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Draft Guidelines for Schools Developing a Firearms Policy Submission to the Ministry of Education, April 2018

We welcome the opportunity to comment on the Draft Guidelines for Schools Developing a Firearms Policy, because the issues around firearms in schools are of the utmost importance to the health and safety of students and staff, and to the overall wellbeing of society more generally.

Peace Movement Aotearoa is the national networking peace organisation, registered as an Incorporated Society in 1982. In addition to our core networking activities, our work is focused in two main areas - disarmament and human rights - which are both essential for creating and maintaining peaceful societies. We regularly provide information to United Nations disarmament and human rights monitoring bodies, including (of particular relevance to issues around firearms in schools) the Committee on the Rights of the Child, on New Zealand's compliance with 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).

This submission is based on discussion with member and supporting organisations and individuals, primary and secondary school teachers, and human rights, children's rights and public health experts. An overview of our submission was released publicly last week due to the number of requests we received for information on the draft Guidelines and for guidance on points to include in submissions.

We have a number of concerns about the draft Guidelines which are outlined below under the two main headings, followed by our recommendation, as follows:

A. General concerns about the draft Guidelines

- i. Overview of our concerns
- ii. Who should make decisions about firearms in schools

B. Specific concerns about the draft Guidelines

- i. Key omissions in the draft Guidelines
- ii. When should firearms be allowed in a school (which includes comments on each of the proposed scenarios for allowing firearms in schools)
- iii. Who can possess different types of firearms, airguns and restricted weapons

C. Recommendations

We are happy to provide further information or clarification of any of the points in our submission. We wish to be advised of any developments around the draft Guidelines, and to be involved in any further consultation on firearms in schools.

A. General concerns about the draft Guidelines

i. Overview of our concerns

The draft Guidelines are flawed in a number of respects, as outlined below, 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.

The purpose of Guidelines on firearms in schools 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.

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

There is no relevant background information provided for the consultation that would have been helpful for submitters to take into account, such as how many firearms are currently kept on school property; 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 B.ii below).

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

ii. Who should make decisions about firearms in schools

The key flaw in the draft Guidelines is that they are based on the premise that Boards of Trustees (BOT) are the appropriate body to make decisions about firearms in schools: *“Boards of trustees have authority to allow the supervised presence and use of firearms on school premises following consultation with their local school community.”* (page 4). It is unclear where this authority comes from because the Education Act 1989, for example, makes no mention of firearms.

It is completely unacceptable for decisions around firearms in schools to be made by BOTs 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, EOTC activities, school transport, compliance with speed limits and signs around schools, and so on - are determined by nation-wide regulation or policy.

Firearms in schools must similarly be the subject of nation-wide regulation, either through National Guidelines for schools, Regulations (such as, for example, the Health and Safety at Work (Adventure Activities) Regulations 2016), or an amendment to the Education Act 1989 prohibiting firearms in schools except in extremely limited circumstances.

B. Specific concerns about the draft Guidelines

i. 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 putting together the draft Guidelines, but the fact that it was expanded to include sixteen representatives from organisations involved with firearms, sports shooting and hunting¹ - organisations with a vested interest in promoting firearms - is not included either on the Ministry web site or in the draft Guidelines. Similarly, the fact that no public health experts² were involved in drafting the Guidelines is not mentioned.

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.³

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].⁴

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.⁵

It is essential that National 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.⁶ It is essential that National 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 decommissioned 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 OPAC, which both have particular relevance to the issues around 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. Any regulations or policy around the permissible circumstances for armed police to be on school property, and their conduct while there, must be included in National Guidelines.

ii. When should firearms be allowed in a school

This section provides comment on each of the sixteen scenarios where firearms may be allowed in a school (the text in italics is from the draft Guidelines, pages 6 and 7, laid out as *Situation when firearms may be allowed in school - What type of firearm - What requirements must be met?* for each scenario).

Of the sixteen scenarios, only three may be permissible - the brief transit of firearms through school property, pest control, and the use of imitation firearms as theatrical props - and only under particular circumstances as outlined for each of those scenarios below.

- ***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.***

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 involving firearms 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 National 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 police⁷; 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', which include 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.⁸ 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.

- **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. Any school gun club activities involving firearms must take place at an off-site purpose-built firing range.

- **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: ‘The Aims of Education’, and on recruitment activities undertaken by the armed forces within the cadet forces.⁹

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

With regard to the 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 firearms, there is no reason for any of these firearms or weapons to be permitted on school property at any time.

We are particularly concerned that this section includes, “*specially dangerous airguns*”, “*Military style semiautomatic firearms (MSSA)*” and “*restricted weapons*”, as though there

may be circumstances in which it would be permissible for those to be on school property - there clearly are not.

C. Recommendations

1. **Nation-wide guidelines / Regulation:** our primary recommendation is that there must be nation-wide guidelines prohibiting firearms on school property except in extremely limited and clearly defined circumstances, as outlined in Section B.ii above. These can be set in place either through National Guidelines for schools, a Regulation, or an amendment to the Education Act 1989. There must be a second consultation round on draft National Guidelines or proposals for a Regulation or amendment to the Education Act.
2. **Firearms safety instruction:** the National Guidelines must state that any firearms safety instruction involving the use of firearms is take place at an off-site purpose built firing range, under the direct supervision of a suitably qualified police officer and / or firearms safety instructor.
3. **Firearms currently kept on school property:** the National Guidelines must state that any firearms currently kept on school property must be moved to the nearest gun club or police station with secure storage facilities. A register with details of the number, type etc of firearms held by schools must be created at the earliest opportunity - the register must be kept up to date, and be held by the Ministry of Education and / or the police.
4. **Risk of lead poisoning from firearms use:** the National Guidelines must 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.
5. **Schools with firing ranges** - the National Guidelines must include safety and security recommendations for any school that has a firing range, a prohibition on any new firing ranges being built on school property, and a requirement for any firing range on school property to be decommissioned and shooting activities moved to an off-site purpose built firing range as soon as possible. Decommissioning must follow a safe process to reduce any risk of lead poisoning and of any lead residue being left behind.
6. **Armed police officers:** any regulations or policy around the permissible circumstances for armed police to be on school property, and their conduct while there, must be included in National Guidelines.
7. **Sponsorship:** the National Guidelines must prohibit any 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 police¹⁰; 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.

8. **Military weapons and combat equipment:** the National Guidelines must prohibit the presence of any military weapons or combat equipment (including combat vehicles or combat helicopters) on school property, with the sole exception of unarmed military helicopters or vehicles being permitted on school property in extreme life-threatening circumstances when civilian helicopters or vehicles are unavailable.
9. **Human rights obligations:** the National Guidelines must refer to 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.

Thank you for your attention to our submission.

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References

¹ 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

² As at note above

³ ‘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

⁴ ‘Health Advice for Indoor Shooters’, Nelson Marlborough District Health Board, <https://www.nmdhb.govt.nz/assets/Uploads/Health-Advice-for-Indoor-Shooters.pdf>

⁵ ‘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>

⁶ See, for example, Wentworth College and Primary, <http://www.wentworth.school.nz/college/sports/air-pistol-shooting>

⁷ As listed at <http://www.police.govt.nz/advice/firearms-and-safety/prohibited-offensive-weapon>

⁸ 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

⁹ 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

¹⁰ As at note 7