



Vertebrate Pest Managers Association of Australia Inc

c/- 1/19 Capital Drive

Grovedale VIC 3216

☎ 1300 257 774

0433 706 605

www.vpmaa.org.au

contact@vpmaa.org.au

About the VPMAA:

The Vertebrate Pest Managers Association Australia (**VPMAA**) is an independent, not-for profit association. Members are Commercial Operators in Vermin Destruction, Commercial Wildlife Controllers or Professional Pest Controllers licensed by their respective states governments departments, to undertake activities such as, the survey of and/or destruction of vertebrate pests on public and private lands, through recognised treatment methods, such as tranquilizing, baiting, trapping, ripping / LPG, and ground or aerial shooting.

Examples of government regulatory bodies includes the Department Of Primary Industries, the Department of Environment, Land, Water and Planning (VIC), the Office of Environment and Heritage (NSW) and the relevant state Police Forces, that are responsible for firearms licensing.

VPMAA's Objectives are:

1. Support all registered members of the Association.
2. To promote professionalism throughout the Vertebrate Pest Management industry.
3. To negotiate better working conditions for all members.
4. To liaise with Government departments and bodies where appropriate.
5. To educate members regarding new methods of practice within the industry.
6. To promote a good public perception of Vertebrate Pest Managers within the community.

Submission re NSW Draft Explosives Regulation 2021:

The VPMAA bases its expectation on all regulators of the shooting industry adhering to the COAG Best Practice Regulation Code, of which NSW is a signatory of. This code requires:

1. Establishing a case for action before addressing a problem;
2. A range of feasible policy options must be considered, including self-regulation, coregulation and non-regulatory approaches, and their benefits and costs assessed;
3. Adopting the option that generates the greatest net benefit for the community;
4. In accordance with the Competition Principles Agreement, legislation should not restrict competition unless it can demonstrate that:-
 - a. The benefits of the restrictions to the community as a whole outweigh the costs, and
 - b. The objectives of the regulation can only be achieved restricting competition
5. Providing effective guidance to relevant regulators and regulated parties in order to ensure that the policy intent and expected compliance requirements of the regulation are clear;
6. Ensuring that regulation remains relevant and effective over time;
7. Consulting effectively with affected key stakeholders at all stages of the regulatory cycle; and
8. Government action should be effective and proportional to the issue being addressed.

Unfortunately, the proposed amendment is not in keeping with the Best Practice Regulation Code and additionally demonstrates a lack of knowledge or understanding of firearms, and the varying properties of different manufacturers propellants.

For example, different propellant powders each have differing characteristics (e.g. burn rates, refer: <http://www.adiworldclass.com.au/burning-rates/>) and hence suitability for use in the manufacture of small arms ammunition.

Factors affecting the suitability of a propellant powder for use in a firearm, include variables such as:

- Environment variables – examples include:
 - Changes in temperature affect powders differently, affecting the velocity and accuracy of a cartridge;
 - Altitude the cartridge is being fired at, will affect the ballistics and accuracy of the rounds;
 - Wind velocity will affect various projectiles differently, reducing their accuracy. This can lead to a situation where a different projectile or calibre will be used, during windy situations, to reduce the affect by the wind upon the cartridge being used to ensure the humane destruction of a targeted pest species.
- Firearm variables – examples include:
 - Calibre of the firearm. Different calibres are required depending upon the pest species being targeted, to ensure its' humane destruction. For example, a .22 calibre firearm that may be used to remove a small vertebrate pest such as a rabbit, is not capable of guaranteeing the humane destruction of a larger vertebrate pest such as a deer. Due to this different calibres are required, and each calibre is typically suited to the use of a limited number of propellants powders, that are also dictated by projectile weight and barrel length;
 - Weight of the projectile. Different projectiles are utilised in the development of a cartridge that is suited for the situation, for where it is to be employed. This can be dictated by factors such as the pest species being targeted, with a lighter varmint type projectile being employed for situations such as destruction of a wild fox in a rural setting. Whilst a heavier bonded type of projectile would be used, when feral deer are being targeted in a rural setting. Conversely projectiles may be selected to reduce the potential for over penetration, such as when a projectile suited for use in subsonic cartridges may be employed when requirements dictate the destruction of a target species in a non-rural environment.
 - Barrel Length. The length of the firearms barrel affects the velocity that a firearm can achieve, with a particular projectile type and projectile weight. To achieve the desired velocity and to load the cartridge to find what is referred to as an 'accuracy node' (where the firearm is able to consistently and repeatedly be fired and group the projectiles in a small and accurate group), requires the use of different powders that are suited to the burn time and safe pressure levels, that the length of the barrel allows for.

Whilst the above list of variables is not a definitive list, it can be seen that multiple factors affect the development of accurate ammunition, that is suited for the situation that it is to be safely employed within. And that correspondingly, no single propellant powder can meet the requirements to allow firearms users to be able to develop a SAFE and suitable load to meet their requirements. Due to this,

firearms users must utilise a range of propellant powders to safely reload, and humanely remove pest animals. Needing to use a range of powders, therefore requires people to be able to access, possess and store several different propellant powders, and in a quantity sufficient to meet their business or sporting requirements.

Apart from the technical issues highlighted above, this amendment also fails to consider the issues surrounding the availability of propellant powders in Australia. These include:

- The primary supplier of propellant powders to the Australia market (namely Australian Defence Industries [ADI]) ceasing to offer several of their commonly used powders in 500gram bottles, instead now standardising upon 1kg or 4kg containers. When combined with a reloaders need to utilise several different propellant powders, this can quickly see the total propellant needing to be stored quickly adding up and/or exceeding 12kg.

See: <http://www.adiworldclass.com.au/2021/04/16/propellant-update-rifle-powder-update/>

- Currently limited if any supplies of propellant powders are being imported into Australia, be it due to commercial decisions and/or the limited availability of overseas manufactured propellants, due to worldwide shortages.
- Manufacturing issues limiting the availability of powder. After several years with issues developing a replacement range of shotgun and handgun propellant powder, that has seen limited quantities of propellant being available to the market, due to the commissioning of a new powder production facility, ADI has recently advised the market that no shotgun and handgun propellants shall be made for the foreseeable future. This has left a massive hole in the market, and additionally forced users of these propellants to 'stock up' on what propellant they have been able to source, before the existing retails supplies are exhausted.

See: <http://www.adiworldclass.com.au/2021/03/26/propellant-outlook-the-aps-situation/>

- Transport issues limiting the availability of powder. For several years now, the availability of propellant powders has been severely hampered due to prior changes to the Explosives Regulations / W&HS Acts, in regards the transport and commercial storage of propellant in NSW. This has seen supplies being impacted, with transport companies being either unable to transport powder into NSW or being limited on non-specially equipped trucks being able to a maximum of 50kg of propellant, thereby making it uneconomical for transporters to provide the service. For those transport companies that have continued to distribute propellant to retails in NSW, be it in a shipment maximum of 50kg (or 200kg for specially equipped trucks), this has seen said trucks that service a large geographical area for a 'run', delivering this 50kg or 200kg to multiple retailers in a large area upon their irregular servicing of these areas. This now sees the situation where a truck carrying 50kg, have multiple gun shops vying for this limited stock, that may come once a month. Compounding this, said gun shops can be servicing the needs of thousands or multiples of thousands of firearms users seeking to obtain propellant powders.

See: <http://www.adiworldclass.com.au/2021/04/09/propellant-update-regional-outlook/>

As can be seen from the issues described above, firearms users in Australia are in the situation that they need to maintain sufficient propellant powder to allow them to continue their business operations (or sporting pursuits for recreational users), without additional restrictions and limitation upon commerce being imposed. Given the above issues detailed above, the amount of propellant powder that a firearms user needs to keep on hand has to also factor in those supplies may take a number of years to become available, from when their have ordered them. This needs to be factored into any proposed amendments to the NSW Explosives Regulations, that are being proposed.

Given the above, IF the Explosives Regulations are amended, the VPMAA puts forward the following suggestion that a tiered exemption system for a person who holds a license or permit under the Firearms Act 1996 be added to the Explosives Regulations 2021, with this tiered system allowing for:

- Tier 1 (Default) - An automatic exemption to the Explosive Regulations, allowing up to 12kg of propellant powder to be possessed, use, stored or transported.
- Tier 2 – An optional exemption to the Explosive Regulations, allowing up to 50kg of propellant powder to be possessed, use, stored or transported.

Simple and non-burdensome requirements could be seen is storing more than 12kg, and up to 50kg at a single residence, such as storage in a secure wooden container and that 1.3c signage be displayed in the vicinity.

This optional exemption allowing up to 50kg of propellant, would require the notification of this fact to the relevant authorities by license or permit holders, and could be implemented by the publishing of a form upon the ServiceNSW and/or NSW Police Force Community Portal.

The limit of 50kg is as per SafeWork Australia's 'Australian Code for the transport of explosives by road or rail 3rd edition' (<https://www.safeworkaustralia.gov.au/doc/australian-code-transport-explosives-road-and-rail-3rd-edition>), and ADI Australia (Australian Munitions) lists, that Division 1.3 propellant powder has a "low" flammability hazard rating. With propellants in Division 1.3 a "low risk" quantity is anything up to 50 kg.

Risk Categories for Explosives

Type of Explosives (2)	Quantity per Vehicle (1)		
	Category 1 (Low Risk)	Category 2 (Moderate Risk)	Category 3 (High Risk)
Division 1.1 A (3)	Transport must be specifically approved by the Competent Authority		
Detonators of 1.1B	≤125 items	>125–5000 items	>5000 items
All other Division 1.1	≤5kg	>5–250kg	>250kg
Division 1.2	≤5kg	>5–250kg	>250kg
Division 1.3	≤50kg	>50–1000kg	>1000kg
Detonators of 1.4B or 1.4S	≤125 items	>125 items	n/a (5)
All other Division 1.4	≤250kg	>250kg	n/a (5)
All other Division 1.4 S (other than Detonators)	Any quantity	n/a (5)	n/a (5)
Division 1.5	≤25kg	>25–250kg (4)	>250kg (4)
Division 1.6	≤25kg	>25kg	n/a (5)

Australian Code for the transport of explosives by road or rail 3rd edition – Table 2.1

If the proposed amendments, limiting license or permit holders to a maximum of 12kg of propellant powder per residence, are adopted this shall constitute a restriction upon private enterprise and commerce based within NSW, whilst also unfairly disadvantaging private vertebrate pest controllers against interstate competitors and public enterprise.

In addition to affecting vertebrate pest controllers based in NSW, this will also have a flow on affect, due to vertebrate pests being unable to be managed and affecting the following sectors:

- Primary Industry (examples include);
 - Cultivators – Suffering crops damaged or destroyed due to increased pest population growth and activity.
 - Graziers - Increased livestock losses due to increased pest population growth and predation upon livestock, and/or reduced livestock numbers due to contest for available feed.
 - Forestry – Losses due to increased pest population growth and damage to stock, such as caused by wild deer and feral pigs.
- Biodiversity implications, including:
 - Ecological damage arising from the increased invasive species population growth and geographical spread, such as seen with rabbits and hard hoofed animals (i.e. wild deer and feral pigs) and their causing erosion and damage to waterways.
 - Native species of flora and fauna impacted by the increased invasive species population growth and geographical spread, including the transmission of diseases, and predation upon native species, affecting native's species population numbers and potential to be driven to endangered or extinction levels.
- Food Supply – the above all contributes to affect the levels of food that Australian farmers can produce for local and export markets. If food production levels is affect this is reflected with increased prices in the local market, and reduced GDP from export sales.

Given the above, the Vertebrate Pest Managers Association of Australia (VPMAA) is decidedly against any amendment to the Explosive Regulations, that will further limit the storage of propellant powder. Instead, the VPMAA would call for the adoption of the tiered storage model (as per detailed above), that would align the Explosive Regulations with SafeWork Australia standards for these propellants that fall under Division 1.3c, that classify up to 50kg as a Low Risk, whilst also allowing vertebrate pest controllers to operate without restriction of trade due to regulatory and supply chain limitations.

Thank You,

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