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Memorandum of Understanding between the New Zealand Pistol Association and the New Zealand Police – 2002

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Introduction

1. The New Zealand Pistol Association ('the NZPA') has a Constitution supplemented by regular policy reviews. The Association is managed by an Executive (the Council) comprising of members elected by the membership. In addition it has a national head office in Wellington with a part-time paid Administration Officer.
2. The core business of the NZPA has been the administration of the sport including setting of standards for pistol shooting disciplines, and the review and maintenance of these standards. The NZPA works with the New Zealand Police under a Memorandum of Understanding. It has been, and remains, the role of the NZPA to ensure that safety requirements are adhered to, ranges are to certification standard, and the sport is properly, safely and professionally administered. Shooting discipline activities are co-ordinated under the NZPA's six sections of pistol shooting, and there is ongoing training and education of pistol shooters in safe firearms practices.
3. The NZPA also provides pistol range inspections for NZ Police approval. _
4. The NZPA investigates shooting accidents on its clubs' pistol ranges, reporting to the Police through the Manager: Licensing and Vetting.
5. The New Zealand Police administer the Arms Act 1983, amendments to the Arms Act 1983 and the Arms Regulations 1992, and other Acts and Regulations.
6. The Parties currently work together and offer advice to each other. They wish to formalise this relationship and specify the terms and conditions under which this will occur.

Purpose

7. This Memorandum of Understanding defines the working relationship between the New Zealand Police and the NZPA in relation to the Arms Act 1983, amendments to the Arms Act 1983, the Arms Regulations 1992 and the Arms Code. The Arms Act, Regulations and Code promote both the safe use and control of firearms.
8. This Memorandum of Understanding serves to recognise the administrative and national standards setting role of the New Zealand Pistol Association and the conditions by which the member clubs operate and the responsibilities and conditions for the use and ownership of pistols of the registered club members.

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Effect of this Memorandum of Understanding

9. This Memorandum of Understanding confirms the relationship between the Parties based on a spirit of goodwill and co-operation. The Parties will work together to achieve the purpose outlined in paragraphs 7 and 8.

Schedules to the Memorandum of Understanding

10. The parties agree that from time to time they will develop agreements or protocols relating to specific procedures and activities involving the parties. These will be attached to the Memorandum of Understanding as Schedules, and listed in Annex A. New agreements or protocols may supersede existing agreements or protocols. All current agreements or protocols will be attached as Schedules.
11. New Schedules may be developed and added with approval from the National Manager: Operations, New Zealand Police, or his/her delegated staff.
12. Reviews, modifications or terminations of existing Schedules may be undertaken by the mutual agreement of the signatories. All changes must be notified to the NZ Police National Manager: Operations and the NZ Police General Manager: Planning Policy and Partnerships, or their delegated staff, so that the master document can be amended.
13. Schedules will be reviewed initially one year after signing and then every two years, or as agreed, or in line with the reviews of this Memorandum of Understanding.

Consultation

14. The NZ Police Manager: Licensing and Vetting and President of the NZPA, or their delegates shall meet four times in each year for the purpose of ensuring adequate co-ordination, co-operation, information sharing and problem solving between the two organisations.

Consultation on Operational Changes

15. Should either party contemplate any relevant changes to their operational policies or procedures, or desire to implement changes that will impact on areas of mutual concern, both parties will inform each other. Each party will take all reasonable steps to ensure that adequate time is given for the other to provide comment where appropriate.

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Communication and Media Strategies

16. At district or local levels, both Parties will inform each other of relevant communication strategies that either is undertaking, at the initial stage of development, and will take all reasonable steps to ensure that adequate time is given for either to provide comment where appropriate.
17. Where appropriate, opportunities for joint communication campaigns should be taken at national, district or local levels.
18. Parties will consult with each other beforehand if either is considering providing information or comment to the media on a matter which comes within the other Parties' responsibility or in which that other Party has an interest.
19. Parties will raise any concerns, operational or policy, through appropriate internal channels, rather than raising these through the media.

Sharing of Information

20. Information gathered concerning firearms control and safety may be shared between the parties. The information sharing shall be subject to the provisions of the Official Information Act 1982 and the Privacy Act 1993.

Review of Memorandum of Understanding

21. The Parties' Representatives will meet as agreed to review this Memorandum of Understanding.
22. The Parties Representatives are primarily responsible for ensuring that the intent of this Memorandum of Understanding is followed.

Issue or Dispute Resolution

23. Both the Police and the NZPA, and its member clubs, shall seek to carry out their respective roles effectively, and will liaise on a day to day basis to resolve any local problems. Where issues cannot be resolved at a local level they are to be referred to the NZ Police Manager: Licensing and Vetting and the President of the NZPA or their delegates.
24. All issues, disputes and differences between the Parties in relation to the interpretation or performance of this Memorandum of Understanding shall, in the first instance, be attempted to be resolved at the earliest opportunity, at the local level. Local representatives or managers should attempt resolution.
25. Only when matters remain unresolved or require further adjudication, should they be referred to the NZ Police Manager: Licensing and Vetting and the President of the NZPA.

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Costs

26. Unless the Parties mutually determine otherwise, the cost of meeting the commitments of this agreement shall be met by the party incurring the cost.

Termination

27. Either Party may terminate the Memorandum of Understanding by two months notice in writing, to the other Party.

Variation

28. Except as otherwise stated in this Memorandum of Understanding, it can only be modified by a written agreement duly signed by persons authorised to sign on behalf of the parties hereto.

Conditions

29. Nothing in this Memorandum of Understanding shall make either party liable for the actions of the other or constitute any legal relationship between the parties.

30. The provisions in this Memorandum of Understanding and any schedules are to be read subject to any Cabinet directives and any enactment.

31. Where there are changes to Government policy which affect the purpose and functions of this Memorandum of Understanding, each party agrees to inform the other of those changes at the earliest possible time thereafter and agrees to meet to re-negotiate if necessary any aspects of this Memorandum of Understanding.

Parties' Representatives

32. The Parties' specified addresses, facsimile numbers and Party representatives are:

New Zealand Pistol Association Inc

Address: PO Box 50 493
Porirua
Telephone: 04 237 5471
Facsimile: 04 237 7519
Attention: Administration Officer

New Zealand Police

Address: PO Box 3017
Wellington
Telephone: 04 474 9499
Facsimile: 04 499 1065
Attention: Manager: Licensing and Vetting

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Annex A : Attachments & Schedules

(to the Memorandum of Understanding between the New Zealand Pistol Association and the New Zealand Police – 2002)

Schedule 1 :

Rules for the Operation and Control for the Sport of Target Pistol Shooting in New Zealand

Schedule

Rules for the Operation and Control for the Sport of Target Pistol Shooting in New Zealand

1. Interpretation

1.1 Definitions

Act means the Arms Act 1983.

“B” Endorsement means an endorsement as set out in Section 29 (2) (a) of the Arms Act 1983.

Club means a pistol shooting club, recognised by the Commissioner of Police and an affiliated Member Club of the New Zealand Pistol Association.

Commissioner means the Commissioner of Police or other Commissioned Officer of the New Zealand Police, by authority, delegated pursuant to the Arms Act 1983, Section 72.

Immediate supervision is as defined by Section 50(5) of the Arms Act 1983.

“Immediate supervision” for the purposes of this agreement shall be taken to mean that the holder of a licence bearing a B endorsement is paying particular attention to the actions of a shooter and is standing close enough to the shooter so as to be able to immediately recover physical control over the pistol.

NZPA means the New Zealand Pistol Association Incorporated;

Pistol means a pistol as defined by the Arms Act 1983;

Regulation means the Arms Regulations 1992

Restorative justice means any process whereby offenders against any Act or Regulation are dealt with other than by Court conviction. It includes family or other group conference, and, diversion.

1.2 The possession and use of pistols is controlled by the Arms Act 1983 and the Arms Regulations 1992. It is recognised that only people holding a “B” endorsement may lawfully possess a pistol for target pistol shooting. They may do so only in their capacity as members of a pistol shooting club recognised by the Commissioner and only on a range approved by the Commissioner for the purpose.

1.3 There is a statutory defence available to persons charged with unlawful possession of a pistol. That defence is that the person at all times had possession of the pistol on the range of an incorporated pistol club recognised by the Commissioner, and, under the immediate supervision of a holder of a Firearms Licence bearing a “B” endorsement. (Section 50 (5) of the Arms Act refers).

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- 1.4 The Police and the public expect a high level of responsibility from pistol shooters. This responsibility shall be demonstrated by adherence to the law, the club and NZPA constitutions, the club's and the NZPA range and safety rules, the NZPA regulations applying to the particular shooting discipline, and to the Memorandum of Understanding.
- 2. Police Liaison and Monitoring**
- 2.1 Where a club has agreed to advise or furnish any report or return to the Police, that advice or report or return may be forwarded to the district Arms Officer for the area in which the club is operated, or to the NZ Police Manager: Licensing and Vetting by the NZPA.
- 2.2 A club will permit entry to the range(s) and clubhouse by any member of the Police for the purposes of an inspection or if that member is exercising his or her duties in the administration and enforcement of the Act and Regulations.
- 2.3 A club will permit any member of the Police to inspect the range register or the register of attendance on request on reasonable notice.
- 2.4 It is agreed that as soon as practicable, after the 28th October in any year, the NZPA will notify the Police of the lapsing or cessation of membership, for any reason, of a person holding a "B" endorsement.
- 2.5 A club may appoint a member for the purposes of liaison with the local Police and the District Arms Officer. The NZPA shall liaise with the NZ Police Manager: Licensing and Vetting on all matters affecting its clubs within New Zealand.
- 2.6 All clubs shall provide to the NZPA annually a list of all current club members. The NZPA will supply to the NZ Police Manager: Licensing and Vetting a copy of those lists, if requested, to assist in the course of an inquiry.
- 2.7 The NZPA will investigate and report on all shooting related incidents involving bodily injury to or death of any person by the use of a pistol on any range approved for that club. The NZPA will supply a copy of those reports to the NZ Police Manager: Licensing and Vetting. Such reports will be on the NZPA form provided. This does not preclude the Police from initiating or carrying out any inquiry of their own.
- 2.8 Although the NZPA will investigate and report to the NZ Police Manager: Licensing and Vetting, this does not absolve any person who causes bodily injury or the death of any person by the use of a firearm, airgun, pistol, MSSA or restricted weapon from reporting the incident, as soon as reasonably practicable to the nearest police station or to a member of the Police as required by section 58 of the Arms Act 1983.

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3. Registered Club Membership

- 3.1 Visitors or prospective members with a Firearms Licence, may shoot pistols on the club range under the immediate supervision of a member with a “B” endorsement on no more than three occasions without applying for membership to the club (section 1.3 should be read in conjunction with this section). This does not apply to members with a “B” endorsement, from other clubs
- 3.2 Any club member or prospective club member who is refused a Firearms Licence or a “B” endorsement, or has their licence or “B” endorsement revoked, is unsuitable to possess or have access to pistols and their membership of the club and access to the range shall be terminated.
 - 3.2.1 Where a person surrenders their Firearms Licence and/or B endorsement as part of a restorative justice process, the restorative justice plan is to include conditions as to their participation in club activities, and any access to firearms.
 - 3.2.2 A member may be suspended from his/her club membership and that of the New Zealand Pistol Association under the following circumstances:
 - a) Health considerations where it is expected that the person may well return to full club activities, and on written request from the member
 - b) Approved family circumstances where it is expected that the person may well return to full club activities, and on written request from the member
 - c) Where any legal matter may be pending but not yet proven and the member could lose his/her licence as the result.
- 3.3 All new club members who shoot or intend to shoot pistols shall undergo a six month probationary period.
 - 3.3.1 Where the new member was a member previously in good standing at the time that they ceased to hold a B Endorsement and:
 - a) The club member last held a B Endorsement no more than thirteen (13) months prior to reapplying for a B Endorsement (in the case of a member from one club moving to another) or twenty five (25) months for a member within the same club; and
 - b) In both cases the club supports the waiver of the six-month probationary period.
 - c) The club may, by written recommendation, request that the NZPA consider an earlier approval subject to the Club being satisfied that the returning member meets all the necessary safety and security requirements and shall be required to sit and pass the Basic Safety Training Course.
 - 3.3.2 During the six month probationary period all new members shall:
 - a) Apply for a Firearms Licence, have undergone the statutory course of training and passed the theoretical test required for a licence.
 - b) Be given a copy of the NZPA Introduction to Pistol Shooting Manual and sit and pass the necessary examination
 - c) Learn the safe handling of pistols

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- d) Have a working knowledge of club, competition, safety rules, and of this Memorandum of Understanding;
- e) Display competence in club activities
- f) Actively participate in organised club activities a minimum of 12 times within the six month probationary period

3.3.3 A probationary member may shoot pistols if they hold a Firearms Licence, and then only under the immediate supervision of a member with a “B” endorsed licence.

4. Continuation of Club

The Commissioner’s recognition of a club is conditional upon that club complying with all aspects of the Incorporated Societies Act 1908, and on complying with the Arms Act 1983 and Arms Regulations 1992, the Arms Code, and the conditions set out in this Schedule. A breach of these may result in the Commissioner of Police withdrawing recognition of that club.

5. Pistols

- 5.1 Pistols used for target pistol shooting must be of an approved make and model and must conform to the specifications laid down for the shooting disciplines or matches for which the club ranges are approved. Only pistols approved for use in New Zealand by the NZ Police Manager: Licensing and Vetting may be used for target pistol shooting.
- 5.2 No pistol with a barrel of less than 101 millimetres (4 inches) in length shall be approved for target pistol shooting, unless the pistol is specifically intended for competitive target pistol shooting and the pistol is provided for within the International Rules of the discipline and has been approved for use in New Zealand by the NZ Police Manager: Licensing and Vetting.
- 5.3 All pistols must be maintained in a safe condition.
- 5.4 A pistol may be converted to a different calibre by use of a conversion kit, provided the principles outlined above are complied with.
- 5.5 Any application by a registered club member for a permit to import or a permit to procure should be considered and endorsed by the club committee before the application is made to NZ Police. The club may support the application by either issuing a form supplied by the NZPA for the purpose, or by endorsing the reverse of the application form (POL 67A (Procure) or POL 67B (Import)) with wording to the effect that:
 - a) the applicant is a current member of the club
 - b) the pistol is approved or is subject to approval by the NZPA/NZ Police in accordance with rule 5.1 of these rules
 - c) the club supports and recommends the application.

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- 5.6 Under no circumstances should a pistol and ammunition for it be stored or carried in the same carrying case.
- 5.7 Members may borrow and use other members' pistols only if:
 - 5.7.1 that member is present, or
 - 5.7.2 the pistol is under control of the club armourer and is one of the club guns
- 5.8 Pistols belonging to a club may only be used on that club's range, unless the club armourer has charge of the pistols and is present when they are being used on another range. If a club member wishes to borrow and use a pistol belonging to the club on another club's range a permit to procure will be required before the member can take possession of the pistol.
- 5.9 Pistols may be jointly owned by the members of the same family and may be recorded against each joint owner's licence. Arrangements must be made with the local Arms Officer.
- 5.10 Any "B" endorsed licence holder who holds pistols under a "C" endorsement may not shoot those pistols on any range.
- 5.11 No person shall have a loaded gun in a holster unless that person has undergone training and has passed a practical examination in holster proficiency set by the NZPA and is 'on the line' and under the direct supervision and control of a range officer or is under the supervision of a loading supervisor in Cowboy Action Shooting events.
- 5.12 Any holster to be used by members must conform to the specifications set down by the International rules relevant to the match being shot.
- 5.13 It is an offence to carry a pistol without authority. No person shall carry a pistol in any place beyond the curtilage of their dwelling save under, and in accordance with, the conditions endorsed on their Firearms Licence by a member of the Police.
- 5.14 Under the provisions of a "B" endorsement to a Firearms Licence the holder of that licence is entitled to carry a pistol from their place of dwelling to:
 - a) A Police Station for inspection and registration purposes
 - b) A pistol range approved by the Commissioner of Police
 - c) A gunsmith for the purposes of repair
 - d) A registered dealer for the purposes of sale.A permit to carry is required if the pistol is to be away from its usual security, as inspected and approved by NZ Police, overnight.

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- 6.1 In order to act as a range officer a registered club member must have passed a suitable qualifying range officer examination as approved by the NZPA Safety & Technical Committee.
 - 6.2 On any occasion when more than two persons are shooting, there shall be a designated range officer in charge of every range that is in use.
 - 6.3 Every person entering the range, whether a member or visitor, is to be under the control of the designated range officer and must at all times comply with the range officer's directions and instructions as to safety and conduct.
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7. **Conduct on the Range**
 - 7.1 Immediately on entering the range every member and visitor must complete and sign an entry in the range register or attendance book in a manner by which the club is able to identify the person.
 - 7.2 Any firearms related accident or incident on a club range that results in injury to any person must be reported as soon as reasonably practicable to Police (Section 58 Arms Act 1983) and to the NZPA (refer also to clause 2.8).
 - 7.3 Every pistol club must have and enforce a comprehensive set of range rules, which shall include at least the following:
 - 7.3.1 No person shall refuse to obey the instructions or directions of the range officer or other official conducting or supervising a match or shooting meeting.
 - 7.3.2 No person shall enter or leave a range with a loaded pistol.
 - 7.3.3 No pistol will be loaded until the shooter is in place at the firing point and the command "load" is given by the range officer.
 - 7.3.4 No pistol may be removed from the firing point until it has been checked by the range officer as being clear. It is the responsibility of the shooter, in the first instance, to ensure that their pistol is clear.
 - 7.3.5 No person on the firing line shall touch a pistol while any person is forward of the firing line.
 - 7.3.6 No person shall move forward of the firing line until and unless the range officer has checked all pistols and has given the order to move forward.
 - 7.3.7 No person on the firing line shall fire a pistol until the command "fire" has been given in accordance with the match or competition rules.

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- 7.3.8 No person shall be admitted to the range when the range officer has reasonable grounds for believing the person is under the influence of alcohol or drugs or is in any other way physically or mentally impaired so as to be incapable of safely using a firearm.
- 7.3.9 No person who is shooting shall consume any alcohol on any range. Alcohol may only be consumed in the clubhouse by a shooter who has finished shooting for the day or by a person who is not shooting. A club is wise to require that there is no alcohol consumed until after all the pistols (and any other firearms present on the range) have been secured and shooting has finished.
- 8. Approval of Ranges**
- 8.1 Ranges may not be used for pistol shooting unless approved by the Commissioner of Police. Ranges will be approved only for specified shooting disciplines and calibres.
- 8.2 All initial range inspections, and the certification of any range as being suitable and safe for the purposes of pistol shooting, will be carried out by the NZPA Range Development Committee.
- 8.3 The NZPA has internationally qualified range advisers as part of the Range Development Committee. These people will continue to train members in the safe design and use of shooting ranges.
- 9. Club Activities – Regulation 22(1)(b)**
- 9.1 For the purposes of Regulation 22(1)(b), which requires active participation in club activities on at least 12 days in each year, a “club activity” can be defined as follows:
- 9.1.1 A club based activity, on a range, which has been advertised and organised for the day.
- 9.1.2 The “club activity” may be held on any range approved for the purpose of pistol shooting by the Commissioner. If the club members are shooting in different localities on the same day, the activity at only one locality shall qualify for the purposes of the regulation. Substantiation of the attendance and participation at another club must be done to the member’s home club satisfaction either by way of a signature from an official at the club the member has visited in the Handbook “Shooter’s Diary of Events” or by the production of an official results report.
- 9.1.3 Competitive shooters who participate as a club, regional, or national representative at recognised inter-club, national or international matches or competitions, will have their participation in those meetings qualify as a “club activity” for the purpose of the regulation.
- 9.2 A year shall be defined as the member club’s financial year.

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10. Club Armourers

- 10.1 The club may appoint one or more armourers who will be responsible for the custody of pistols owned by the club. The armourer may also hold and store pistols - either temporarily or on a long-term basis - on behalf of those members who are lawfully entitled to own them. All such pistols in the custody of the armourer shall be recorded against his or her own licence.
- 10.2 Armourer/s must hold a “B” endorsed licence, and shall be appointed by the club on the basis of experience and knowledge, and capability of storing all pistols and ammunition strictly in accordance with statutory requirements.
- 10.1 It is a statutory requirement to advise NZ Police four days in advance if any pistol is to be removed out of New Zealand

11. Removal of Pistols from New Zealand /Overseas Visitors

- 11.2 Any club member who wishes to take their pistol out of the country for the purpose of overseas competition should, for their own benefit, make arrangements with the NZ Police no less than 21 days in advance. These arrangements must be made by forwarding a form supplied by the NZPA for this purpose, to the NZPA Administration Officer who will liaise directly with the NZ Police Manager: Licensing and Vetting to action the forms. (NZPA Form PEI-1 is used for this purpose and is available from the NZPA Administration Officer).
- 11.3 Visitors from overseas who wish to participate in pistol shooting in New Zealand must make arrangement with NZ Police well in advance of their arrival. In general, no such person will be permitted to import a pistol unless it is for an organised competition and the attendance and participation of the visitor is supported by a New Zealand club or the NZPA. Arrangements may be made through the NZPA Administration Officer who will liaise with the NZ Police Manager: Licensing and Vetting to action the forms. (NZPA form PI-1 is used for this purpose and is available from the NZPA Administration Officer.)

12. Commercial Activities

Clubs are restricted to those activities which are defined and provided for under the provisions of the Incorporated Societies Act 1908. No activity which is in contravention of those provisions may be undertaken.