



## **Submission of the NZ Hunting Sector on the Arms Legislation Bill**

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### **The ‘NZ Hunting Sector’**

The NZ Hunting Sector is, for the purposes of this submission, a collective of statutory and non-statutory organisations with responsibility for and an involvement in game animal and game bird hunting in New Zealand. Representatives of the following organisations undertook analysis of the Arms Legislation Bill through a workshop where consensus was gained for the recommendations in this submission.

The NZ Hunting Sector comprises – Fish & Game NZ, NZ Game Animal Council, New Zealand Deerstalkers Association, Safari Club International, NZ Professional Hunting Guides Association, NZ Pig Hunting Association, Fiordland Wapiti Foundation and the NZ Tahr Foundation.

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### **Introduction**

The NZ Hunting Sector is, like the rest of the community, concerned with maximising public safety and support all reasonable measures to do that. However, we do not support provisions that will have little impact on public safety and that will unfairly impact hunters and law-abiding firearms users.

Hunting has a rich heritage in New Zealand, providing Kiwis of all backgrounds with the ultimate free-range food and a connection to the environment since humans first set foot on these lands. Today hunting in New Zealand is primarily undertaken with a firearm. For hunters, firearms are a ‘tool not a toy’. They are a critical component to participation in the activity and are responsibly treated as such. There are largely unrecognised social, economic, conservation and cultural benefits that come from hunting and the responsible use of firearms and it is important that legislative change is not so heavy-handed as to negatively impact those.

There is a long history of hunting sector organisations providing valuable firearms safety training in New Zealand and it is critical that legislation does not restrict the ability for firearms users to access such training opportunities.

There is concern that the Bill focusses heavily on compliance of law-abiding licensed hunters and firearms owners and does relatively little to address the illegal use and possession of firearms by criminals. Many hunters consider that if the existing Arms Act and the current firearms licensing scheme were administered properly that would go a long way to achieving the public safety outcomes intended through this legislation.

The NZ Hunting Sector's key issues with the Arms Legislation Bill are:

- The proposed registry will heavily increase costs without demonstrably enhancing public safety.
- A number of provisions within the Bill are impractical and will work to incentivise non-compliance, such as the requirement to register short-term change of possession or the temporary transfer of a firearm.
- The creation of a licensing regime for shooting ranges has the potential, if compliance is too onerous, to reduce the number of operating ranges, which will limit the accessibility of these facilities and therefore impact the safe training of firearms users.
- There is concern that unreasonable cost recovery will be a disincentive to compliance and safety.
- There are also issues with the increase in Police powers and the regulation-making powers of the Police Commissioner

There are aspects of the legislation that we do see as useful, although in some cases the Bill requires amendments for those provisions to work fairly and practically, e.g.:

- We support the fit and proper person test, however a number of current provisions within that part of the Bill need more work and greater legislative direction.

These issues are discussed in more detail in the Analysis and Recommendations below.

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## **Analysis and Recommendations**

### **Firearms Registry (Sections 92-94)**

The objective of this Bill is the enhancement of public safety. The Government has not yet made a convincing argument for how the registration of firearms will do that. A firearms registry can only add to safety and provide reliable information on the location of firearms if it is 100 percent accurate. The reality is that will not be the case.

The NZ Hunting Sector is concerned that the focus of this part of Bill is on law-abiding firearms owners not criminals and that the potential cost to firearms owners far outweighs the potential public safety benefits.

There is concern over the security of access to the registry's data and the risk of privacy breaches if data is shared across multiple government agencies.

Clause 94(1)(c) is totally impractical as temporary possession when on a hunting trip or in a farming situation may transfer fluidly between firearms licence-holders as the situation dictates.

- This clause makes compliance impossible and incentivises non-compliance.
- Our recommendation is to remove this provision or insert a provision to determine an appropriate time period (possibly 30 days) so that short-term temporary transfers are not affected.

### **Firearms Licences (Part 5)**

#### **Renewal Period**

The NZ Hunting Sector opposes a 5-year licence duration but we accept the intention of the Bill to provide an opportunity to reassess a licence holder's circumstances within the ten year licence period. We believe that the inclusion of an audit within the current tenure of the licence will contribute more to public safety than going through the process of relicensing every 5 years

- A mid-licence auditing regime appropriately concentrates on a licence-holder's compliance with the obligations of their licence without unnecessary administration.
- The cost of licence renewal may increase but will be less than the 5-year renewal due to a reduction in administrative costs.

### Cost Recovery

We are concerned that unreasonable cost recovery will be a disincentive to compliance and therefore safety. We further believe it is important that firearms licence fees are ring-fenced for direct recovery of the costs of the licencing system and that this is transparent.

### Fit and Proper Person Test

The NZ Hunting Sector agrees with the premise of a fit and proper person test to hold a firearms licence.

However, we oppose provisions that result in a failure of the fit and proper person test on being 'charged with an offence' or served with a 'temporary protection order'.

- Those provisions go against natural justice and the presumption of innocence.
- If a person is convicted of an offence or breaches a temporary protection order we do agree with that person failing the fit and proper purpose test.

There is concern over the ambiguity of wording in a number of clauses relating to determining whether an applicant is a fit and proper person (Particularly clauses 24A(2) and (3)).

- Such wording leaves a great deal to Police discretion and could prevent a person from holding a firearms licence for the rest of their life.
- These clauses require greater legislative direction so that applicants are assessed as objectively as possible.

We do not oppose, but recommend greater certainty and clarity around, definitions such as 24A(1)(j) 'tendency to exhibit, encourage, or promote violence, hatred, or extremism'.

### Police's Right of Entry Powers

There is significant concern at the Police's non-notified right of entry and inspection powers under new clause 24B(1)(c).

- The NZ Hunting Sector supports the ability for Police to carry out inspections at a reasonable time with notification, but we do not support non-notified inspections.
  - We consider a 24-48-hour time period for notifications to be appropriate.

We recommend the removal of 24B(1)(d) and that the status quo is retained. This is set out in the Arms Regulations 1992, clause 19(2)(c) - ensuring that no firearm in the holder's possession is left in a vehicle that is unattended.

### **Shooting Clubs and Shooting Ranges (Part 6)**

There is concern over the impact on firearms safety training and animal welfare from the creation of a licensing regime for clubs and ranges.

There is a clear difference between certified formal ranges and informal areas of private land used sporadically. Our understanding of the Bill is that it exclusively covers the former, and our comments are made on that basis.

Ranges that are run well benefit public safety, encourage compliance, protect animal welfare in hunting situations and maximise training opportunities.

- A central register of ranges and clubs with contact details etc is a good idea as long as that system is not onerous.
- We oppose duty manager and public liability obligations due to the negative impact they will have on public safety (due to a loss of access to ranges and associated training and firearms safety opportunities) and the extra costs associated with them.
- We support enhanced monitoring and auditing of ranges by Police, however, the details of that need to be specified in legislation.

We also want specified in the legislation a better definition of 'primary purpose of land' and what constitutes a range.

- It is recommended that shooting on land outside of the definition of 'primary purpose' in 38A(a) is explicitly excluded from the Bill's provisions

### **Dealer's Licence (Clause 5(1)(a))**

There would be significant detrimental impact on guided hunting and other commercial hunting activities as a result of clause 5(1)(a), which requires a dealer's licence for anyone selling, hiring, lending, or otherwise supplying a firearm in a business capacity.

- The NZ Hunting Sector strongly opposes this clause as it is drafted.
- We recommend removing 'lending, or otherwise supplying' from the clause so as not to unnecessarily interfere with guided hunting and farming activities.
- There is no public safety issue addressed by this, as in these instances loaned firearms are used under the direct supervision of a firearms licence holder.

### **Firearms Advisory Committee (Sections 88-90)**

The Firearms Advisory Committee is a good idea and we support it. However, we believe this part of the Bill requires amendment to make the Committee work as it should.

The Committee requires expertise and experience from the largest firearms user groups, which includes recreational/commercial hunting and rural users.

- There is a need for hunting sector membership of the new Firearms Advisory Committee so as to provide expertise on hunting and safety.

- As the two statutory organisations responsible for hunting in New Zealand it is appropriate that the Game Animal Council and/or Fish and Game New Zealand are responsible for that representation.

The Firearms Advisory Committee should report to the Minister of Police rather than the Commissioner as it is the Minister that is responsible for the Act.

### **Policy-Making Powers of Police Commissioner (Clause 87(1))**

There is concern with allowing the Police Commissioner to make new firearms policy under Section 87(1) and the compliance issues that may lead to.

- We do support the Commissioners ability to issue guidance for administrative matters, however a number of matters would be more appropriately set out in the legislation.
- We don't support the Commissioner's ability to issue guidance notices for definitional matters under 87(1)(d) and (e). That usurps the role of Parliament and the judiciary.
- 87(1)(g) is addressed at clause 74(7)(jc) of the Bill and should be removed from clause 87.
- 87(1)(h) is far too broad and should be removed.
- We further suggest these notices are issued as disallowable instruments to provide for appropriate parliamentary oversight.

### **Restriction on Possession of Ammunition (Section 22B)**

The NZ Hunting Sector recommends retaining the existing provisions and current exemptions to allow people to transport ammunition and remove 22B.

- The new clause as written will unfairly capture many people legitimately transporting ammunition – farm workers, transport operators, family members etc.

### **Miscellaneous Provisions**

Clause 74 amendments(Regulations)

- We oppose 82(7)(ja) as being unnecessarily prohibitive and potentially having a significant impact on the financial viability of firearms retailers and hunting magazine publishers. We also do not see the demonstrable public safety benefit in this.
- We support 82(7)(jb) as a sensible provision to enhance reasonable information sharing with firearms licence holders.

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### **Conclusion**

The NZ Hunting Sector has identified those provisions that we feel will have detrimental impact on hunting and firearms safety training while having little practical impact on public safety. The recommendations we have offered are intended to maximise public safety while minimizing undue imposition on law abiding firearms licence holders.

If you have any questions relating to this submission, please contact Martin Taylor as representative of the NZ Hunting Sector collective on 04 499 4767 .

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