

4 April 2019

Finance and Expenditure Select Committee  
Parliament Buildings  
Wellington



## **Submission: Arms (Prohibited Firearms, Magazines, and Parts) Amendment Bill**

### **Executive Summary**

1. Establish a firearms licence category of “Professional” with applicable criteria in order to permit the use of MSSA type semi-automatic firearms to be used by aerial commercial hunters and pest controllers on land of all tenures
2. There are a number of hunters who currently use limited capacity semi-automatic firearms including people with physical limitations that make using a bolt action rifle difficult and therefore we submit the definition of prohibited firearms be amended by including in the exemptions under Clause 2A:
  - (ii) semi-automatic centrefire firearm that has a magazine that is not detachable and has the capacity of holding no more than 5 cartridges commensurate with that firearm’s chamber size.
3. Parts common to prohibited and permitted firearms such as sights and suppressors should not be prohibited.
4. Based on the information the Game Animal Council has at present we believe the effects of the Bill (including our suggested amendments) will have limited effect on recreational hunters of feral pigs, chamois, tahr and deer.

### **The Game Animal Council**

The Game Animal Council (GAC), established under the Game Animal Council Act 2013, is a statutory organisation with responsibilities for, *inter alia*, representing game animal hunters, and advising on and managing aspects of game animal hunting. Game animals are feral pigs, chamois, tahr, and all species of deer.

### **Introduction**

On Tuesday April 2nd 2019 the Government introduced the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Bill. This Bill seeks to amend the Arms Act 1983 by reclassifying certain firearms and firearms parts as prohibited subject to certain exemptions.

The Game Animal Council makes the following submission on the impact these proposed changes will have on those who hunt large game animals:

### **Submission**

[www.nzgac.org.nz](http://www.nzgac.org.nz)

- The Game Animal Council notes that the period for submissions is inadequate to obtain any meaningful feedback. Many of the people who will be affected by this legislation are out of communication as it is one of the busiest periods for hunters it being the roar. Whilst we acknowledge there is general agreement with the intent of the Bill, when legislation is rushed through there is always the possibility of unintended consequences. The GAC sees that a 7 day period whilst still short would have given opportunity for more in depth analysis without compromising the intent of having new legislation in a timely period.
- Whilst hunters of deer, tahr, chamois and feral pigs almost exclusively use centrefire calibres of .22 or greater there is a strong crossover within the general hunting sector for people to hunt large game, small game and gamebirds. This entails the ownership and use of centrefire rifles, rimfire rifles and shotguns.
  - It is worth noting that it is illegal to use rimfire rifles or shotguns for game animal hunting on public conservation land.
- Recreational hunters use mostly bolt action and semi-automatic rimfire rifles for hunting small game, bolt action centrefire rifles for hunting large game (lever action for pig hunting), plus break open and semi-automatic shotguns for hunting small game and game birds.
  - There are a number of hunters who currently use limited capacity semi-automatic firearms including people with physical limitations that make using a bolt action rifle difficult. There are sporting configuration semi-automatic rifles with fixed magazine capacities typically of 5 or less that can be used in the case.

The Bill sets out as follows:

2A Meaning of prohibited firearm In this Act, unless the context otherwise requires, prohibited firearm—

(a) means the following firearms:

(i) a semi-automatic firearm (except a pistol), other than—

(A) a semi-automatic firearm that is capable of firing only 0.22 calibre or less rimfire cartridges and that has a magazine, whether or not detachable or otherwise externally fed, that is capable of holding no more than 10 cartridges commensurate with that firearm's chamber size:

The Bill does not make allowance for limited capacity sporting type semi-automatic firearms that can be used by those with physical limitations. We recommend this issue be addressed via an amendment to the description of prohibited firearm as follows:

(A) (i) a semi-automatic firearm that is capable of firing only 0.22 calibre or less rimfire cartridges and that has a magazine, whether or not detachable or otherwise externally fed, that is capable of holding no more than 10 cartridges commensurate with that firearm's chamber size or

(ii) semi-automatic centrefire firearm that has a magazine that is not detachable and has the capacity of holding no more than 5 cartridges commensurate with that firearm's chamber size.

Under the current proposal the definition of magazine would be expanded to limit centrefire non detachable magazines to 5 shots. This is consistent with the capacity intended for semi automatic shotguns.

This change will also reduce the cost to the government of the planned buy back by allowing those people hold them legally to retain them.

- 'E' category MSSA type centrefire firearms(now to be prohibited) with a magazine capacity of 20 or 30 rounds are required for helicopter wild animal control operations and helicopter commercial game harvest due to the dynamic, fast paced nature of helicopter shooting operations. Both animal and helicopter are moving, shooting is instinctive and could be considered a series of snap shots as sights and target briefly intersect.
  - Due to the fleeting opportunities for sequential shots at one or multiple animals there is no time to reload or change low capacity magazines (Less than 7 rounds). Helicopter hunters also use shotguns with a capacity of 8 or 9 rounds.
  - This is also an animal welfare issue – a shooter must be able to follow up immediately on multiple wounded animals.

The Bill sets out to provide for this activity as follows:

4A Persons who may apply to import, sell, supply, and possess prohibited items (1) Only the following persons may apply to import, sell, supply, or possess a prohibited item in accordance with the provisions of this Act and in their capacity as—

(a) a licensed dealer:

(b) a bona fide collector of firearms:

(c) a director or curator of a bona fide museum:

(d) an approved person or approved member referred to in section 29(2)

(e) a person who is employed or engaged by the Department of Conservation and involved in the killing or hunting of wild animals or animal pests in accordance with a specified Act:

(f) a person who is the holder of a concession granted by the Minister of Conservation to undertake wild animal recovery operations in accordance with a specified Act:

(g) a person who is employed or engaged by a management agency (as defined in section 100 of the Biosecurity Act 1993) and involved in the killing or hunting of wild animals or animal pests in accordance with that Act. 30 (2) In subsection (1)(e) and (f), specified Act means—

(a) the Wildlife Act 1953:

(b) the Wild Animal Control Act 1977:

(c) the Conservation Act 1987:

(d) the Biosecurity Act 1993.

## **Biosecurity Act**

### **100 Management agencies**

(1) The management agency specified in a plan must be 1 of the following bodies:

- (a) a department:
- (b) a council:
- (c) a territorial authority:
- (d) a body corporate.

The Bill fails to recognize that animal control and commercial harvest of game animals also takes place on private or leasehold land where for example a concession as mentioned in (f) above is not required. We cannot see any other provision in the Bill which addresses this issue. The other provisions of this section concentrate on the person and the activity as opposed to the tenure of the land. This could be addressed by having a class of licence/endorsement called "Professional" with applicable criteria such as:

"a person who is employed or engaged in Aerial wild animal control or Aerial game animal hunting on private land"

This would be reviewed annually require notification of any and have strict storage criteria such as storage at their place of work to again ensure these firearms are only used for the permitted purpose.

We also note that in S30B Power to make endorsement in respect of prohibited firearm or prohibited magazine sets out that in Section 3(b) that the Police can require that they are satisfied that the exempt person has a genuine need to possess the prohibited firearm or prohibited magazine.

- In section 2(1) Definition of part. Where parts of a firearm such as sights and suppressors, are common to both prohibited and permitted firearms they should not be prohibited parts

## **Summary**

Based on the information the Game Animal Council has at present we believe the effects of the Bill will have limited effect on recreational hunters of feral pigs, chamois, tahr and deer.

The Bill does not make allowance for limited capacity sporting type semi-automatic firearms use by hunters and by those with physical limitations.

Provisions permitting the use of 'E' category MSA type centrefire rifles and shotguns for bona-fide professional commercial hunters undertaking wild animal control or game harvest operations on both public and private land need to be included.

Parts common to prohibited and permitted firearms should not be prohibited

We note that while lawmakers and officials can spend their professional time on this issue, most affected people have fulltime jobs and therefore do not have the same time available. In rural areas people may also not have the same access to email. We therefore ask for a reasonable time for submissions and public consultation to ensure robust discussion and fit-for-purpose legislation.

The Game Animal Council would welcome the opportunity to speak to this submission as part of the democratic process for achieving good legislation.. If you have any queries relating to this submission, please contact me on 0274885940.



Don Hammond  
Chair  
NZ Game Animal Council

