

23 October 2019

Secretariat
Finance and Expenditure Committee
Select Committee Services
Parliament Buildings
Wellington 6160

FROM: New Zealand Animal Law Association

To the Finance and Expenditure Committee (**Committee**)

SUBMISSION ON THE ARMS LEGISLATION BILL

- 1 We refer to the Arms Legislation Bill 2019 (**Bill**). Please consider and accept our submissions below in relation to the Bill.
- 2 These submissions are submitted on behalf of the New Zealand Animal Law Association (**NZALA**). NZALA is a coalition of lawyers, law students and law graduates working to improve the welfare and lives of animals through the legal system.
- 3 Our membership is made up of lawyers working for large commercial law firms, criminal and civil litigators, in-house counsel, lawyers working for government and the judiciary, and include a Queens Counsel. NZALA has the benefit of this considerable knowledge base when preparing submissions to Parliament.
- 4 NZALA considers and submits on a range of laws that have the potential to impact animal welfare.

General position

- 5 NZALA supports the intent of the Bill because it aims to introduce appropriate controls on the use and possession of firearms and ammunition, which we consider appropriate given the risk of significant harm caused by firearms and ammunition.

Specific position

Firearms licensing

- 6 NZALA considers that proposed section 22G appropriately disqualifies persons who have been convicted of one of a range of offences, or had a protection order made against them, from holding a firearms licence.¹
- 7 NZALA proposes that the Committee includes disqualification if a person has, within the previous 10 years, been convicted of an offence under section 28 (wilful ill-treatment of animals), 28A (reckless ill-treatment of animals), 29 (further offences relating to conduct towards animals), 30A (ill-treatment of wild animals), 31 (animal fighting ventures), or 34 (use of prohibited or restricted traps or devices), of the Animal Welfare Act 1999.

1 Arms Legislation Bill 2019 (177-1), clause 33.

- 8 We propose these additional grounds for disqualification for the following reasons:
- 8.1 it is consistent with disqualifying persons, such as those who have been convicted of serious violence offending, or had a protection order made against them, from holding firearms licenses on grounds of violence;
 - 8.2 there is a known link between ill-treatment of animals and domestic violence, as recognised by the Ministry of Social Development,² the RNZSPCA and Women’s Refuge,³ the New Zealand Police Managers’ Guild Trust,⁴ and the New Zealand Police;
 - 8.3 laws passed by Parliament should reflect these findings recognised by Government agencies;
 - 8.4 it is widely known that violence towards animals is linked to violence towards humans, so inclusion of this disqualification provides the public with confidence that firearms and ammunition will not be handled by people who have demonstrated a propensity to be violent towards animals;
 - 8.5 it would aid the following aim of the Bill:⁵

strengthens the licensing regimes to focus more on filtering out high-risk people and behaviour, aiming to ensure firearms remain accessible only to appropriate people acting in the interests of personal and public safety; and
 - 8.6 the Bill already proposes making consideration of offences against animals relevant to firearms licensing, by allowing the Police to find an applicant for a firearms is not a fit and proper person if they have been charged with an offence under the Wildlife Act 1953.⁶ Most offences under that Act carry much lighter maximum penalties⁷ than those available for offences against animals under the Animal Welfare Act 1999.⁸

2 Denise Lievore and Pat Mayhew *The scale and nature of family violence in New Zealand: A review and evaluation of knowledge* (April 2007, Ministry of Social Development, Wellington).

3 Michael Roguski *Pets as Pawns: The Co-Existence of Animal Cruelty and Family Violence* (2012, RNZSPCA, Auckland).

4 New Zealand Police Managers’ Guild Trust *Animal Abuse* <<https://pmgt.org.nz/animal-abuse/>>.

5 Arms Legislation Bill 2019 (177-1) (explanatory note).

6 Proposed section 24A(1)(c)(ii), at clause 36 of the Arms Legislation Bill 2019 (177-1).

7 Wildlife Act 1953, sections 67 to 67I. Most offences under this Act carry, in the case of an individual, a maximum fine of \$10,000. More serious offences carry, in the case of an individual, a maximum fine of between \$100,000 and \$250,000, and a maximum prison sentence of 2 years. The harshest penalties, available where an offence is committed for the purpose of commercial gain or reward, carries a maximum fine of \$300,000, and a maximum prison sentence of 5 years.

8 Animal Welfare Act 1999, sections 25, 37, 119 and 156I. The main offences under this Act carry, in the case of an individual, a maximum fine of \$50,000, and a maximum prison sentence of 12 months. Offences in relation to research, testing and teaching carry, in the case of an individual, a maximum fine of \$25,000, and a maximum prison sentence of 6 months, and the maximum penalty for non-compliance with a compliance notice is a fine of up to \$5,000.

- 9 For the same reasons as above, NZALA also considers that the proposed fit and proper person test⁹ should be amended so that the Police are required to consider offences under the Animal Welfare Act 1999, and can find against an applicant being a fit and proper person if they have been charged with or convicted of an offence under that Act.

Exemption for controlling animal populations

- 10 NZALA requests that the Committee give further consideration to proposed section 30A(1),¹⁰ which will allow persons who are exempt persons by reason of, amongst other things, being employed, engaged, or hold a concession "*for the purpose of controlling wild animals or animal pests*"¹¹ to apply for an endorsement of their firearms licence permitting them to possess a prohibited firearm or prohibited magazine in their capacity as an exempt person.
- 11 NZALA considers that the animal welfare implications of allowing otherwise prohibited firearms to be used on animals should be investigated. Where the killing of animals occurs, our position is that this should be done in a way that has a minimal impact on welfare.
- 12 At a minimum, NZALA proposes consideration of this exemption with regard to the requirements of the Animal Welfare Act 1999. Consultation with the National Animal Welfare Advisory Committee (**NAWAC**), which is responsible for providing the Government with independent advice on animal welfare issues, is strongly suggested.

Conclusion

- 13 NZALA supports the Bill, subject to the following:
- 13.1 grounds for disqualification from holding a firearms license, and considerations for the fit and proper person test, should include breaches of the Animal Welfare Act 1999; and
- 13.2 proposed section 30A should not be extended in relation to the killing of animals without further consideration of animal welfare implications; and
- 13.3 the Committee should consult with NAWAC in relation to proposed section 30A.

Yours faithfully

New Zealand Animal Law Association

9 Proposed section 24A(1)(c)(ii), at clause 36 of the Arms Legislation Bill 2019 (177-1).

10 Arms Legislation Bill 2019 (177-1), clause 44.

11 Arms Act 1983, section 4A.