

13th January 2020

**SUBMISSION
FIREARMS PROHIBITION ORDERS**



Executive Summary and Recommendations

- The Game Animal Council supports increasing public safety and will broadly support measures that can clearly demonstrate doing that, but provisions that do not, and unfairly impact hunters cannot be supported.
- The Game Animal Council opposes the illegal use of firearms that causes injury and harm to others. We support measures that will reduce the occurrence of and risk of this activity taking place.
- The problem statement has **not** been adequately defined or quantified and is therefore flawed in its premise – we recommend further development.
- The Game Animal Council would support the introduction of FPOs if it can clearly be demonstrated they will achieve the objective for which they are introduced – the proposal shows no evidence an FPO will achieve the objective.
- The proposed regime is the creation of an additional offence and penalty in the hope that it will deter persons from obtaining and using firearms for criminal purposes. The fundamental problem is that criminals are just that, criminals; they operate outside the law and offences and penalties are not deterrents.
- The Game Animal Council opposes the inclusion of offences under the Arms Act as offences justifying an FPO as these are dealt with by the Arms Act itself.
- The Game Animal Council would oppose the inclusion of provisions that prevent an offender from associating with people who are in possession of firearms or residing at or visiting a location where firearms are **lawfully** held.

Hunting in New Zealand

The Game Animal Council

The Game Animal Council (GAC), established under the Game Animal Council Act 2013, is a statutory organisation with responsibilities for, *inter alia*, representing game animal hunters, and advising on and managing aspects of game animal hunting. Game animals are feral pigs, chamois, tahr, and all species of deer. The Council has a number of statutory functions that relate directly to the ownership and use of firearms under Section 7 of the Game Animal Council Act 2013. These are:

- **to advise and make recommendations to the Minister:**
- **to provide information and education to the hunting sector:**
- **to promote safety initiatives for the hunting sector, including firearms safety:**
- to advise private landowners on hunting:

- to develop, on its own initiative or at the direction of the Minister, voluntary codes of practice for hunting:
- **to raise awareness of the views of the hunting sector:**
- to liaise with hunters, hunting organisations, representatives of tangata whenua, local authorities, landowners, the New Zealand Conservation Authority, conservation boards, and the Department of Conservation **to improve hunting opportunities:**

The Role of Hunting

New Zealand's game animals are an important recreational, social and economic resource. Over 150,000 people harvest small game, large game or gamebirds at some time during each year. All game species in New Zealand are harvested for food, and while deer farming accounts for the vast majority of game meat exports, shot wild game is significant in both export statistics and domestic consumption.

The combination of recreational hunting and aerial recovery allows privately funded control and management of New Zealand's big game animal populations at no cost to the government.

The guided hunting industry has earnings of approximately \$40 to \$50 million annually and has considerable potential for expansion. Internationally, New Zealand is considered to be the world's premier destination for hunted red deer stags and Himalayan tahr and is increasingly recognised for the quality of its other game species. It is considered a safe, stable, unpolluted country and attracts a discerning, influential and generally affluent hunting clientele.

The total gross sales effect of New Zealanders participating in hunting has recently been calculated to be in the order of \$350 million annually (Kerr and Abell 2014). Large game species are a major focus of that hunter spend. Less easy to quantify, but probably of greater significance, is the role hunting plays in national health and wellbeing as a form of recreation enjoyed by tens of thousands of New Zealanders.

The game animal sector provides many benefits to conservation in New Zealand. This includes wild animal management, significant predator trapping projects and back country hut building and maintenance as provided by the Rakiura Hunters Huts Trust, New Zealand Deerstalkers' Association, Fiordland Wapiti Foundation, Sika Foundation and Safari Club International as just some examples of hunting entities that carry out work not able to be funded from taxpayer resources.

Firearms and Hunting

Firearms are an essential tool for hunters and without them the majority of hunting would cease. Hunters take the responsibility of owning a firearm seriously and the vast majority are law abiding firearms owners.

The GAC's 5-year strategic plan sets out the importance of increasing the number of hunters, increasing their success rates and maintaining a viable commercial game animal harvesting industry.

Firearms legislation that is overly restrictive would be an impediment or a barrier to retaining existing hunters and recruiting new ones. This will reduce the contribution that hunting

makes to recreation, commerce and conservation and significantly increase the public costs of both game animal management and predator control.

General Policy Statement

The GAC supports increasing public safety and will broadly support measures that can clearly demonstrate doing that, but provisions that do not, and unfairly impact hunters cannot be supported.

Firearms Prohibition Orders (FPOs)

This submission is made pursuant to the GAC's statutory functions prescribed in the Game Animal Council Act 2013, its 5-year strategic plan and with the objective of improving hunting opportunities.

Part One: Objectives of Firearms Prohibition Orders

1. The Game Animal Council opposes the illegal use of firearms that causes injury and harm to others. The fact that persons are able to obtain firearms and use them for this purpose indicates that there is a problem. We support measures that will reduce the occurrence of and risk of this activity taking place.

2. However, the problem statement has not been adequately defined or quantified. Here is where the proposal falls short.

The problem is not with licensed firearms owners who become high risk obtaining and using firearms for criminal purposes. This is dealt with elsewhere in provisions contained in the proposed Arms Legislation Bill where a person's firearms licence and firearms can be removed under certain conditions such as a conviction for committing certain offences. Persons who have committed such offences are unlikely to obtain a firearms licence. The only occurrence that these provisions do not address is the ability of an unlicensed person to use a firearm under the direct supervision of a licensed firearms owner. Given both the risk of detection and the risk of the licensed firearms owner losing their firearms license, this is a highly unlikely situation.

The document cites statistics of firearms thefts which we see being irrelevant to the issue at hand. FPOs do not prevent firearms being stolen and getting into the hands of criminals.

3. Whilst the objective of an FPO is laudable the key is; will FPOs achieve the objective?

4. The Game Animal Council would support the introduction of FPOs if it can clearly be demonstrated they will achieve the objective for which they are introduced. The most important component is not the issuance of an FPO to an individual but the management and enforcement of the FPO. A similar example is a Domestic Protection Order; even if an Order is issued, it is enforcement and compliance that determines the success.

5. The problem that FPOs are designed to fix is unlicensed persons who have been convicted of certain offences or have supposed criminal links obtaining and using firearms for criminal purposes. The proposed regime is the creation of an additional offence and penalty in the hope that it will deter persons from obtaining and using firearms for criminal purposes. The fundamental problem is that criminals are just that, criminals. They operate outside the law and offences and penalties are not deterrents. If they were, there would not

be any offenders or convictions or the need for a judicial system at all. Penalties need to be significant to provide a deterrent and they also need to be applied by the judiciary.

Part Two: Qualifying criteria for a Firearms Prohibition Order

Previous convictions that could qualify a person for a Firearms Prohibition Order

6. The use of previous convictions as the basis for targeting FPOs is logical and is consistent with evidence-based decision making. As set out above FPOs need to target high risk individuals who will be identifiable by their criminal record.

7. Which option do you prefer as to type of previous convictions that could qualify for a Firearms Prohibition Order? The Game Animal Council would favour option 2 of FPOs being available for persons convicted of offences where a firearm is used or for serious violent offences. We would not support the inclusion of offences under the Arms Act as these are dealt with by the Arms Act itself.

8. FPOs should be targeted to those set out in option 2 and as such the scope of qualifying offences should be narrow.

Part Three: Conditions on Activities and Behaviours

Conditions that could apply to a Firearms Prohibition Order

16. The Game Animal Council would support option 1 where there is one standard condition applying to all people subject to FPOs. A standard condition would be aimed at preventing a person subject to a Firearms Prohibition Order from being able to use firearms under the immediate supervision of a Firearms Licence holder (e.g. for hunting). The Council would oppose the inclusion of provisions that prevent an offender from associating with people who are in possession of firearms or residing at or visiting a location where firearms are **lawfully** held. The document incorrectly assumes that a hunter who lawfully holds firearms will store them incorrectly and make them available to a person who is subject to an FPO for the commission of an offence. This is simply speculation and accusation. Such provisions would unfairly impinge on hunters who may have a family member who is subject to an FPO thereby rendering them unable to visit or reside in the same location. This is punishing a law-abiding hunter not achieving the objectives of an FPO. In the extreme implementation of this proposal, people subject to an FPO would not be able to travel in police cars, pass through any international airport, be inside a police station or many DOC offices, as all of these places have people licensed to carry firearms. Indeed, it could even be argued that this could prevent to use of public transport such as Intercity buses, trains and ferries where licensed firearms owners are travelling with their firearms for legitimate reasons.

Role of the GAC

The GAC has a history of working constructively and cooperatively with many agencies. The Council offers its assistance and expertise to the select committee on any relevant issues. The Game Animal Council welcomes the opportunity to speak to this submission. If you have any queries relating to this submission, please contact me on 021 688 531.

A handwritten signature in blue ink that reads "timgale".

Tim Gale
General Manager
NZ Game Animal Council