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**NEW ZEALAND DEERSTALKERS ASSOCIATION
ARMS LEGISLATION BILL SUBMISSION
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INTRODUCTION

1. New Zealand's outdoor recreational enthusiasts, women and men, welcome any properly considered attempt to make the society they live in a safer place for them and their fellow New Zealanders.
2. As part of this wider group of outdoor loving individuals, over recent months New Zealand Deerstalkers Association members have openly and honestly engaged with the democratic process to ensure this country's firearm laws are able to protect all New Zealanders. The organisation welcomes the latest opportunity to provide its views by making this submission to the Select Committee considering the 2019 Arms Legislation Bill. It is making this submission to ensure that the resulting legislation achieves its stated goal of increasing public safety while being fair, reasonable and effective.

3. Unfortunately, as the Arms Legislation Bill presently stands, it cannot be supported by the New Zealand Deerstalkers Association.
4. This is not blanket opposition to the whole Bill. There are parts which are reasonable and logical and the NZDA can support these sections.
5. However, there are other parts which are unreasonable, illogical, punitive and overly bureaucratic. Worse, there are worrying inclusions which are ill-defined, undemocratic, breach human rights and hand police too much power without proper oversight or appeal.
6. The Bill focusses heavily on enforcing the compliance of law-abiding licenced hunters and firearms owners and their organisations yet does relatively little to address the illegal use and possession of firearms by criminals.
7. The Bill fails to recognise or acknowledge the social, cultural, economic and conservation benefits that come from hunting and responsible firearm use.
8. If these concerns can be addressed and the offending clauses removed or modified to ensure New Zealanders' civil liberties are properly acknowledged and protected, then the NZDA could support the majority of the new law's objectives.
9. The NZDA also believes that in the wake of the first round of changes to arms laws in early 2019 in response to the Christchurch massacres, any further changes should have waited until the Royal Commission into the tragedy had finished its work and reported back. This would have allowed a more considered, fully informed and properly measured response.
10. The NZDA believes better legislation would also have resulted from proper consultation with firearm owners, hunters and the wider community. This would have provided a cooperative environment in which informed decisions could be made, united in a

common purpose. Unfortunately, this has not happened and the opportunity to have a law which enjoys the support and cooperation of firearm owners has been squandered.

11. The NZDA is of the view that a good law encourages and assists compliance, rather than oppressing, alienating and unreasonably regulating significant parts of the community. Unfortunately, the overall punitive nature of the Arms Legislation Bill as it is presently worded appears designed to specifically target the law abiding by dramatically increasing the bureaucracy and cost of getting and holding a firearms licence while introducing new barriers all with no demonstrable improvement in public safety.
12. Section 6 is particularly onerous for shooting clubs. A good law should help firearm owners join a club so they can learn safe firearm handling and practice their skills in a controlled and disciplined environment. Instead, this Bill seeks to impose heavy and costly controls on clubs, and indeed anyone who allows a person to practice with their rifle or allow it to be sighted in on their property. It undermines the efforts of shooting clubs to train people in safe firearm handling to ensure their and public safety.

NZDA ORGANISATIONAL BACKGROUND

13. The New Zealand Deerstalkers Association is a voluntary organisation. It has existed for 80 years and was first incorporated in 1939 under the Incorporated Societies Act 1908.
14. The NZDA is apolitical and represents more than eight thousand members in 46 urban and rural branches throughout the country.
15. The NZDA's fundamental purpose is to protect the traditions of recreational hunting while protecting, advancing and advocating for the interests of recreational hunters. This includes firearm ownership.
16. The NZDA receives no public money. It is funded entirely by its membership.

17. NZDA provides outdoors training, including safe firearms handling, to give beginners the skills they need to cope in the wilderness and use firearms responsibly.
18. The NZDA emphasises firearm competency and shooting skill and our members participate in branch, regional, national target competitions. They also represent New Zealand in International competitions
19. The NZDA is more than just a hunting association. It is actively involved in conservation work, strongly advocates for public access and its members maintain huts and tracks and trap predators in the conservation estate to reduce the financial burden on the Department of Conservation.
20. NZDA members' skills and experience are called on regularly during search and rescue operations for members of the public who have run into trouble in the outdoors.

SUBMISSION

21. This submission by the New Zealand Deerstalkers Association provides details of the organisation's views and concerns about the Arms Legislation Bill as it presently stands. It provides recommendations on how the Bill can be improved and these recommendations are listed in an appendix in an accompanying document.
22. This submission acknowledges those parts of the Arms Legislation Bill which it does not oppose.
23. Part 1 – Preliminary Provisions – The NZDA does not oppose.
24. Part 2 – Licensed Dealers – The NZDA does not oppose the intent but with modest changes to recognise the unique position of clubs which could inadvertently be caught up in this proposal.
25. Part 3 – Permits to Import – The NZDA does not oppose.

26. The NZDA supports the proposal for Police to be able to issue improvement notices to clubs, dealers and individual firearm licence holders to give them time and warning to address issues requiring attention.
27. The NZDA supports the proposal to establish a Firearms Advisory Group.
28. The NZDA has objections to other Parts of the Bill, not necessarily in their entirety, but to specific clauses. These will be detailed in the course of this submission.

POLICING OF ARMS LAWS

29. The NZDA believes that in the wake of the Christchurch terror attacks, its members and other legitimate firearm owners are having to pay the price for decades of shortcomings in policing of existing firearms legislation. These shortcomings have not been of licence holders' making.
30. Over the years, NZ Police has diverted funding away from firearm law enforcement. In the 1997 Review of Arms Control in New Zealand – known widely as the Thorp report - Justice Thorp noted the under-resourcing of this area, pointing out that "...the arms business being given a progressively lower priority and becoming under-resourced." He underscored the need to reverse this trend, rating it as an important issue for the police to ensure "...that competition with other work does not in future result in a similar suppression of the development and maintenance of an efficient arms control system."
31. Despite Justice Thorp's admonishment, 21 years later, Police continued diverting funding away from firearms policing. On Page 50 of the Police 2018 Annual Report, it is noted that "...due to increased demand in other Police priority areas, fewer resources have been available for firearms licensing activities in the 2017/18 year." Only months

later, New Zealand was to pay a heavy price for this cost cutting and failure to properly oversee firearms laws.

32. Recommendation: The NZDA wants the police budget to have funding explicitly dedicated to firearm law enforcement and policing of the arms law. This funding must be ring fenced to prevent it being diverted elsewhere and periodically reviewed to ensure it is being spent as intended and is sufficient to meet demand.

33. The NZDA wants better enforcement of all firearm laws. In particular, it should be mandatory for Police to follow up each and every firearm licence holder who does not renew their licence or allows it to lapse. This follow up must include determining where the firearms held by the lapsed licence holder are. The 2009 Napier siege demonstrated the dangers of not doing this. Despite gunman Jan Molenaar being known to police, under suspicion for illegal activity and allowing his licence to lapse, there was no follow up after his licence expired to determine the whereabouts of his firearms with fatal consequences.

34. Recommendation: It be mandatory for Police to promptly follow up lapsed firearm licence holders and determine where their firearms are.

EXCESSIVE POLICE POWERS

35. The NZDA is concerned at what it sees as the excessive powers the Arms Legislation Bill proposes granting to police. Our organisation believes the rights the Bill gives to the Police to access private property, take property and take information all go against the basis of our civil liberties, the rights of free people, of our English law legal traditions and the bedrock of our system of democracy.

36. The three pillars of the New Zealand system sees Parliament make laws and the Courts make judgements based on those laws and determine crimes “beyond reasonable doubt”. Police enforce laws but their actions can be appealed to the courts. The courts make the final decision, not the police. A crime needs to be committed before police can search and seize. They need a warrant to go onto private property or take personal information.
37. In contrast to these fundamental principles, the NZDA believes that if the Bill’s existing provisions are passed without change, the Police would be both the enforcer of the laws and the decision-makers.
38. Part 5 Section 24A of the Bill is of particular concern. This deals with the fit and proper test used to judge if a person is able to hold a firearms licence. As it is written, it says that a member of the Police can find a firearms licence applicant is not a fit and proper person if they have “..been charged or convicted of an offence in New Zealand or overseas..”, been “...charged or convicted under this (Arms) Act..” or “..been charged or convicted..” of a range of offences under other Acts.
39. Being convicted of a crime, if that crime is serious enough, is a reasonable reason to decline a firearms licence application. The NZDA supports this intent.
40. However, it is strongly opposed to declining an application merely because someone has been charged with an offence sometime in the past. Being charged is a very low threshold on which to fail a licence application. A charge is merely an allegation that a person may or may not have committed an offence. It is not evidence of guilt. It is an unproved allegation based on suspicion or supposition. Charges are routinely dropped or amended and the mere fact that a charge has been laid is immaterial, especially years

later. It is up to the courts to decide if a charge is valid and enter a conviction if appropriate, not the police.

41. The attempt to include “charged” as a reason to decline a firearms licence application also breaches the Bill of Rights Act 1990. Under Section 25 of the Act, “everyone who is charged with an offence has, in relation to the determination of the charge, the following minimum rights: (a) the right to a fair and public hearing by an independent and impartial court” and “(b) the right to be presumed innocent until proved guilty according to law.”

42. Recommendation: That “charged” be removed from Section 24 as a reason to decline a firearms licence application. Conviction of a serious crime should remain a valid reason to decline a licence application.

43. Section 24A (2)(b) is also of concern. It states that when determining if a firearms licence applicant is a fit and proper person, a member of the Police may take into account “any other matters the member of the Police considers appropriate”. Without clearly defining what “any other matters” are, this places too much power in the hands of an individual officer and risks arbitrary, spurious and inconsistent reasons for denying a licence.

44. Recommendation: That Section 24A (2)(b) be removed from the Arms Legislation Bill.

45. Police power of entry is also too broad in Section 24B (1) and needs to be significantly amended, particularly 24B(1)(c) which allows Police to enter a licence holder’s property “at all reasonable times.” There is no requirement for there to be just cause for such entry. While there appears to be an effort to temper this in Section 24B(2)(a) with the requirement for “advance notice”, there is no indication of what reasonable “advance notice” is.

46. Recommendation: Section 24(B) needs to be significantly reworded so that there has to be reasonable cause for police entry and that a defined period of advance notice be required for any inspection of a licence holder's home or firearm storage.

47. The Bill of Rights Act 1990 requires the Attorney-General to report to Parliament where a Bill appears to be inconsistent with the Bill of Rights. Despite such apparent inconsistencies in the Arms Legislation Bill, no such report has been made to Parliament.

48. Recommendation: The Attorney-General bring to the attention of the House of Representatives all provisions of the Arms Legislation Bill including Section 24 that appear to be inconsistent with all rights and freedoms contained in the Bill of Rights.

49. As a responsible hunting organisation which promotes firearms training and responsible use of firearms on its shooting ranges, the NZDA is particularly concerned by Section 38T of the Arms Legislation Bill. It threatens to destroy any goodwill, cooperation or working relationship between a shooting club and Police because it gives a member of the Police the right to enter and inspect a shooting club or shooting range without notice. It also gives them the power to “..inspect, print, copy or remove any documents..” the person believes to belong to the shooting club or shooting range. There is no requirement for reasonable suspicion or belief that wrongdoing has occurred. While 38T says the provisions of the Search and Surveillance Act 2012 apply, it appears to specifically exclude the section of that Act which deals with the need for search warrants. The public has already witnessed what happens when police overstep their powers by searching prominent journalists and seizing their bank accounts and other material. This should be a warning to ensure such powers are closely controlled, not written into new legislation.

- 50. Recommendation: Section 38T be amended to require Police to give notice of inspections of shooting clubs or shooting ranges and that they need to acquire a warrant if they are seizing documents. Police should not be exempt from getting warrants under Part 4 subpart 3 of the Search and Surveillance Act as is presently proposed.**
- 51. Recommendation: Section 48 should be amended to remove the word “annoy” as a reason to jail or heavily fine a person who discharges a firearm in or near a dwelling house or a public place. Endangering a person may be valid grounds for imprisoning someone but annoying is not a proper reason to impose a jail term. The word “frighten” also be replaced by “intimidate” which is more in keeping with the intent implicit in “endanger.” The amended text should instead read so as to “(a) endanger property or (b) endanger or intimidate any person.”**
- 52. Recommendation: To preserve civil liberties, provide accountability and ensure proper enforcement of the arms legislation, the NZDA proposes the Arms Act be the responsibility of a body outside the Police. It is suggested the Ministry of Internal Affairs could take that responsibility, providing oversight of Police enforcement of the law.**
- 53. The NZDA notes with concern that the Arms Legislation Bill confers significant and wide-ranging powers to the Commissioner of Police to make policy, set fees and charges, approve activities, create bureaucracy and regulate. This risks not only making an already complicated law even worse, but also effectively making of law without Parliament’s oversight. For example, 87(1)(h) is far too broad and should be removed.**

54. Recommendation: The present proposals to confer power to the Commissioner of Police are too wide ranging and that many of these powers properly sit with Parliament. They need to be more tightly restricted.

PART 2 LICENSED DEALERS

55. The NZDA does not disagree with the overall intent OF Part 2.

56. However, it believe that the NZDA and other similar volunteer organisations will be captured by Section 5 (1)(a) which requires a dealers' licence for “..lending, or otherwise supplying..” firearms or ammunition.

57. Such lending or otherwise supplying occurs during firearms or hunting training courses run by the NZDA where people are given firearms to use under strict supervision.

58. Recommendation: That a new clause (g) be added to Section 5(1) which exempts hunting and shooting organisations like the NZDA from holding a dealer's licence when they are lending or supplying firearms for the use of supervised practice, training or instruction.

FIREARM REGISTRATION

59. The NZDA opposes the proposal to licence and record every firearm in a central registration system.

60. The NZDA supports the existing system of screening and registering each individual firearm owner. The organisation believes this system is an innovative and world-leading method of deciding who should and who should not hold a firearm licence and where they live. This system should be strengthened, properly funded and administered.

61. It should be pointed out that having a system that licences and registers people casts a far wider net than simply registering individual firearms. This is because a firearm licence holder may not actually own a firearm but will still be recorded as having a licence, allowing a more accurate picture of firearm use.
62. The NZDA does not oppose Section 93 (1) (a)(b)(c) and (d). These relate to the licencing and registration of firearm licence holders.
63. The NZDA opposes Section 93 (1)(e) which requires the introduction of a registry system for all individual firearms. This opposition is based on the practicality, expense, workability and worth of such a system. Overseas experience is that such systems are hugely expensive and of limited value in solving crime or ensuring public safety. In countries like Canada, a national firearm registration system has been abandoned after the expenditure of billions of dollars because it did not work. In New Zealand's case, there is already an existing registration system which focuses on licenced firearm owners and this should be improved as necessary to meet the public safety objectives of the Arms Legislation Bill.
64. The NZDA accepts the existing registration should continue for individual firearms which are restricted or prohibited, such as the now limited numbers of semi-automatic centrefire rifles used for pest control, revolvers and pistols.
- 65. Recommendation: The existing system of screening and registering each individual firearm licence holder be strengthened as necessary to ensure public safety. It should also be properly funded, administered and policed.**
- 66. Recommendation: Plans to register all individual firearms be abandoned. Instead, registration should be limited to the existing requirements for restricted or prohibited**

styles such as semi-automatic centrefire rifles used for pest control, revolvers and pistols.

LICENCE DURATION

- 67.** The NZDA is firmly opposed to the plan to reduce the validity of a firearms licence from ten years to five as detailed in Section 25(1).
- 68.** The NZDA believes the current ten year term is adequate and there appears to be no rational reason for halving it. Police have been unable to handle ten year licence renewals in a timely and efficient manner and imposing a five year licence will only exacerbate the problem. This risks discouraging people applying for and holding firearm licences and encouraging illegal use.
- 69.** The NZDA also notes that this proposal is out of step with other such documents, such as passports and drivers licences. Both are valid for ten years. Indeed, the attempt to make passports valid for only five years has been abandoned and passports have reverted to ten years validity.
- 70.** A five year licence regime will also increase costs. Many firearm owners are on the average wage and, in some communities, live a subsistence lifestyle. Firearms play an important role in allowing them to feed their families and increasing the cost of having a firearms licence will be detrimental to their personal and financial circumstances.
- 71.** The NZDA believes it is far better for people who need firearm licences to have them. Society and the general public benefit from knowing who these people are. To achieve this, the process should be as easy and straightforward as possible once an applicant has passed the appropriate tests and been assessed as being a fit and proper person.

72. Recommendation: The present ten year period for the duration of a firearms licence be retained.

PRIVACY AND ACCESS TO PROPOSED REGISTRY DATA

73. The NZDA notes with concern the proposal in Part 7 for wide access to any registry involving firearms or firearm owners.

74. In particular, we oppose Section 38Y allowing the Department of Conservation to have direct access to a licence holder's information in the registry. The reason given is so the Department can effectively issue permits for hunting. The NZDA does not accept that this is a valid reason.

75. Section 38Z allows the Ministry of Foreign Affairs and Trade and the Customs Service to also have access. The NZDA accepts that there may be valid reasons for this in a limited way but that access should be more tightly defined and restricted.

76. Recommendation: That access to any register of firearm owners be strictly limited and controlled.

PART 6 SHOOTING CLUBS AND SHOOTING RANGES

77. As it stands, Part 6 is particularly onerous for shooting clubs and the NZDA opposes much of this section as unreasonable, overly restrictive and bureaucratic. It seeks to impose heavy and costly controls on clubs, and indeed any private land owner who allows a person to practice with their rifle or allow it to be sighted in on their property.

78. The proposed law runs the risk of allowing a hunter to use a rifle to hunt on a property but ban the hunter from sighting in the same rifle on the same property. This is farcical and an attempt to make law for the sake of making law, not improve public safety.

- 79.** A good law should help firearm owners join a club so they can learn safe firearm handling and practice their skills in a controlled, supportive and disciplined environment.
- 80.** The basis for the NZDA's opposition is that Part 6 fails to recognise or acknowledge the good work that shooting clubs do throughout the country to ensure firearm licence holders are properly trained and able to use firearms safely. This voluntary work contributes significantly to public safety and is provided at no financial cost to the wider community or state.
- 81.** As one of those organisations, the NZDA organises and runs HUNTS courses to teach new hunters how to pursue their quarry, navigate and survive in the outdoors and safely use firearms. This involves shooting ranges and is of significant benefit to the wider community. However, the new rules and restrictions contained in Section 6 may significantly impact the HUNTS programme.
- 82.** The NZDA is proud to acknowledge that the chair of this select committee Dr Deborah Russell acknowledged this work in the first reading of the Arms Legislation Bill. Dr Russell's point in her speech that the NZDA already has a set of rules for shooting ranges it administers itself because "...its members are responsible gun owners.." is well made. It also calls into question the need to impose heavy regulation such as proposed in Section 6 when there is already systems and controls which are working.
- 83.** Access to ranges also involves animal welfare. Hunters need to ensure their rifles are properly sighted in and accurate to ensure animals are cleanly harvested and not wounded by a misplaced shot. A shooting range is the appropriate place for sighting in.
- 84.** The requirement for shooting clubs to have a duty manager on their ranges is unreasonable. Volunteer organisations cannot afford the cost of employing a duty manager and this burden would quickly drive most out of existence. The present system

employed by the NZDA is for accredited range officers to supervise the use of ranges.

These range officers are members and volunteers and the system is working well.

85. As already explained earlier in this submission, Section 38T of Part 6 has worrying implications. It must be amended to require Police to give notice of inspections of shooting clubs or shooting ranges and that they need to acquire a warrant if they are seizing documents. Police should not be exempt from Part 4 subpart 3 of the Search and Surveillance Act as is presently proposed.

86. As it stands, Part 6 risks forcing the closure of existing shooting ranges. This would be a risk to public safety as it would force hunters wanting to sight in their rifles to resort to using uncontrolled areas like riverbeds and road ends. This is unacceptable but inevitable and will diminish public safety, not enhance it.

87. The NZDA proposes that instead of the heavy handed and bureaucratic approach detailed in Part 6, that a more co-operative path be taken. This would involve recognising existing range rules and Standing Orders used by organisations like the NZDA which have proved to be safe and workable.

88. The NZDA does not oppose a central register of ranges and clubs with contact details as long as compliance isn't onerous and complicated.

89. The NZDA cautiously supports enhanced monitoring and auditing of ranges by Police with the proviso that there be more details of what this actually entails. Again, it should not be onerous or complicated.

90. Recommendation: That Part 6 be changed to encourage a more co-operative approach to laws covering shooting clubs and shooting ranges with a view to encouraging more such facilities for hunters to use under direct supervision. This

would include recognising existing range rules used by organisations like the NZDA which have proved to be safe and workable.

91. Recommendation: The requirement for shooting clubs to have a duty manager on their ranges be removed and replaced with having accredited range officers to supervise the use of ranges.

92. Recommendation: A simple and straightforward system be adopted to establish a central register of ranges and clubs with contact details. Enhanced monitoring and auditing of ranges is also accepted.

FIREARMS ADVISORY GROUP

93. The NZDA supports the proposal to establish a Firearms Advisory Group.

94. It believes it is more appropriate for this group to report to the Minister of Police, rather than the Commissioner of Police.

95. The makeup of the group should include representatives of statutory game managers, hunting organisations and competition target disciplines, along with collectors and the sporting goods industry.

96. Recommendation: A Firearms Advisory Group be established reporting to the Minister of Police. Group members should include representatives of statutory game managers, hunting organisations, competition target disciplines, collectors and sporting goods industry.

POSSESSION AND SALE OF AMMUNITION

97. The NZDA believes these proposals over possession are too restrictive and risks criminalising people for inadvertent breaches of the proposed law, particularly farm workers, family members and transport operators.
98. The provisions in the existing law should be retained which provide an exemption for people transporting ammunition.
99. Recording the sale of each and every piece of ammunition is pointless and will not contribute to public safety.
100. Existing provisions covering the sale of ammunition should be retained. This requires the purchaser to show a dealer their firearm licence. This is clean and simple and works well. Creating a new bureaucracy and record keeping regime is complicated and unnecessary while doing nothing for public safety.
- 101. Recommendation: Existing provisions over the sale and possession of ammunition should be retained.**

COST RECOVERY

102. The NZDA does not oppose firearm licence holders paying a fair and reasonable sum for holding that licence.
103. The NZDA opposes the present proposals in the Arms Legislation Bill to make firearm licence holders responsible for a wide range of costs and charges for merely complying with the law. This includes being charged for the forms and information necessary for compliance, as well as the monitoring and auditing of compliance and non-compliance.

104. The NZDA believes that if the objective of the Arms Legislation Bill is public safety as has been stated by the Government, then the cost of ensuring that collective safety and security properly lies with the state.

105. Recommendation: Firearm licence holders should pay a fair and reasonable sum for holding that licence. The associated costs of administering and enforcing the law properly lies with the Government as part of its obligation to ensure public safety.