

30 April 2021

Submission



Proposals for New Regulations Under the Arms Act 1983 (Phase One)

About the New Zealand Game Animal Council

The New Zealand Game Animal Council (GAC), established under the Game Animal Council Act 2013, is a statutory agency with responsibilities for, inter alia, advising and making recommendations (in relation to game animals) to the Minister of Conservation, raising awareness of the views of the hunting sector, and advising on and managing aspects of big game hunting. Game animals are feral pigs, chamois, tahr and all species of deer.

The GAC has legislated functions under Section 7(1)(a) of the Game Animal Council Act 2013 to provide information and education to the hunting sector and under Section 7(1)(c) promote safety initiatives for the hunting sector, including firearms safety.

Introduction

The GAC supports increasing public safety and is supportive of measures that can clearly be demonstrated to do that.

The GAC also supports evidence-based decision-making and the use of good science in this process; any intervention option, regulatory and non-regulatory, should be objectively considered.

Regulations and guidance notices must be consistent with identifiable and quantifiable needs and formulated to address those needs. The GAC supports the use of guidance notices as the first tool of choice and regulations as the second choice. Guidance notices are a more flexible mechanism than regulations as they can be added, removed, or changed more regularly to adjust to changing circumstances. Interventions must be practical and provide flexibility - often one size does not fit all.

The focus must always be on what is the problem trying to be solved, the outcomes sought and the most cost effective and least disruptive interventions to law abiding private citizens, noting that problems to be addressed and the effectiveness of solutions proposed must be understood and assessed with reference to reliable and robust data.

Poorly thought through regulation often creates unfair cost burden to both private and public sectors, perverse outcomes, and unintended consequences.

Firearms are a hunter's tool; they are not in themselves the reason people go hunting, rather they are like the tennis racket to the tennis player – equipment required to undertake the activity.

We do not consider that many of the provisions within these proposed regulations increase public safety and believe they could significantly and unfairly impact hunters.

It is critical that regulations governing firearms are equitable for hunters and that their ability to safely and responsibly purchase, own and use firearms is preserved.

The reality is that these proposed regulations will possibly shape firearms ownership and usage in New Zealand for some time and will have a major negative impact on the hunting sector, game animal management and conservation. Overly onerous and prescriptive legislation generates a huge administrative burden, on both police and firearms users and has contributed to long processing times.

The GAC has mostly confined our comments to areas that we see as having impacts on those that hunt large game animals in New Zealand.

This submission is structured in line with the specific questions posed by Police in *Proposals for new Regulations under the Arms Act 1983 (Phase One)* - <https://www.police.govt.nz/sites/default/files/publications/proposals-for-new-regulations-under-the-arms-act-1983-phase-one.pdf>. Consultation questions are in **bold**. GAC responses follow in standard non-bold font.

Dealers

1. **Do you agree that the regulations are amended to provide that applications for dealers' licences must indicate each activity that the dealer wishes to undertake, the class of arms items they will be dealing with, and other information required to assist Police's determination as to whether a person is fit and proper to carry out dealer activities?**

The GAC supports this proposal in principle with the recommendation that wording around the classes of arms and activities remains consistent with the Arms Legislation Act 2020.

The GAC recommends development of a guidance notice to instruct this.

2. **Are there other options for specifying dealer activities in relation to dealers' licences? If so, what option/s should also be considered?**

The GAC recommends the development of guidance notices to instruct dealers activities, as opposed to regulating.

3. **Do you agree with the Option 2 proposal that regulations provide that dealers must be supplied with a document setting out all the conditions of their licence and endorsements which is legally part of their licence? Why/Why not?**

We support having a document that sets out all the conditions of a dealer's licence and endorsements (where relevant), which is legally part of their licence; this is considered both pragmatic and reasonable. This will also ensure clarity for Police and dealers.

The GAC does not see the value in dealers receiving a letter or memorandum of authorisation and having to co-sign. This is seemingly an additional administrative function which will be of

little to no value and therefore the GAC does not support this aspect of Option 2, keeping in mind principles of being practicable, efficient, and increasing public safety.

The GAC is concerned at what 'other information' Police may seek as this may 'tip the balance' of what is requested of dealers.

4. Is there another approach to formalising conditions on licences? If so, what option/should also be considered?

No comment.

5. Which of the following options do you prefer in relation to dealer licence conditions relating to security precautions? Why?

- (a) Option 1: retaining current level of detail in regulations, supplemented with guidance; or**
- (b) Option 2: regulations having some more details on general standards and additional tailored conditions applicable to types of dealer activities and providing that it is a condition of every dealer's licence that when a dealer alters their security arrangements, or needs new security arrangements because their business activities change, they must notify Police immediately to arrange a new security inspection.**

The GAC supports Option 1 retaining current level of detail in regulations, supplemented by guidance notices. The GAC considers the issuing of guidance notices on matters pertaining to 'displaying firearms, security devices, hiring out, public access, removing firearms from premises, and the delivery of firearms, to the extent these are relevant to each type of business,' will be appropriate to ensure principles of practicality, efficiency, cost effectiveness and public safety are met.

Option 2 would certainly add to costs to Police due to the increased level of details and tailored conditions etc. Option 2 also does not clearly identify how public safety would be increased through increased enforceable standards.

6. Are there other options for regulating storage security for dealers? If so, what option/s should also be considered?

No comment.

7. Do you agree with amending the regulations on dealers' record keeping requirements to include:

- (a) the receipt, delivery, and manufacture of airguns, pistol carbine conversion kits, non-prohibited magazines, and parts (other than parts excluded by regulations); Why/Why not?**
- (b) more record-keeping specifications related to the various types of dealer activities? Why/Why not?**

The GAC recognises the need for alignment of the regulations with changes to legislation. There should be alignment, but there also needs to be a clear detailed list of parts to avoid confusion.

Recording of parts could be considered appropriate but recording of ammunition outside of retailers is not considered appropriate or necessary. For instance, hunting guides provide their clients ammunition on an 'as needed basis'. Recording the amount of ammunition used is not

considered practical, reasonable, necessary nor will it contribute to public safety and will only create more unnecessary administration.

If the intent is that Police are seeking to prevent unlicensed people (say a hunter who has been out with a guide) from possessing ammunition, current legislation provides for this. The Arms Act 1983 section 22B (1) states that, 'a person must not have in their possession any ammunition (other than projectiles for airguns) unless the person – is a holder of a firearms licence.'

This makes it an offence to possess ammunition without a firearms licence so further record keeping of ammunition in this scenario would not contribute to public safety.

8. Are there other options with respect to amending record keeping requirements? If so, what option/s should also be considered?

No comment.

9. Do you agree with the proposal for regulations to provide that a dealer must surrender their dealer's licence to Police if they no longer wish to carry on their business or if they can no longer comply with one or more of the licence conditions? Why/Why not?

The GAC supports this proposal in part, with a recommendation that a process is put in place whereby a dealer's licence can be 'parked' for a period of up to two years provided the licence has not been suspended. This would allow the annual licence renewal to not involve a full application process and provides the necessary flexibility for dealers to manage any unforeseen change in circumstances, such as experienced with Covid-19. A guidance notice is more appropriate for this provision.

10. Are there other options for ensuring the surrender of a dealer's licence when they cease business? If so, what option/s should also be considered?

No comment.

11. Do you agree with the proposal to provide in regulations that a condition of a dealer's licence is that the dealer shall permit Police, on demand, to inspect all arms items held by the dealer and the storage of those items? Why/Why not?

We agree that the dealer shall permit Police if given sufficient notice to inspect. We recommend this provision is kept consistent with the Arms Act 1983, section 24(b)(1)(a) to give at least 7 days' notice of the proposed inspection under subsection (1)(c) or (d).

12. Are there other options for providing for the inspection of firearms held by dealers? If so, what option/s should also be considered?

The proposal to amend 74(1)(e) that prescribes conditions to permit inspection states that the numbers of firearms held by dealers is more than the average firearms owner. While that is an obvious statement, what is also obvious is that secure storage is secure regardless of the number of firearms held. Nobody, dealer or not, wants their firearms stolen and/or falling into the wrong hands. Security is necessarily a major component of the dealer licence to begin with.

13. **Do you agree with the proposal to regulate that it is a condition on dealers' licences that dealers must notify Police if they intend to change, add to, or alter any of their business premises? Why/Why not?**

The GAC supports this proposal, however, notes that the dealer's licence is renewed annually so any changes would be picked up and recorded then, therefore regulation pertaining to this could be another additional and unnecessary administrative function.

14. **Are there other options for ensuring ongoing security arrangements during changes to premises? If so, what option/s should also be considered?**

The GAC recommends that consideration is given to dealers in that they retain the ability to attend demonstration days at gun clubs, shooting ranges and public meetings as it is important that dealers can lawfully use a selection of their stock for such events.

15. **Do you agree with the proposal to regulate that an application for a dealer's licence must, if the dealer is to operate from more than one place of business, provide the address of each business, the name of the manager of each additional place of business, confirmation that the manager has a dealer's licence, or applied for one, and other information on the manager that the Commissioner may require; and that a condition on every dealer's licence is that the dealer must notify Police if there are any changes or proposed changes to the management of their premises? Why/Why not?**

The proposal in question 15 is not unreasonable as long as additional compliance is minimised. The GAC is concerned, however, at the proposed provision "and other information on the manager that the Commissioner may require". We believe, due to considerations of privacy, that this "other information" requires defining and would question whether it is required at all.

16. **Are there other options for regulating the management of a dealer's multiple places of business? If so, what option/s should also be considered?**

No comment.

17. **Do you agree with the proposal for dealers needing to seek prior approval for any change in their activities or classes of arms items they deal in? Why/Why not?**

The GAC seeks further information to understand what problem this proposal is seeking to solve. Our understanding of the legislation is that this issue is already dealt with.

18. **Are there other options for ensuring ongoing compliance with licence conditions and security precautions when dealers' activities change? If so, what option/s should also be considered?**

Dealers in many areas are currently operating on extensions to their existing licences and this has created uncertainty and increased criticism of the ability of Police to meet the demands of the existing system. In this regard, further compliance will only add to both Police administrative burden and dealer frustration.

Dealers are on the front line between customers and the Police in respect of knowledge and understanding of regulation and law. If a customer/client has questions on law and regulation the expectation is that the dealer should know and be able to pass this information on. Presently this is not the case and extends beyond dealers to District Arms Officers, who in many cases, are

unable to provide clarification on certain issues simply because the law is not yet supported by the regulations. This, coupled with long delays in the issuing of new firearms licences and renewals is eroding the firearm-owning public's confidence in Police to fairly and efficiently administer the new system.

19. **Which of the following options for the carriage and use of firearms by dealers outside their place of business do you prefer? Why?**
- (a) **status quo - leaving restrictions on the carriage and use of firearms by dealers outside of their business places to licence conditions prescribed by the Commissioner;**
 - (b) **regulations setting out that a condition on all dealers' licences is that firearms must remain on their premises unless the dealer's licence conditions or the written permission of Police allows the firearms to be removed to another location.**

The GAC supports Option 1 in that it considers the criteria for assessing these proposals – practicality, efficiency, cost effectiveness and public safety – will be met.

The GAC oppose Option 2 as this will create an immense administrative burden if dealers are required to gain permission from Police when firearms are to be moved. It would simply not be feasible and near impossible to administer. A clear example is a hunting guide moving firearms from the premises to the hunting location.

20. **Are there other options for regulating the carriage and use of firearms by dealers outside of their business premises? If so, what option/s should also be considered?**

No comment.

21. **Do you agree with the proposal that regulations set out the types of conditions, specific to each type of dealer business/activity? Why/Why not?**

The GAC supports this proposal.

22. **Are there other options for regulating the conditions specific to dealer activities? If so, what option/s should also be considered?**

No comment.

23. **Do you agree with the proposal that the regulations provide that a condition of any endorsement issued to an employee of a dealer in their capacity as an employee is that they must notify Police if they cease to be employed by the dealer or they become the employee of another dealer? Why/Why not?**

The GAC does not support this proposal as this is already clear under the current law.

The Police currently struggle to administer firearms licencing. An additional and explicit administrative function such as this will seemingly serve no purpose. Our interpretation is this is already adequately dealt with under the current law.

24. **Are there other options to clarify the legal requirements for working as an employee of a dealer? If so, what option/s should also be considered?**

This is an issue requiring further consideration.

If an employee of an ammunition seller as part of a sale transaction must sight the purchaser's firearms licence and record that firearms licence number in a register, and the employee does not have a firearms licence, is the transaction legal if the employee acts under the supervision of the purchaser as a licence holder? Additional to this, for the sake of professional hunting guides this would be appropriately addressed within a guidance notice.

25. **Do you agree with the proposal to have a discrete endorsement for theatrical armourers? Why/Why not?**

26. **Are there other options for regulating theatrical armourers? If so, what option/s should also be considered?**

Questions 25 & 26 are not applicable to the GAC.

Security precautions for firearms licence holders (non-dealer)

Analysis of the figures in 5.1 (Background – security precautions in regulations) shows that at least 72 percent of stolen firearms cases involving inadequate storage between 2016 and 2018 were due to basic human error, bad habits and possibly a lack of education. They could not be attributed to a fault in the security of the licence holder's storage. It is important therefore that this is considered when assessing these proposals, and that the outcomes remain practical and cost effective for firearm licence holders and will *actually enhance* public safety.

To achieve as close as possible to 100 percent compliance when it comes to secure storage, the GAC considers it may be necessary to introduce a deterrent for firearms owners that fail to appropriately use the security storage available to them. This is similar to not wearing a seat belt or using a cellphone while driving; it is poor practice with high potential consequences for public safety.

27. **Do you agree with the proposals that regulations:**

(a) provide that storage containers and how they are secured must be approved by Police on a case-by-case basis with some additional clarity as to the applicable standards? Why/Why not?

The GAC considers that the current security inspection made by an Arms Officers is sufficient in ensuring appropriate levels of security in both the nature of the security and how it is secured.

The GAC does not support regulations pertaining to this matter, however, we do support the introduction of guidance notices to clearly communicate the required security measures needed for firearms stored in mobile homes, campervans, and caravan units. This would aid in assisting both Police and firearms owners in understanding the required security measures.

The GAC opposes the overly prescriptive nature of the proposal that 'individual' approvals of both storage boxes, cabinets, safes, racks and similar will be required on a case-by-case basis.

A principle the GAC recommends pertaining to storage is that 'a firearm must be stored in the most practicable and secure option available in the situation'. Some examples to consider relevant to this:

A) A firearms owner is going on a hunting trip but needs to stay a night at a motel to break up the long road trip. They arrive at the motel and walk to the closest restaurant for dinner.

What is more appropriate? The firearm is locked in a motel room and hidden under a bed or in a wardrobe or locked in the vehicle outside the motel?

- B) A husband and wife go on a hunting and fishing camping trip. The husband heads out for a night fish around the lake edge. Is it more appropriate for the firearms user and licence holder (the husband) to store the firearm in the tent with the unlicensed wife or store the firearm in the locked vehicle on the lake edge?

The point is – any intervention must be practical and provide flexibility - often one size does not fit all.

(b) clarify how these conditions apply to mobile homes and campervans? Why/Why not?

Question 27(b) raises the question of security in motor homes and campervans. The GAC recommends there be clarification around the secure and safe storage of firearms in these vehicles such as in the form of a guidance notice.

Under the proposed regulations there is no provision for the lawful storage and carriage of firearms in these vehicles, which seems onerous considering the increasing number of people that live and travel extensively in campervans and motorhomes. The wide range and varying makes, models and design of these vehicles may require regulatory flexibility. Therefore, guidance notices may be the most appropriate means in which to approach this.

28. Are there other options for regulating security requirements? If so, what option/s should also be considered?

Due to the points raised under question 27, in terms of the wide range and variety of motor homes, campervans, and caravan units, development of guidance notices for the safe and secure storage are considered more appropriate, practicable and not unreasonably onerous.

Implementing overly prescriptive regulations will cause many law-abiding responsible citizens to inadvertently become criminals. Overly prescriptive regulations detailing every aspect and detail of security measures from type, construction and material will increase the burden (cost and complexity) on existing firearms owners with no perceived increase in achieving ‘public safety’.

29. Do you agree with the proposal that regulations prescribe conditions for securely storing ammunition in containers or cabinets? Why/Why not?

The GAC supports the proposal that ammunition is secure when in storage. The GAC supports the development of guidance notices for the secure storage of ammunition.

The GAC does not support the prescriptive conditions of having ammunition to be kept in:

- its own storage metal/steel container (such as a cash box, ammunition box) with a locking mechanism (a key or combination number) or padlock; or
- a lock box in a gun safe cabinet with a different key stored in a different place to the key for the safe/cabinet.

These prescriptive requirements will limit the storage of ammunition in secure storage areas such as a locked and secure cupboard or room. Many firearms owners store ammunition in these types of areas and compared to a lock box, one cannot simply pick up a cupboard or room and carry it away.

The GAC recommends the inclusion of 'a secure or stout locked cupboard or room' in the guidance notice.

The GAC does not support regulating prescribed conditions for securely storing ammunition. However, we recommend that guidance notices are developed for the safe and secure storage of ammunition to ensure that ammunition is stored securely to prevent children accessing it and reduce unlawful citizens easily accessing it. Ammunition storage should be inspected by the firearms officer when applying or renewing a firearms licence.

Contractors who undertake game animal management and control operations require large quantities of ammunition to be on hand at any given time to ensure continuity of supply and continuity of supply of a particular brand. Buying in bulk generally also allows contractors to have some cost savings. The quantities of ammunition will not always be able to fit into a 'lock box' with the more practical approach being to store it in a locked cupboard or a locked secure room.

Regulating prescriptive measures, such as a certain type of lock box, will significantly affect the ability of hunters and operators to store the necessary quantities of ammunition for legitimate and necessary game animal management and control operations. It will increase the already increasingly complex and overly administrative-heavy process. This has the potential to impact more than legitimate firearms owners and operators and negatively impact conservation efforts, farm management and biosecurity programmes.

There are many materials that would provide for a sufficient level of security for ammunition in which to avoid and prevent children for accessing ammunition and would provide the same level of deterrent to opportunistic thieves. For a professional, determined thief, whether the material is steel, aluminium, wood, plastic or concrete, will make little material difference.

30. Are there other options for regulating the secure storage of ammunition? If so, what option/s should also be considered?

A guidance notice for the safe and secure storage of ammunition is considered appropriate, practicable and will ensure the secure storage of ammunition.

31. Do you agree with the proposal for regulations to prescribe secure storage conditions for firearms being transported in vehicles? Why/Why not?

The GAC is concerned about the proposed requirements for transporting firearms. There are significant practicalities which need consideration.

Regulation 19(2)(c) sets out that a firearm cannot be left in a vehicle unattended, and Clause 7.21 of the Land Transport (Road User) Rule 2004 sets out that no one should drive a vehicle with a firearm in it that is loaded. There is an exemption if a commissioned officer of Police gives authority allowing such carriage. In the past Police has issued permits of authorisation to those engaged in pest control. The GAC questions the relevance of many of the proposed regulations as Regulation 19(2) and Clause 7.21 covers many of these aspects.

The following proposed regulations are dealt with on an individual basis.
The proposed regulations prescribe that:

a person should not drive a vehicle on a public road/access way with a firearm in it unless the firearm is made inoperable and is not visible from the outside, unless permitted to do so by Police Consultation document – Arms Regulations (Phase One) 41

The GAC supports that a person should not drive on a public road/access way with a loaded firearm in the vehicle.

As per the Arms Code, section 5a) *You cannot drive a vehicle on a road with a loaded firearm. This includes the magazine – it must be empty.* The GAC supports this, however, requires more clarity regarding travel and ammunition in internal and fixed magazines. The GAC supports that ammunition must be removed from internal or fixed magazines. In the case of a detachable magazine, it may contain bullets however must be separated from the firearm.

The GAC would not support a requirement to make firearms inoperable when transported in a vehicle. Hunters use different types of action types including bolt action rifles, lever actions and semi-automatics and making them inoperable is unnecessary and impractical.

Making a bolt action rifle inoperable can be achieved by removing the bolt from the firearm. A lever action firearm has no easily removable parts to make it inoperable, and due to the configuration of the action applying a trigger lock is not always able to be achieved. A lock through the action will make it inoperable. A semi-automatic has no easily removable parts to make it inoperable, therefore a trigger or action lock would need to be applied.

The GAC questions the intent of making a firearm 'inoperable'. Using a lever action as an example, if a thief were to steal a lever action firearm from a vehicle and it had a trigger lock or action lock it is simply a matter of using an angle grinder to remove the device. Therefore, making the firearm inoperable through these measures are of little value.

The GAC supports that firearms are kept out of sight as far as is practicable. Making this a requirement poses some problems, therefore this would be best approached in the form of issuing a guidance notice.

firearms being transported in vehicles must not be loaded with ammunition in the magazine or the breech.

The GAC supports this point and recommends issuing a guidance notice to address this.

pest controllers may transport their prohibited firearms (not loaded) in their work vehicles in a hard carry case.

The GAC supports this point and recommends issuing a guidance notice to address this.

when firearms are transported in vehicles, further security should include one of the following:

- 1. the firearm is in a locked hard carrying case secured to an anchor point in the vehicle, with a separate container for ammunition**
- 2. the firearm is in a flexible gun bag that is closed and locked and secured to an anchor point in the vehicle with a security cord or cable that passes through part of the firearm and the bag**
- 3. the firearm is secured to an anchor point in the vehicle with a security cord or cable passed through the magazine/breech area or trigger guard**

4. a locked container secured/bolted

There are serious flaws in all four options detailed within this proposed regulation. The consultation document is inadequate, as the four choices presented assume when a firearm is being transported in a vehicle a licence holder needs to meet one of the requirements. An example is if a firearms user is travelling 1 km from point A to point B with no stops, will locking the firearm to the vehicle increase public safety and will it make them any more susceptible to theft? The answer is no.

There needs to be more consideration of real world scenarios. As the four scenarios apply the GAC does not support any of the current options as they are impractical. The GAC is willing to work with Police on developing guidance notices in respect of these proposed regulations to ensure they are applicable to the various ways firearms are transported in vehicle.

Further details expand why the GAC does not support the four options as they stand.

the firearm is in a locked hard carrying case secured to an anchor point in the vehicle, with a separate container for ammunition.

The GAC opposes a requirement that firearms need to be secured to an anchor point in the vehicle for every journey. Some journeys will be short, and the firearms user will be going from point A to point B with no stops. Locking the firearm to the vehicle in these instances will not increase public safety and will not make them any more susceptible to theft. The GAC supports that firearms cannot be left in an unattended or unlocked vehicle and supports that if a licence holder is not in the vehicle but in the immediate area that the vehicle needs to be locked.

Many vehicles do not have an anchor point in a reasonable place that would allow for this requirement to be achieved. If a firearms user is transporting a number of firearms, firearms need to be stored where they can fit which will not always be where an anchor point is.

Many cars due to the size of cabin or boot size simply cannot fit a hard carrying case and do not have an appropriate anchor point. Therefore, this will discriminate against many firearms owners and hunters.

Hunters may all travel in the same vehicle and in some cases, this will mean four or more hunters, a lot of equipment (packs, tents, boots, dogs) and their firearms in the same vehicle. Securing these to the vehicle or securing them together will not be practical and will lead to non-compliance.

Many firearms users do long trips for events or hunting trips. The GAC supports that if firearms users are making these journeys and stops are likely, then the firearm should be made inoperable with a trigger lock, or similar device, or the firearm is secured to the vehicle.

the firearm is in a flexible gun bag that is closed and locked and secured to an anchor point in the vehicle with a security cord or cable that passes through part of the firearm and the bag.

As the four scenarios apply the GAC does not support any of the current options as they are impractical.

the firearm is secured to an anchor point in the vehicle with a security cord or cable passed through the magazine/breech area or trigger guard.

As the four scenarios apply the GAC does not support any of the current options as they are impractical.

a locked container secured/bolted to structural parts of the vehicle or in a locked compartment within the vehicle.

This is highly prescriptive and will likely have perverse consequences if the lock box is visible. All four options are inadequate or applicable as they don't address if the vehicle is attended or unattended.

The GAC recommends further development and issuing a guidance notice to address these four options.

Similar to ammunition storage generally, ammunition in vehicles would need to be stored in a separate locked container.

The GAC opposes the proposed regulation that ammunition in vehicles would need to be stored in a separate locked container. As described in Q29 large quantities of ammunition are sometimes transported and a lock box will serve no greater purpose than a vehicle being locked. There are many situations these provisions do not contemplate and are unnecessary e.g. locking firearms to the vehicle and driving 1km between houses/ hunting areas / farms to pick up a hunting companion.

The GAC supports ammunition being out of sight and secured away from the firearm i.e., within the gun bag/ case, the glove box, or any other storage facility. Many big game hunters will take 20 or less rounds for a hunting trip with the ammunition usually stored in a small factory ammunition box (pest controllers, culling operations, and bird hunters generally require far greater quantities of ammunition). This can remain out of sight by being covered, in a gun bag/case, glovebox, or other baggage facility. It does not necessitate a lock box; in fact, a lock box in a vehicle may have the perverse outcome in that would-be thieves sight a lock box in a vehicle and decide to break in.

The mandatory requirement to transport ammunition locked away is not considered necessary nor will it contribute any further to public safety.

The GAC recommends issuing a guidance notice to address this.

The regulations to be amended to allow for the firearm to be left in a vehicle for short periods of time only, such as travel stops, and only where a vehicle has secure storage for firearms (in which the firearms are out of sight) and provided the doors of the vehicle are locked, windows closed, and the keys are not left in the vehicle.

Modify regulation 19(2)(c) to be developed into a guidance notice setting out that a firearm cannot be left in a vehicle unattended with the following proposed guidance notice:

- To be developed to allow for the firearm to be left in a vehicle for short periods of time only, such as travel stops, the firearms are out of sight (as far as practicable) and

provided the doors of the vehicle are locked, windows closed, and the keys are not left in the vehicle.

Firearms must never be left unattended in a vehicle overnight.

The GAC considers that this needs more clarity. Many hunters will drive to an area, be it on a private farm, or in the bush on public land, park their vehicle next to the hut or sets their tent up and lock their firearm in their car. The proposed regulations would make these people unlawful, however, the safest place for the firearm/s is inside the locked vehicle. The GAC recommends issuing a guidance notice to address this.

Immobiliser/Alarm fitted

The GAC does not support that vehicles must have an immobiliser and/or alarm fitted as this places yet another onerous and costly burden on the firearms owner.

It would be made clear that the vehicle storage requirements above do not apply to a firearms licence holder who is using a quadbike, motorbike or other farm vehicle when employed on a farm and undertaking farm-related duties, or when hunting, or when undertaking wild animal or pest control and the vehicle and firearm remain in the user's possession or in the immediate proximity to the firearms licence holder.

The GAC supports this.

32. **Do you agree with the proposal to modify the regulations to allow firearms to be left in a vehicle for short periods of time only where that vehicle has secure storage for firearms that are out of sight, and the vehicle is locked and has closed windows? Why/Why not?**

The GAC supports an amendment that allows for firearms to be left in a vehicle for short periods of time (see answer to question 31) and recommends issuing a guidance notice to address this.

This is a practical step if the firearm is left unattended, out of plain sight where practicable, and the vehicle locked. The GAC does not support that all firearms need to be always secured to the vehicles and recommends the following amendment:

- modify the regulations to allow firearms to be left in a vehicle for short periods of time only where firearms are out of sight (as far as practicable), or, in a gun bag or similar, and the firearm is made inoperable through the removal of the bolt or other part, use of a trigger lock (or similar) or secured to the vehicle, and the vehicle is locked.

33. **Are there other options regarding having firearms in vehicles? If so, what option/s should also be considered?**

Regulations will require the practical flexibility to allow a vehicle transporting firearms short stops that do not necessitate 'secure' storage. As more and more vehicles have keyless entry, central locking and alarm systems, the small risk identified in the proposal does not justify a locked hard case, fixing to an anchor point, or a security cord or locked container. An opportunistic theft is not going to occur if the firearm is out of plain sight. See answers to questions 31 and 32.

A vehicle should be considered as 'locked and secure storage'. Impractical regulations that make unreasonable demands on firearms owner's risk noncompliance, both inadvertently and deliberately. A risk that isn't addressed is the theft of the vehicle with the firearms in it. It doesn't matter if you have ammo separate to the firearm, bolt out and the firearm in a locked hard case and the vehicle is stolen. In this case the offender will get all three components regardless. Simply put, a locked vehicle is a metal storage container on wheels.

Example: A hunter has stored firearms for friends and relatives who live in other parts of the country. With the arrival of the hunting trip date, the hunter loads the firearms and ammunition into their vehicle and duly proceeds to the airport of arrival (often provincial) to pick up the friends and relatives. The hunter covers the firearms and puts them out of plain sight on the floor behind the front seats, has the ammunition in the boot and on locking the car proceeds to meet the others at arrivals. 15 minutes later they are back in the vehicle and the group duly proceed to their hunting destination.

34. Do you agree with the proposals to prescribe conditions when carrying firearms in public places or on public transport? Why/Why not?

The GAC supports regulatory amendments for carrying firearms on public transport but does not support them regarding public places. Public places can include public conservation land, council administered land, riverbanks, lake edges and estuaries that are extensively used by recreational game animal and duck hunters. To participate in the activity, firearms need to be loaded and ready for safe use in these areas.

As is written the proposed requirement prohibits firearms users from having a firearm outside a locked case in these public places. The GAC therefore opposes this proposed regulation and recommends issuing a guidance notice to address this.

35. Are there other options to regulate the carrying of firearms in public? If so, what option/s should also be considered?

Sections 50D and 51 set out the offences of carrying or possessing firearms (including prohibited firearms, airguns, pistols, restricted weapons, ammunition, or explosives), in a public place without lawful purpose. There will be occasions when a person does have a lawful purpose for carrying a firearm in a public place (including on public transport); for instance, when carrying the firearm to and from a place where they can lawfully be used (such as a shooting range).

36. Do you agree with the proposal to develop Commissioner's guidance notices on securing firearms, to supplement regulations, in consultation with FCAF and the Minister's Arms Advisory Group? Why/Why not?

The GAC supports the proposal to develop Commissioner's guidance notices on securing firearms, to supplement regulations, in consultation with FCAF and the Minister's Arms Advisory Group.

The development of guidance notices should also be made in conjunction with FCAF and the Arms Advisory Group and specialist members of the firearms community.

37. Are there other options for developing guidance on security precautions for firearms? If so, what option/s should also be considered?

No comment.

Ammunition Sellers

38. **Do you agree with the proposal to require firearm licence holders to notify Police if they are ammunition sellers? Why/Why not?**

Currently, ammunition sellers are not required to be registered or hold a dealer's licence. Therefore, it is not appropriate to instigate a pseudo registration process.

39. **Are there other options for regulating ammunition sellers? If so, what option/s should also be considered?**

Ammunition sellers are not required to be regulated.

40. **Do you agree with the proposal to regulate that ammunition sellers must store ammunition in steel cabinets or storerooms not accessible to the public when it is not on display and that when ammunition is on display it is to be in a locked container or display case? Why/Why not?**

41. **Are there other options for regulating the security of ammunition held by ammunition sellers? If so, what option/s should also be considered?**

42. **Do you agree with the proposal to regulate that ammunition sellers must record the type and quantities of ammunition that they acquire? Why/Why not?**

43. **Are there other options for regulating the record keeping of transfers of ammunition-by-ammunition sellers? If so, what option/s should also be considered?**

The GAC does not support proposals relating to questions 40 -43.

Marking of Firearms and Parts

44. **Do you agree with the proposal that the current regulations are amended to require identifying marking for the following:**
- (a) **all imported pistol carbine conversion kits, and blank-firing guns? Why/Why not?**
 - (b) **major firearm parts at the point of import, manufacture, or possession by dealer? Why/Why not?**

45. **If you agree with b) above, do you have any comments on the proposed list of those parts that would need marking?**

46. **Do you have any views as to the likely consequences, including costs, of requiring the marking of major parts?**

47. **Do you think there are other options regarding the marking of firearms and parts that could be considered? If so, what are these?**

The GAC does not support proposals relating to questions 44 -47 as it is not necessary for sporting configured firearms. The only part of the firearm that requires marking is the action.

Mail Order/Internet Sales

48. Do you agree with the proposals to amend regulation 29A
- (a) to reflect the language and scope of the Arms Act in relation to mail order/internet sales? Why/Why not?
 - (b) to provide that the written purchase order signed by Police must be sent by Police directly to the seller, as is current practice? Why/Why not?
 - (c) to exclude the transfer between dealers of non-prohibited parts (other than the action of a firearm) from the requirements in section 43A(1) and (2)? Why/Why not?
49. Are there other options for regulating mail order / internet sales? If so, what option/s should also be considered?

The GAC supports the upgrading of the current regulation to include internet sales.

The Police Review Process Under Section 62

50. Which of the following options do you prefer for applications to Police to review a decision to refuse an application for, or to revoke, a firearms licence? Why?
- (a) no specific regulation – use of existing powers to prescribe or approve forms for applications
 - (b) new regulations that would specify the requirements for an application for review.

Irrespective of the options the ability to seek review should not be limited by regulation. Nothing should limit or hinder the applicant in seeking a review. The GAC would support the number of reviews be limited to one review per licence application. The person should have 12 months in which to request that review.

51. Are there other options for regulating the Police review process under section 62? If so, what option/s should also be considered?

See the response to question 50.

Amendments to Implement Royal Commission of Inquiry

52. Do you agree with the proposals to amend Regulation 15 to:
- (a) require an applicant for a firearms licences to list the countries travelled to, or lived in, over the previous 10 years
 - (b) require a criminal record check for any country in which the applicant has resided for over 6 months in total in the past 10 years
 - (c) clarify that inquiries will be made of the spouse, partner or near relative
 - (d) require the details of all parents and legal guardians if the applicant is 16 or 17 years of age
 - (e) clarify that where there is not a spouse, partner or near relative who knows the applicant well, they will need to provide a close associate who knows them well
 - (f) require details of previous any spouse or partner in the past five years
 - (g) clarify that the second referee should be someone who resides in NZ

- (h) require a further NZ-based referee where the spouse, partner, near relative, or close connection is resident overseas. Why/Why not?**

Section F requires details of any previous spouse or partner in the past five years. The GAC has had feedback that this specific clause is causing considerable concern amongst firearms applicants due to privacy considerations and the potential for misrepresentation of a character.

The GAC recommends that details under clause F should only be required if details under clause E cannot be satisfied. These can be implemented through a guidance notice.

53. **Do you agree with the proposal to specify new criteria that may indicate that a person is not fit and proper to possess firearms if**
- (a) the applicant has spent time outside New Zealand in the last 10 years and Police has sought reasonable information about this to inform a decision as to whether the person is fit and proper to possess firearms and has been unable to obtain it**
 - (b) referees are found to be insufficient to enable Police to be satisfied that a person is fit and proper to possess firearms**
 - (c) the identity of any overseas referee cannot be confirmed. Why/Why not?**

The GAC supports the proposed provisions of question 53.

Pistol Carbine Conversion Kits

54. **Do you agree with the proposal that the current regulations reflect the changes to the Arms Act relating to the import and possession of pistol carbine conversion kits? Why/Why not?**
55. **Are there other options for regulating the changes to the import and possession of pistol carbine conversion kits? If so, what should also be considered?**

Questions 54 and 55 are not applicable to the GAC.

Other Matters

56. **Do you have any comments on this proposal to amend regulation 9 to correct a wrong reference to regulation 7?**
57. **Do you have any comments on the proposal to amend regulation 10 to provide that the requirements for applications for permits to import include:**
- (a) references to blank-firing guns, pistol carbine conversion kits, air pistol carbine conversion kits, and ammunition**
 - (b) a requirement that the description of any firearm to be imported include its make, model, calibre, and serial number**
 - (c) a requirement to provide the reason for the application and in the case of a pistol, prohibited item, prohibited part, restricted airgun, pistol carbine conversion kit, or restricted weapon, a special reason why the item should be allowed into New Zealand.**
 - (d) A requirement to provide any other relevant information required by the Commissioner?**

The GAC supports these propositions.

58. **Do you have any comments on the proposal to amend regulation 13 to also refer to the imports of blank-firing guns, pistol carbine conversion kits, air pistol carbine conversion kits, and ammunition?**

No comment.

59. **Do you have any comments on the proposal to amend Regulation 20B concerning applications for endorsements to include a reference to a prohibited magazine?**

No comment.

60. **Do you agree with the proposal to amend regulation 28C to provide that the Commissioner may make directions in respect of who may issue improvement notices and temporary suspension notices? Why/Why not?**

This should not in any way limit the amount of resources required to carry out the functions of the Arms Act in an efficient and timely manner.

61. **Do you agree with the proposal to make amendments to regulation 28Y to clarify that a person who possesses prohibited ammunition needs to be recognised by Police as being in the categories of persons who can be in possession under the regulation, have a firearms licence, and be able to securely store the prohibited ammunition in an approved manner? Why/Why not?**

Not applicable to the GAC.

62. **Do you agree with the proposal that regulations provide that Police may, when conducting an inspection of a licence holder's firearms under s24B, record the number and types of those firearms? Why/Why not?**

The GAC strongly opposes this provision as this would be required when the registration system is implemented. Secondly, data collected now will be inaccurate, out of date and incomplete by the time the registration system is implemented.

63. **Do you agree with the proposal that regulations provide that Police may, after receiving any firearms, pistols, restricted weapons or PCCKs from dealers under s59A, and establishing that there are no lawful owners of these items, return them to the dealer, provided in the case of pistols, restricted weapons and prohibited firearms that the dealer has the necessary permit and subject to any conditions that Police places on the permit? Why/Why not?**

The GAC supports this provision.

64. **Do you agree with the proposal that the regulations provide that no compensation is payable for prohibited items handed in to Police by either dealers or other persons? Why/Why not?**

If Police are seeking to have less prohibited items in the community, then providing incentives would seem an appropriate way to encourage these items to be handed in.

65. **Are there other options for regulating how Police may deal with the receipt of firearms, pistols, restricted weapons and PCCKs from dealers under section 59A?**

No comment.

66. Do you agree with the proposal that regulations provide that whenever a firearm, pistol, prohibited magazine, prohibited part or restricted weapon has been ordered by a firearms or dealer's licence holder and that item has not been delivered, the licence holder shall as soon as they have established that the item has gone missing notify a member of Police of this occurrence; and a person commits an offence and is liable on conviction to a fine not exceeding \$500 if they contravene this? Why/Why not?

This seemingly places too much onus on the purchaser and not the vendor should a package go missing. The GAC requires more information on this provision before we can comment.

67. Are there other options for regulating for situations when firearms that have been ordered go missing in transit?

See answer to question 66 above.

Monitoring, Evaluation and Review

68. Do you have any additional suggestions on how Police could monitor, evaluate and/or review the performance of the proposed regulatory changes?

The GAC recommends that the performance of the regulatory changes undergo a review in three-years' from the time they come into effect. The GAC recommends that the basis for any review is enabled by relevant data recorded over the three-year period and that the review be overseen by the Ministers Arms Advisory Group.

General Comment

The GAC is concerned that the complexity and amount of content involved in these proposals makes it very difficult for individuals, small NGO's and volunteer-run organisations to properly consider and engage with this consultation.

The timing and short length of the consultation period is far from ideal with big game animal hunters occupied with the busy roar period and game bird hunters preparing for the start of the duck hunting season.

The Game Animal Council would like to draw your attention to the carriage of firearms in aircrafts (both domestically and internationally) as this is very common for hunters and relevant in terms of legislation. The carrying of firearms, declaration, components and packing of firearms are all covered under Civil Aviation Rules. Firearms, parts, and ammunition are allowed in 'checked in luggage' but only if you have a firearms licence and carriage is approved by the airline. This is an area that needs re-examining within the context of the overall firearms carriage and storage regime.

The GAC has concerns over the overly prescriptive nature of many of the proposed regulations and as enunciated in our introduction we consider that guidance notices in many cases will provide the necessary level of advice to Police, dealers and firearms owners and ensure principles of practicality, efficiency, cost effectiveness and public safety are met. To be durable and elicit a high level of compliance such guidance notices must also be fair and easily understood.

The GAC is available to discuss details of this submission in person. For any queries, please contact me on 021688531 or at tim.gale@nzgac.org.nz.

Yours sincerely

A handwritten signature in blue ink that reads "Tim Gale". The signature is written in a cursive style with a large initial 'T'.

Tim Gale
General Manager
New Zealand Game Animal Council