

Letter of Agreement

between the

New Zealand Pistol Association

and the

New Zealand Police.

Dated: 20th April 2018

Letter of Agreement between the New Zealand Pistol Association and the New Zealand Police.

This Letter of Agreement is made on **[date]** and replaces any previous Letters of Agreement.

Between The President of the New Zealand Pistol Association Incorporated (known as Pistol New Zealand - PNZ), also known as Pistol New Zealand.

And The Commissioner of the New Zealand Police (Police).

1 Introduction

- 1.1 The PNZ is an incorporated society governed under the terms of its constitution. It is managed by an Executive (the Council) elected by those pistol clubs that are affiliated to PNZ. It has a national head office in the Hawkes Bay with a full-time paid Executive Officer who manages the day-to-day affairs of the Association. The running of the PNZ, and its relationship with and requirements of affiliated clubs, are all governed by policies and bylaws defined, and revised from time to time, by the Council.
- 1.2 The objectives of the PNZ, as defined in its Constitution, are:
 - 1.2.1 To affiliate pistol clubs throughout New Zealand to promote and foster the practice of pistol shooting at Club, Regional and International level;
 - 1.2.2 To promote and foster the practice of recreational and sporting pistol shooting at Club, Regional and International level; and
 - 1.2.3 To promote safety and responsibility in the care and handling of firearms.
- 1.3 In the furtherance of its objectives, PNZ performs, *inter alia*, the following activities:
 - 1.3.1 Administration of the various target shooting disciplines that involve the use of pistols;
 - 1.3.2 Defining and maintaining the rules, standards, and protocols for the conduct for pistol shooting disciplines;
 - 1.3.3 Defining and maintaining standards, protocols, and materials for training pistol club members in the safe handling and use of pistols;
 - 1.3.4 Defining and maintaining standards and protocols (including Range Standing Orders) for safe construction, maintenance, and use of shooting ranges at which pistols are used;
 - 1.3.5 Conducting periodic inspections of shooting ranges at which pistols are used, to ensure compliance with the defined standards and protocols.

- 1.4 The Police administer the Arms Act (1983) and the Regulations arising from that Act, which aim to promote the safe use and control of firearms. The Police carry out statutory functions under the Act impacting on members of PNZ affiliated club members including:
- 1.4.1 recognition of pistol shooting clubs;
 - 1.4.2 approval of ranges for pistol shooting;
 - 1.4.3 issuing of endorsements to possess pistols and permits to import and to procure pistols; and
 - 1.4.4 revocation of permits, endorsements, and licences.
- 1.5 This Letter of Agreement (LOA) formalises the relationship between the parties and specifies the terms and conditions under which the agreement will occur.

2 Purpose

- 2.1 This LOA defines the working relationship between Police and the PNZ in relation to the Act, the Regulations and the Arms Code.
- 2.2 This LOA serves to recognise the administrative and national standards setting role of the PNZ 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.

3 Effect of this Letter of Agreement

- 3.1 This LOA confirms that the relationship between the parties is based on a spirit of goodwill and co-operation. The parties will work together to achieve the purpose outlined in paragraphs 2.1 and 2.2.
- 3.2 Nothing in this LOA is intended to create legal relations between the parties and neither party will be liable for actions of the other.

4 Schedules to the Letter of Agreement

- 4.1 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 this LOA as Schedules and signed by the Commissioner of Police and the President for PNZ (or such persons as they may nominate to act as their delegate).
- 4.2 Schedules may be varied or removed by agreement in writing between the persons authorised to create Schedules in paragraph 4.1 above.
- 4.3 Schedules will be reviewed initially every two years.

5 Consultation

- 5.1 The Commissioner of Police and the President of the PNZ (or their nominated delegates) will as a minimum meet biannually for the purpose of ensuring adequate co-ordination, co-operation, information sharing and problem solving between the two organisations. The Commissioner of Police and the President of the PNZ will each nominate persons from their respective organisations to be primarily responsible for ensuring that the intent of this LOA is followed.
- 5.2 Should either party contemplate changes to their policies or procedures, or desire to implement changes that will impact on areas of mutual concern, that party will inform, and consult with, the other. Each party will take all reasonable steps to ensure that adequate time is given for the other to provide comment where appropriate.

6 Communication and Media strategies

- 6.1 Both parties will inform each other of relevant communication strategies that either are undertaking, at the initial stage of development, or will take all reasonable steps to ensure that adequate time is given for either to provide comment where appropriate.
- 6.2 Where appropriate, opportunities for joint communication campaigns should be taken at national levels.
- 6.3 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.
- 6.4 Both parties will raise any concerns, operational or policy, through appropriate internal channels, rather than raising these through the media.

7 Sharing of information

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

8 Issue or Dispute Resolution

- 8.1 Both Police and PNZ will seek to carry out their respective roles effectively, and will liaise on a day to day basis to resolve any local problems.
- 8.2 All issues, disputes and differences between the parties in relation to the interpretation or performance of this LOA will, in the first instance, be attempted to be resolved at the earliest opportunity, at the local level. Local representatives or managers should attempt resolution.

- 8.3 Where issues cannot be resolved at a local level the Commissioner of Police and the President of the PNZ (or their nominated delegates) should become involved.

9 Costs

- 9.1 Unless the parties mutually determine otherwise, the cost of meeting the commitments of this agreement will be met by the party incurring the cost. Each party will take reasonable steps to avoid unnecessary expense being incurred by the other in the performance of this agreement.

10 Termination

- 10.1 Either party may terminate the LOA by three months' notice in writing, to the other party.

11 Review and variation

- 11.1 The parties will review this LOA every four years.
- 11.2 This LOA may be modified by agreement in writing signed by the parties.

12 Variation

- 12.1 This LOA is subject to any Chief Executive, or Cabinet directives, and any enactment.
- 12.2 Where there are changes to Government policy which affect the purpose and functions of this LOA, 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 LOA.

13 Parties' Representatives

- 13.1 The parties' specified addresses are:

The President, New Zealand Pistol Association Inc.

Address:

P.O. Box 391

Hastings 4122

Telephone: 06 -870 7575

The Commissioner, New Zealand Police

Address:

P.O. Box 3017

Wellington

Telephone: 04 474 9499

14 Signatories

Signed by the President

New Zealand Pistol Association Inc.



Mrs Deborah Wakker

DATE

20/04/2018

Signed by the Officer in Charge of the Arms Act Service Delivery Group

New Zealand Police



Acting Superintendent Mike McIlraith

DATE

20/04/18

Annex A - Schedule 1: Implementation of LOA

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 a constable of the rank of Inspector or above with authority delegated pursuant to section 72 of the Act.

"LOA" means the current Letter of Agreement between Police and PNZ and any schedules.

"Member" means an individual shooting member of a club

"NZPA" means the New Zealand Pistol Association (also known as Pistol New Zealand - PNZ).

"Police" means the New Zealand Police.

"Pistol" means a pistol as defined by the Arms Act 1983.

"Regulations" mean the Arms Regulations 1992.

2 Relationship between Police and PNZ

2.1 Membership returns

2.1.1 As soon as practicable, after the 28th October in any year, the PNZ will notify the Police of the lapsing or cessation of membership, for any reason, of a member within a club holding a "B" endorsement.

2.2 Investigation of shooting incidents

2.2.1 The PNZ 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 administered by an affiliated club. The PNZ will supply a copy of those reports to Police. This does not preclude the Police from initiating or carrying out any inquiry of their own. Any such report will not, in and of itself, constitute compliance with

any person's obligations under section 58 of the Act to report such instances to Police.

2.3 Re-import and temporary import of pistols from New Zealand

- 2.3.1 The parties recognise that some Members will frequently wish to travel overseas with their pistols to participate in pistol shooting competitions. Doing so will entail the export and re-import of the pistols involved.
- 2.3.2 The parties also recognise that competitors from overseas will frequently wish to travel to New Zealand with their pistols to participate in pistol shooting competitions. Doing so will entail the temporary import of the pistols involved.
- 2.3.3 The Police is exploring ways to make the processes for temporary import and re-export more streamlined and efficient while still complying with sections 16 and 18 of the Act. The Police will consult with PNZ on the proposed new processes.

2.4 Verification of suitability of pistols for competitive pistol shooting

- 2.4.1 Upon request by Police, PNZ will advise whether, to the best of its knowledge based on available information, a given make and model of firearm is compliant with and meets the rules of any pistol target shooting discipline administered by PNZ

3 Relationship between Police and clubs affiliated with PNZ

3.1 Recognition of clubs

- 3.1.1 The Commissioner will recognise, in accordance with section 29(2)(a) of the Act, any club affiliated to PNZ that can reasonably demonstrate that:
 - 3.1.1.1 It is an Incorporated Society, under the terms of the Incorporated Societies Act 1908;
 - 3.1.1.2 It's members have the use of a range recognised by the Commissioner in accordance with regulation 22(1)(a) of the Regulations;
 - 3.1.1.3 There are Members of the club, nominated as club armourer and club training officer, who hold firearms licences with a "B" endorsement;
 - 3.1.1.4 The club has made an undertaking to comply with the requirements of affiliation with PNZ, including those obligations specified in this LOA and its schedules.
- 3.1.2 The Commissioner's continued recognition of a club is conditional upon that club:

- 3.1.2.1 complying with all aspects of the Incorporated Societies Act 1908;
 - 3.1.2.2 taking reasonable steps to ensure that its members comply with the Act, the Regulations, and the Arms Code when participating in the affairs of the club;
 - 3.1.2.3 complying with the conditions set out in the LOA and any Schedules.
- 3.1.3 A breach of any of these may result in the Commissioner of Police withdrawing recognition of that club.

See Appendix A for the Checklist for the Commissioner's recognition of a Pistol Club.

3.2 Approval of ranges

- 3.2.1 Ranges must not be used for pistol shooting unless approved by the Commissioner in accordance with regulation 22(1)(a) of the Regulations.
- 3.2.2 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 PNZ Range Development Committee. The Commissioner will approve ranges for the purposes of regulation 22(1)(a) of the Regulations upon receipt and verification of such certification reports and any other material required to assist with decision making.
- 3.2.3 The PNZ has internationally qualified range advisers as part of the Range Development Committee which is recognised by Police. These people will continue to train members in the safe design and use of shooting ranges.

3.3 Cooperation and liaison

- 3.3.1 A club will permit entry to the range(s) and clubhouse by any Police employee for the purposes of inspection if that employee is exercising his or her duties in the administration and enforcement of the Act and Regulations.
- 3.3.2 A club will permit any Police employee to inspect the range register or the register of attendance on request on reasonable notice. The Police employee will sign the club's attendance register.
- 3.3.3 Clubs will provide annually to the Police a list of all current club members.
- 3.3.4 The PNZ will liaise with Police National Headquarters on all matters affecting its clubs within New Zealand.

3.4 Conduct of Police employees when on club premises

- 3.4.1 Police will notify, in a timely manner, PNZ and clubs of any person either living in an area or believed to be attending a club in the area whose endorsement(s) to possess pistols has been revoked.

- 3.4.2 Police employees visiting a club or range will be subject to range standing orders and announce their arrival to a club official. The Police employee must also record their attendance at the club by signing the attendance register.

4 Conditions of club affiliation to PNZ

PNZ will require clubs as a condition of affiliation to manage their affairs and the conduct of their members in accordance with this clause 4.

4.1 Affiliated club membership

- 4.1.1 Visitors or prospective members who do not presently have a "B" endorsement may shoot pistols on the club range only under the immediate supervision of a club member with a "B" Endorsement. Such visitors or prospective members may attend the club and shoot pistols in this manner no more than three occasions without applying for membership to the club. This clause does not apply to a person who is categorised in clause 4.1.2 below.
- 4.1.2 Any person who:
- 4.1.2.1 has been refused a firearms licence or a "B" endorsement, or
 - 4.1.2.2 has had their licence or a "B" endorsement revoked and has not subsequently had their licence or endorsement (as the case may be) reinstated
- should be regarded as not a fit and proper person to possess pistols. Anyone known or believed by the club to meet these criteria will have their membership of the club terminated (if applicable) and will be denied access to all PNZ club ranges.
- 4.1.3 If a club believes that a member's conduct when participating in the affairs of the club gives rise to any doubt as to that member being a fit and proper person to possess pistols, the club will without undue delay report the matter and the relevant particulars to PNZ. PNZ will inform Police of the alleged misconduct.
- 4.1.4 Subject to 4.1.5 below, all new club members who shoot or intend to shoot pistols must undergo a six month probationary period. During the six month probationary period all new members must:
- 4.1.4.1 attain a firearms licence
 - 4.1.4.2 be given a copy of the PNZ Introduction to Pistol Shooting Manual and sit and pass the PNZ examination
 - 4.1.4.3 learn the safe handling of pistols
 - 4.1.4.4 have a working knowledge of club, competition and safety rules
 - 4.1.4.5 display competence in club activities

- 4.1.4.6 actively participate in organised club activities a minimum of 12 times annually.
- 4.1.5 Where the new member has previously been both a club member and a "B" Endorsement holder and was a Member in good standing at the time that they ceased to hold a B Endorsement and:
 - 4.1.5.1 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 returning to the same club; and
 - 4.1.5.2 in both cases the club supports the waiver of the six-month PNZ probationary period

the club may, by written recommendation, request that the PNZ consider an earlier approval subject to the club being satisfied that the returning member meets all the necessary safety and security requirements and the new Member sitting and passing the PNZ Basic Safety Training Course.

4.2 Range officers

- 4.2.1 In order to act as a range officer a registered club member must have passed a suitable qualifying range officer examination as devised by the PNZ.
- 4.2.2 On any occasion when more than two persons are shooting, there must be a designated range officer in charge of every range that is in use.
- 4.2.3 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.

4.3 Club Armourers

- 4.3.1 Clubs will appoint one or more armourers who will be responsible for the custody of pistols owned by the club. Clubs must advise Police of who the Armourers for their club are.
- 4.3.2 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 will be recorded against his or her own licence.

4.4 Pistols

- 4.4.1 Pistols used for target pistol shooting on a club's range must be of a make and model approved by Police for target pistol shooting and must conform to the specifications laid down for the shooting disciplines or matches for which the club ranges are approved.
- 4.4.2 All pistols must be maintained in a safe condition.

- 4.4.3 A pistol may be converted to a different calibre by use of a conversion kit, provided the principles outlined above are complied with.
- 4.4.4 Any application by a registered club member for a permit to procure or a permit to import a pistol should be considered and endorsed by the club committee before the application is made to Police. The club will support the application by issuing a form supplied by the PNZ (approved by Police) which will state:
- 4.4.4.1 the applicant is a current member of the club in good standing;
 - 4.4.4.2 the pistol is suitable for target shooting disciplines administered by PNZ and practiced by members of the club; and
 - 4.4.4.3 the club supports and recommends the application.
- 4.4.5 Members with a "B" Endorsement may borrow and use other members' pistols only if:
- 4.4.5.1 that member is present; or
 - 4.4.5.2 the pistol is under the control of the club armourer and is one of the club guns.
- 4.4.6 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 without the Armourer being present, a permit to procure will be required before the member can take possession of the pistol.
- 4.4.7 Pistols may be endorsed against more than one person's firearms licence in appropriate situations. Arrangements must be made with Police.
- 4.4.8 No person will 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 PNZ and is under the direct supervision and control of a range officer or is under the supervision of a loading supervisor in Cowboy Action Shooting events.
- 4.4.9 Any holster to be used by members must conform to the specifications set down by the International rules relevant to the match being shot.

4.5 Conduct on the range

- 4.5.1 Immediately on entering the club's 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.
- 4.5.2 Every pistol club must have and enforce a comprehensive set of range rules, which will include at least the following:
- 4.5.2.1 No person will refuse to obey the instructions or directions of the range officer or other official conducting or supervising a match or shooting meeting.
 - 4.5.2.2 No person will enter or leave a range with a loaded pistol.

- 4.5.2.3 No person will 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.
- 4.5.2.4 No person who is shooting will 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.

4.6 Club Activities

- 4.6.1 For the purposes of regulation 22(1) (b) of the Regulations, which requires active participation in the affairs of the club on at least 12 days in each year, a "club activity" can be defined as any club-based activity, on a recognised range, which has been advertised and organised for the day.
- 4.6.2 A club member may not record more than one club activity on any given day for the purposes of regulation 22 (1) (b) of the Regulations.
- 4.6.3 Where a member holds membership in more than one club, that member must appoint one club as his/her primary club (notifying the Secretary of the primary club) and that club will be responsible for the provision of required returns to PNZ and to Police in respect of that member.
- 4.6.4 A club member may meet the requirements of regulation 22 (1) (b) of the Regulations by participating in the affairs of any affiliated club in New Zealand, or by participating in any Internationally sanctioned pistol shooting competition overseas. Under such circumstances, the Secretary of the members' primary club must obtain documentary evidence of a reasonable standard of such participation before attesting to it in club returns.
- 4.6.5 Where a club member is temporarily unable to meet obligations of participation in club activities for a genuine reason (such as health, personal, or family circumstances), and it is expected that the person may well return to full club activities, that member may make a written request to their club to temporarily grant a leave of absence of their club membership.
- 4.6.6 Any such request will be in accordance with the following process:
 - 4.6.6.1 Written application is to be made to the member's club outlining the request, the reason for the requested absence and proposed length of absence to be considered.
 - 4.6.6.2 The club will respond in writing and provide a copy of the request and the club's response to the PNZ.
 - 4.6.6.3 The approval will be for no more than 25 months after which time the member's membership of the club should be terminated.

- 4.6.7 A club's approval of a member's request to temporarily suspend their membership is without prejudice to Police's right to consider revoking the person's B endorsement for failing to observe a condition of the endorsement in appropriate cases. The member would be given an opportunity to make submissions to the Police decision maker.

Appendix A

Checklist for Commissioner Recognition of a Pistol Club

These are the steps required:

1. Applicant requests documentation from the Executive Officer of the PNZ to apply to become a member club.
2. The PNZ sends all application documentation to the club to fill out which is then returned to the PNZ for review and approval by Council.
3. Once approved, the documentation is then forwarded to Police National HQ with a request for official Police recognition of the new club.
4. Police National Headquarters reviews documentation and application for recognition by the Commissioner.
5. Once recognised a copy of the approved recognition is sent to the Club and the PNZ.
6. Clubs recognised by the Commissioner are subject to the LoA between Police and the PNZ.

Applicant Club to furnish to the PNZ (which will be forwarded to Police):

1. Certificate of Incorporation
2. Constitution of the Applicant Club. The PNZ has a model constitution that can be adapted to fit specific requirements of a club. They must include, at a minimum:
 - The rules specified in the Incorporated Societies Act 1908, Section 6 in particular.
 - Specification of pistol shooting as the primary object.
 - Membership - how to join, termination, any requirements to obtain Firearms Licence and "B" endorsement, any requirements to participate actively etc.
 - Club affiliation or individuals' membership of other associations or organisations - including whether optional or condition of local club Membership etc. (Copies of those organisations' rules may also be requested by police)
 - Transferring and recognition of membership of other clubs and organisations.
 - Methods of maintaining suitable discipline of all club members.
3. List of Officers and Members (Full Names and DOB) of the Club, with Firearms Licence numbers and licence types and endorsements held by each Member. Club Armourer(s) and Club Training Officers must be specified.
4. Details of the arrangements in place, where the established Club has less than the required number of Members with a B endorsement, to qualify other Members to the standard required for a B endorsement. This must include how the Club proposes to ensure that they have qualified range officers and trainers available to properly train members and safely conduct shooting on their range.
5. The nomination of Club Ranges (for purposes of regulation 22(1) (b)), and all other ranges to be used by the club.

6. Any other relevant rules and club procedures where they differ, because of local circumstances, from those provided by the PNZ and agreed to by the Club on affiliation. The PNZ has a model set of club rules that can be adapted to fit specific requirements of a club. These would generally cover such matters as:

- Range Officer roles and responsibilities, training and approved/ certification
- Methods of approval of pistols for competition purposes (including Club endorsement of Application for Permit to Procure or Import).
- Shooting disciplines to be followed by Club and competitions to be held.
- Club Armourers - functions and responsibilities.
- Methods of deciding on endorsements/recommendations of members licence applications.
- Means of assisting entry and leaving of overseas competitors and import/ export of their pistols.
- Process for ongoing discussions and relationship with the local Arms Officer?

7. Copy of documentation confirming acceptance of Clubs affiliation to the PNZ.

8. A statement that there will be continued communication between the District Arms Office and the Club, as per the LoA.

9. To remain as a Pistol Club, there must be a minimum of two B endorsement holders, one of which would be the Club Armourer and/or Training Officer. PNZ would support the club in ensuring that they have qualified range officers and trainers as per the PNZ training manuals.