

Departmental Disclosure Statement

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

The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill; and
- the presence of certain significant powers or features in the Bill that might be of particular interest to Parliament or the public and warrant an explanation.

This disclosure statement was prepared by the Ministry of Justice.

The Ministry of Justice certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

11 September 2024

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Part One: General Policy Statement

General Policy Statement – Arms (Shooting Clubs, Shooting Ranges, and Other Matters) Amendment Bill

The purpose of the Arms Act 1983 (the Act) is to promote and impose controls for the safe possession and use of firearms and other weapons.

Shooting Clubs and Shooting Ranges

Shooting clubs and shooting ranges provide spaces for people to learn how to safely operate firearms, as well as to practise and compete. This Bill aims to support public safety outcomes by improving compliance with the Act. It does this by simplifying the regulatory requirements for non-pistol shooting clubs and ranges and changing some of the requirements in relation to inspections.

The Act currently requires all shooting clubs to hold a certificate of approval issued by the Commissioner of Police (the Commissioner), and for all shooting ranges to be certified by the Commissioner. The Bill creates a distinction and different levels of regulation between pistol shooting clubs and non-pistol shooting clubs and between pistol shooting ranges and non-pistol shooting ranges. The distinction recognises that, due to the ability to conceal them, pistols are more strictly regulated than non-pistols. Licence holders must hold an endorsement on their licence that means they are eligible to apply for a permit to possess a pistol. These are additional processes that are not required for possessing non-pistols.

The Bill maintains the current regulatory requirements for pistol shooting clubs and pistol shooting ranges, continuing existing approval and certification regimes and providing for the suspension and cancellation of approvals and certificates. A small change is made to streamline the annual reporting requirements of pistol shooting clubs by requiring their annual reports to be provided within 2 months after the close of the financial year on 30 June.

The Bill introduces a simpler regulatory regime for non-pistol shooting clubs and non-pistol shooting ranges. All non-pistol shooting clubs and ranges will be required to enrol to operate legally. The enrolment status of a non-pistol shooting club will continue until the club requests cancellation of its enrolment or the club ceases to operate. Similarly, the enrolment of a non-pistol shooting range will continue until the range requests cancellation of its enrolment, it ceases to operate, or when the operator fails to comply with an improvement notice.

If either a shooting club or shooting range is not complying with the regulatory requirements the Police will be able to issue an improvement notice. The Police will also continue to have powers to temporarily suspend the operations of a shooting club if it is satisfied that the club has failed to comply with an improvement notice.

The Bill enables temporary non-pistol shooting ranges to operate so that the competitions and events of a non-pistol shooting club may be held without administrative barriers. The Police will need to be informed prior to the event.

The Bill also changes the provisions relating to inspections of shooting clubs and shooting ranges. Currently, inspections of clubs and ranges can occur at any time provided at least 7 days' notice is given. The Bill provides more certainty about when inspections will occur. Currently during an inspection, documents, including electronic documents, can be removed. To simplify the burden on operators (many of whom are

volunteers), the Police will, during an inspection, only be able to remove hard copies of documents, including those that are printed from electronic versions.

Currently, all clubs must be incorporated if they sell ammunition. This enables the Police to track the movement of live ammunition to support public safety. The Bill requires non-pistol shooting clubs to be incorporated if they sell ammunition, unless the ammunition is purchased for, and used on the day of sale at the club range or event, and if it is not taken off the premises.

Other Matters

The Bill also amends certain provisions of the Act to reflect the transfer of the policy responsibility from the Police portfolio to the Justice portfolio. These changes shift responsibility from the Minister of Police to the responsible Minister (currently the Minister of Justice), from the Commissioner to the Secretary for Justice, and from the New Zealand Police to the Ministry of Justice.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	NO
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Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO
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Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
<p>Two Regulatory Impact Statements were prepared by the Ministry of Justice:</p> <ul style="list-style-type: none">• Interim Regulatory Impact Statement (A): Support shooting clubs and ranges, <i>The Ministry of Justice</i>, 9 May 2024. This document is available publicly here: https://www.justice.govt.nz/assets/Documents/Publications/Interim-Regulatory-Impact-Statement-A-Supporting-shooting-clubs-and-ranges-1-1.pdf• Regulatory Impact Statement: Supporting shooting clubs and ranges, <i>The Ministry of Justice</i>, 24 July 2024. This document is not yet available publicly. The Ministry plans to release this document - once it is released it will be found at: https://www.justice.govt.nz/justice-sector-policy/regulatory-stewardship/regulatory-impact-assessments/	

2.3.1. If so, did the RIA Team in the Treasury provide an independent opinion on the quality of any of these regulatory impact statements?	NO
<p>The Ministry of Justice's Regulatory Impact Assessment quality assurance panel has reviewed both Regulatory Impact Statements (RISs) prepared by the Ministry of Justice and considered that the information and analysis summarised in both RISs partially meets the quality assurance criteria.</p>	

2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	NO
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Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	NO
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2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	YES
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO
Cost and benefit analysis forms part of the RISs. Certainty around many of the costs and benefits is limited by the scale/scope of the problem definition.	

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	YES
(b) the nature and level of regulator effort put into encouraging or securing compliance?	YES
Refer to the RISs for information relating to compliance.	

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?
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The Ministry of Justice analysed the Bill and did not identify any international obligations that conflict with the policies contained in this Bill.

Separately to this Bill, changes to clubs and ranges are being made through regulations. These changes may interact with New Zealand's interests in the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms. MFAT has advised, however, that it considers this can be managed without significant risk for New Zealand.

Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

The Ministry of Justice has analysed the Bill and did not identify any inconsistency with the Treaty principles.

Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?	YES
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Crown Law was provided with a draft of the Bill and has provided advice to the Attorney-General on consistency with the New Zealand Bill of Rights Act 1990 (NZBORA). It could find no inconsistency with NZBORA.

A copy of its advice will made be available at:

<https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/bill-of-rights-compliance-reports>

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:	
(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	YES
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	NO
<p>The Bill creates a distinction between pistol and non-pistol clubs and ranges.</p> <p>It remains an offence for a pistol club to operate without approval, and for a pistol range to operate without certification. The penalty for persons convicted of these offences is a fine not exceeding \$10,000. This is the same as existing provisions in the Arms Act 1983.</p> <p>Non-pistol clubs and ranges will no longer require approval/certification, which is being replaced with a new system of enrolment. Clause 5, new sections 38K and 38XC establish that it is an offence for a non-pistol club or range to operate without being enrolled. While this is the same offence that currently exists within the Act, the Bill clarifies that it still applies to non-pistol clubs and ranges under the new enrolment system. The penalty for persons convicted of these offences is a fine not exceeding \$10,000. This is the same as existing provisions in the Arms Act 1983.</p> <p>The Bill allows for temporary shooting ranges to be setup up for one-off events, provided that they notify the regulator. Clause 5, new section 38XD makes it an offence for temporary non-pistol ranges to operate without first notifying the Commissioner. If convicted under this offence, a person will be liable to a fine not exceeding \$10,000. This is a new strict liability offence created by the Bill.</p>	

3.4.1. Was the Ministry of Justice consulted about these provisions?	YES
<p>The Ministry of Justice's offence and penalty vetting (OPV) team was consulted on the Bill's proposed offences and penalties to ensure they are appropriate and consistent with existing offences and penalties in the Arms Act 1983. This primarily helped inform the new strict liability offence created by clause 5, new section 38XD.</p>	

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?	YES
<p>In clause 6, new section 38XJ(1)(b). This provision amends the Act by specifying that when shooting clubs or ranges are inspected to ensure they are operating in compliance with the Act, the inspector may only remove hard copy documents, provided that seven days' notice of the intention to inspect has been given.</p> <p>The Act currently allows for any documents to be removed by the inspector, including those stored digitally.</p>	

3.5.1. Was the Privacy Commissioner consulted about these provisions?	YES
<p>There are no privacy concerns with the change described in 3.5.</p> <p>The Office of the Privacy Commissioner was consulted and had no comments on the Bill.</p>	

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	YES
<p>The Ministry of Justice consulted with various government agencies including the New Zealand Police Department of Conservation, New Zealand Customs Service, Ministry of Foreign Affairs and Trade, Ministry for Business, Innovation and Employment, Ministry for Culture and Heritage, the Treasury, Parliamentary Counsel Office, Ministry for Primary Industries, Ministry for Regulation, the Department of Internal Affairs, the Public Service Commission, Office of the Privacy Commissioner, the Crown Law Office, and the Cabinet Office. The Department of the Prime Minister and Cabinet has been informed.</p> <p>Other groups were consulted on initial policy proposals prior to the Bill's development. Groups consulted included the Minister's Arms Advisory Group, the Arms Engagement Group, the Firearms Community Advisory Forum, the Clubs and Ranges Engagement Group, the Recreational Firearms User Safety Working Group, the Dealers' Reference Group, the Muslim Reference Group, and the Firearm User Group on in-principle proposals. Feedback from this focused stakeholder consultation informed the development of the policy proposals.</p>	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	YES
<p>The proposals detailed in this Bill have been informed by consultation, including with those who would be most directly impacted by the proposed changes. This provided an opportunity to gather information and test the proposals. However, as the consultation was only with a targeted group of stakeholders, it relies on evidence from one group of stakeholders, other perspectives are not known.</p>	

Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
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Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
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Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
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Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	YES
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

As noted in 3.4, the Bill creates one new offence. Clause 5, new section 38XD makes it an offence for temporary non-pistol ranges to operate without first notifying the Commissioner. If convicted under this offence, the individual will be liable to a fine not exceeding \$10,000.

This provision is necessary to ensure that one-off shooting events at temporary non-pistol ranges do not have to go through the same enrolment process as non-pistol ranges, or certification process as pistol ranges. This also means that temporary non-pistol ranges do not incur same the associated costs or regulatory requirements.

However, creating an offence to ensure temporary non-pistol ranges notify the Commissioner, and setting a penalty level consistent with those for permanent ranges, will ensure compliance and a degree of oversight for temporary shooting activities at non-pistol ranges. This aligns with the aim of the Bill to better support public safety outcomes by improving compliance with the Arms Act 1983.

The new offence is a strict liability offence that is consistent with the offences for permanent pistol and non-pistol shooting ranges set out in clause 5, sections 38R and 38XC, respectively.

The offence includes a defence for conduct 'without reasonable excuse,' providing some protection to ensure persons are not unfairly convicted and penalised. This will help mitigate potential adverse effects.

The penalty for this offence is also consistent with the penalties corresponding with offences in section 38R and 38XC.

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
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Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO
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Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO
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4.8. Does this Bill create or amend any other powers to make delegated legislation?	NO
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Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	NO
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