



# Forest Owners Association – Submission on the Arms (Prohibited Firearms, Magazines and Parts) Amendment Bill

New Zealand Forest Owners Association Inc  
Level 9, 93 The Terrace  
Wellington 6143  
[www.nzfoa.org.nz](http://www.nzfoa.org.nz)

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## 1. INTRODUCTION

The New Zealand Forest Owners Association Incorporated (NZFOA) is the representative membership body for the commercial plantation forest growing industry. NZFOA members are responsible for the management of approximately 1.2 million hectares of New Zealand's plantation forests and over 80% of the annual harvest.

## 2. GENERAL COMMENT

The Forest Owners Association (NZFOA) is supportive of the intent of the proposed bill including the key principal of removing high magazine capacity MSSA type firearms and their parts from public ownership. The NZFOA believes that the Bill can achieve this objective and be enhanced by the following amendments.

## 3. SUGGESTED AMENDMENTS

### Amendment 1:

Section 4A provides an exemption for the use of a prohibited firearm (high capacity magazine semi-automatic) for wild animal and pest control effectively only on land being specified in the Biosecurity act as:

*Management agencies. The management agency specified in a plan must be 1 of the following bodies:*

- a department
- a council
- a territorial authority
- a body corporate

This exemption for use of a prohibited firearm should be extended so that these firearms can be used for genuine need wild animal and pest control operations on private land by the landowner or their agent.

The additional wording 4A (h) below is proposed:

*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 15 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):*

*(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.*

*(h) a landowner or a person employed or engaged by a landowner that has demonstrated genuine reason to be involved in the killing or hunting of wild animals or animal pests for the prime purpose of pest control and has demonstrated that access to prohibited firearms is necessary for the proposed tasks*

This proposed change will enable efficient wild animal and pest control on private land often neighboring the DoC estate, is in support of conservation, biodiversity, native species protection, commercial forest establishment and is in support of the Government's Billion Trees planting initiative.

The NZFOA represents major rural landowners across New Zealand. In order to establish a successful forest, wild animal pests frequently need to be eliminated. This often involves large scale aerial wild animal pest control operations that require the use of a high capacity magazine semi-automatic firearms to be efficient and successful. For example, one of our member companies shoots 3,000 – 5,000 goats per year from a helicopter across multiple forests to enable forest establishment. This is on a similar scale to DoC pest control operations.

In order to achieve the objective of the Bill it remains important that the suggested change 4A (h) does not become a legal loophole for the retention of prohibited weapons by large numbers of landowners or their agents. NZFOA recommends that the bill further details "demonstrated genuine reason" which should apply to aerial control operations only and defines "wild animals or animal pests" in order to guide Police assessing an exemption application. NZFOA recommends the addition of the following:

*Definition of "demonstrated genuine reason": The mitigation of economic and / or environmental harm arising from the incursion of significant numbers of "wild animals or animal pests" over a large rural area requiring aerial shooting as the most effective control measure.*

*Definition of "wild animals or animal pests": Feral Goats, Deer, Tahr, Pigs, Wallaby's, Canada Geese.*

NZFOA would support the creation of a professional license class for the holding of prohibited firearms for aerial wild animal and pest control.

#### **Amendment 2:**

Section 2D: The Definition of prohibited ammunition does not define any ammunition types.

The NZFOA believes this provision can be enhanced by the inclusion of the following;

#### *2D Meaning of prohibited ammunition*

*In this Act, prohibited ammunition means any ammunition declared by the Governor-Governor by Order in Council to be prohibited ammunition. Prohibited ammunition includes all forms of tracer, incendiary, explosive and armour piercing ammunition.*

The NZFOA notes that such ammunition, particularly tracer, is currently available for purchase in New Zealand, is of military origin, has no use for pest control, recreational hunting or sport shooting and is a fire hazard for forest and rural landowners. Such ammunition has been documented as

causing rural fires and its prohibition would enhance public safety and reduce the risk of rural fire in our communities. An exemption may be required for the film industry to use such ammunition.

**Amendment 3:**

Section 2A & 2B; the meaning of prohibited firearm and magazine does not make it clear if semi-automatic or pump action centerfire rifles with a non-detachable magazine holding no more than 5 shots are to become prohibited as only shotguns are referred to. This can be clarified with the addition wording recommended below.

Section 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:

(B) a semi-automatic *centerfire rifle or* shotgun with a non-detachable tubular magazine or magazines that are capable of holding no more than 5 cartridges commensurate with that firearm's chamber size:

(ii) a pump-action *centerfire rifle or* shotgun that is capable of being used with a detachable magazine:

(iii) a pump-action *centerfire rifle or* shotgun that has a non-detachable tubular magazine or magazines that are capable of holding more than 5 cartridges commensurate with that firearm's chamber size; and

(b) includes any other firearm declared by Order in Council made under 10 section 74A to be a prohibited firearm for the purposes of this Act.

NZFOA members frequently undertake ground wild animal and pest control operations and allow recreational hunting in its forest estates. Semi-automatic or pump action centerfire hunting rifles with a non-detachable magazine holding no more than 5 shots are relatively common for these activities such as Browning BAR semi-automatic hunting rifles. The addition of the suggested amendments provides clarity for land owners about the definition of prohibited types of sporting firearms and strengthens the intent of the act through improved definition of high capacity MSSA firearms vs. sporting firearms.

In summary, NZFOA fully supports the intent of the Bill to prohibit high magazine capacity MSSA type firearms from public ownership and therefore improve public safety. The NZFOA proposed amendments highlight the need for limited and genuine need exceptions to the prohibition and makes suggestions to improve the clarity of the bill with respect to prohibited firearm and ammunition definition. NZFOA welcome further discussion on these matters should this be required.

Signature



Grant Dodson, NZFOA Executive Council