliance with certification conditions
- issue improvement notice (where required)
- follow up improvement notices (visit where required)
- maintain a register of complaints (if any)
- cancel or suspend range certification where required.

Each of the above steps is new regulated activity for the regulator.

Estimated fee for range certification if set at full cost of recovery

The following estimates are based upon time taken and costs to Police to undertake this activity. They are based upon experience with other firearms-related regulator activities, the content of the range manual and the work required to certify pistol ranges and to assess

applications from those made as part of the initial training course for range inspectors. The estimated costs and fees are shown below:

Single range (standard, baffled, indoor shooting, field, gallery)

The activities required to consider an application, issue, and monitor a five-year shooting range certificate for a single range (standard, baffled, indoor shooting, field, gallery)¹⁴ is estimated to require a fee of \$830 (inclusive of GST) to recover costs. In the case of a complex, an additional estimated fee to recover costs of \$90 (inclusive of GST) per range, would apply for more than one range at each site (up to a maximum of six).

For example:

- A range operator seeking certification for two ranges of different shooting distances as well as a silhouette range (that is, three separate ranges) the estimated full cost recovery fee would be \$830 plus \$180 giving a total of \$1,010 (inclusive of GST).
- A range operator seeking certification for six or more individual ranges in total the estimated full cost recovery fee would be \$1,280 (inclusive of GST).

Clay target range (skeet, trap, sporting)

The full cost of delivering the activities (as listed above) to consider an application, issue and monitor a five-year certificate for a clay target shooting range (skeet, trap, sporting) is as for one range and is **fixed** at \$830 (inclusive of GST).

One-time limited use range (for example a one-time clay shooting event, or indoor range national shooting event)

The full cost of delivering the activities required of Police to consider and issue a limited period shooting range certificate is estimated as \$500 (inclusive of GST) because some of the ongoing activities are not required.

Grant an application for a renewal of a five-year range certification

The activities required of Police for a renewal are the same as for the first five-year range certification. Therefore, it is proposed that the one fee is set for the first or any subsequent applications for range certification. If the circumstances described in section 38T(4) apply, that is the circumstances of the shooting range have not changed significantly in the five years since the range operator was issued with a certificate, the process and activities required of a range inspector may be reduced, along with the likely costs of range inspection to the range operator.

In summary, the following table shows the estimated full costs to issue a certificate and monitor a shooting range are as follows:

¹⁴ See New Zealand Police Shooting Range Manual 2022

| Certification: Range Type | Estimated Fee \$ inclusive of GST |
|---|--|
| Single range (<i>excluding clay target</i>) | 830 |
| Additional single range (<i>excluding clay target</i>) | 90 per range |
| Six or more single ranges (<i>standard, baffled, indoor shooting, field, gallery</i>) | 1,280 |
| Clay target range (<i>skeet, trap, sporting</i>) | 830 |
| One-time limited use range | 500 |

Should fees be set at full or partial cost recovery?

The regulator’s activities need to be funded. Since the establishment and use of a certified range delivers considerable private benefit to the range operator, and to those who use ranges for their recreational and sporting activities, there is a strong case for the regulator’s costs being met fully or in large part by the range operator.

Proposal

It is proposed that the fee for the first application for range certification and each subsequent application (renewals) is set at:

Either

Option A The estimated full cost to the regulator¹⁵ (less the sunk cost of the development of the range manual and trial shooting range inspector course) from processing an application for certification and additional costs of monitoring a shooting range.

Or

Option B A partial recovery of the cost to the regulator recognising some degree of public benefit.

Advantages: Setting the fee at full cost recovery ensures the beneficiary of the range activity is meeting the cost and associated risk arising from the activity. This is the preferred option as it does not require the taxpayer to pay for the private benefit of those choosing this recreational activity.

Disadvantages: Clubs that operate ranges for a limited number of members that may be readily accessed by non-members may find it difficult to generate sufficient income to meet the full cost of range certification.

Impact: Introduces a new cost for range operators. Range operators could pass these costs on to range users, members, or raise the funds by other means.

¹⁵ In all options the full cost is less the sunk cost of the development of the range manual and trial shooting range inspector course.

What do you think?

It is proposed that the fee for application for certification for the first and each subsequent shooting range application is set at a level that recognises the range user is the beneficiary of this recreational activity:

Option A: the actual **full** cost to Police of all activities taken by Police to certify the range(s).

Option B: **Partial** cost to the regulator of all activities taken by Police to certify the range(s).

65. Do you prefer Option A?

Or

Do you prefer Option B? Yes/No? Why?

66. If the fee to certify a range should be set at less than the estimated cost, at what level should that be set: 90% or 80% of the cost to Police? Why?

5. Publicly available list of approved clubs and certified ranges

Context

The Act does not impose any requirement on the Commissioner to make publicly available an up-to-date list of shooting clubs or ranges that have been approved and certified. The generic regulation-making power in section 74(1)(s) provides for regulations to be made that provide “for such matters, as are contemplated by or necessary for giving full effect to [the Act] and for its due administration.”

Issue

There is no easy way for licence holders, prospective club members, or the general public to know which clubs or ranges have been approved or certified and monitored in order to support the purpose of the Act. While many shooting clubs and ranges will maintain an internet presence either in their own right or as part of their umbrella organisations, it may require knowledge of the actual name of the club or range to identify these. It is also not possible for licence holders or the general public to know whether observed target shooting is occurring on a range that has been certified.

Proposal

Police is responsible for the approval of shooting clubs and certification of ranges and as such is responsible to ensuring approvals and certifications remain up-to-date. In keeping with the Act’s purpose of safe use and control of firearms, it is proposed that a list of approved clubs and certified ranges is published. Contact information such as a website or social media site could be provided in these lists with the agreement of the club or range operator.

It is proposed:

Either

Option A: Police to voluntarily maintain on its website a publicly accessible list of approved clubs and certified ranges.

Or

Option B: A regulation is made to require Police to maintain on its website a publicly accessible list of approved clubs and certified ranges.

Advantages: Option A: Leaving this service as voluntary for Police allows Police flexibility to update the respective lists when time and resources allow. Option B: The advantage of specifying in regulations is that it imposes a transparent obligation on Police to provide this service for the benefit of the clubs, range operators, licence holders, prospective members, and the general public.

Disadvantages: For both options, there would be a small administrative burden for Police and publicly available lists may simply duplicate information that range operators and clubs (that are members of umbrella organisations) have already made available. Option A: If the publication of approved clubs and certified ranges is left to a voluntary arrangement there is a risk that the information may not be updated regularly, and a club or range is identified as approved or certified when that may no longer be the case. Option B: no additional disadvantage identified.

Impact: While there would be small compliance cost for Police with either option, Option B offers the most practical way to assist the public and newcomers who wish to participate in shooting activities to do so at approved and certified venues. It also delivers on the purposes of the Act with respect to the safe use of firearms.

What do you think?

It is proposed that a list of approved clubs and certified ranges is published on the Police website.

67. Option A: Should the Commissioner maintain as a voluntary service a publicly available list of clubs that have been approved and ranges that have been certified?

Or

Option B: Should regulations prescribe that the Commissioner maintain a publicly available list of clubs that have been approved and ranges that have been certified? Yes/No? Why?

Appendix 1: SUBMISSION FORM

Police is seeking your views on proposed regulations that set out the requirements for the approval of shooting clubs and certification of shooting ranges by the Police Commissioner (the Commissioner). Shooting club committees and shooting range operators will have until 24 June 2023 to apply for approval or certification.

Regulations must be made to provide clear and comprehensive directions on expectations around legislative requirements for new Part 6 of the Act, 'Shooting clubs and shooting ranges'.

The general aims of the consultation are to:

- ensure the regulations are fit for purpose and minimise any unintended consequences, and
- give stakeholders, in particular shooting club committees and members, and shooting range operators, opportunity to understand and shape the proposed regulations.

We are not seeking feedback on Part 6 itself, or on the transitional provisions in new Clauses 12 and 13 of Part 2 of Schedule 1 of the Act (inserted by the Arms Legislation Act 2020). We are only seeking feedback on proposed changes to the Arms Regulations 1992, relating to shooting clubs and shooting ranges.

In this document, any use of the words 'club' or 'range' refers only to shooting clubs or shooting ranges as defined in section 63 of the Arms Legislation Act 2020, which will be section 38A of the Arms Act 1983.

New Zealand Police encourages you to share your views on the proposals for these regulations.

Privacy

The Privacy Act 2020 governs how Police collects, holds, uses, and discloses personal information about you and the submission you provide. You have the right to ask to access and correct your personal information held by Police.

- Your submission, or a summary of your submission, may be made publicly available on Police's website.
- If you are submitting as an individual (not on behalf of a group or organisation, nor in your professional capacity), your personal details and any identifying information will be removed. Please indicate in the box provided in the submission form if you do not want your submission published on Police's website.

Sometimes people request copies of submissions under the Official Information Act 1982 (OIA). If you want your name and any identifying information removed from your submission before any release to a requester, please indicate in the box provided in the submission form.

Making a submission

This questions in this document are divided into 3 sections. The first section is about you. The second section relates to shooting clubs and the final part relates to shooting ranges.

You can complete this form:

- by downloading and saving this submission form, filling it out, and then attaching and emailing your submission to consultation@police.govt.nz, or

- posting your submission to Firearms Policy Team, Policy and Partnerships Group, Police National Headquarters, 180 Molesworth Street, PO Box 3017 Wellington, 6011.

The closing date for submissions is 4 May 2022.

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Section ONE: PERSONAL INFORMATION

1. What is your name?

2. What is your email address?

3. What is your age group?

- under 20
- 20 - 30
- 30 - 40
- 40 - 50
- 50 - 60
- 60 – 70
- 80+

4. What is your gender?

- Male
- Female
- Other

5. What is your ethnicity?

- Māori
- NZ European
- Other (please write)

6. Are you making this submission on behalf of a group or an organisation?

- Yes
- No

If yes, what is the name of the group or organisation?

7. Do you hold a current firearms licence?

- Yes
- No

8. Are you a member of a shooting club?

- Yes
- No

If yes, which type of club?

- Rifle
- Pistol
- Clay
- Target
- Other (please write)

9. Are you a shooting club committee member?

- Yes
- No

If yes, which type of club?

- Rifle
- Pistol
- Clay
- Target
- Other (please write)

10. Are you a shooting range user?

- Yes
- No

If yes, which type of club?

- Rifle
- Pistol
- Shotgun
- Other (please write)

11. Are you a shooting range operator?

Yes

No

If yes, which type of club?

Rifle

Pistol

Shotgun

Other (please write)

Section TWO: Shooting Clubs

Requirement for a certificate of approval for all shooting clubs

Proposed manner of application

It is proposed that applications must be in writing – submitted either by post in hard copy or electronically through an email or web portal.

1. Do you agree with the proposed manner of application?

Yes

No

Why?

It is also proposed that the person making the application must provide evidence that an authorising body exists and evidence of approval to apply on behalf of the that authorising body. It is also proposed that, in the case of an incorporated society, evidence is provided that their registration under the Incorporated Societies Act 1908 is current.

2. Should any information be removed from the list of supporting information? If yes, what information should be removed?

Yes

No

Why?

3. Should any information or documents be added to the list of supporting information? If yes, what other information should be required? Why?

Yes

No

Why?

4. Do you have you any alternative suggestions as to the documents that could show that a person is authorised to make application? If yes, what? Why?

Yes

No

Why?

Information required for approval

It is proposed that the following information is required, by regulations, to be provided in an application for a certificate of approval:

- i. The name of the club.*
- ii. Rules regarding the club changing its name or amalgamating with another club.*
- iii. Evidence that the club maintains a register of members that includes the names, addresses and for licence holders the firearms licence numbers of members.*
- iv. The certified ranges intended to be used by the club and arrangements for their use.*
- v. A copy of the minutes of the most recent Annual General Meeting which lists the names of the Chairperson, Secretary and Treasurer.*
- vi. Evidence that at least two of the club's governing committee members hold a current firearms licence – to ensure those responsible for the club promote activities that align with the principles of the Act.*
- vii. Advice as to the financial year the club adheres to.*
- viii. Information about the club's secure storage arrangements for any firearm or ammunition held by individual licence holders whether held at any of the club's premises or at a shooting range used by the club for their members use or for the use of other clubs' members. This information is to include advice as to the most recent inspection by Police of these storage arrangements.*
- ix. A copy of the club's constitution along with any other supporting documents as necessary (for example policies) (which may be based on a template provided by their umbrella organisation) which includes or provides for the establishment of rules specifying:*
 - a) The purpose of the club is a shooting club.*
 - b) The safe possession and use of firearms while at the club or club events.*

- c) *The functions the club undertakes.*
- d) *The shooting disciplines to be followed by the club.*
- e) *The process for accepting new or probationary licence-holding members.*
- f) *The process for transferring members between pistol clubs.*
- g) *The process for accepting full membership of licence holding shooters and non-licence-holding members.*
- h) *Who is eligible to be a member of the management committee and how they are elected.*
- i) *The ratio of members who are licence holders to non-licensed shooters when non-licence holders are participating in any club organised shooting activities.*
- j) *The processes for terminating a person's membership of the club and the matters that may lead to consideration of termination of membership.*
- k) *The process for investigating and reporting on all shooting-related incidents involving bodily injury to or death of any person by the use of a firearm on any premises or range administered or used by the club.*
- l) *The process for investigating and recording any safety breaches including breaches such as projectiles leaving the shooting range and people entering the shooting range while shooting in progress.*
- m) *The process for reporting the loss of any firearm from the club premises or premises or ranges used by the club and ensuring the loss is reported to the Police.*
- n) *If the club intends to supply firearms for club members or visitors to the club, the licence number(s) of the person or person(s) who holds and is responsible for the secure storage of these firearms for the benefit of the club and the storage arrangements for those arms items.*
- o) *Processes should the club seek to wind-up, change its name, or amalgamate with another club.*

If the club is an incorporated society (in addition to the above) the application must include:

- p) *Evidence that the club's registration is current, and the club has met the annual reporting requirement of the Incorporated Societies Act 1908.*
- q) *In accordance with section 38D, because the club intends to sell or supply firearms or ammunition, or both, to club members or on club premises on behalf of the club, evidence that this activity is approved by the club's management committee or a majority vote of club members.*
- r) *If the club has been purchasing and selling firearms and ammunition in the previous 12 months, a copy of the most recent audited financial report in sufficient detail to provide a reconciliation of all arms items purchased, held, or sold by the club and evidence the revenue earned has been retained by the club or used for the benefit of the club.¹⁶*

¹⁶ The provisions of section 2(1)(b) of the Act enable a club member to sell firearms or ammunition to another club member or on club premises conditional on the approval of the management committee and the sales revenue being used for the benefit of the club.

5. Information required for approval

A. Do you agree with the list of information that must be provided in application for approval?

Yes

No

Why?

B. Should any other information or documents be required in an application for approval of a shooting club?

Yes

No

If yes, what information?

6. Information required for approval

A. Should any information or documents be removed from this list? If yes, what information should be removed? Why?

Yes

No

Why?

B. Should any information or documents be added to this list? If yes, what other information should be required?

Why?

Applications must be made for all clubs newly formed or newly amalgamated after 24 June 2022 before undertaking club-organised shooting activities

It is proposed that any new shooting club must not undertake any club organised shooting activities without first being granted a certificate of approval. This will include:

- *reapplications for approval if a previous approval has been cancelled,*
- *clubs have been amalgamated,*
- *clubs where the disciplines have changed from the original application,*
- *and (if the club was an incorporated society) clubs that have ceased to be registered under the Incorporated Societies Act 1998 for at least two years.*

Note: this does not include clubs that are established at 24 June 2022. The Act allows a 12-month period (until 24 June 2023) for clubs that are already established to make an application.

7. Do you support this proposal?

Yes

No

Why?

Information required for application of new pistol clubs

*It is proposed that the following information is required for any new **pistol** clubs (including newly amalgamated shooting clubs or clubs seeking reapproval following cancellation) established after 24 June 2022:*

- i. The name of the club.*
- ii. The constitution which may be a PNZ template which specifies that pistol shooting is its primary objective and includes the list of all pistol-related shooting disciplines the club intends to undertake.*
- iii. Rules regarding processes should the club wind-up, change its name or amalgamate with another club.*
- iv. A list of the names and licence numbers of club members together with evidence that the club maintains or intends to maintain a register of members and has record keeping*

- processes for attendance and participation at club events as required by regulation 22 of the Arms Regulations 1992.*
- v. *The process for accepting new or probationary licence-holding members.*
 - vi. *The process for accepting full membership of licence holding shooters and non-licence holding members.*
 - vii. *Include the club's rules regarding primary club membership where a person is a member of more than one pistol club.*
 - viii. *A list of the certified range or ranges the club uses or intends to use for club organised shooting activities – to enable confirmation that club pistol shooting activities are held only on certified ranges as provided for by Regulation 22 of the Arms Regulations 1992 and has arrangements for range access and use by members.*
 - ix. *Include the club's rules regarding primary club membership where a person is a member of more than one pistol club.*
 - x. *Evidence that the club is a currently listed incorporated society under the terms and conditions of the Incorporated Societies Act 1908 – to enable members to meet the requirements of section 29 of the Act (this may have already been provided as evidence that the person making application has been authorised by the club committee).*
 - xi. *Advice of the financial year to which the club adheres.*
 - xii. *If it is intended that firearms or ammunition or both are to be sold or supplied to club members or on club premises on behalf of the club, evidence that this activity was or will be approved by the club's management committee or a majority vote of club members and that the revenue will be used for the benefit of the club; and that the club has financial systems in place to demonstrate this.*
 - xiii. *The names of the President/Chair, Secretary, Treasurer, Armourer and Training Officer of the club and confirming that the Armourer and Training Officer are target pistol-shooting-endorsed licence holders and provide the club's rules regarding the minimum number of members who are licence holders with current endorsement to possess pistols and who can train, assess, and support new members' eligibility to obtain an endorsement to possess pistols. This is to enable the Commissioner to be satisfied that the new members applying for pistol endorsement have been properly trained in the safe use of this type of firearm.*
 - xiv. *Provide the clubs' rules regarding the maximum participation of visitors or prospective members who do not hold a valid endorsement to possess and shoot pistols on a range certified for pistol use noting immediate supervision must be one-on-one with a pistol-endorsed licence-holding member of the club.*
 - xv. *Provide the clubs' rules regarding the transfer of membership between two pistol clubs and the specification of primary membership.*
 - xvi. *Provide the club's rules relating to the safe operation of firearms and the safe possession and use of firearms: including processes to be followed (including notification to Police) if club leadership identifies concerns about any member no longer being fit and proper to safely use pistols or firearms.*
 - xvii. *Provide information on the club's arrangements for the proper storage of any non-endorsed firearms or ammunition held at any time at any of the club's premises or at a shooting range used by the pistol club.*
 - xviii. *Provide the clubs' rules regarding the process for becoming new or probationary or full members of a pistol shooting club.*

8. Do you agree with the information a new pistol club must provide in application for approval?

Yes

No

Why?

9. Should any other information be required by a new pistol club for approval?

Yes

No

Why?

A certificate of approval may be subject to conditions

Conditions applied to all certificates

It is proposed that the regulations will specify the type of conditions that will be applied to all certificates for approval for clubs (including pistol clubs recognised as at 24 June 2022) and will require:

- *secure storage of firearms held at club premises*
- *records are kept demonstrating that any sale or supply of firearms or ammunition are undertaken for the benefit of the club, and*
- *records are kept of pistol endorsed licence holders needed to audit licence holder's compliance with their endorsement.*

10. Do you agree that these conditions should apply to all certificates for approval for all clubs?

Yes

No

Why?

Conditions relating to membership

A: Members of the club management committee: non-pistol clubs

Two options are proposed relating to the members of non-pistol club management committees.

Option A(i) proposes that all club committee members of non-pistol clubs must be firearms licence holders.

Option A(ii) proposes that the majority of club committee members of non-pistol clubs must be licence holders.

11. Do you prefer option A(i) or Option A(ii)?

Option A(i)

Option A(ii)

Why?

12. Do you have another suggestion for club-committee membership? If yes, what?

B: Club management committee membership: pistol clubs

Two options are proposed relating to the club management committee membership of pistol clubs.

Option B (i) proposes all committee members of pistol clubs must be pistol-endorsed licence holders and must include: the person responsible for the training of new or probationary members, the person responsible for holding pistols on behalf of the club (armourer), and, if members are selling ammunition or providing firearms for the benefit of the club, must include the Treasurer.

Option B(ii) proposes the same as B(i) with the exception that only the majority (more than half) of the committee members must be pistol-endorsed licence holders.

13. Do you prefer Option (B)(i)? or Option (B)(ii)?

Option B(i)

Option B(ii)

Why?

14. Do you have another suggestion for club committee membership of pistol clubs?

C: Club committee membership: multidisciplinary clubs including target pistol shooting

Two options are proposed relating to the club committee membership of multidisciplinary clubs.

Option C(i) proposes all management committee members of multidisciplinary clubs involving pistol shooting must hold a firearms licence and more than half of the committee must be target pistol-endorsed licence holders. These must include:

- *the persons responsible for the training of new or probationary members*
- *the persons responsible for holding pistols on behalf of the club (armourer)*
- *the Treasurer, if there is selling of ammunition or providing of firearms for the benefit of the club.*

Option C(ii) proposes that the majority (more than half) of management committee members must be licence holders and, as a minimum, must include:

- *the persons responsible for the training of new or probationary members*
- *the persons responsible for holding pistols on behalf of the club (armourer) – both of whom must be target shooting pistol-endorsed licence holders*
- *the Treasurer, if there is selling of ammunition or providing firearms for the benefit of the club.*

15. Do you prefer Option (C)(i)? or Option (C)(ii)?

Option C(i)

Option C(ii)

Why?

16. Do you have another suggestion for club-committee membership of multidisciplinary clubs (including target pistol shooting)?

D: Age restrictions on participation in club organised shooting activities

Two options are proposed relating to the age of participation in club organised shooting activities.

Option D(i) proposes a person under the age of 16 years is not able to participate under immediate supervision in a club organised shooting activity. This includes pistol clubs.

Option D(ii) proposes, for non-pistol shooting clubs only, that a person between the age of 10 years and 16 years may participate in shooting club organised activities under the immediate supervision of a licence holder and with the specific permission of their firearms licence holding parent.

17. Do you prefer Option D(i) or Option D(ii)?

Option D(i)

Option D(ii)

Why?

18. Do you have another suggestion?

E: Participation in club-organised activities of non-licence holders 16 years or older (excludes pistol clubs)

This proposal provides for non-licence holders who are old enough to apply for a firearms licence to participate in club organised shooting activities (excluding pistol clubs) under immediate supervision, but limits this to a three-month period.

19. Do you support this approach?

- Yes**
- No**

Why?

20. Do you have another suggestion?

F and G: Participation in a pistol club where a person has not previously been refused or had an endorsement to possess pistols revoked

Two options are proposed relating to participation in a pistol club.

Option F(i): This proposal provides for a non-licence holder, aged 16 years or older, to participate in a pistol club shooting activity under immediate supervision for up to three occasions. After this, they must apply for a firearms licence and become a probationary member of the club to continue to participate in club organised shooting activities under the immediate supervision of a pistol-endorsed licence holder.

Options F(ii): This proposal requires all people seeking to participate in pistol club organised shooting activities under immediate supervision to be:

- *holders of a firearms licence, and*
- *after participating in club organised shooting activities on no more than three occasions be required to apply for probationary membership of the pistol shooting club in order to continue to participate in club organised shooting activities under the immediate supervision of a target pistol-endorsed licence holder.*

21. Do you prefer Option F(i) or Option F(ii)?

Option F(i)

Option F(ii)

Why?

22. Do you have another suggestion?

Two options are proposed relating to probationary pistol club members.

Option G(i) This proposal requires that each club must have a club training manual which must include the theoretical and practical learning a probationary pistol club member must undertake within six months of becoming a probationary member, after which they must apply for an endorsement on their licence and apply to become a full member of their pistol shooting club.

Option G(ii) This proposal requires that there is a letter of agreement between Police, and each club, or representative body acting for each club, that specifies the processes and conditions that will be met before a probationary member can become a member of an approved pistol club and eligible to apply for a pistol endorsement. There would be a further condition requiring all clubs to adhere to the terms specified in the letter of agreement.

23. Do you prefer Option G(i) or Option G(ii)?

Option G(i)

Option G(ii)

Why?

24. Do you have another suggestion?

H, I and J: Pistol club to support pistol-endorsed licence holding members compliance with requirements of their endorsement conditions

Option H makes it a condition of approval that a pistol shooting club must keep a record of visitor, probationary, and full members' participation in pistol club organised training and shooting activities.

25. Do you support this requirement?

Yes

No

Why?

26. Do you have another suggestion?

Option 1 makes it a condition of approval that participation in pistol shooting activities by any pistol-licensed licence holder on any one day will be recorded as a single activity.

27. Do you support this requirement?

Yes

No

Why?

28. Do you have another suggestion?

Option J makes it a condition that a pistol shooting club must advise the regulator within 28 days of receiving notice that a member who is a pistol-endorsed licence holder has resigned from the club, has failed to attend within the previous 12 months, or has failed to renew their annual subscription. This advice to include action taken or intended action of the club regarding the member.

29. Do you support this requirement?

Yes

No

Why?

30. Do you have another suggestion?

Conditions relating to secure storage of firearms or ammunition in relation to shooting clubs

It is proposed that the secure storage arrangements for firearms or ammunition held by the club should adhere to relevant regulations and guidance, be inspected by Police, and the description of the storage arrangements as inspected must be recorded on the conditions of the certificate of approval.

31. Do you agree with this proposal?

Yes

No

Why?

Conditions relating to sales of firearms or ammunition

It is proposed that the following information must be recorded by the shooting club about the sale, loan, hire, or supply of firearms or ammunition:

- i. Identification numbers of all firearms held by a person on behalf of the recognised pistol club must be kept by the management committee.*
- ii. Records kept of the date of purchase, price paid, and the make and model and identification number of the firearm purchased by a licence-holding member for the benefit of the club for the purposes of on-selling, lending, hiring, or supplying to club members or visitors to the club after the application for approval has been granted.*
- iii. Records kept of the price, make, model and identification number of the firearm sold loaned, supplied to a member of the club for the benefit of the club, the licence number of the club member receiving the firearm, and the date of the related transaction.*
- iv. In the case of a non-licence-holder being supplied a firearm for use under immediate supervision, a record must be kept of the fee charged, make, model and identification number of the firearm supplied, the date of the supply and the name and address of that person and the name and licence number of the supervising person.*
- v. In the case of a licence holding visitor to the club premises a record of the fee charged, licence number, and the make, model, and identification number of the firearm sold, lent, hired, or supplied.*

- vi. *A record of the price, quantity and type of ammunition sold or supplied, and the licence number of the member to whom the ammunition is sold.*
- vii. *In the case of a non-licence holder, a record of the price, type and quantity of ammunition supplied for use under immediate supervision, their name and address, and the name and licence number of the supervising person; or*
- viii. *In the case of a licence-holding visitor to the club premises, a record of the price, type, and quantity of ammunition sold and supplied, and their name and licence number.*

32. Do you agree with the list of information required to be recorded regarding the sale, loan, hire, or supply of firearms or ammunition?

Yes

No

Why?

33. Should any information be added or removed from this list of what should be recorded regarding the sale, loan, hire, or supply of firearms or ammunition?

Provision of annual reports by shooting clubs

Annual reports of shooting clubs that are not pistol shooting clubs

It is proposed that the following information is required for a shooting club's (except pistol clubs) annual report:

- i. *Advice of any changes to its constitution or rules that have changed from that submitted at the time of approval.*
- ii. *A list of the President/Chair, Secretary, Treasurer, Armourer (if one) and Training Officer (if one) of the club as confirmed by their most recent Annual General Meeting – to make clear the officers responsible for the safe use of firearms by club members.*
- iii. *A report on the target shooting activities including the types of shooting activities organised by the club during the year (and the certified ranges at which they were held).*
- iv. *Evidence that the club is a currently listed incorporated society, where firearms or ammunition are being sold on behalf of the club.*
- v. *If it is an incorporated society and firearms or ammunition are being sold on behalf of the club, a copy of the most recent annual financial report provided to the Registrar of Incorporated Societies – to demonstrate that the use of club expenses and revenue relating to the purchase and sale of arms items and ammunition has been solely used for the benefit of the club and no individual club member has obtained revenue from this transaction.*
- vi. *Any change to the licence holder(s) authorised by the committee to sell, supply, lend or hire firearms or sell or supply ammunition for the benefit of the club.*
- vii. *Any change to arrangements for the proper storage of any firearms or ammunition held by licence holders on behalf of the club.*
- viii. *A record of any safety related incidents and a report on the investigation of breaches of safety during club organised shooting activities.*

34. Should any information be added or removed from this list of requirements for a shooting club's (other than a pistol shooting club) annual report?

Yes

No

Why?

Annual reports of pistol shooting clubs

It is proposed that the following information is required for a pistol shooting club's annual report:

- i. Advice of any changes to its constitution or rules that have changed from that submitted at the time of approval or deemed approval.*
- ii. A list of the President/Chair, Secretary, Treasurer, Armourer (if one) and Training Officer of the club as confirmed by their most recent annual general meeting – to make clear the officers responsible for the safe use of pistols by club members.*
- iii. Updated evidence that the club continues to be an incorporated society under the terms and conditions of the Incorporated Societies Act 1908 – to enable members to continue to meet the requirements of section 29 of the Act.*
- iv. A copy of the most recent annual financial report provided to the Registrar of Incorporated Societies - to demonstrate that the club expenses and revenue relating to the purchase and sale of arms items and ammunition have been used solely for the benefit of the club and no individual club member has obtained revenue from this transaction.*
- v. A list of the certified range or ranges the club has used in the previous financial year, and intends to use in the coming financial year, for club shooting activities - to enable the recording of endorsement holder's participation in club shooting activities and annual general meeting to meet the conditions on their endorsement as provided for by regulation 22 of the Arms Regulations 1992.*
- vi. A list of all their licence holding members including probationary members who do not hold a firearms licence or an endorsement on their firearms licence but seeking to use pistols under immediate supervision including a record of the number of times the probationary member has shot under immediate supervision.*
- vii. A report on records kept confirming the licence holding members active participation in the club's activities in the 12-month period for the most recent financial year ending closest to 24 June 2023.*
- viii. A report of how the club has met the conditions of their approval regarding: the participation of licensed or non-licensed shooters in club organised shooting activities (see discussion in 3.2.1.).*
- ix. A report of any investigation into breaches of safety during club organised shooting activities.*

35. Should any information be added or removed from this list of requirements for annual reports of pistol shooting clubs?

Yes

No

Why?

Assessing individual circumstances

It is proposed that Police should have the option of assessing the circumstances for a delay in a club fully complying with an improvement notice within the set timeframe and providing the club with a further improvement notice before cancelling the shooting club's approval.

36. Do you agree with this proposal?

Yes

No

Why?

Fees for application to approve a shooting club

Application fee: It is proposed to set a one-time fee on an application for a certificate of approval. The fee to partially recover the estimated average cost to Police of processing an application (excluding pistol clubs recognised by the Commissioner as at June 2022).

Application fees

37. What do you consider the level at which partial cost recovery for a shooting club approval certificate should be set at: 75% (\$207)? or 50% (\$138)?

75%

50%

Why?

38. Do you agree that the application fee for a shooting club approval certificate should be reduced further for all clubs using agreed templates? Do you think the application fee should be reduced by a further 5% (\$13.75) or 10% (\$27.50) of the full cost?

5%

10%

Why?

Auditing Club Compliance

*Compliance fee: It is proposed to set a fee to meet the ongoing annual compliance. This fee is estimated at \$64 for clubs **not** selling, supplying, hiring, or lending firearms or ammunition, and for clubs selling, supplying, hiring, or lending firearms or ammunition the estimated fee is \$80.*

39. Do you agree to setting of an annual fee to cover the cost of Police’s compliance activities?

Yes

No

Why?

Section three: Shooting Ranges

Requirement for all shooting ranges to be certified

Proposed manner of application

It is proposed that applications must be in writing – submitted either by post in hard copy or electronically through an email or web portal.

40. Do you agree with the proposed manner of application for a shooting range certificate?

Yes

No

Why?

Proposed contents of application

It is proposed that the following information must be included in an application for range certification:

- i. applicant/range operator identification*
- ii. range operator's firearms licence status*
- iii. range location information including number and type of ranges*
- iv. the type of firearms, including the calibre/s, to be used on the range*
- v. information on when the range will be available for use*
- vi. a declaration to confirm:*
 - a) all information provided is true*
 - b) the applicant is either the range operator or authorised to make application on behalf of the range operator*
 - c) awareness of the need to mitigate health risks e.g., contaminants and hearing loss*
 - d) the range operator will inform Police of any proposed amendment to the Range Standing Orders (see below) or if the range deviates from the original conditions and basis of certification.*

41. Should any information be added or removed from the ‘contents of application’ list?

Yes

No

What information and why?

Supporting information to accompany an application

It is proposed that the following information must accompany an application for certification:

- i. **Range Standing Orders (RSOs):** RSOs are required to support the safe operation of the shooting range, and range operator compliance with the RSOs will be a condition under which shooting range certification has been granted. See section 4.3 of this document for conditions of certification, and section 4.5 for requirements for RSOs.*

- ii. **Range Inspection Report:** A range inspection can only be conducted by a trained Shooting Range Inspector recognised by Police. A schedule of trained firearms range inspectors will be on the Police website. The Shooting Range Inspector must also review the RSOs for content and accuracy against the physical description of the range. The Shooting Range Inspector will assess if the range meets the minimum acceptable requirements for the type of shooting range, with supporting photographs (where possible) and map images.*

- iii. **Territorial authority confirmation:** The range operator is required to confirm the proposed range activity can be lawfully conducted with reference to the relevant local authority rules (for example, the activity is permitted under the relevant local plan; is an existing use recognised by the local authority; or that they have any consents required by their relevant territorial authority).*

- iv. **Landowner authority permission:** If the range operator is not the owner of the land required for the range, or range danger area, the range operator is to provide a copy of the written agreement (e.g., lease, licence, or written permission). This agreement will specify the use of the land as a shooting range, and/or range danger area and that access to that land is controlled for the periods while the range is in use, so that it is clear that the ‘permission to use’ is granted for that purpose and that there are no safety issues with unauthorised access*

to the range or range danger area while it is in use. Agreements solely about the range danger area should include agreed control measures put in place to manage the risk.

42. Should any information be added or removed from the 'supporting information' list?

Yes

No

What information and why?

Proposed contents of application to renew a range certificate (other than under section 38M)

Proposed manner of application

It is proposed that applications for renewal of certification must be in writing – submitted either by post in hard copy or electronically through an email or web portal.

43. Do you agree with the proposed manner of application for renewal of a range certificate under section 38T(4)?

Yes

No

Why?

Contents of application

It is proposed that the range operator must state, in addition to the supporting information required for renewal applications:

- iii. that there has been no change in any of the circumstances of the shooting range since certification, with supporting information; or*
- iv. that there has been a change, but the change is not significant, explaining why it is not a significant change and providing supporting information where relevant.*

44. Should any information be added or removed from the ‘contents of application’ list?

Yes

No

What information and why?

Supporting information for renewal of certification

It is proposed that the following information is required, by regulations, to be provided as supporting information to accompany a renewal application:

- i. **Confirmation:** The range operator’s confirmation that, excluding the Renewal of Range Certification Inspection Report, the supporting information provided for the preceding ‘Application for Shooting Range Certification Form’ has not changed significantly for five years.*
- ii. **Renewal of Range Certification Inspection Report:** A renewal of range certification inspection can only be conducted by a trained Shooting Range Inspector recognised by Police. A schedule of trained firearms range inspectors will be on the Police website. The Shooting Range Inspector must also review the RSOs for content and accuracy against the physical description of the range. The Shooting Range Inspector will assess if the range is compliant for operation and meets the minimum acceptable requirements for the type of shooting range, with supporting photographs (where possible and needed) and updated map images, if needed.*

45. Should any information be added or removed from the ‘supporting information’ list?

Yes

No

What information and why?

Conditions of shooting range certification

Conditions relating to endorsements, training, and record keeping related to ‘officers on duty’

Endorsements for officers on duty

It is proposed that an officer on duty may only supervise the use of firearms for which they hold the appropriate endorsement to possess.

46. Do you agree with this proposal?

Yes

No

Why?

Training for officers on duty

It is proposed that it is a condition of certification that an officer on duty receives the following training:

- i. the duties and responsibilities of the officer on duty*
- ii. understanding and compliance with Range Standing Orders*
- iii. the correct preparation and set up of the range prior to commencement of firing to include clearance of the danger area*
- iv. that only authorised firearms, calibres and ammunition are present and used on the range*
- v. that only authorised targets are used, and target placement is correct*
- vi. the control and supervision of firearms security and safe firearms handling at the range*
- vii. the safe conduct of the shooting activity using approved range commands and clearance of firearms*
- viii. the appropriate control of all non-firing participants while firing is in progress*
- ix. the procedure to follow in an emergency*
- x. the range clearance procedure prior to vacating the range at the completion of the shooting activity*
- xi. anything else that enhances the safe use of the range.*

47. Should anything be added or removed from the ‘minimum training for officers on duty’ list?

Yes

No

What should be added or removed and why?

Register of duty officers

48. Should regulations prescribe that range operators must keep a register of members or employees who have completed the minimum standard of training to act as an officer on duty?

Yes

No

Why?

Two options are proposed relating to the daily record keeping of the officer on duty when the range has been in use.

Option A - it is proposed that the range operator must keep a daily record of officers on duty when the range has been in use by name, date, time, and range. Records must be retained until after the range certificate for that time period has expired.

*Option B – the same as Option A is proposed, except that time **does not** need to be recorded.*

49. Do you prefer Option A or Option B?

Option A

Option B

Why?

50. Are there any other record-keeping options that would enable a range operator to demonstrate that an officer has always been on duty when a range has been in use?

Conditions of shooting range certification – other matters

It is proposed that regulations prescribe that for each range, a condition of certification is that the range operator must comply with the range's RSOs.

51. Do you agree that regulations prescribe that for each range, a condition of certification is that the range operator must comply with the range's RSOs?

Yes

No

Why?

52. Do you think that specific detail on the conditions under which a range has been certified:

- should be detailed on the range certificate itself, or
- may be provided on the range certificate and in the RSO's?

Why?

It is proposed regulations prescribe that, if a range operator wishes to make changes to the safe design, construction, or shooting activities of their range, they must, prior to making changes, check with Police whether new certification would likely be required.

53. Should regulations prescribe that, if a range operator wishes to make changes to the safe design, construction, or shooting activities of a range, they must, prior to making changes, check with Police whether new certification would likely be required?

- Yes**
- No**

Why?

It is proposed that regulation enables amendment of the conditions of certification to take into account any change resulting from section 38Q(3) (departure from conditions), or section 38V (improvement notices).

54. Are there any other scenarios where the ability to amend the conditions of certification for a range would be appropriate?

Yes

No

Please describe these scenarios

Range Standing Orders

Contents of Range Standing Orders

Two options are proposed relating to Range Standing Orders.

Option A: regulations prescribe that RSOs must include the contents set out for RSOs in the New Zealand Police Shooting Range Manual.

Option B: regulations prescribe a short summary of the contents to be included in RSOs, with detail provided in the New Zealand Police Shooting Range Manual.

55. Do you prefer Option A or Option B?

Option A

Option B

Why?

Notification of RSOs and changes of RSOs to all range users

It is proposed that regulations prescribe that the range operator must ensure all regular range users receive a copy of the RSOs.

56. Do you think that the range operator must ensure all regular range users receive a copy of the RSOs?

Yes

No

Why?

It is proposed that regulations prescribe that the range operator must take all reasonable and practicable steps to ensure all range users are made aware of any changes to the RSOs and have access to the most up-to-date version of the RSOs.

57. Do you think that range operators must take all reasonable and practicable steps to ensure all range users are made aware of any changes to the RSOs and have access to the most up-to-date version of the RSOs?

Yes

No

Why?

It is proposed that regulations prescribe that each range is to have a sign listing a summary of the relevant criteria and safety rules, including any relevant safety rules specific to that range, and contained in RSOs.

58. Do you agree that each range should have a sign listing a summary of the relevant criteria and safety rules, including any relevant safety rules specific to that range, and contained in RSOs?

Yes

No

Why?

It is proposed that regulations prescribe that proposed amendments to RSOs should be submitted to Police for review against the original range certification prior to the change to RSOs being made.

59. Do you think that proposed amendments to RSOs should be submitted to Police for review against the original range certification prior to the change to RSOs being made?

Yes

No

Why?

Conditions relating to secure storage of firearms or ammunition at a range

It is proposed that if any range operator that is holding, lending, hiring, or supplying firearms or ammunition, the security and storage conditions will be based on those that apply to firearms dealers whether or not the range operator must hold a firearms dealer's licence. These conditions are set out in regulations, and Police's secure storage guidelines. Security arrangements must be inspected and approved by Police before a range certificate (and dealer's licence, if applicable) is issued.

60. Do you think that a condition of certification granted under section 38P is that where firearms or ammunition are stored at a shooting range, the conditions regarding storage will be based on those that apply to firearms dealers (with wording tailored to be specific to shooting ranges)?

Yes

No

Why?

Inspections of shooting ranges

Inspections

It is proposed that the reasons for inspection of ranges include:

- i) any changes or proposed changes relating to the operation of the range*
- ii) following up on notifications of concern about the safe operation of the range or compliance of the range with its certification conditions*
- iii) audit/spot check*
- iv) to check on compliance with an improvement notice.*

61. Do you think the reasons to undertake inspections are appropriate?

Yes

No

Why?

62. Are there any other reasons when it would be appropriate for Police to undertake inspections of ranges under section 38U?

Yes

No

Why?

63. Does the proposal broadly cover the key steps for producing and providing an inspection report?

Yes

No

Why?

Cancellation of certification

64. Should regulations prescribe that the Commissioner may cancel a range certificate if the range operator voluntarily surrenders the range certification?

Yes

No

Why?

Fees for application to approve a shooting range

Two options are proposed relating to fees for application to approve a shooting range.

*Option A: the actual **full** cost to Police of all activities taken by Police to certify the range(s).*

*Option B: **Partial** cost to Police of all activities taken by Police to certify the range(s).*

65. Do you prefer Option A or Option B?

Option A

Option B

Why?

66. If the fee to certify a range should be set at less than the estimated cost, at what level should that be set: 90% or 80% of the cost to Police?

90%

80%

Why?

Publicly available list of approved clubs and certified ranges

Two options are proposed relating to a list of approved clubs and certified ranges is published on the Police website.

Option A: Should the Commissioner maintain as a voluntary service a publicly available list of clubs that have been approved and ranges that have been certified.

Option B: Should regulations prescribe that the Commissioner maintain a publicly available list of clubs that have been approved and ranges that have been certified.

67. Do you prefer Option A or Option B?

A

B

Why?

Appendix 2: Legislation Extracts from the Arms Act 1983, Arms Legislation Act 2020, and Arms Regulations 1992

A. Extract from the Arms Legislation Act, section 63:

Part 6 Shooting clubs and shooting ranges

38A Interpretation

In this Part,—

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

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

certified shooting range means a shooting range certified under section 38P

shooting activities—

- (a) means activities that are carried out using a firearm or an 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.

Shooting clubs

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 pistol club that applies for a certificate of approval must be registered under the Incorporated Societies Act 1908.
- (3) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, establishes or continues to operate a shooting club without the club holding a certificate of approval.

38C Shooting club must be incorporated society if ammunition or firearms sold on its behalf

- (1) This section applies if ammunition or firearms are sold on behalf of a shooting club.

- (2) A shooting club to which this section applies may not hold a certificate of approval under section 38G unless it is registered under the Incorporated Societies Act 1908.

38D Application to have shooting club approved

- (1) An application for a certificate of approval must be made,—
- (a) if the shooting club is a body corporate, by a person who is authorised to make the application; or
 - (b) if the shooting club is not a body corporate, by the club's representative who is authorised by the club to make the application.
- (2) An application for approval must be made to the Commissioner in the manner prescribed by regulations made under this Act, and must—
- (a) be in a form approved by the Commissioner; and
 - (b) be supported by any information and documents that are prescribed; and
 - (c) be accompanied by the prescribed application fee (if any).

38E Commissioner may make inquiries and request further information

On receipt of an application for approval made under section 38D, the Commissioner—

- (a) may make whatever inquiries the Commissioner considers necessary to determine whether the application should be granted; and
- (b) may request the applicant to provide any further information or documents that the Commissioner considers necessary to determine whether the application should be granted.

38F Decision on application for certificate of approval

The Commissioner may grant an application for approval made under section 38D if the Commissioner is satisfied that the shooting club—

- (a) will be using a certified shooting range for its shooting activities; and
- (b) has rules relating to the safe operation of firearms and promotes the safe possession and use of firearms; and
- (c) is appropriately administered; and
- (d) is able to safely manage its shooting activities; and
- (e) has proper storage for any firearm or ammunition held at any of the club's premises or at a shooting range used by the club.

38G Issue of certificate of approval

- (1) If the Commissioner grants an application for approval, the Commissioner must issue to the shooting club a certificate of approval.
- (2) A certificate of approval may be granted subject to any conditions that the Commissioner considers appropriate.

38H Duration of certificate of approval

A certificate of approval granted to a shooting club continues until—

- (a) surrendered by the shooting club; or
- (b) cancelled by the Commissioner.

38I Cancellation of certificate of approval

- (1) The Commissioner must cancel a shooting club's certificate of approval if the Commissioner is satisfied that—

- (a) the shooting club is not using a certified shooting range for its shooting activities; or
 - (b) the shooting club is no longer carrying on its operations; or
 - (c) the shooting club no longer meets the requirements in section 38C or 38F; or
 - (d) the shooting club has failed to comply with an improvement notice issued under section 38V.
- (2) The Commissioner may cancel a shooting club's certificate of approval if the Commissioner is satisfied that—
- (a) the shooting club has failed to comply with any conditions to which its certificate of approval is subject; or
 - (b) the shooting club has failed to report any serious firearms-related safety incident; or
 - (c) any activity of the shooting club has raised any reasonable concern about the safety of its members or the public.

38J Club may have to reapply for certificate of approval

- (1) The Commissioner may require a shooting club to reapply for a certificate of approval if—
- (a) the club has amalgamated with another shooting club that has a different discipline; or
 - (b) the club is an incorporated society that has ceased to be registered under the Incorporated Societies Act 1908 for at least 2 years.
- (2) Sections 38D to 38I apply to an application as if the application were an application for a certificate of approval.

38K Annual reports

- (1) A shooting club must, not later than 5 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.

Shooting ranges

38L 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, without reasonable excuse, contravenes subsection (1).

38M Application to have shooting range certified

- (1) An application for certification of a shooting range may be made,—
- (a) if the person who is proposing to operate the range is an individual, by that individual; or
 - (b) if the person who is proposing to operate the range is a body corporate, by a person who is authorised to make the application; or
 - (c) if the person who is proposing to operate the range is not an individual or a body corporate, by the person's representative who is authorised by the person to make the application.
- An application for certification must be made to the Commissioner in the manner prescribed by regulations made under this Act, and must—
- (2)
- (a) be in a form approved by the Commissioner; and
 - (b) be supported by any information and documents that are prescribed; and

- (c) be accompanied by the prescribed application fee (if any).

38N Commissioner may make inquiries and request further information

On receipt of an application for certification made under section 38M, the Commissioner—

- (a) may make whatever inquiries the Commissioner considers necessary to determine whether the application should be granted; and
- (b) may request the applicant to provide any further information or documents that the Commissioner considers necessary to determine whether the application should be granted.

38O Decision on application to have shooting range certified

The Commissioner may grant an application for certification made under section 38M if the Commissioner is satisfied that—

- (a) the shooting range meets all required safety standards published by the Commissioner; and
- (b) all necessary territorial authority and regional council consents to operate the shooting range have been obtained.

38P Grant of certification

If the Commissioner grants an application for certification in respect of a shooting range, the Commissioner must issue a certificate to the applicant.

38Q Certification granted subject to conditions

- (1) A certificate granted under section 38P is subject to the condition that, at all times while the certified shooting range is in use, an officer is on duty who—
 - (a) holds a firearms licence; and
 - (b) is appropriately trained in shooting range safety management.
- (2) Certification granted under section 38P may be made subject to any other conditions that the Commissioner considers appropriate, which may include conditions relating to—
 - (a) maintenance of the shooting range:
 - (b) public access to the shooting range:
 - (c) restrictions on the types of firearms and ammunition that may be used at the shooting range:
 - (d) competitions that may be conducted at the shooting range.
- (3) A certified shooting range must request the Commissioner to review its range certification if it is intended that the operation of the range will depart from the conditions imposed by or under this section.

38R Duration of certification

A certificate issued in respect of a shooting range remains in force 5 years after the date it is issued unless the certificate is sooner surrendered or cancelled.

38S 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 operator of the shooting range is not complying with any conditions imposed under section 38Q; or
- (d) having regard to the matters specified in section 38O, it is no longer appropriate that the shooting range be certified; or
- (e) the operator of a shooting range has failed to comply with an improvement notice issued under section 38V.

38T Renewal of certification

- (1) A certificate granted under section 38P may be renewed on 1 or more occasions.
- (2) Sections 38M to 38S apply to an application for renewal of certification as if the application were an application for certification unless subsection (4) applies.
- (3) A renewed certificate is to be treated for all purposes as a new certification granted under section 38P.
- (4) If the circumstances of the shooting range have not changed significantly for 5 years, the applicant may initiate the renewal of the certification by using a form approved by the Commissioner instead of applying under section 38M.

Compliance

38U Inspections of shooting clubs and shooting ranges

- (1) For the purpose of ensuring that a shooting club or shooting range is operated in accordance with this Act, a person who is a member of the Police and authorised in writing by the Commissioner may—
 - (a) enter and inspect—
 - (i) any shooting range (including any shooting club that is part of the range); and
 - (ii) any place where the shooting club stores firearms or ammunition:
 - (b) inspect, print, copy, or remove any documents that the person believes on reasonable grounds to be those of the shooting club or shooting range.
- (2) A member of the Police must give at least 7 days' notice of their intention to enter and inspect a venue of a shooting club or a shooting range.
- (3) The provisions of Part 4 of the Search and Surveillance Act 2012 (apart from subpart 3) apply.

38V Improvement notices

- (1) This section applies if a member of the Police reasonably believes that a shooting club or shooting range—
 - (a) is failing, is likely to fail, or has failed to comply with any conditions to which a certificate of approval or certification is subject; or
 - (b) is contravening, is likely to contravene, or has contravened a provision of this Act or regulations made under this Act.
- (2) If this section applies, the member of the Police may issue an improvement notice to the shooting club or the operator of the shooting range requiring the shooting club or shooting range, within a reasonable period of time specified in the notice, to—
 - (a) remedy the non-compliance or contravention; or
 - (b) prevent a likely non-compliance or contravention from occurring.

38W Temporary suspension of shooting club’s operations pending possible cancellation of certificate of approval

- (1) A member of the Police may, by notice in writing to a shooting club, temporarily suspend the operations of the shooting club if the member is satisfied that the shooting club has failed to comply with an improvement notice issued under section 38V.
- (2) A notice of temporary suspension must state—
 - (a) the ground on which the notice is given; and
 - (b) the date on which the suspension begins; and
 - (c) that the suspension is to enable the Police to consider cancelling the shooting club’s certificate of approval on that ground; and
 - (d) that the suspension lasts until notice of the decision as to whether to cancel the certificate of approval is given to the shooting club, but, if the notice is not given within 90 days after the suspension takes effect, the suspension ends with the close of that 90-day period.

38X Temporary suspension of shooting range’s operations pending possible cancellation of certification

- (1) A member of the Police may, by notice in writing to the operator of a shooting range, temporarily suspend the operations of the shooting range if the member is satisfied that the shooting range has failed to comply with an improvement notice issued under section 38V.
- (2) A notice of temporary suspension must state—
 - (a) the ground on which the notice is given; and
 - (b) the date on which the suspension begins; and
 - (c) that the suspension is to enable the Police to consider cancelling the shooting range’s certification on that ground; and
 - (d) that the suspension lasts until notice of the decision as to whether to cancel the certification is given to the operator of the shooting range, but, if the notice is not given within 90 days after the suspension takes effect, the suspension ends with the close of that 90-day period.

B: Extract from the Arms Legislation Act, section 109

Schedule 1, Part 2, Provisions relating to Arms Legislation Act 2020

12 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 49 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 38G.

In the case of any other shooting club that existed as a shooting club immediately before the commencement of Part 6, an application under section 38D must be made within 12 months
- (3) after the date of commencement of Part 6.

If an application for certification of the club is made within that 12-month period, the club is to be treated, as from the time the Commissioner receives the application until the application
- (4) has been decided, as if the club has been issued with a certificate of approval under section 38G.

13 Shooting ranges

- (1) Subclause (2) applies to a pistol shooting range that at the date of commencement of Part 6 was approved by the Commissioner in accordance with regulation 22 of the Arms Regulations 1992.
- (2) The pistol shooting range is to be treated as if the range has been issued with a certificate under section 38P 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, an application under section 38M must be made within 12 months after the commencement of Part 6.
- (4) If an application for certification of the range is made within that 12-month period, the range is to be treated, as from the time the Commissioner receives the application until the application has been decided, as if the range has been issued with a certificate under section 38P.

Extract from the Arms Act 1983

2 Interpretation

ammunition seller—

- (a) means a person who is responsible for the day-to-day management of a business that includes selling or supplying ammunition; but
- (b) does not include—
 - (i) a licensed dealer; and
 - (ii) a member of a shooting club if the member sells ammunition—
 - (A) to a club member, or on club premises, with the approval of the management committee of the club or a majority vote of club members; and
 - (B) the sales revenue is used for the benefit of the club

5 Dealers to be licensed

- (3) Despite subsections (1) and (2), a dealer's licence is not required for the following activities:
 - (a) commercial hunting guide services by a firearms licence holder who during the provision of those services supplies no more than 6 firearms to 1 or more clients;
 - (b) the selling, hiring, lending, or supplying of firearms by a member of a shooting club, if the member—
 - (i) sells, hires, lends, or supplies firearms to a club member, or on club premises, with the approval of the management committee of the club or a majority vote of club members; and
 - (ii) the revenue from the sale, hire, lending, or supply of the firearms is used for the benefit of the club.

30 Power to make endorsement in respect of pistols or restricted weapons

- (1) On receiving an application under section 29, a member of the Police may, subject to any direction from the Commissioner, make the endorsement applied for if he is satisfied—

Part 5 s 30 Arms Act 1983

Version as at

28 October 2021

- (a) that the applicant is a fit and proper person to be in possession of the pistol or restricted weapon to which the application relates; and
- (b) that the applicant should, on grounds or in a capacity specified in section 29, be permitted to have possession of the pistol or restricted weapon to which the application relates; and
- (c) in the case of an application under section 29(2)(e), that possession of the pistol or restricted weapon by the employee or member is necessary for the purpose of—
- (i) making a broadcast; or
 - (ii) producing or staging a play; or
 - (iii) filming a cinematic production or television film or making a video recording.
- (2) A person whose firearms licence or dealer's licence bears an endorsement made under this section is not entitled to lawfully possess a pistol or restricted weapon until—
- (a) the person is issued with a permit for the purposes of section 16(1) to bring or cause to be brought or sent into New Zealand a pistol or restricted weapon; or
- (b) the endorsement is made specific to the pistol or restricted weapon in respect of which a permit has been issued under section 35.
- (3) A person whose firearms licence or dealer's licence bears an endorsement made under this section is not entitled to lawfully possess a pistol carbine conversion kit until—
- (a) the person is issued with a permit under section 18AA for the purposes of section 16(1)(g) to bring or cause to be brought or sent into New Zealand a pistol carbine conversion kit; or
- (b) the person holds a permit issued under section 35AAA to possess the pistol carbine conversion kit.

Cost recovery

79 Purpose of sections 80 to 86

The purpose of sections 80 to 86 is to enable the Police to recover its costs in respect of certain activities undertaken by the Police under this Act.

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 undertaken by the Police in accordance with this Act in relation to a person, shooting club, or shooting range.
- (2) The activities for which fees or charges may be imposed under section 86—
- (a) include—
- (i) processing an application for a firearms or dealer's licence, including assessing whether the applicant is a fit and proper person:
 - (ii) providing training and testing services in relation to obtaining a firearms licence:
 - (iii) issuing any licence under this Act:
 - (iv) processing any application for an endorsement, a permit to possess, or permit to import:
 - (v) issuing any endorsement, a permit to possess, or permit to import:
 - (vi) undertaking inspections and compliance checks, including checks relating to any licence, endorsement, permit, certification, conditions, or improvement notices:

- (vii) providing testing of samples in relation to firearms, firearm parts, restricted weapons, parts of restricted weapons, magazines, pistol carbine conversion kits, air pistol carbine conversion kits, blank-firing guns, or ammunition:
- (viii) processing any application for approval or certification of a club or range:
- (ix) approving the manufacture for sale of arms items:
 - (b) do not include—
 - (i) the response of the Police to calls relating to potential offending; or
 - (ii) the conduct of criminal investigations; or
 - (iii) the prosecution of criminal offences.

81 Criteria for cost recovery

The Minister of Police may recommend that regulations be made under section 86 only if the Minister is satisfied that,—

- (a) subject to the provisions of section 86, the fee or charge recovers no more than the actual and reasonable costs (including both direct and indirect costs) of the activity to which the fee or charge relates; and
- (b) the fee or charge for the activity or class of activities to which the fee or charge relates is generally obtained from the users or beneficiaries of the service or class of services to which the activity relates at a level commensurate, as far as practicable, with their use of the service; and
- (c) the costs of the activity to which the fee or charge relates are efficiently incurred; and
- (d) the relationship between the costs of the activity to which the fee or charge relates and the nature and duration of the activity is clear.

82 Consultation

- (1) The Minister of Police may recommend that regulations be made under section 86 only if the Minister is satisfied that the Commissioner has done everything reasonable on the Commissioner's part to consult the persons or organisations (or representatives of those organisations) that appear to the Commissioner to be affected or likely to be affected by the fee or charge.
- (2) The process for consultation must, to the extent practicable in the circumstances, include—
 - (a) the giving of appropriate notice of the intention to make the regulation and of the contents of the proposed regulation; and
 - (b) a reasonable opportunity for interested persons to make submissions; and
 - (c) the adequate and appropriate consideration of those submissions.
- (3) A failure to comply with this section does not affect the validity of any regulations made under section 86.

83 Methods of cost recovery

- (1) Regulations for the recovery of costs may provide for the following:
 - (a) fixed fees or charges:
 - (b) fees or charges based on a scale or formula or at a rate determined on an hourly or other unit basis:
 - (c) the recovery by way of a fee or charge of estimated actual and reasonable costs expended in, or associated with, the performance of an activity:
 - (d) fees or charges based on costs incurred from charges by third parties:
 - (e) any combination of the above

- (2) Without limiting the way in which a fee or charge may be set, a fee or charge may be set at a level or in a way that—
 - (a) is determined by calculations that involve an averaging of costs or potential costs:
 - (b) takes into account costs or potential costs of activities that are not services to be provided directly to the person who pays the fee or charge, but are an indirect or potential cost arising from the undertaking of the activity in question in relation to a class of persons or all persons who use the service or class of services to which the activity relates:
 - (c) takes into account indirect costs, which include the costs and potential costs of support, maintenance, and development associated with provision of the activity.

84 Payment of fee or charge

- (1) A fee or charge prescribed by regulations made under section 86 is payable at the time prescribed in respect of a particular activity, whether that time is before, during, or after completion of the relevant activity.
- (2) All fees and charges prescribed by regulations made under section 86 and received by the Police or any other government agency must be paid into a departmental bank account.

85 Exemptions, waivers, and refunds

- (1) Regulations made under section 86 may provide for exemptions from, or waivers or refunds of, any fee or charge prescribed by regulations made under this Act, in whole or in part, in any class of case.
- (2) Regulations made under section 86 may authorise the Commissioner, as the Commissioner thinks fit in the circumstances specified in those regulations, to exempt, waive, or refund the whole or any part of a fee or charge prescribed by the regulations.

86 Regulations relating to cost recovery

- (1) The Governor-General may, by Order in Council on the recommendation of the Minister of Police made after consultation in accordance with section 82,—
 - (a) make regulations prescribing fees or charges for specified activities in accordance with sections 79 to 83:
 - (b) make regulations for the purposes of section 84:
 - (c) make regulations for the purposes of section 85.
 - (f) how to manage specific situations where non-licensed persons come into possession of a firearm:
 - (g) matters that health practitioners consider when determining whether to notify the Police under section 92:
 - (h) generally, about any aspect of the Act or regulations made under this Act where the Commissioner thinks further guidance or detail is useful.
- (2) The Commissioner must consult the Arms Advisory Group, and may consult any other person or organisation that the Commissioner thinks appropriate, before issuing any notice.
The Commissioner must—
 - (3) (a) publish the notice in the *Gazette*; or
 - (b) notify in the *Gazette* the fact that the notice has been made and state in that notification where members of the public can access a copy of the notice in electronic form.
- (4) A notice issued under this section is neither a disallowable instrument nor a legislative instrument for the purposes of the Legislation Act 2012

Extract from Arms Regulations 1992

<https://www.legislation.govt.nz/regulation/public/1992/0346/latest/DLM169109.html>

8 Conditions of dealer's licence: security of place of business

A dealer's licence is subject to the following conditions:

- (a) the building in which the dealer's place of business is located must be, and be maintained, in a structurally sound condition:
- (b) the doors that can give access to the dealer's place of business, and their locks, bolts, hinges, and other fastenings, must be strong and stout and must be maintained in good condition:
- (c) the windows, skylights, or other things intended to cover openings to the dealer's place of business, and their locks, bolts, hinges, and other fastenings, must be maintained in good condition:
- (d) all such doors and all such windows, skylights, and other things must be capable of being secured against unlawful entry, in a manner approved for the time being either generally or in the particular case by a member of the Police:
- (e) whenever the dealer's place of business is left unattended or unoccupied, the dealer must ensure that all reasonable steps are taken to secure the place of business from unlawful entry.

8A Conditions of dealer's licence: security of firearms, etc, at licensed dealer's place of business

(1) A dealer's licence is subject to the following conditions:

- (a) the dealer must ensure that all firearms (other than miniature replica cannon) at the dealer's place of business that are not in the physical possession of the dealer or an employee of the dealer or that are not being demonstrated to a customer or handled by a customer under the immediate continuous personal supervision of the dealer or of an employee of the dealer are—
 - (i) dismantled, rendered inoperable, or immobilised (which includes securing them in a display cabinet or rack so that they cannot be readily removed), in a manner approved for the time being either generally or in the particular case by a member of the Police, so that none of them can be fired; or
 - (ii) locked up in a steel box, steel cabinet, or steel safe, that is secured to the building, or in a steel and concrete strongroom or stout storeroom, and the box, cabinet, safe, or strongroom must be of sound construction and of a type approved for the time being either generally or in the particular case by a member of the Police:
- (b) where vital parts are removed from a firearm for the purpose of complying with paragraph (a)(i), those parts must be locked up in a different box, cabinet, safe, or strongroom in the premises that complies with paragraph (a)(ii), or in a secure place in different premises:
- (c) all pistols (other than air pistols), prohibited items, magazines, restricted weapons, pistol carbine conversion kits, and major firearm parts at the dealer's place of business that are not in the physical possession of the dealer or an employee of the dealer or that are not being demonstrated to a customer or handled by a customer under the immediate continuous personal supervision of the dealer or an employee of the dealer must be locked up in a box, cabinet, safe, or strongroom that complies with paragraph (a)(ii):
- (d) all airguns at the dealer's place of business that are not in the physical possession of the dealer or an employee of the dealer or that are not being demonstrated to a customer or handled by a customer under the immediate and personal supervision of the dealer or an employee of the dealer must be secured in a manner so that they cannot be readily removed:

- (e) all ammunition at the dealer's place of business must be stored in storage facilities that are approved for the time being either generally or in the particular case by a member of the Police and,—
 - (i) if the ammunition is not on display or being handled by a customer, be stored—
 - (A) in an area not accessible to the public in a steel cabinet or container that is soundly constructed and secured to the building to prevent its removal; or
 - (B) in a locked storeroom or strongroom:
 - (ii) if the ammunition is on display, be stored in a locked container or a locked display case that is soundly constructed and secured to the building to prevent its removal and may be handled by a customer only under the immediate and continuous supervision of the dealer or an employee of the dealer.
- (2) If a director or curator of a bona fide museum keeps any firearms or ammunition that are on display to members of the public, the director or curator must ensure that they are not able to be handled by members of the public and that—
 - (a) the firearms are rendered inoperable; and
 - (b) the firearms and ammunition are adequately secured in a manner approved in each case by a member of the Police to prevent unlawful removal.

22 Conditions of endorsements in respect of pistols and restricted weapons

- (1) Where an endorsement made under section 30 of the Act permits a person to have possession of a pistol in his or her capacity as a member of an incorporated pistol shooting club for the time being recognised by the Commissioner for the purposes of section 29 of the Act, that endorsement shall be subject to the following conditions:
 - (a) a condition that that person may use the pistol only for target pistol shooting on a pistol range approved by the Commissioner for the purpose:
 - (b) a condition that that person participate actively in the affairs of the pistol shooting club by taking part in its activities, on the pistol range used by that club, on at least 12 days in each year.

Appendix 3: Background - The Arms Regulatory Regime

The Arms Act 1983

The Arms Act 1983 provides a regulatory framework that seeks to protect the public from harm that could be caused by firearms. It allows fit and proper people to possess firearms for legal purposes while mitigating risks of harm from misuse. This recognises that the safe use of firearms benefits New Zealand society and enables fit and proper people to exercise the privilege of using firearms. The provisions in the Arms Act include offences and penalties for contravening the Act.

There are four broad strategies that have been embodied in the Arms Act since 1983. They are to:

- control access to high-risk arms items through importation controls and restrictions on possession
- restrict use of arms items to fit and proper users, while reducing availability to high-risk users through licensing and permitting systems
- control high risk use through limits on where firearms may be held, stored, transported, and fired
- promote accountability for the responsible use of arms.

These strategies were strengthened by the provisions of the Arms Legislation Act 2020.

Relevant to this discussion document are the provisions in section 63 of the Arms Legislation Act 'Part 6 Shooting clubs and shooting ranges' which will come into law on 24 June 2022. On that date, Part 6 will be incorporated into the Arms Act 1983.

The Arms Legislation Act 2020

The Arms Legislation Act 2020 introduced the newly stated purpose of the Arms Act 1983, and amendments that provided greater oversight of, and strengthened, the critical control points in the Arms Act.

Most of the amendments are now in force. The Arms Amendment Regulations 2021 were created to support amendments that came into force in June 2021. Arms Act amendments that have yet to come into force are:

1. A requirement for all shooting ranges to be certified and all shooting clubs to be approved by the Police Commissioner along with the processes for making applications for approval and certification, and for inspections of shooting clubs and shooting ranges (coming into force on 24 June 2022).
2. The requirement for the Commissioner to keep and operate a firearms registry (coming into force 24 June 2023).

Regulations under the Arms Act 1983

Section 74 of the Arms Act 1983 enables the Governor-General to make regulations on matters necessary to give full effect to the Arms Act and its administration.

This includes provision for regulations prescribing information and documents required to support an application for approval of a shooting club, and for certification of a shooting range, and regulations prescribing the particulars to be included in the annual reports of shooting clubs.

The Act also provides (in sections 79 to 86) that regulations may be made prescribing fees or charges for the processing of any application for approval or certification of a club or range.

Changes in the policy settings of the Arms Act for shooting clubs and shooting ranges brought about by the Arms Legislation Act 2020 need to be supported by regulatory changes that clarify both the existing and new obligations. The proposed regulatory proposals in this discussion document therefore aim to provide clear and comprehensive directions on expectations around the requirements relating to shooting clubs and shooting ranges.

Current regulatory framework as it applies to target shooting pistols on a certified pistol range¹⁷

In the case of shooting of pistols on target pistol shooting ranges, to a large extent been self-regulated and has relied upon a mix of primary (the Arms Act) and secondary (Arms Regulations) legislation and a non-statutory letter of agreement.

As it currently stands, the Arms Act 1983:

- allows firearms licence holders to apply for an endorsement to possess pistols in a number of capacities. One of these capacities is as a member of an incorporated pistol shooting club recognised by the Commissioner for the purposes of possessing pistols for target pistol shooting (section 29(2)(a)); and
- provides that conditions may be applied to the endorsement granted by a member of Police on the direction of the Commissioner of Police (section 32(2)).

Certain conditions of endorsements in respect of the use of pistols on pistol ranges have been codified in regulation 22(1) of the Arms Regulations 1992.

This regulation specifies that endorsements issued to a person in their capacity as a member of an incorporated pistol shooting club shall be subject to the following conditions:

- that person may use the pistol only for target pistol shooting on a pistol range approved by the Commissioner for that purpose; and
- that person must participate actively in the affairs of the pistol shooting club by taking part in its activities, on the pistol range used by that club, on at least 12 days in each year.

This provision has been implemented through a voluntary Letter of Agreement with New Zealand Pistol Association (Inc) (PNZ). PNZ acts as an umbrella organisation for most, but not all, of the pistol clubs in New Zealand. In the Letter of Agreement, the Commissioner has agreed to recognise in accordance with s29(2)(a) any club affiliated to PNZ that can demonstrate that, among other matters, it is an incorporated society, and the club members have the use of a range recognised by the Commissioner.

In summary, prior to June 2022, the Arms Act 1983 and the regulations arising from the Act, enable Police to carry out statutory functions including:

- recognition of pistol shooting clubs
- approval of ranges for pistol shooting
- issue of endorsements to possess pistols and permits to import and possess pistols
- revocation of permits, endorsements, and licences

¹⁷ See the [Arms Act 1983](#); the [Arms Regulations 1992](#); and the [Letter of Agreement between the New Zealand Pistol Association and the New Zealand Police](#).

- recovering costs through fees.

A two-way benefit arises from the statutory basis of the pistol club regime. Besides leading to clubs assisting Police to check that their club members meet the conditions that are placed on the individual pistol endorsed licence holders (participation in club activities 12 times per year), it gives some authority to the pistol clubs' administrative rules and the standards they set for both pistol shooting activities and the ranges they use.

However, there are gaps in the regulatory oversight of pistol clubs, which have led to situations that have the potential to increase risks for range users and in some cases the wider public.

Reliance on the voluntary arrangements provided for in the Letter of Agreement between Police and PNZ has weaknesses. Not all pistol clubs are covered by the arrangement. Additionally, there is limited ability for Police or PNZ to enforce the terms of the voluntary arrangement. Furthermore, there has been no formal arrangement to ensure that operators of ranges used by pistol clubs continue to comply with the conditions of their certification.

Appendix 4: Range Standing Orders

Range Standing Orders

The information required (where applicable) in the Range Standing Orders should cover:

- a. The range complex name (if applicable)
- b. The range name (if an individual range)
- c. The date of authorisation of the Range Standing Orders and dates of any approved or amended versions
- d. Introduction – information about the range
 - i. Information on the legal title of the land on which the range is located, and any land affected by the range danger area
 - ii. Name of the landowner or controlling authority allowing the use of their land as a shooting range, including reference to any agreement such as lease or licence
 - iii. Hours of operation
- e. Responsibilities
 - i. Name of the shooting range operator (SRO)
 - ii. Name of the administrator or manager of the range (if different from the SRO), and contact details for reporting or receiving advice on non-emergency issues
- f. Compliance with Range Standing Orders
 - i. A clear statement that all range users must comply with the Range Standing Orders
 - ii. A clear statement on the consequences of non-compliance with the Range Standing Orders
- g. Range location
 - i. Physical address of the range
 - ii. NZTM map sheet number and grid reference
- h. Range safety rules
 - i. Generic safety rules relevant to the use of the range, including identification of safe waiting areas
 - ii. Any special requirements before, during and post shooting
- i. Range layout / range danger area
 - i. Description of all ranges by name or number, distance, and range danger area, e.g., NDA/RDA/FDA
 - ii. Where a range is designated an FDA or RDA range, a scale map of the respective range danger area is to be included as an annex (a scale map is not required for an NDA range)
 - iii. For RDA ranges, the limitation of the danger area is to be clearly defined
 - iv. The range axis (direction of fire) is also to be clearly indicated in the scale diagram (a range axis is not required for an NDA range)
- j. Restrictions - Describe restrictions on firearms/calibres/ammunition approved for use on the range
- k. Conditions of use - Conditions of use for an individual range are to be inserted as part of the restrictions for that range
- l. Targets / New target systems
 - i. Describe approved soft and hard target types to be used
 - ii. Describe the correct placement of targets
 - iii. List approved target centre heights
 - iv. Describe the procedure for approval and use of new targets and target systems
- m. Steel plate targets - Describe the criteria for the use of approved steel plate targets
- n. Moving targets - Describe the criteria for use of moving targets

- o. Minimum safe engagement distances - List the minimum safe engagement distances by calibre, target type and composition of the backstop/ bullet catcher material
- p. Approved range users and priority of use
 - i. List approved range users/organisations/clubs in their order of priority
- q. Warning flags and danger signs
 - i. Describe locations of warning flags, danger signs and their use
 - ii. Flag locations may be included within the Google Earth image (or a similar diagram)
- r. Range safety appointments
 - i. Describe the range safety appointments required for the safe conduct of a shooting activity
 - ii. RSOs must detail that an officer must be on duty for each individual range, when in use
 - iii. The officer on duty must hold a firearms licence and be appropriately trained in shooting range safety management
 - iv. The shooting range operator should keep a record of who has been trained and can perform the role of an officer on duty, including evidence of how the training was delivered
 - v. It is recommended that a record is kept of who has fulfilled the role of the officer on duty each time the range is in use, by name, date and range used
- s. Cone of fire – list the approved cone of fire for each range
- t. Inability to achieve cone of fire - Describe the procedure to coach and correct the firer to achieve the cone of fire
- u. Unlicensed or inexperienced shooters and test firing
 - i. Describe the procedure(s) used to manage an unlicensed or inexperienced shooter and the safe conduct of approved test firing of firearms and ammunition on the range.
- v. Specific safety rules for the use of the range / range complex
 - i. A statement detailing that these RSOs take precedence over all other individual shooting discipline rules
 - ii. List specific safety rules for the use of the range/range complex
 - iii. Describe approved shooting activities
 - iv. Unapproved shooting activities must first be reviewed for approval by the range operator and then included in RSOs as an authorised amendment prior to being used (and any amendments to RSOs must be approved by Police)
- w. Prohibited ammunition – list any types
- x. Air danger height
 - i. List approved air danger heights for the range
 - ii. Describe the procedure for aircraft intrusion over the range danger area
 - iii. Describe any necessary procedure required by agreement with the local aerodrome(s) or CAA for use of the range (if applicable)
- y. Health and safety - describe the rules for eye and hearing protection, minimising lead contamination risk, and hygiene, such as hand washing. This should include instructions on the correct use of protective equipment
- z. Accident / Incident procedure
 - i. Describe the procedure in case of an accident/incident not involving a firearm
 - ii. Describe the procedure in case of an accident/incident involving a firearm
- aa. Medical and emergency
 - i. Location of the first-aid kit
 - ii. Identify the method by which you will be able to contact emergency service (e.g., satellite phone, mountain radio, mobile phone)
 - iii. Identify the location of the nearest hospital or medical centre
 - iv. Identify the location of the nearest Police station
- bb. Fire precautions and procedures

- i. Evacuation procedure in the event of a fire, including safe muster area
- ii. Location of fire extinguishers
- iii. Location of onsite fire alarms
- iv. Any relevant seasonal fire restrictions that must be complied with
- cc. Range maintenance plan
 - i. A schedule detailing regular maintenance checks of the range(s) e.g., detailing the criteria for refurbishment of the bullet catcher fill material (if applicable).
 - ii. For the purpose of certification, the standard of the range maintenance will be assessed against the range maintenance plan
- dd. Range clearance - describe the procedure for clearance of the range at the completion of the shooting activity
- ee. Unauthorised access and/or use of the range – describe the procedure for managing any unauthorised access and/or use of the range
- ff. Children / minors – rules for supervision
- gg. Domestic animals – rules
- hh. Additional headings – any other information deemed necessary for inclusion for the safe management and operation of that range
 - ii. Amendment of RSOs – describe the correct procedure to amend the RSO, including a reminder that any amendment must be approved by Police
- jj. Authorisation of RSOs – the RSO should be signed and dated by the shooting range operator
- kk. Distribution list – all range users and associated organisations
- ll. Annexes
 - i. Range layout
 - ii. Range location
 - iii. Range danger area
 - iv. Additional shooting organisations – where there are additional shooting organisations using the range, specific rules for their discipline can be added as an annex. They must not contradict the RSOs. The annex must be reviewed and approved for inclusion in these RSOs.
 - v. Any other relevant information - Information, tables, images etc, that are more suited to being an Annex and reduce clutter in the main body of the orders (e.g., table of equivalency)

Appendix 5: Options and Criteria Table

Consideration of Options against criteria (page 6-7) where options have been provided. For most of the proposed regulations there is no previous regulatory oversight and hence maintaining the status quo would not deliver on the purposes of the Arms Act and is therefore excluded from analysis. This analysis table also excludes those proposals where no alternative has been identified that delivers on the purposes of the Act.

| Option | Delivers on the purpose of the Act | Practicality (clear and easily understood) | Efficiency (as easy as possible) | Cost effective (Yes/No) |
|---|------------------------------------|--|----------------------------------|---|
| CLUBS: Conditions applied to certificates of approval of shooting clubs | | | | |
| <i>Members of club governing committees</i> | | | | |
| A(i) members of club management committee are licence holders | ✓ | | | Yes, for Police but may add cost for the club |
| A(ii) some members of the club management committee are licence holders and management committee will include the Treasurer if selling firearms and ammunition | ✓ | ✓ | ✓ | Yes |
| <i>Members of pistol-club governing committees</i> | | | | |
| B(i) specifies the positions that must be on the governing committee and that all will be target shooting pistol endorsed licence holders | ✓ | | | Yes, for Police but may add cost for the club |
| B(ii) specifies that more than half of the governing committee will be licence holders and those positions will be target shooting pistol endorsed licence holders | ✓ | ✓ | ✓ | Yes |
| <i>Members of multi-discipline governing committees</i> | | | | |
| C(i) all management committee members of multi-disciplinary clubs involving pistol shooting to hold a firearms licence and more than half of the committee to be target pistol endorsed licence holders | ✓ | | | |

| | | | | |
|---|-----|---|--|--|
| C(ii) proposes that the majority (more than half) of management-committee members must be licence holders and, as a minimum, must include the persons (i) responsible for the training of new or probationary members, and (ii) responsible for holding pistols on behalf of the club (armourer) – both of whom must be target shooting pistol-endorsed licence holders | ✓ | ✓ | ✓ | Yes |
| <i>Restrictions on participation in club shooting activities (age of participant)</i> | | | | |
| D(i) For all clubs excludes any non-licence holder under the age of 16 years from shooting in club-organised shooting activities | ✓ ✓ | ✓ | ✓ | Yes, but may impact on the club's ability to attract new members |
| D(ii) For only non-pistol clubs: allows a person between 10 and before turning 16 years to participate under immediate supervision in club organised shooting activities | ✓ | ✓ | Risks compromising immediate supervision | Yes |
| <i>Restrictions on participation in pistol club shooting activities (age of participant)</i> | | | | |
| F(i) provides for non-licence holder becoming a member of a pistol club | ✓ | | ✓ | Yes |
| F(ii) provides for licence holders only becoming a member of a pistol club | ✓ ✓ | | ✓ | Yes |
| <i>Restrictions on participation in pistol club shooting activities (probationary members)</i> | | | | |
| G(i) provides a regulation for probationary membership participation in target shooting pistol clubs | ✓ | ✓ | ✓ ✓ | Yes |
| G(ii) specifies probationary members arrangements in individual letters of agreement between Police and individual pistol clubs | ✓ | | ✓ | Yes |

| | | | | |
|--|----|----|----|---|
| | | | | |
| RANGES: Conditions of shooting range certification | | | | |
| <i>Endorsements, training, and record keeping related to 'officers on duty'</i> | | | | |
| Record of use: | | | | |
| A: records name, date time, and range | ✓✓ | ✓ | ✓ | Yes |
| B: records name, date, and range (excludes time) | ✓ | ✓✓ | ✓ | Yes |
| Conditions of shooting range certification - other matters | | | | |
| <i>Other conditions</i> | | | | |
| Specific detail on conditions: | | | | |
| A: all on the range certificate itself | ✓ | ✓ | ✓ | Yes |
| B: may be on the range certificate and in RSOs | ✓ | ✓✓ | ✓ | Yes |
| Range standing orders (RSOs) | | | | |
| <i>Contents of range standing orders</i> | | | | |
| A: Regulations refer to RSOs contents set out in Range Manual | ✓ | ✓ | ✓✓ | Yes |
| B: Regulations include a short summary of RSOs and refer to detail in Range Manual | ✓ | ✓ | ✓ | Yes |
| Police to maintain and publish list of approved clubs and certified ranges | | | | |
| Voluntary commitment | ✓ | ✓ | ✗ | Yes, but may be irregularly maintained if left as a voluntary service |
| Required by regulation | ✓ | ✓ | ✓ | Yes |
| | | | | |

| Fee Options | Cost recovery criteria | | | Relationship between fee and service is clear |
|---|--|-------------------------|--|---|
| | Recover only direct and indirect costs | Obtained from the users | The cost of the activity is efficiently incurred | |
| Clubs | | | | |
| Approval of clubs | | | | |
| Option One: Full cost recovery | ✓ | ✓ | ✓ | ✓ |
| Option Two: Partial cost recovery | ✓ | ✗ | ✓ | ✓ |
| Percent of partial cost recovery (75%) | ✓ | ✗ | ✓ | ✓ |
| Percent of partial cost recovery (50%) | ✓ | ✗ | ✓ | ✓ |
| Ranges | | | | |
| Certification of ranges | | | | |
| Option A: Full cost recovery | ✓ | ✓ | ✓ | ✓ |
| Option B: Partial cost recovery | ✓ | ✗ | ✓ | ✓ |
| Percent of partial cost recovery (90%) | ✓ | ✗ | ✓ | ✓ |
| Percent of partial cost recovery (80%) | ✓ | ✗ | ✓ | ✓ |
| Renewal of certification – discount for timely renewal | | | | |
| Option A: 5% discount | ✓ | ✗ | ✓ | |
| Option B: 10% discount | ✓ | ✗ | ✓ | |