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Wellington



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## **Arms (Shooting Clubs, Shooting Ranges, and Other Matters) Amendment Bill**

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### **About the New Zealand Game Animal Council**

1. The New Zealand Game Animal Council (GAC), established under the Game Animal Council Act 2013, is a statutory entity with responsibilities for, amongst other things, advising and making recommendations (in relation to game animals) to the Minister for Hunting and Fishing, raising awareness of the views of the hunting sector, promoting safety initiatives for the hunting sector (including firearms safety), and liaising on and managing aspects of game animal hunting. Game animals are wild pigs, chamois, tahr, and deer.

### **Representation relating to clubs and ranges**

2. The GAC has been represented on the Firearms Community Advisory Forum (FCAF) since 2016.
  3. The GAC has been represented on the Range Certification Engagement Group (RCEG) since its inception in September 2020.
  4. The GAC's role in the above forums is to raise awareness of the views of the hunting sector and fulfil our statutory functions to promote safety initiatives for the hunting sector, including firearms safety.
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5. Game animal hunting in New Zealand is primarily undertaken using non-pistol type firearms (bolt actions, lever actions, single shots, and semi-automatics in the case of commercial and professional operators).
  6. In consideration of the above (point 5), the GAC therefore has primarily commented on sections relating to non-pistol type firearms and ranges.

7. The GAC wishes to make an oral submission to the committee on the Arms (Shooting Clubs, Shooting Ranges, and Other Matters) Amendment Bill.

Section of Bill	Name	Matter	GAC Position	Commentary	Suggested improvements
<b>Part 6 Shooting clubs and shooting ranges</b>					
38A	Non-pistol shooting club	Definition of non-pistol shooting club	Support	-	
38A	Non-pistol shooting range	Definition of non-pistol shooting range	Support	-	
38A	Pistol shooting range	Definition of pistol shooting range	Oppose as currently stated. Improvements required.	Further refinement of definition required as it is too broad.  This is a pivotal definition within this Bill and if not clearly and accurately defined may negatively impinge on the non-pistol shooting range definition.	Refinement of definition:  Pistol shooting range means a shooting range specifically designed for, and used for, shooting activities involving pistols.
38A	Shooting activities	Definition on shooting activities	Support	This definition remains unchanged from existing legislation.	

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38A	Shooting club	Definition of shooting club	Support	This definition remains unchanged from existing legislation.	
38A	Shooting range	Definition of shooting range	Support	This definition remains unchanged from existing legislation and accurately describes a shooting range.	
38A	Temporary non-pistol shooting range	Definition of temporary non-pistol shooting range	Oppose with recommendations	<p>Further refinement of definition required as it will likely create confusion.</p> <p>The definition doesn't make clear if the "2 events in any calendar year" are events held by the same club i.e. can club A hold two events in the calendar year and then club B hold two more events in the same year etc?</p>	<p>Firstly, the GAC questions how the number of two events in any calendar year was determined.</p> <p>Secondly, if the provision for two events remains, we suggest two events on the same rateable property in the one calendar year.</p> <p>This will make it clear that a property with multiple owners cannot take advantage of being able to run multiple shoots.</p> <p>We also suggest an exclusion on all publicly</p>

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					<p>owned land including Crown land.</p> <p>The temporary range activity can be managed by the appropriate agency. This will deal with the land administered and or managed by councils and by larger agencies like the Department of Conservation.</p> <p>A definition for 'ad-hoc sighting in ranges' is not included in this Bill, and currently has been addressed in the Range Manual, however, for the avoidance of doubt and wider interpretation by the responsible agency, the definition should be elevated and addressed in the Bill.</p> <p>The definition for 'ad-hoc sighting in ranges' is</p>

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					<p>outlined in the Range Manual, currently held by the Firearms Safety Authority. The GAC supported the development of the Range Manual.</p> <p>Ad-hoc sighting in ranges allow a firearms licence holder to set up a range to check whether the firearm they want to hunt with is sighted in correctly. Correct sighting in helps mitigate animal welfare issues.</p> <p>Ownership of the Range Manual needs to stay with the regulator (the Firearms Safety Authority). This manual needs to be mentioned in the Act as the 'standard' for pistol, rifle and ad-hoc sighting in ranges.</p>

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<i>Non-pistol shooting clubs</i>					
38K(1)	Non-pistol shooting clubs must be enrolled	The change from a certificate of approval to enrolment.	Support	<p>The certificate of approval was deemed to be onerous for clubs and ranges. A change to an enrolment process is proposed to streamline the process and allow non-pistol shooting clubs to operate legally.</p> <p>Regulatory requirements will still be in place upholding and supporting safety and standards, and if the non-pistol shooting club is not complying then an improvement notice will be able to be issued.</p>	-
38K(2)	Non-pistol shooting clubs must be enrolled	Outlines the offenses and proposed fine not exceeding \$10,000	Oppose in part	<p>More refinement is required to the proposed fine of \$10,000. The reason for why a fine may be given is reasonable.</p> <p>Many clubs are small, and community led. A fine of \$10,000 may be seen as a</p>	Clarity is needed as to who is going to get fined. Is it a single person or the collective club?

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				significant factor in a club deciding to not establish or continue, as the financial risk for not enrolling is too great. This may reduce the availability of safe shooting facilities.	
38L	Non-pistol shooting club selling firearms or ammunition must be an incorporated society	The requirement for non-pistol shooting clubs selling firearms or ammunition to be incorporated societies	Oppose in part	Some clubs are too small to qualify as an incorporated society. Under recent changes made by Government to the incorporated societies reporting requirements, there is now a significant and complex process required for their annual reporting including the hours of volunteer work and club activities.	We suggest where a club is of a size that makes it not an option to become incorporated (i.e. very small) they can apply to the Firearms Safety Authority to be signed off on an annual basis by a member of the Police or a JP.
38M(1) (a) and (b)	Application to have non-pistol shooting club enrolled	Relating to when an application for enrolment must be made	Support	Provides for application for enrolments for both body corporates and non-body corporates.	Clarification of process with Firearms Safety Authority.

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38M(2)	Application for enrolment	Who the application for enrolment must be made to and the manner prescribed by regulations	Oppose in part	<p>The Bill references the ‘Commissioner’ which is outlined in the Explanatory note as the Commissioner of Police.</p> <p>‘Other matters’ within this Bill reflect the transfer of policy responsibility from the Police portfolio to the Justice portfolio. Therefore, the GAC supports the word ‘Commissioner’ be replaced with the word ‘Director’ in reference to the Director of the Firearms Safety Authority.</p> <p>For sections 38A - 38XJ, reference to the Police should be removed from this Bill. Police are the enforcement agency, and the Firearms Safety Authority is the regulating agency; just as the NZ Transport Agency Waka Kotahi is the regulator for</p>	<p>An application for enrolment must be made to the Director of the Firearms Authority (the Director) in the manner prescribed by regulations made under this Act, and must—</p> <p>(a) be in a form approved by the Director; and</p> <p>(b) be supported by any information and documents that are prescribed; and</p> <p>(c) be accompanied by the prescribed application fee (if any).</p>



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				<p>driver licencing and the Police are the enforcement agency.</p> <p>There is also concern as to what may be required in the application for enrolment, “prescribed by regulations made under this Act”.</p> <p>No regulation has been made available; therefore, the concern is that any future regulation is too onerous, having perverse consequences and not moving us from the onerous regulation associated with the current certificate of approval.</p>	
38N - 38Q	Regulations for enrolment	Sections 38N – 38Q outline the framework for transitioning from	Support in part	The provisions outlined in these sections appear reasonable at present.	As detailed above (in section 38M(2)) the word ‘Commissioner’ should be replaced with ‘Director’ in reference to the Director of

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		certification to enrolment for shooting clubs			the Firearms Safety Authority.
<i>Non-pistol shooting ranges</i>					
38XC	Non-pistol shooting ranges that are not temporary non-pistol shooting ranges must be enrolled	Speaks to operating a non-pistol shooting range that is not a temporary non- pistol shooting range	-	<p>The assumption has been made, that this clause refers to ‘ad-hoc ranges.’</p> <p>Ad-hoc sighting in ranges should not need to be enrolled.</p>	<p>An ad-hoc range is where a licenced firearms holder sets up a range (as per the Range Manual recommendations) to sight in a firearm prior to hunting.</p> <p>This is to ensure that the firearm they intend to hunt with is sighted in correctly. Correct sighting in helps mitigate animal welfare issues.</p>
38XD	Temporary non-pistol shooting ranges must be notified to Commissioner	The ability and requirements relating to temporary non-pistol shooting ranges	Support in part	This provision provides the flexibility for shooting activities to take place in a temporary non-pistol shooting range. This provision is a step forward in supporting shooting activities that clubs hold	As detailed above (in section 38M(2)) the word ‘Commissioner’ should be replaced with ‘Director’ in reference to the Director of the Firearms Safety Authority.

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				<p>for hunter and firearm training. It provides the ability for the club to notify the Commissioner of that activity meaning that the Commissioner is aware and has the notice of intent registered.</p> <p>Many clubs and ranges have expressed frustration over the past few years regarding the onerous nature of certifying ranges, when activities taking place in those areas are only on a temporary basis. This addition will likely alleviate those frustrations.</p>	<p>A non-pistol shooting club that is organising a shooting activity at a temporary non-pistol shooting range must notify the Director of the Firearms Safety Authority of that activity.</p>
38XD – 38X1		Enrolment and cancellation matters	-		<p>As detailed above (in section 38M(2)), the word ‘Commissioner’ should be replaced with ‘Director’ in reference to the Director of the Firearms Safety Authority.</p>

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<i>Compliance</i>					
38XJ(1) and (1)(a)	Inspections of shooting clubs and shooting ranges	Clauses relating to inspection of shooting clubs and ranges and the ability to enter and inspect, remove documents	Support in part	<p>The GAC supports the intent of compliance inspections.</p> <p>To maintain consistency with the role of a regulator, the regulator (Firearms Safety Council) should be the one tasked with inspections and any enforcement actions should be delegated to the enforcement agency (Police).</p>	<p>There are many requirements and complexities involved with clubs and ranges and having suitably trained expertise staff will streamline any inspection processes and support keeping frontline Police on the frontline. For the purpose of ensuring clarity and consistency, amend ‘Police’ to ‘Firearms Safety Authority’ and ‘Commissioner’ to ‘Director’.</p> <p>Suggested wording: “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 Firearms Safety Authority and</p>

<b>Section of Bill</b>	<b>Name</b>	<b>Matter</b>	<b>GAC Position</b>	<b>Commentary</b>	<b>Suggested improvements</b>
					authorised in writing by the Director may – ...”
<i>38XJ(1)(b)</i>	Inspections of shooting clubs and shooting ranges	The ability to remove hard copy data	Support in part	The GAC supports giving ‘Certified Range Officers’ (GAC suggested title) the ability to inspect, print, copy and hard copy documents.	For the avoidance of doubt and to ensure that vital original documentation is not removed from the possession of clubs, a Certified Range Officer should only be able to inspect, print or copy any documents; not remove the original.
<i>38XJ(2)</i>	Inspections of shooting clubs and shooting ranges	5-yearly interval inspections	Support with caution	<p>The GAC supports inspections of non-pistol shooting ranges however recommends that an initial inspection of ranges takes place and thereafter only if there is change of circumstances that may affect its safety.</p> <p>Ranges tend not to change significantly over time. It is more likely that the encroaching infrastructure</p>	Recommended improvement is to provide for an initial inspection of ranges (as ranges should be established to the new range requirements) and thereafter only if there is change of circumstances that may affect its safety.

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				impedes on the operation of the range.	
<i>38XJ(3) and (4)</i>	Inspections of shooting clubs and shooting ranges	7 days' notice of the intention to enter and inspect	Support in part	As outlined in section 38XJ(1) to maintain consistency with the role of a regulator, the regulator (Firearms Safety Council) should be the one tasked with inspections and any enforcement actions should be delegated to the enforcement agency (Police).	The recommendation is to add the words "authorised in writing by the Commissioner":  "A member of the Firearms Safety Authority, authorised in writing by the Director, must give at least 7 days' notice of their intention to enter and inspect a venue of a shooting club or shooting range."
<i>38XK(1) and (2)</i>	Improvement notices	Outlines when the issue of an improvement notice may be given and the broad parameters to be issued in the improvement notice	Support in part	The GAC supports the issuing of improvement notices.  In section 38XJ(1) of the Bill relating to a "member of the Police and authorised in writing by the Commissioner may" there is a difference in terminology which we	The recommendation is to change the regulating agency and add the words "authorised in writing by the Director". Therefore, it would read:  "This section applies if a member of the Firearms Safety Authority, authorised in writing by the Director, reasonably believes that..."

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				presume is a drafting oversight.	
38XL	Temporary suspension of shooting club's operations for non-compliance with improvement notice	The temporary suspension of shooting clubs' operations	Support in part	In section 38XJ(1) of the Bill relating to a "member of the Police and authorised in writing by the Commissioner may" there is a difference in terminology which we presume is a drafting oversight. This oversight may create doubt.	The recommendation is to change the regulating agency and add the words "authorised in writing by the Director". Therefore, it would read:  "A member of the Firearms Safety Authority, authorised in writing by the Director 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 <b>section 38XK.</b> "
38XM	Temporary suspension of shooting range's operations for	The temporary suspension of shooting	Support in part	In section 38XJ(1) of the Bill relating to a "member of the Police and authorised in writing by the Commissioner may" there	The recommendation is to change the regulating agency and add the words "authorised in writing by

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	non-compliance with improvement notice	range's operations		is a difference in terminology which we presume is a drafting oversight. This oversight may create doubt.	the Director". Therefore, it would read:  "A member of the Firearms Safety Authority, authorised in writing by the Director 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 <b>section 38XK.</b> "
<b>Part 2 - Other matters</b>					
<b>Section 2</b>	<b>Amended (Interpretation)</b>	Amendments made to who the responsible Minister is	Support in principle	The GAC supports this move as it will likely support improved regulatory governance and remove some of the uncertainty between regulation and enforcement; it differentiates between the	



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				<p>regulating agency (Police) and the enforcement agency (Firearms Safety Authority).</p> <p>This would move toward other successful models in New Zealand (such as the NZ Transport Agency Waka Kotahi being the regulator for driver licencing and the Police being the enforcement agency).</p>	