

Tools and resources to support the draft guidelines for schools developing a firearms policy

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

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Contents

- Tool 1: Policy development checklist 4**
- Tool 2: Event checklist 5**
- Tool 3: Example policy/procedure for the safe use and storage of firearms..... 6**
- Tool 4: Application for firearm storage 8**
- Tool 5: Parental /Caregiver Information Letter 9**
- Tool 6: Parental/Caregiver consent.....10**
- Tool 7: Firearms log11**
- Tool 8: Arms Act 198312**



Tool 1: Policy development checklist

Note: This tool is an *example only* and should be customised to meet the individual needs of your school. Please note if your school does not intend to allow firearms for educational purposes, a policy is not needed.

Checklist	Checked
Our commitment to comply with the Arms Act is clearly outlined, considered and any issues addressed.	
Our policy has been developed in partnership with the school's wider community to ensure that it reflects the community values, philosophies, ethos, goals and lived experiences.	
We have outlined the Board's approach to the presence of firearms and firearm safety courses for students.	
If our students participate in extra-curricular shooting activities: <ul style="list-style-type: none"> » We have considered the need for firearm safety courses. » At least one staff member will be required to hold a firearms licence. » Annual inspections will be conducted by NZ Police. » Firearms will be carried in a way that they are not easily identifiable when being transported and will be in a proper firearms bag. 	
A risk analysis management plan (Safety plan) will be in place for each event	
We have a set of rules that students and school visitors must adhere to.	
Storage: Have we considered the appropriate and safe storage of firearms on school sites or hostel premises?	
Firearms are registered and logged upon entering the storage facility.	
Firearms are put in to the care of the school immediately on arrival.	
Firearms are only exchanged between firearms licence holders.	
Firearms licences and endorsements are checked.	
Only staff with a firearms licence have access to our firearms storage facility.	
Ammunition and firearms are stored separately.	
Students, parents/caregivers are aware that firearms must be immediately stored in the firearms storage facility upon arrival on school property, when not under the immediate and personal supervision of a person with a firearms licence.	



Tool 2: Event checklist

Note: This tool is an *example only* and should be customised to meet the individual needs of your school.

If your school offers shooting as an extra-curricular activity, consider the following factors when formulating your policies and procedures:

Checklist	Checked
We have clearly defined the nature of the activity allowing firearms on school premises or students to participate in an offsite activity involving firearms.	
We know what sort of firearms are coming into the school and what restrictions may apply to them. This includes airguns and replica guns.	
We have written to the parent/caregiver community clearly outlining the event and sought permission for students to participate.	
The Board can be assured that ammunition is stored separately from firearms.	
Alternative learning experiences are available for students not participating.	
We have considered the appropriate and safe storage of firearms on school sites or hostel premises during the event.	
When events are held on school premises (eg careers days), all person(s) carrying firearms have had their licence(s) checked.	
A licensed firearms holder (i.e. a teacher or other staff member who has a firearms licence) has been appointed as the staff contact person during the event.	
The firearm demonstrator should keep their firearms in a case during transportation. Their licence will be inspected. No ammunition, other than dummy/inert ammunition, should be in the possession of the demonstrator.	
The period of instruction should be pre-approved by school staff, including the staff contact person.	
The period of instruction should include an overview of the seven basic firearms safety rules	

Only inert rounds should be used for demonstration. No live rounds of ammunition should ever be in the possession of the demonstrator.



Tool 3: Example policy/procedure for the safe use and storage of firearms

Note: This tool is an *example only* and should be customised to meet the individual needs of your school. If your school does not envisage bringing firearms on to school premises for the purposes of educational outcomes, then a policy is not needed.

This policy should be read in conjunction with the Arms Act 1983 and *Health and Safety at Work Act 2015: A Practical Guide for Boards of Trustees and School Leaders*.

Purpose:

The board of trustees is committed to ensuring the health and safety of all workers, students, visitors and contractors by complying with the Arms Act 1983 and Arms regulations 1992.

This policy applies to and is to be followed by all of our workers and others in the workplace. The policy also applies to all members of the school's leadership team, workers, students, contractors, temporary workers, volunteers and visitors.

A firearm is defined as "anything from which any shot, bullet, missile, or other projectile can be discharged by force of explosive and includes anything which if repaired could also do so".

The Board is committed to:

- » Complying with the Arms Act 1983
- » Engaging with the local community and understanding their position on firearms in schools.
- » Running regular firearm safety courses for students who participate in small bore and clay bird/target shooting activities or who store firearms at school.
- » If our students are involved in firearms related activities or if we store firearms on school site requiring at least one staff member to hold a firearms licence.
- » Ensuring there are alternative arrangements in place for communicating with parents/caregivers whose first language is not English and/or te reo Māori.
- » Completing a risk analysis management plan for each event involving firearms.
- » Having our firearms storage unit/armoury regularly inspected by NZ Police and as determined by Police District practices.

Procedures:

- » Firearms are only to be brought on to school grounds for educational purposes, careers days or special events such as Anzac day.
- » All firearms brought on to school grounds must be unloaded.
- » No ammunition shall be brought on to school grounds with firearms. Except for good, proper and lawful reasons such as a Anzac Commemorative event where blanks/inert may be used.
- » The board of trustees shall consult with the parent community before any firearms are brought on to school grounds as to whether the programme fits with their values and beliefs.
- » Before firearms are brought on to school grounds a risk analysis management plan shall be completed and made available to parents of children involved in the firearms programme.
- » Outside of the processes outlined above, firearms should only be brought onto school grounds in emergency situations (eg. NZ Police in operational emergency situations)
- » Firearms on school grounds shall, at all times, be under the control and responsibility of an authorised user who shall also hold an appropriate firearms licence. The principal shall sight the firearms licence of each authorised user bringing firearms on to school grounds.
- » The principal shall maintain a log of all firearms brought on to school grounds, the time they entered school grounds and the time they left, the name and signature of the authorised user and their firearms licence number.
- » The authorised user shall comply with the seven firearms safety rules as specified by the NZ Police.
- » These procedures will not need to be followed by the NZ Police or Armed Forces personnel in the event of a security incident where they need to come on to school premises for law enforcement or national security purposes.

Storage for firearms procedure:

1. The principal or other senior member of staff with a current firearms licence is responsible for the security of the firearms storage unit/armoury.
2. Firearms storage unit/armoury is always locked in accordance with the required standard.
3. The principal or other senior member of staff will always hold a current firearms licence.
4. The firearms storage unit/armoury has been approved by the police in accordance with the relevant legislation and regular inspections are carried out by local police.
5. Firearms are only handled firearms by the licence holder to firearms licence holder.
6. All students who have firearms stored at school must follow these steps:
 - a. Participate in regular safety training.
 - b. The firearm must be in a clearly named and proper firearms case and always stored in the firearms storage unit/armoury.
 - c. No ammunition can be stored with the firearm at any location within school grounds.
 - d. Students must never have any live ammunition on their person or in their possession.
 - e. A firearm can only be moved from the firearms storage unit/armoury with an adult present. The adult must be a staff member and hold a firearms licence.

Review

This policy shall be reviewed every two years or more regularly by agreement. The provisions of this agreement may be varied by the Board following consultation with workers.

Signatures

Signed Dated ____/____/____

Signed Dated ____/____/____

Tool 4: Application for firearm storage

Note: This tool is an *example only* and should be customised to meet the individual needs of your school.

Name: **Contact No:**

Make: **Serial No:**

Firearm Licence number: enclose photo copy of licence

I acknowledge that health, safety and wellbeing of students, staff and volunteers is paramount.

I agree to participate in any firearms safety opportunities offered to me.

I acknowledge that awareness and training in the safe use of a firearm is the responsibility of my parents/ caregivers and myself.

I agree that the rules set out in the school's firearms policy are appropriate and that I will comply with these at all times. I agree:

1. to take part in regular safety training
2. to ensure our firearm is in a clearly named and proper firearms case.
3. The firearm will always be stored in the firearms storage unit/armoury.
4. I will not store any ammunition with my firearm, in the firearms storage unit/armoury, or at any other location on school grounds.
5. I will never have ammunition on my person or in my possession.
6. I will only move the firearm from the storage unit/armoury with an adult present. I know and acknowledge that the adult must be a staff member and hold a firearms licence.
7. I understand that if I do not comply with any of the above rules, permission to have the firearm stored at school will be withdrawn.
8. That the firearm must be appropriately insured.

Statement:

We have read our schools firearms policy and undertake to comply with all the rules and requirements set out here and in the Policy. We are also committed to comply at all times with the requirements and regulations under the Arms Act 1983.

..... **Student**

..... **Parent/caregiver**

..... **Principal**

..... **Date**

Tool 5: Parental/caregiver information letter

Note: This tool is an *example only* and should be customised to meet the individual needs of your school.

Dear Parent/Caregiver (insert name)

On (insert date) our school is proposing to hold an event/educational experience that may involve firearms.

The health, safety and wellbeing of our students, teachers and volunteers is a priority for our school. We have completed a risk assessment to make sure your children and our staff and volunteers are safe.

As with all events this event will contain risks, including [detail of risks]. This event is managed by school staff who will manage risks and hazards according to the school's safety management plan. You can read a copy of our firearms policy here (insert link to policy). While risks can be maintained to acceptable levels they cannot be totally eliminated. Some risk is retained for its learning and experiential value.

Event details (if being hosted by a 3rd party, off-site provider include a copy of their promotional flyer):

[Times: meeting time and place]

[Return: time and place - if offsite]

[Transport details]

[Clothing and equipment required]

[Costs , if any]

[Venue/accommodation details, including address and phone number]

For safety reasons, it is important that students follow instructions given to them by all staff and follow all appropriate school rules. Behaviour by students that is deemed dangerous and puts themselves and/or others at undue risk will result in [insert schools behavior management rules].

Please consider whether you would like your child to participate and complete the enclosed consent form.

Please feel free to contact me with any queries [provide contact number]

Yours sincerely

(insert name)

Tool 6: Parental/caregiver consent

Note: This tool is an *example only* and should be customised to meet the individual needs of your school.

Summary of activity: on (insert date) our school is hosting an educational experience that may involve firearms coming on to school grounds or students participating in an offsite activity where firearms may be present or used under immediate supervision.

Parental/caregiver consent

- » I agree to my child taking part in the above activity which may involve contact with firearms or observing the use of firearms
- » I have received sufficient information on which to base a decision and I agree to their participation in the activities described. I acknowledge the need for them to behave responsibly.

Acknowledgement of risks

- » I have read the event information and I understand that there are risks associated with involvement in school events that may involve firearms and that these risks cannot be completely eliminated.
- » I have been informed that this event will be managed in a manner that will comply at all times with the Arms Act 1983 and the Arms Regulations 1992.
- » I understand that the school will undertake to identify any risks and hazards, and implement correct management procedures to eliminate or minimise these risks.
- » I understand my child has been involved in the development of safety procedures and I will do my best to ensure that my child follows these procedures.
- » I know that I am able to ask any questions of the school about the activities my child will be involved in, to gain a better understanding of the risks involved.
- » I recognise that participation in such activities is voluntary and not mandatory through a 'challenge by choice' procedure. My child and I both understand that they may withdraw from an activity if they feel at risk. This must be done in consultation with the person in charge.
- » I understand that the school does not accept responsibility for loss or damage to personal property (either my child's property or damage to other's property caused by my child) and that it is my responsibility to check my own insurance policy.

Name:

Signature:

Date:

Tool 7: Firearms log

Note: This tool is an *example only* and should be customised to meet the individual needs of your school.

The principal shall maintain a log of all firearms brought on to school grounds, the time they entered school grounds and the time they left, the name and signature of the authorised user and their firearms licence number.

All persons bringing firearms onto (our school) must register below. By registering below you acknowledge the health and safety practices of (our school) and:

- » Your firearm is unloaded
- » You are not carrying any ammunition
- » You hold a current firearms licence and agree to meet all requirements of the Arms Act 1983.

Note: This only applies to firearms on school premises which will be removed from a vehicle. No vehicle transporting firearms may be left unattended, as per the New Zealand Arms Code 2013.

Date	Name	Arrival time	Departure time	Firearms licence number	Firearm serial number	Signed

Tool 8: Arms Act 1983

Relevant sections of the Arms Act 1983 and Regulations are set out below.

Section 20 Restrictions on possession of firearms

- (1) Except as provided in this Act or as otherwise provided in regulations made under this Act, no person shall have a firearm in his possession unless he is of or over the age of 16 years and is the holder of a firearms licence.
- (2) The holding of a firearms licence shall not in itself entitle any person to have a pistol or a military style semi-automatic firearm or a restricted weapon in that person's possession.
- (3) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$1,000 or to both who contravenes subsection (1).

Section 21 Restrictions on possession of airguns

- (1) Except as otherwise provided in this Act or as otherwise provided in regulations made under this Act, no person shall have an airgun in his possession unless—
 - (a) he is of or over the age of 18 years; or
 - (b) he is between 16 years and 18 years of age and is the holder of a firearms licence.
- (2) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$1,000 or to both who acts in contravention of subsection (1).
- (3) Nothing in this section applies in relation to the possession of specially dangerous airguns.

Section 43 Selling or supplying firearm or airgun to unlicensed person

- (1) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$1,000 or to both who—
 - (a) sells or supplies a firearm (other than a pistol, military style semi-automatic firearm, or restricted weapon) to any person who is not the holder of a firearms licence or a dealer's licence or a permit issued for the purposes of section 16(1); or
 - (b) sells or supplies an airgun to any natural person who is under the age of 18 years and is not the holder of a firearms licence.

Section 45 Carrying or possession of firearms, airguns, pistols, restricted weapons, or explosives, except for lawful, proper, and sufficient purpose

- (1) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 4 years or to a fine not exceeding \$5,000 or to both who, except for some lawful, proper, and sufficient purpose,—
 - (a) carries; or
 - (b) is in possession of— any firearm, airgun, pistol, restricted weapon, or explosive.
- (2) In any prosecution for an offence against subsection (1) in which it is proved that the defendant was carrying or in possession of any firearm, airgun, pistol, restricted weapon, or explosive, as the case may require, the burden of proving the existence of some lawful, proper, and sufficient purpose shall lie on the defendant.



Section 46 Carrying of imitation firearm, except for lawful, proper, and sufficient purpose

- (1) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$4,000 or to both who, except for some lawful, proper, and sufficient purpose, carries an imitation firearm.
- (2) In any prosecution for an offence against subsection (1) in which it is proved that the defendant was carrying an imitation firearm, the burden of proving the existence of some lawful, proper, and sufficient purpose shall lie on the defendant.

Section 54 Use or attempted use of firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive to resist or prevent arrest or commit offence

- (1) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years who makes or attempts to make any use whatsoever of any restricted weapon, imitation firearm, ammunition, or explosive with intent to resist or prevent the lawful arrest or detention of himself or another person.
- (2) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years who, at the time of his committing an offence punishable by imprisonment for a term of 3 years or more, has in his possession any firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive.
- (3) It is a good defence to a prosecution for an offence against subsection (2) if the defendant proves that he had the firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive in his possession for a lawful purpose.

Section 66: Occupier of premises or driver of vehicle deemed to be in possession of firearm, airgun, pistol, imitation firearm, restricted weapon, or explosive found therein

For the purposes of this Act every person in occupation of any land or building or the driver of any vehicle on which any firearm, airgun, pistol, imitation firearm, restricted weapon, or explosive is found shall, though not to the exclusion of the liability of any other person, be deemed to be in possession of that firearm, airgun, pistol, imitation firearm, restricted weapon, or explosive, unless he proves that it was not his property and that it was in the possession of some other person.



Arms Act Regulations 1992

19 Conditions relating to security precautions

- (1) Every firearms licence shall be subject to the following conditions:
 - (a) the holder shall not put a firearm in such a place that a young child has ready access to it;
 - (b) the holder, where he or she has both a firearm and ammunition for it in his or her possession, either—
 - (I) shall take reasonable steps to ensure that the ammunition is not stored in such a way that a person who obtains access to the firearm also obtains access to the ammunition; or
 - (II) shall ensure that, where the ammunition is stored with the firearm, the firearm is not capable of being discharged: the holder shall take reasonable steps to ensure that any firearm in the holder's possession is secured against theft:
 - (c) the holder shall, where he or she has possession of a firearm that is—
 - (I) a flare pistol; or
 - (II) a humane killer; or
 - (III) a stock marking pistol,—
 - (IV) keep it in a locked container, except where it is under the holder's immediate and personal supervision.
- (2) On and after 1 July 1993 the reasonable steps required by subclause shall include—
 - (a) keeping on the holder's premises—
 - (I) a lockable cabinet, container, or receptacle of stout construction in which firearms may be stored; or
 - (II) a lockable steel and concrete strongroom in which firearms may be stored; or
 - (III) a display cabinet or rack in which firearms may be immobilised and locked so that none of them may be fired; and
 - (b) keeping locked or immobilised and locked in the cabinet, container, receptacle, strongroom, display cabinet, or rack required by paragraph (a) every firearm which is on the holder's premises and which is not under immediate and personal supervision of the holder or some other holder of a firearms licence; and
 - (c) ensuring that no firearm in the holder's possession is left in a vehicle that is unattended.

Exemptions for NZ Police and Defence personnel

Members of the New Zealand Defence and Police forces have an exemption under section 3(2)(a) of the Arms Act which allows them to have possession of firearms when they are in the course of their duties. This means that during an emergency or an armed defenders squad callout members of the NZ Police and Defence Forces may enter school grounds, often without notice.

Section 22 Exemptions under the Arms Act 1983

- (2) It is a good defence to a prosecution for an offence against section 20 or section 21 if the defendant proves,—
 - (a) in the case of a prosecution relating to the possession of a firearm (not being a pistol or a restricted weapon) by any person,—
 - (I) that the firearm was in the possession of that person for use under the immediate supervision of the holder of a firearms licence; and
 - (II) that at all times while that person was in possession of the firearm, that person was under the immediate supervision of the holder of a firearms licence; or
 - (b) in the case of a prosecution relating to the possession of an airgun (not being a specially dangerous airgun), -
 - (I) that the airgun was in the possession of that person 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
 - (II) that at all times while that person was in possession of the airgun, that person was under the immediate supervision of either a person of or over the age of 18 years or the holder of a firearms licence.



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