



# Peace Movement Aotearoa

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## Submission points: Draft Guidelines for Schools Developing a Firearms Policy

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This alert provides information about the consultation on the draft Guidelines for Schools Developing a Firearms Policy to assist if you are planning on making a submission - the closing date for submissions on the draft Guidelines is **Wednesday, 11 April**.

There are six main sections below: 1. About the draft Guidelines, 2. Overall concerns about the draft Guidelines, 3. Who should make decisions about firearms in schools, 4. Key omissions in the draft Guidelines, 5. When should firearms be allowed in a school (which includes comments on each of proposed scenarios for allowing firearms in schools), and 6. Links to further information. The information in this alert is based on Peace Movement Aotearoa's submission, and you are welcome to include any of these points in yours.

If you are making, or have already made, a submission on the draft Guidelines, we are interested to see what you have said because this is an issue that Peace Movement Aotearoa will be continuing to work on - please send your submission to [pma@xtra.co.nz](mailto:pma@xtra.co.nz) with a note saying if you are agreeable to us posting it on our website, thank you.

### 1. About the draft Guidelines

The draft Guidelines were developed as a result of the public concern after primary school children practiced disassembling, assembling and firing an assault rifle as part of an army "leadership" road show visit last year.<sup>1</sup> The draft Guidelines are based on advice from the Schools 'Health and Safety Sector Reference Group' - it includes sixteen representatives from organisations involved with firearms, sports shooting and hunting, that have been described as the "gun lobby"<sup>2</sup>. The Group does not include any public health experts.<sup>3</sup>

The Ministry of Education page consultation page, which includes two documents - 'Draft guidelines for schools developing a firearms policy' and 'Tools and resources to support the draft guidelines for schools developing a firearms policy'- and details of where to send your submission, is at <https://www.education.govt.nz/ministry-of-education/consultations-and-reviews/firearms-policy-for-schools-consultation>

The draft Guidelines comprise a fifteen page document with sixteen sections: Introduction, then sections with the following headings: Legislation, Definition of a firearm, When it might be legitimate to allow student involvement with firearms, Possession Immediate Supervision, Who can possess different types of firearms (airguns and restricted weapons), Airguns, Imitation firearms, Seven basic safety rules for firearms, Communicating with

parents/caregivers, school community and school visitors, Purpose of a policy on firearms and airguns, Health and safety, Managing risks and risk analysis management plans, Some key roles and responsibilities, and Resources to help to develop your Policy.

## **2. Overall concerns about the draft Guidelines**

The draft Guidelines are flawed in a number of respects, including the omission of key information, and appear to be an attempt to legitimise the presence of firearms in schools and to normalise a “gun culture” among students of the sort that has led to tragedies in schools in other countries.

As the Public Health Association’s Chief Executive Officer has said: *“The guidelines recognise that “All schools are required to provide a lawful and safe physical and emotional environment for students and staff”, and also recognize that some schools might decide they do not want firearms on the school site under any circumstances. But the guidelines proceed on the assumption that it is quite acceptable for schools to choose to include firearms on the premises for both educational and recreational purposes. And there is no discussion of social or mental health issues associated with guns, children and young people.”*<sup>4</sup>

The purpose of firearms Guidelines must be to ensure the safety and welfare of all students and staff, including minimising the risk of injury or death from an accidental firearms discharge or deliberate shooting - the most obvious way to do that is to ensure that firearms are only permitted in schools in extremely limited circumstances.

Furthermore, the draft Guidelines blur the distinction between military weapons and firearms used for sports shooting by, for example, outlining scenarios where combat weapons can be taken into schools by the armed forces.

There is no relevant background information provided for the consultation such as how many schools have firearms (that information is not available because the proposal to create a register of firearms in schools was abandoned last year, a decision of the Schools ‘Health and Safety Sector Reference Group’ that was involved drafting the Guidelines, because they said it could provide a “shopping list” for criminals)<sup>5</sup>; how many students and staff are involved in, for example, sports shooting during school time; or the number of schools that have firing ranges (see comment in section 4 below).

While we appreciate the value and importance of firearms safety courses, and that some students wish to be involved in sports shooting; neither of these requires the presence of firearms on school property - schools, except in extremely limited circumstances, must be firearms-free zones.

## **3. Who should make decisions about firearms in schools**

The key flaw in the draft Guidelines is that the document is based on the premise that Boards of Trustees (BOT) are the appropriate body to make decisions about firearms in

schools. This is completely unacceptable because other critical issues for the well being, physical and emotional safety, and security of students and staff - such as building safety, who is considered suitable to teach in schools, and so on - are determined by nation-wide regulations or policy. Firearms in schools must similarly be the subject of nation-wide regulation, either through National Guidelines for schools or an amendment to the Education Act 1989.

#### 4. Key omissions in the draft Guidelines

There are several key omissions in the draft Guidelines which are outlined in this section.

**Composition of the Health and Safety Sector Reference Group:** the Ministry of Education consultation page states that the Health and Safety Sector Reference Group was involved in the draft Guidelines, but the fact it contains so many representatives of organisations involved with firearms, sports shooting and hunting (as mentioned in section 2 above) is not included either on the Ministry web site or in the draft Guidelines.

**Risks of lead poisoning associated with firearms use:** there is no reference in the draft Guidelines to the risk of lead poisoning associated with firearms use. This is a clear risk for students and staff, because children and women of childbearing age (which obviously includes female secondary school students and staff) are particularly vulnerable to lead poisoning - the Auckland Regional Public Health Service, for example, advises that “Young persons of school age (defined as 15 and under) and women of childbearing age should not participate in cleaning or maintenance of “dirty” areas” of shooting ranges.<sup>6</sup>

Even a comparatively low level of firearms use increases the risk of lead poisoning - the Nelson Marlborough District Health Board, for example, recommends “If you are a shooter who attends an indoor shooting club frequently e.g. **one or more times per week**, you should have your blood lead level monitored by your doctor at least once a year” [our emphasis].<sup>7</sup>

Furthermore, a recent US study by Laidlaw et al on firearms use, blood lead levels and potential adverse health effects found that the risk of exposure to lead (primarily from blowback of lead primer dust and bullet fragmentation particles) is as high at outdoor firing ranges as it is in indoor ranges.<sup>8</sup>

It is essential that the Guidelines include requirements for BOTs to minimise the risk of lead poisoning for students and staff engaged in sports or other shooting activities during school time, and to set in place blood lead level monitoring for students and staff involved.

**Schools with firing ranges:** there is no information in the draft Guidelines about the particular safety and security requirements for schools that have a firing range on school property.<sup>9</sup> It is essential that the Guidelines include safety and security recommendations for schools that already have firing ranges, a prohibition on any new firing ranges being built on school property, and a requirement for firing ranges on school properties to be closed and shooting activities moved to an off-site purpose built firing range as soon as possible.

**Human rights obligations:** there is no reference to the binding obligations on New Zealand as a state party to, for example, the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC) which both have particular relevance to firearms in schools.

**Armed police officers:** there is no reference in the draft Guidelines to the permissible circumstances for armed police officers to be on school property.

## 5. When should firearms be allowed in a school

The ‘When it might be legitimate to allow student involvement with firearms’ section in the draft Guidelines (pages 6 and 7) begins with an introduction that includes: *“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”* (celebrations?!).

The section has a table with sixteen scenarios where firearms may be allowed in a school, and comments on each scenario are provided below (the text in italics is from the draft Guidelines, laid out as *Situation when firearms may be allowed in school - What type of firearm - What requirements must be met?* for each scenario)

- **EOTC [Education Outside The Classroom] 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.*

EOTC involving firearms must not take place on school property, only at an off-site purpose-built firing range appropriate for the activity.

- **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.*

Firearms safety courses must take place at an off-site purpose-built firing range, not on school property, under the direct supervision of a suitably qualified police officer and / or firearms safety instructor.

- **Sponsorship** - *Nil - What does the school allow in terms of sponsorship by businesses/ organisations involving firearms.*

Sponsorship for any school ideally would not come from any business or organisation engaged in developing, producing, selling or promoting any firearms - in particular, school

sponsorship must not come from any business or organisation that is engaged in developing, producing, selling, or promoting restricted weapons.

There is a wider issue here that must also be included in the Guidelines, around school sponsorship by any business or organisation that is engaged in developing, producing, deploying, or promoting any prohibited weapons - whether that be prohibited firearms or weapons as defined, for example, in the Arms Act 1983, Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012, or Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984, or any other prohibited offensive weapon as defined by the police<sup>10</sup>; and other weapons prohibited by, for example, the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987 (nuclear and biological weapons), the Chemical Weapons (Prohibition) Act 1996, the Anti-Personnel Mines Prohibition Act 1998, and the Cluster Munitions Prohibition Act 2009.

- ***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.*

There is no legitimate reason for firearms to be brought onto school property during career days - if students are considering a career that involves the use of firearms, and it is considered essential that they view the firearms involved, their possible future employer can arrange for the students to be taken to an appropriate off-site venue where the firearms can be displayed in a safe and secure manner.

- ***Defence force visits*** - *blank - No student, parent/caregiver, volunteer or staff member may hold/ possess a restricted firearm during Defence Force visit.*

Any military activity in schools is inconsistent with the aims of education as specified in Convention on the Rights of the Child (Article 29) and in the Committee on the Rights of the Child's General Comment No. 1: 'The Aims of Education', including the promotion of non-violence in schools, and the teaching and learning of basic skills and life skills such as the ability to resolve conflicts in a non violent manner.<sup>11</sup> There are no circumstances in which it is acceptable for military weapons or combat equipment (including combat vehicles or combat helicopters) to be on school property.

- ***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).*

No auction, or any other activity involving the display or sale of firearms must take place on school property.<sup>12</sup>

- ***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.*

It is unclear if this is referring to a gun club in a school with a purpose-built firing range, but regardless, it is not appropriate for firearms to be stored in any school - any firearms used by students for sports shooting must be stored at the nearest gun club or police station with secure storage facilities.

- ***Pest control*** - *Category A and airguns - Destruction of pest animals such as rabbits, possums or magpies by pest control professionals outside of school hours.*

If there is no alternative means of pest control, this may be acceptable providing no students are present and all appropriate health and safety requirements are met.

- ***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.*

Shooting competitions must be held at an off-site purpose-built firing range, not on school property, regardless of whether or not the school has a firing range.

- ***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.*

Firearms must not be stored in residential hostels, nor on any school property - any firearms used by students must be stored at the nearest gun club or police station with secure storage facilities.

- ***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.*

The brief transit of firearms through school property, for example, when picking up students for a sports shooting activity may be acceptable providing the firearms remain in the vehicle within sight of the licence holder at all times, and cannot be easily removed if the licence holder is momentarily distracted.

- ***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.*

Any fundraising event, such as the examples outlined above, can start and finish at a school without those involved bringing firearms onto school property.

- ***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.*

We cannot see any reason for firearms to be used for “amusement”, this simply gives children the message that firearms are for harmless fun rather than being used for a specific purpose (for example, sports shooting or hunting) with the appropriate safeguards and security in place.

- ***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.*

Imitation firearms as theatrical props are acceptable providing they are readily distinguishable from actual firearms.

- ***Civil defence and emergencies - blank - Natural disasters, Defence Force helicopters landing on school grounds.***

This would be permissible only in extreme life-threatening circumstances when civilian helicopters are unavailable. Any military helicopter landing in school grounds must not be armed.

- ***Cadet forces - Category A - Arms Act 1983 and Arms Regulations 1992, Health and Safety at Work Act 2015 and school policies and procedures.***

Cadet forces activities must not be permitted on school property, whether or not such activities involve firearms. It should be noted that the Committee on the Rights of the Child has raised issues about how the activities of the New Zealand cadet forces accord with the aims of education as specified in Article 29 of the Convention on the Rights of the Child and in the Committee’s General Comment No. 1, and on recruitment activities undertaken by the armed forces within the cadet forces.<sup>13</sup>

**Who can possess different types of firearms, airguns and restricted weapons:** there is a further section in the draft Guidelines titled ‘Who can possess different types of firearms, airguns and restricted weapons’ (page 8) which outlines the circumstances under which students can handle, for example, “specially dangerous airguns”, military style semiautomatic firearms (MSSA)” and “restricted weapons” - we cannot see any reason why any of these should be permitted on school property at any time.

## **6. Links to further information**

- **Consultation on draft guidelines for schools developing a firearms policy** - Ministry of Education page, <https://www.education.govt.nz/ministry-of-education/consultations-and-reviews/firearms-policy-for-schools-consultation>
- **Peace Movement Aotearoa’s report to the Committee on the Rights of the Child** (2016) on the NZ armed forces and OPAC, which includes information on the militarisation of children and young persons and their education, military involvement in “youth development”, and peace education, <http://www.converge.org.nz/pma/crc73-pma.pdf>

- ‘Army told to stop kids holding guns on school visits’, NZ Herald, 5 March 2018, [http://www.nzherald.co.nz/education/news/article.cfm?c\\_id=35&objectid=12006543](http://www.nzherald.co.nz/education/news/article.cfm?c_id=35&objectid=12006543)  
Comments on Facebook, <https://www.facebook.com/PeaceMovementAotearoa/posts/1624482860932410> - includes some remarks from teachers whose pupils are involved in off-site sports shooting or firearms safety training.
- **This document** is available online at <http://www.converge.org.nz/pma/fis-alert18.pdf> and <https://www.facebook.com/PeaceMovementAotearoa/notes>

**Thank you:** to everyone who contributed to this alert.

## References

- <sup>1</sup> ‘Guns big part of army leadership road show at primary schools’, Manawatu Standard, 7 April 2017, <https://www.stuff.co.nz/manawatu-standard/news/91279582/guns-big-part-of-armys-leadership-roadshow-at-primary-schools> Comments on Facebook, <https://www.facebook.com/PeaceMovementAotearoa/posts/1306058022774897>
- <sup>2</sup> See, for example, ‘When should New Zealand schools have guns?’, Marie Russell, 28 March 2018, [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=12021116](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12021116)
- <sup>3</sup> As at note above
- <sup>4</sup> ‘Do we really want guns in our schools?’, Warren Lindberg, Chief Executive Officer Public Health Association, 21 March 2018, <http://community.scoop.co.nz/2018/03/do-we-really-want-guns-in-our-schools>
- <sup>5</sup> See, for example, ‘Number of NZ schools with guns unknown’, Radio NZ, 16 February 2018, <https://www.radionz.co.nz/news/national/350596/number-of-nz-schools-with-guns-unknown>
- <sup>6</sup> ‘Minimising Lead Exposure in Shooting Club Ranges’, Auckland Regional Public Health Service, [http://www.arphs.govt.nz/Portals/0/Health%20Information/HealthyEnvironments/HasardousSubstances/Lead%20for%20shooters/Health%20advice%20and%20recommendations-Operators\\_Version%2008%2011%2011.pdf](http://www.arphs.govt.nz/Portals/0/Health%20Information/HealthyEnvironments/HasardousSubstances/Lead%20for%20shooters/Health%20advice%20and%20recommendations-Operators_Version%2008%2011%2011.pdf)
- <sup>7</sup> ‘Health Advice for Indoor Shooters’, Nelson Marlborough District Health Board, <https://www.nmdhb.govt.nz/assets/Uploads/Health-Advice-for-Indoor-Shooters.pdf>
- <sup>8</sup> ‘Lead exposure at firing ranges - a review’, Mark A. S. Laidlaw et al, *Environmental Health*, 2017 (16:34), <https://ehjournal.biomedcentral.com/articles/10.1186/s12940-017-0246-0>
- <sup>9</sup> See, for example, Wentworth College and Primary, <http://www.wentworth.school.nz/college/sports/air-pistol-shooting>
- <sup>10</sup> As listed at <http://www.police.govt.nz/advice/firearms-and-safety/prohibited-offensive-weapon>
- <sup>11</sup> Committee on the Rights of the Child, General Comment No. 1: The Aims of Education (CRC/GC/2001/1), 17 April 2001, paragraphs 8 and 9 in particular
- <sup>12</sup> This scenario is more than likely linked to public concern about the auction of military weapons at a Wellington school last year, see, for example, ‘Assault rifles to be auctioned at Wellington school’, NewsHub, 10 October 2017, <http://www.newshub.co.nz/home/new-zealand/2017/10/assault-rifles-to-be-auctioned-at-wellington-school.html>
- <sup>13</sup> Committee on the Rights of the Child, Concluding Observations on New Zealand’s initial OPAC report (CRC/C/OPAC/CO/2003/NZL), 5 November 2003, paragraph 8