

Draft guidelines for schools developing a firearms policy:

Developing policy on firearms activities/events involving students

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Draft guidelines for consultation. These draft guidelines are not New Zealand Government or Ministry of Education policy.

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Introduction

Schools, parents/caregivers and their communities will have differing views regarding firearms in schools. Some parents/caregivers will oppose the presence and use of firearms in schools. Others are often happy with their safe handling in an educational environment or for firearm safety purposes with strict restrictions and policies on their use.

The New Zealand School Trustees Association and the Ministry of Education understands there are differing opinions on schools allowing students to participate in activities involving firearms. While we do not support the unsupervised access of firearms in schools, we do acknowledge that there are legitimate circumstances where firearms may be part of students' education or a sporting activity.

Boards of trustees have authority to design and shape their own school curriculum and policies to best meet the needs of their students and communities. This is underpinned by the principles of the New Zealand Curriculum and Te Marautanga o Aotearoa.

Boards of trustees have authority to allow the supervised presence and use of firearms on school premises following consultation with their local school community. Boards must ensure they meet all the requirements of the Arms Act 1983 and Arms Regulations 1992.

Schools are a core part of our community and social structure and are important settings for promoting health and wellbeing through education, policies and modelling best behaviour.

The following guidance is for boards of trustees when developing a policy involving activities on and off school grounds where students are interacting in some way with firearms. The guidance will also clarify what needs to be considered when drafting a school firearms policy. It is ultimately the board of trustees who will decide on what the firearms policy for their school will look like, in consultation with their communities and within the legal obligations of the Arms Act 1983 and associated regulations.

These guidelines will help you:

- » clarify the situations when firearms are permitted in schools
- » outline processes that a board must follow
- » provide information for boards to consider when reviewing or developing a school policy on firearms.

Boards should use this guide to support them in their decision making process.

Important: If your school does not intend to allow firearms for educational purposes, a policy is not needed. You may however like to update your general school policies to reflect this stance.

These guidelines are based on the following principles:

Principle 1: All schools are required to provide a lawful and safe physical and emotional environment for students and staff. A safe and lawful environment for students and staff is of paramount importance and therefore must be the primary concern when applying the guidelines.

Principle 2: Parents/caregivers, students and the public will have a valid expectation that schools will develop a written policy and procedures to cover circumstances where students are involved in activities relating to firearms and that they will advise parents/caregivers accordingly. Schools must be mindful of these expectations.



Legislation

Legal framework for firearms in schools

The Arms Act 1983 and Arms Regulations 1992 apply to everyone in New Zealand. This includes all schools (and school related activities, both on and off school sites) all school staff, students, visitors, displays of firearms and civil/emergency incidents. Legal restrictions involving various firearms are detailed below:

Firearms

It is an offence for anyone to **possess** a firearm unless they are:

- » **16** years of age or older; and
- » the holder of a firearms licence.

There is a defence to prosecution for this offence if:

- » that firearm was in that person's possession for use under the immediate supervision of the holder of a firearms licence; and
- » at all times while that person was in possession of the firearm, they were under the immediate supervision of a firearms licence holder.

See page 8 for more on what 'immediate supervision' means in practice.

It is an offence to **sell** or **supply** a firearm to any person who is not the holder of a firearms licence or dealers licence or a permit to import. There is also a defence to prosecution for this offence where the "immediate supervision" scenario applies.

Airguns

It is an offence for anyone to **possess** an airgun unless they are:

- » **18** years of age or older; or
- » **aged between 16 and 18** years of age and are the holder of a firearms licence.

There is a defence to prosecution for this offence if:

- » that airgun was in that person's possession for use under the immediate supervision of either a person of or over the age of 18 years or the holder of a firearms licence; and
- » at all times while that person was in possession of the airgun, they were under the immediate supervision of either a person of or over the age of 18 years or the holder of a firearms licence.

See page 8 for more on what 'immediate supervision' means in practice.

This defence does not apply to "specially dangerous airguns", which are treated as firearms under the Arms Act 1983.

It is an offence to **sell** or **supply** an airgun to a person who is under the age of 18 years and is not the holder of a firearms licence. There is also a defence to prosecution for this offence where the 'immediate supervision' scenario applies.

Pistols, military style semiautomatic firearms and restricted weapons

There are additional legal requirements for pistols, military style semiautomatic firearms and restricted weapons. For example, in a civilian context:

- » pistols may only be used on the range of an incorporated pistol club range recognised by the Commissioner of Police
- » restricted weapons (such as automatic firearms) must be maintained in an inoperable condition and are generally only held by the Defence Force, collectors, museums or for theatrical purposes.

Definition of a firearm

The Arms Act 1983 defines a firearm as anything from which any shot, bullet, missile or other projectile can be discharged by force of explosive. It includes anything that has been adapted so that it can discharge any shot, bullet, missile or other projectile by force of explosive.

It also includes anything that for the time being is not capable of discharging any shot, bullet, missile or other projectile by force of explosive, but which by its completion or repair would be capable of doing so.

Key consideration: What sort of firearm is coming into the school and are there any restrictions on this type of firearm?

Every firearms licence is subject to conditions relating to the security precautions that are required to be met by the holder of the licence. These are contained in Regulation 19 of the Arms Regulations 1992 and apply if firearms are stored or transported.

When it might be legitimate to allow student involvement with firearms

There are a range of circumstances where boards might choose to allow firearms onto their premises, or have students involved with firearms outside school premises — such as for careers days, work experience and Anzac Day celebrations. Some schools, more likely to be secondary, may operate a gun club that uses a local shooting range. The Board may allow the presence or storage of firearms for this purpose. These schools may also participate in inter-school shooting competitions.

It is up to each board to consider if firearms will be allowed on their premises and to define the circumstances in which they might allow their students to participate in activities involving firearms. The policies and procedures surrounding firearms on school premises will be unique to each school and while a policy will endeavour to cover most situations, there are likely to be 'one off' situations that will not be clear cut. If this occurs, the principles and rules for other situations can hopefully be applied. [See Tool 3: Example policy/procedure for the safe use and storage of firearms.](#)

Schools will need to ensure they meet their obligations under the Arms Act 1983, Arms Regulations 1992 and Health and Safety at Work Act 2015 at all times.

The table below outlines the limited instances identified by school representatives on the Health and Safety Sector Reference Group where firearms may be permitted on school premises, under strict supervision:

Situation when firearms may be allowed in school	What type of firearm	What requirements must be met? (some examples included)
EOTC events such as clay target shooting and controlled activities on school camps	Category A firearms (sporting shotguns and rifles) and airguns	Whether a firearm or a airgun if the student is under 18 and does not have a firearms licence they must be under immediate supervision (of a person who holds a current firearms licence with the correct endorsements) at all times if handling a firearm or airguns. If the person does not have a firearms licence they must be under immediate supervision at all times if handling firearms.
Firearms safety course	Category A and airguns	If the student is under 18 and does not have a firearms licence they must be under immediate supervision (of a person who holds a current firearms licence with the correct endorsements) at all times if handling firearms or airguns. If the person does not have a firearms licence they must be under immediate supervision at all times if handling firearms.

Situation when firearms may be allowed in school	What type of firearm	What requirements must be met? (some examples included)
Sponsorship	Nil	What does the school allow in terms of sponsorship by businesses/ organisations involving firearms.
Career day	Category A and airguns	Arms Act 1983 and Arms Regulations 1992, Health and Safety at Work Act 2015 and schools policies and procedures.
Defence force visits		No student, parent/caregiver, volunteer or staff member may hold/ possess a restricted firearm during Defence Force visit.
Auctions involving firearms (The dealer must have the correct licences and endorsements for the type of firearm.)	All firearms	A school staff member who is a firearms licence holder needs to sight the dealers firearms licence (Local Arms Officer can help with this).
School gun club	Storage of Category A and airguns	Arms Act 1983 and Arms Regulations 1992, Health and Safety at Work Act 2015 and school policies and procedures.
Pest control	Category A and airguns	Destruction of pest animals such as rabbits, possums or magpies by pest control professionals outside of school hours
Inter-school shooting competitions	Category A (or if at pistol club)	Arms Act 1983 and Arms Regulations 1992, Health and Safety at Work Act 2015 and school policies and procedures.
Hostels	Storage of Category A and airguns	Arms Act 1983 and Arms Regulations 1992, Health and Safety at Work Act 2015 and school policies and procedures
Legally transported firearms	Category A firearms	Firearms which are being transported for use elsewhere and remain in the vehicle under the immediate supervision of the licence holder at all time.
Fundraising (Offsite event, but start/end of event hosted at school)	Storage of Category A and airguns	Pig hunt, rabbit hunt, possum hunt. Arms Act 1983 and Arms Regulations 1992, Health and Safety at Work Act 2015 and school policies and procedures.
Amusement devices	Air and pellet guns	School fairs (eg fixed pellet guns for shooting metal bunnies/ducks). Arms Act 1983 and Arms Regulations 1992, Health and Safety at Work Act 2015 and school policies and procedures.
Imitation firearms (School plays, endorsed performers)	Imitation firearms	School plays, endorsed performers. Arms Act 1983 and Arms Regulations 1992, Health and Safety at Work Act 2015 and school policies and procedures.
Civil defence and emergencies		Natural disasters, Defence Force helicopters landing on school grounds.
Cadet forces	Category A	Arms Act 1983 and Arms Regulations 1992, Health and Safety at Work Act 2015 and school policies and procedures.

Possession

The word 'possession' can mean different things in different contexts. Ideally, a possessor of a thing has complete physical control over it and knows of its existence, its location and its qualities (as found in *Robertson v Police* unreported, High Court Palmerston North, 8 July 1988, AP138/88). Whether possession implies complete physical control depends on the circumstances.

Under Section 66 of the Arms Act 1983, every person in occupation of any land or a building (such as a school hostel), or the driver of any vehicle (such as transporting students to a firing range and carrying firearms), is deemed to be in possession of any firearm found on that land, building, or vehicle, unless the person proves that the firearm was not theirs and that the firearm was in the possession of some other person.

Immediate Supervision

'Immediate supervision' means that the licensed person is within reach and in control of the person using a firearm or airgun. The person providing the supervision must be able to take control of the firearm or airgun. They cannot be in possession or control of another firearm or airgun. On a shooting range or paintball field, the rules in place, such as a fenced field and supervision of umpires, referees or range officers may contribute towards supervision, providing circumstances allow supervisors to take quick and easy control of the firearm or airgun when required.

Who can possess different types of firearms, airguns and restricted weapons

Item	Who can handle/possess it	Notes
Category A (sporting) firearms Specially dangerous airguns	<ul style="list-style-type: none"> » Firearms licence holders » Others while under 'immediate supervision' of a licence holder But not individuals whose firearms licence has been revoked.	Unless students handling firearms are firearms licence holders, arrangements will need to be made to ensure licenced persons can provide immediate supervision of those handling the firearm.
Airguns	<ul style="list-style-type: none"> » Persons 18 years of age or older » Persons aged between 16 to 18 years of age who hold a firearms licence » Persons under 18 years of age while under 'immediate supervision' of a licence holder or a person aged 18 years of age or older 	If students are not 18 years or older or holders of a firearms licence, arrangements will need to be made to ensure licenced persons or persons 18 years or older can provide immediate supervision to those handling the airgun.
Military style semiautomatic firearms (MSSA)	<ul style="list-style-type: none"> » Only the person who is licenced with the correct endorsement to possess that MSSA unless a permit has been issued. 	If a MSSA is brought to the school for display purposes, it should not be handled by the students.
Pistols	<ul style="list-style-type: none"> » The person who is licenced with the correct endorsement to possess that pistol. » Others while on the range of an incorporated pistol club recognised by the Commissioner of Police and under the immediate supervision of a licence holder with the correct endorsements to possess that pistol or a pistol of that kind. 	Because there are licensing conditions on where pistols may be carried and they can only be used on a recognised range, pistol-related events would need to be held at a recognised pistol range with the assistance of appropriately licenced and endorsed individuals.
Restricted weapons	<ul style="list-style-type: none"> » Only the person who is licenced with the correct endorsement to possess that restricted weapon unless a permit has been issued. 	If a restricted weapon is brought to the school for display purposes, it should not be handled by the students.
Imitation firearms	<ul style="list-style-type: none"> » Anyone, however, carrying an imitation firearm without a lawful, proper, and sufficient purpose is an offence 	For example, an imitation firearm might be used in a school theatrical event. A supervising school staff member would not need a licence for a imitation firearm eg in a school play.

Airguns

An airgun is any air rifle, air pistol or weapon that has a gas or compressed air firing mechanism. Under the Arms Act 1983, 'airgun' includes air rifles, air pistols, BB guns, soft air pellet guns and paintball guns. Some more powerful airguns (classified as specially dangerous airguns) are treated in the Arms Act 1983 as firearms. Check the Arms Act 1983 or ask your local police arms officer.

You must be 16 years of age or older to apply for a New Zealand Firearms Licence.

Anyone 18 years of age or older can possess and use an airgun. Anyone under 18 years of age may possess or use an airgun if:

- » Under 16 years of age they must always be under the 'immediate supervision' of a firearms licence holder or a person 18 years of age or older.
- » They hold a New Zealand Firearms Licence or they are under the 'immediate supervision' of a firearms licence holder or a person 18 years of age or older.

Imitation firearms

'Imitation firearm' means anything that has the appearance of being a firearm capable of discharging any shot, bullet, missile or other projectile, whether or not it is capable of discharging any such projectile. This includes toy guns.

Carrying an imitation firearm without a lawful, proper and sufficient purpose is an offence under Section 46 of the Arms Act 1983.

Seven basic safety rules for firearms

1. Treat every firearm as loaded
2. Always point firearms in a safe direction
3. Load a firearm only when ready to fire
4. Identify your target beyond all doubt
5. Check your firing zone
6. Store firearms and ammunition safely
7. Avoid alcohol or drugs when handling firearms

Learn more about the seven basic rules for firearms here:

<http://www.police.govt.nz/advice/firearms-and-safety/arms-code/seven-firearms-safety-rules>



Communicating with parents/ caregivers, school community and school visitors

Communication with parents/caregivers and school visitors is important when organising an event involving firearms. Boards should write to the parents/caregivers and community outlining details of the event and seeking parental/caregiver consent. The information given to them should be sufficiently detailed to ensure that they can make an informed decision about their child's participation. Many activities may have a high level of perceived risk but a low level of residual risk.

A parental/caregiver consent form should be completed for each student. If parents withhold consent, the student should not be involved in the learning experience. However, wherever possible, the learning outcomes of the experience should be delivered to the student in some other way. **See Tool 3: Example policy/procedure for the safe use and storage of firearms.**

If the parents/caregivers give conditional consent, the school will need to conduct an individual risk assessment on whether the student may be involved in the learning experience or not. **See Tool 4: Application for firearm storage.**

When organising a sports event ensure you submit your safety plan to the New Zealand Secondary School Sports Council (NZSSSC) for endorsement.

Purpose of a policy on firearms and airguns

Boards should consult with their community before adopting a firearms policy or amending their health and safety policy.

A firearms policy is to ensure students and staff are safe in the event that firearms are proposed to be on a school site. The policy should clearly outline your obligations under the Arms Act 1983, and Arms Regulation 1992 and help you comply with your requirements of the Health and Safety at Work Act 2015.

Schools will need to ensure they comply with the requirements under the Health and Safety at Work Act 2015 and the Arms Act 1983 (including Regulation 19 - Storage Facilities) at all times.

A policy on firearms will help boards, staff, parents and students to have a clear understanding of what is acceptable in terms of firearms on school grounds, at school events and in (or not in) the presence of students.

- » If, as a board of trustees, you decide you do not want firearms on your school site under any circumstances, it is important to document that in a policy. This could be within your overarching health and safety policy, and does not need to be an independent policy.
- » If you do want curriculum-related firearms activities on school sites, your policy should explain when and what type of firearms/airguns will be available and at what kinds of events, and should show how you will comply with the requirements of the Arms Act 1983. The secure storage and handling of firearms and the supervision practices in place will need to be documented.

Regular scheduled curriculum and sporting activities involving firearms must be covered by a policy and rules that are based on the Arms Act 1983 and Arms Regulations 1992 and follow school health and safety procedures. These activities may have their own Standing Orders/rules, such as in the case of school shooting clubs.

A policy should:

- » Outline the legal framework of the Arms Act 1983 and Arms Regulations 1992 under which you are operating.
- » Outline the board's approach to the presence of firearms and firearm safety courses for students.
- » Outline the provisions for firearms safety courses.
- » Be developed in partnership with the school's wider community to ensure that it reflects the community values, philosophies, ethos, goals and lived experiences.

If you do intend to have events/activities involving firearms on school sites or involving students, your policy should explain how the requirements of the Arms Act 1983 and Arms Regulations 1992 will be complied with and cover:

- » The need to sight the firearms licence of those attending with firearms and that they have the appropriate endorsements
- » The approval process required for the event/activity, including the need to sight the firearms licence of those attending with firearms and that they have the appropriate endorsements
- » The sign in and out requirements for the school, both of firearms holders and those visitors attending the activity
- » What type of firearms/airguns are allowed onsite
- » What type of events are considered acceptable
- » The way the firearms will be secured in storage when not being handled and how they will be identified (which will need to be determined in consultation with the local Police arms officer and subject to their inspection)
- » That access to stored firearms is only by a staff member with a firearms licence
- » What the level of handling of firearms by students will be
- » The level of supervision by a licence holder(s) that will need to be in place (and that should involve at least one member of staff with a licence)
- » A risk management process

The firearms policy and procedures should be provided to anyone wishing to bring firearms onto school grounds or involve students in firearms related activities. It should also be available for parents online.

A *firearms in schools* checklist will help you with developing your schools policy/procedure. [See Tool 1: Policy development checklist and Tool 3: Example policy/procedure for the safe use and storage of firearms.](#) Tool three should be customised by your school to suit your particular requirements and circumstances. Firearms procedures underpin the school's more generic health and safety policy.

Early learning services| me ngā kōhanga reo on school sites

Many schools have early learning services on their premises. When firearms are to be present on school grounds that share premises with services, there should be a process in place to notify the services of the risks associated with a firearms-related event. This should be done prior to the event taking place.

Health and safety

The Board, as the legal entity and Person Conducting a Business or Undertaking (**PCBU**), has an obligation to do what is **reasonably practicable** to keep workers and others safe. Workers include (but are not limited to) employees, volunteer workers, contractors, student teachers and trainees. Others include students and visitors to the school. Keeping workers and others safe means thinking about and formulating policies on whether firearms will be able to be present and/or used in the school environment and, if they are allowed, developing restrictions and rules surrounding that presence and use.

Under the Health and Safety at Work Act 2015 (HSWA), risk analysis management plans should be formulated for each incidence of firearms being brought on to school premises.

The HSWA encourages a proactive approach to keeping people safe from harm. Read more information about your obligations under the Health and Safety at Work Act 2015 here:

<http://education.govt.nz/ministry-of-education/specific-initiatives/health-and-safety/h-and-s-for-boards-of-trustees-and-school-leaders/>

Managing risks and risk analysis management plans

(also known as safety plans)

Active management of risk allows a board to perform its primary duty of care, as far as reasonably practicable, to its workers and others.

How to manage health and safety risks effectively

Health and safety is everyone's responsibility. To manage health and safety risks effectively schools can follow these four steps:

1. Identify hazards: find out what situations and things could cause death, injury or illness.
2. Assess risks: understand the nature of the risk that could be caused by the hazard, what the consequences could be and the likelihood of it happening.
3. Control risks: implement the most effective control measures that are reasonably practicable in the circumstances and comply with the Arms Act 1983 and Arms Regulations 1992.
4. Review control measure to ensure they are working as planned and review them on an annual basis. Contact your local Police arms officer for additional support if needed.



Some key roles and responsibilities

Key roles and responsibilities

Role	Responsibilities Arms Act 1983 and Health and Safety at Work Act 2015	
Board of Trustees	<ul style="list-style-type: none"> » Ensure your school has sound policies and practices in place which are developed in consultation with the local community » Engage/consult with community » Send letter to parents about upcoming events 	<ul style="list-style-type: none"> » Send consent forms to parents/caregivers » Approve any event involving firearms » Ensure the principal is aware of their responsibilities » Request incident reports
Principal	<ul style="list-style-type: none"> » Understand the hazards/risks associated with each event » Conduct a risk assessment » Give a heads up to ECEs on school sites 	<ul style="list-style-type: none"> » Notify Board of any incidents » Checks firearm licence where these are required
Teachers	<ul style="list-style-type: none"> » Take reasonable care for their own health and safety and ensure that their behaviour does not adversely affect the health and safety of others 	<ul style="list-style-type: none"> » Notify the principal of any incident
Students	<ul style="list-style-type: none"> » Take reasonable care for their own health and safety and ensure that their behaviour does not adversely affect the health and safety of others » Listen to and follow health and safety instructions 	<ul style="list-style-type: none"> » Comply with any reasonable instruction from the PCBU to allow the PCBU to comply with the Arms Act 1983. » Report any dangerous behaviour to teacher
Visitors with firearms	<ul style="list-style-type: none"> » Ensure all firearms are unloaded » Take reasonable care for their own health and safety and ensure that their behaviour does not adversely affect the health and safety of others. » On arrival report to the principal 	<ul style="list-style-type: none"> » Have firearms licence ready » Follow schools, policy and procedure for firearms » Comply with all requirements of the Health and Safety at Work Act 2015 and Arms Act 1983.

Resources to help you to develop your Policy

- » **NZ Police Firearms Offices:**
<http://www.police.govt.nz/advice/firearms-and-safety/firearms-offices-and-contact-details>
- » **Arms Code:**
<http://www.police.govt.nz/advice/firearms-and-safety/arms-code>
- » **New Zealand Secondary Schools Sports Council:**
<http://www.nzsssc.org.nz/>
- » Watch a series of videos produced by the **Mountain Safety Council and Big Game Hunting NZ:**
<https://www.youtube.com/playlist?list=PLLeLnlpLtcBkq6XcRUijUTEgSgdo9u69KF>
- » WorkSafe New Zealand:
<http://www.worksafe.govt.nz/worksafe/>
- » Firearms Specialist services:
www.fss.nz
- » New Zealand School Trustees Association:
<http://www.nzsta.org.nz/>

The Mountain Safety Council is happy to answer any questions you have around setting up an event involving firearms: firearms@mountainsafety.org.nz





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