



Still Strong after 35 Years - Steeds Sterk na 35 Jaar

The Secretary for Police Service

Attention: Mr M Ntwana

1 August 2021

Civilian Secretariat for Police Services
Van Erkom Building
Van Erkom Arcade
7th Floor
217 Pretorius Street
Pretoria
0001

Per Email: comments.fcabill@csp.gov.za

SUBMISSIONS BY THE SOUTH AFRICAN GUNOWNERS' ASSOCIATION (SAGA) ON THE DRAFT FIREARMS CONTROL AMENDMENT BILL, 2021

I refer to the above matter and advise that I am the Chairperson of the South African Gunowners' Association (SAGA), one of the oldest firearm rights organisations in South Africa.

SAGA has been representing the rights of firearm owners for more than 35 years.

On behalf of the South African Gunowners' Association (SAGA), I address these submissions on the Draft Firearms Control Amendment Bill, 2021 ("Bill") to the Civilian Secretariat for Police Service ("CSOP") on behalf of our members.

We place on record that an inadequate amount of time has been given to sufficiently and properly comment on the Bill and thus SAGA objects to the Bill in its entirety.

None-the-less in the inadequate time allocated to make submissions on the Bill, please find below our main submissions as well as a Schedule of Submissions which must be read in conjunction with this document.

We trust that our submissions will be seriously considered and should you require any further elaboration herein, please do not hesitate to contact me directly.

THE SOUTH AFRICAN GUNOWNERS' ASSOCIATION

Per 

DAMIAN ENSLIN SAGA Chairperson

**SUBMISSIONS BY THE SOUTH AFRICAN GUNOWNERS' ASSOCIATION (SAGA) ON
THE DRAFT FIREARMS CONTROL AMENDMENT BILL, 2021**

1 Procedural Issues with the Bill

- 1.1 The Preamble to the Bill was publicised on the 21st May 2021, whilst the Bill itself was only publicised on the 24th May 2021, after many firearms organisations and the general public queried this oversight.
- 1.2 Further only after the further intervention by a number of organizations, and a joint High Court action by SAAADA and CHASA, was the time period for responding and making submissions to the Bill extended to the 2nd August 2021, and reluctantly the Ministry of Police Report of the Committee on Firearms Control and Management in South Africa (“The Report”) and Wits School of Governance Report (“WSG”), were released to the general public.
- 1.3 SAGA reserves its rights herein to comment further and submit further submissions in the event that further information and documentation is released by government with respect to the Bill itself, after the final closing date of submissions.

2 Lack of Stakeholders Consultation

- 2.1 The Civilian Secretariat for Police (“CSOP”) has a legal duty to consult with relevant stakeholders and role players and this is established in terms of Section 5 (d) & (e) of the Civilian Secretariat for Police Service Act, 2011 (Act No.2 of 2011), which states as follows:

(d) liaise and communicate with stakeholders;
(e) implement a partnership strategy to mobilise roleplayers and stakeholders to strengthen service delivery by the police service to ensure the safety and security of communities;
- 2.2 SAGA was not consulted with respect to the Bill and nor were any of the other firearm associations/ organisations/ groups.
- 2.3 No accredited sports shooting, hunting or collectors associations, organisations or confederations or groups were consulted.
- 2.4 There was no consultation with the Licenced Firearm Dealers, Security Providers, Training Providers, corporate business entities, gunsmiths, the film industry, professional hunters and many other interested parties and the general public at large.
- 2.5 The entire Bill should therefore be struck down on this issue alone.

3 Constitutional Issues with the Bill

Whilst the Constitution of the Republic of South Africa, Act 108 of 1996, (“the Constitution”) does not contain the right to bear arms as does the Second Amendment of the United States of America, it does, however, in the Bill of Rights, contain certain fundamental and inalienable rights.

Foremost of these is the right to life. It further guarantees all citizens, amongst others, certain other rights which, read in conjunction with each other, clearly indicate the unconstitutionality and the illogical nature of the proposed Bill as set out below:

3.1 The Right to Equality:

Section 9 of the Constitution - Section 9(3) states that: “The state may not discriminate directly or indirectly against anyone on one or more grounds...”

3.1.1 By removing the right to possess a firearm for self-defence and personal protection, the draft bill seeks to discriminate against all legal and law-abiding citizens by removing their right to defend themselves against illegal attacks. This will be dealt with in more detail below.

(i) – the Draft Bill, in the proposed new section 2(a), states that the purpose of the Act is to “...secure and protect civilians...” In this regard the state has failed.

3.1.2 The police are unable to perform their Constitutional obligations set out in Section 205 (3) of the Constitution which are: – “The objects of the police are to prevent, combat, and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property and to uphold and enforce the law.”

3.1.3 This they have failed to do and therefor citizens have the right to protect themselves and others in private defence or in matters of necessity.

3.1 The Right to Life:

Section 11 of the Constitution – The Right to Life

3.2.1 Everyone has the right to life. This is an absolute right and citizens have the right to protect themselves as well as others against an unlawful and unjustified attack.

3.2.2 In this regard Criminal Law provides for the use of force to repel an unlawful attack upon the life of a person or another person’s life. By repealing Sections 13 and 14 of the FCA this right to defend oneself against loss of life is violated.

3.3 Freedom and Security of the Person:

Section 12 (1)(c) of the Constitution – “To be free from all forms of violence from either public or private sources.”

3.3.1 This Right is impinged upon by denying a firearm for self-defence and is therefore a violation of this right.

3.4 Freedom of Artistic Creativity:

Section 16 – Section 16 (1)(c) of the Constitution

3.4.1 Collectable firearms in many instances displays the gun-maker's art in delicate engraving, wood finishing and other embellishments.

3.4.2 This is what makes them not only extremely rare, but also valuable and therefore collectable. The removal of Section 17 from the Firearms Control Act 60 of 2000 (referred to as the FCA) therefore deprives all collectors of their property.

3.5 Freedom of Association:

Section 18 of the Constitution

3.5.1 The amendment of Section 16, and the repeal of Section 17 and Section 18 of the FCA, in effect means that dedicated sports shooters' and dedicated hunters' freedom to belong to accredited associations, to possess a number of firearms because of their membership of such accredited organisations, would now be affected, and all collectors associations will cease to exist.

3.5.2 In most instances these associations have employees who will lose their jobs and income. This is also a violation of section 22 of the Constitution. See below.

3.6 Freedom of Trade, Occupation and Profession:

Section 22 of the Constitution

3.6.1 Every citizen has the right to choose their trade, occupation or profession freely. By repealing Sections 17, 18 and 93, and amending Section 16 and 16A of the FCA, a gross violation of both Sections 22 and 25 of the Constitution will take place.

3.6.2 Collectors engage in the reloading of ammunition to save costs and to improve ballistic performance of ammunition as well as in some instances with respect to rare calibres, where factory ammunition is not available. The repeal of these sections is a serious violation of a person's rights.

3.7 Property:

Section 25(1) of the Constitution No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.

3.7.1 The Bill does exactly that by depriving gun-owners, collectors and ammunition reloaders the right not only to protect themselves but also to choose to possess firearms for legal purposes.

3.8 Section 36 – Limitations on Rights:

3.8.1 The proportionality enquiry will require an assessment as to whether there is proportionality between the harm done by repealing Section 13 and 14, and the amendment of Section 16, 16A and the repeal of Section 17, and amendment of Section 20, among others, and the purpose the proposed Bill seeks to achieve. If the harm is disproportionate to the benefits, the limitation is not justifiable.

3.8.2 The harm done by repealing Sections 13 and 14 of the FCA is that it will prevent a citizen from continuing to own a firearm for the purposes of self-defence and may potentially thereby infringe upon a citizen's right to life, their right to bodily integrity and to be free from all forms of violence, as well as the right to property and freedom of association.

3.8.3 The envisaged benefit from this harm is that it will lead to a decrease in the proliferation rate of firearms within the Republic and the amount of violent crime. The state's rationale for wanting to enact the proposed Bill was that by preventing citizens from owning firearms for self-defence, criminals would no longer be able to steal these firearms from citizens and use them in the commission of violent crimes.

3.8.4 Whilst criminals will no longer be able to allegedly steal these firearms from citizens and use them in the commission of other violent crimes, it does not necessarily mean that there will be a reduction in the number of violent crimes committed with the use of a firearm.

3.8.5 Criminals will still remain in possession of their own illegal firearms and will continue to use them to commit violent crimes such as armed robbery and murder. The only difference is that a criminal will now no longer be able to rob a person of their firearm since the person will not be in possession of a firearm for the purposes of self-defence. This then leaves people, who once owned a firearm for the purposes of self-defence, in a position of vulnerability. When they are faced with any lethal attack or violent situation, they will no longer have their firearm to rely upon.

3.8.6 The theft and loss of firearms from government departments such as the SAPS and SANDF, is one of the main sources of the illegal pool of firearms in South Africa and this will more than likely continue and criminals will always find a way to lay their hands on illegal firearms.

4 GENERAL OBJECTIONS / COMMENTS ON THE BILL TO BE READ IN CONJUNCTION WITH THE ATTACHED SCHEDULE

We have referenced the current sections of the Bill and have replied in detail to the most pertinent sections of the Bill, and where we may not have specifically referred to a section of the Bill, same is objected to in its entirety as if we had specifically responded

thereto. The below must be read in conjunction with the attached Schedule which contains a response to each section of the Bill.

4.1 Ad paragraph 7 Amendment of Section 6 – Limitations on Youth Shooters

4.1.1 We object to these provision as they will slow down or stop the development of young national shooters who often develop by age 14 to 16 and are at their prime. The provision is further problematic and could result in situations where:

4.1.2 A junior shooter has been supervised or coached by a parent, or older shooter, and the latter has not held a license for a similar type of firearm for at least 3 years.

4.1.3 Examples could be where the junior participates in either small bore or full bore target rifle events and the older shooter possesses a hunting rifle.

4.1.4 This would entail that older persons, complying with these provisions, coaching juniors in a particular discipline, would always have to be available when the junior participated, to comply with this oppressive condition.

4.2 Ad paragraph 10 Amendment of Section 9 – Competency Applications from 18 years of age

4.2.1 The proposed amendment will delay the development of junior sport shooters and hunters with substantial sporting and/or hunting ability, and they will be discriminated against because of their age.

4.2.2 Many national and international sports shooters are already competing at a national or international level by the age of 14, 15 or 16 years of age, and if they had to wait potentially to 18 years of age to obtain competency certificates, they may already have developed other interests, and be lost to sports shooting and/or hunting.

4.2.3 The inclusion of the requirement to attain competency for dedicated sports person, dedicated hunter, and professional hunter, is irrational.

4.2.4 Changing of the validity of competencies to a 5-year period will increase the already overburdened workload of the Registrar and does not take into account the reality of the reasonable ability of the administration to successfully complete their tasks implied by proposed changes (the Registrar is as it is, already seriously struggling to fulfil its duties within the current legally prescribed time frames).

4.2.5 In our view competencies should be valid for at least ten years.

- 4.3.1 The proposed deletion of section 13 of the Firearms Control Act, No. 60 of 2000 and that self-defence will not be allowed as a ground for an application for a license to possess a firearm, is a serious indictment against the Minister of Police, the National Commissioner and the whole of the South African Police Service. It clearly demonstrates the police's inefficacy and incompetence to uphold law and order and to ensure that the inhabitants of the Republic feel and are safe.
- 4.3.2 Section 205 of the Constitution of South Africa clearly defines the purpose and activities of the SAPS, however, only in the exceptional cases do they succeed in preventing and solving crime. In most instances they do not uphold law and order and they do not install any confidence in the population. Most inhabitants fear the police and feel unsafe in their presence and many are reluctant to call the police to attend to any crime. In addition, the fact that some elements within SAPS steal and lose firearms and ammunition, and that police uniforms are frequently used by criminals, further contribute to the nation's feeling unsafe and unprotected.
- 4.3.3 In the meantime the Minister has approved a budget in excess of R1,7 billion for so-called VIP protection. This is tax-payers' money that is being abused for the protection of the President, Ministers and other dignitaries. What makes these people more equal than ordinary citizens? If South Africa is so peaceful and crime-free that the government believes that responsible and law-abiding citizens do not require firearms for self-defence, then that R1,7 billion budget could be used elsewhere. Any government official who denies ordinary free, responsible and law-abiding citizens the right of self-protection is not worthy of protection of him or her self, especially if paid for by the tax-payers.
- 4.3.4 With crime at its highest levels ever and the distrust in the police service at its lowest, including that the SAPS have been captured by corruption, the focus must be on law enforcement and not on the disarmament of the responsible and law-abiding citizen. The fact of the matter is that criminals commit crime and SAPS should arrest them, and if SAPS not enforcing the law, this sends out the wrong message, a message that criminals are tolerated and could do as they please. When the police start showing that they are serious about crime-fighting, we as law-abiding citizens will start feeling safe, however, we do not see this and most people do not feel safe.
- 4.3.5 The average response time by SAPS to attend a crime scene is probably in the region of 30 minutes, if not longer. Obviously, in rural areas it takes them much longer to get to such crime scenes. The responsible free and armed citizen remains the most effective first responder to crime. No responsible and law-abiding person wants to take the law into her or his own hands – she or he rather wants the police to respond. A firearm for self-defence should preferably never be used for its intended purpose, but it must be practised with and be ready for use if needed. It is the very last resort to stop a violent and unlawful attack on free men and women. Self-defence is the only means that the ordinary responsible law-abiding citizen has to ensure that her or his constitutional right to life and physical integrity is exercised.

- 4.3.6 With the violent crime rate what it is in the rural areas, farmers and others living in those areas, do not take kindly to disarmament. Since the crime scenes will be vacated long before the police arrive on such scenes and the criminals would have fled, in many cases across the borders, such victims would have no recourse if their defensive weapons were removed. The current situation is clear, many violent crimes in rural areas are unresolved and criminals are never apprehended.
- 4.3.7 Farmers do what they do best, and that is to provide food for the nation and to create employment. They should be protected as much as possible, but do we see this? The answer is an emphatic NO. In terms of section 205 of the Constitution of the RSA, the police have a constitutional duty to protect the citizens of the Republic, however, this has never happened and probably never will. Currently there is about one police official for every 30 000 citizens, bearing in mind that we have a top-heavy police service, where a large number of police officers do not walk beat, do not do fight crime and are probably incapable of doing so.
- 4.3.8 The majority of law-abiding citizens seldom carry firearms, they keep them at home as a last resort to respond to violence; some carry them when they travel long distances or through unsafe areas. But this should not prevent people from carrying their firearms should they wish to. The Constitution of the RSA gives free citizens choices – to make responsible choices in accordance with their freedoms, to protect their own lives and to prevent serious and violent crime. We believe torture, rape, serious assaults and murder will increase drastically if the right to choose to own firearms for self-defence is removed.
- 4.3.9 The law courts are well-equipped to decide on the guilt or innocence of an accused. A person is guilty only once he or she has been proven guilty. Government may not punish people because of the mischief of a few or because the police or prosecutors did not do what the Constitution demands. Why should the executive intervene in this process? The Minister of Police has a duty to ensure that the SAPS carry out their constitutional and statutory mandate.
- 4.3.10 By proposing to remove the right of law-abiding citizens of this country the right to own a firearm for self-defence, and cutting the budget of the Police, you will be putting millions of citizens at the mercy of criminals who have no respect for the law and will use their illegal firearms to create mayhem which the Police would not be able to stop.
- 4.3.11 These proposals are in violation of Chapter 2 Section 11 of the Constitution which guarantees every South African the right to life. These proposals will take away the most effective means which ordinary law-abiding citizens can utilize to defend themselves in a violent situation. Why should the citizens of the country not be allowed to defend themselves when ministers have armed guards for protection?
- 4.3.12 Unfortunately, our government and police force has failed in their constitutional duty to protect the citizens of this country and our members are regularly exposed to life threatening situations in particular, women and children. Do you really want to remove the constitutionally enshrined right to self-protection which all citizens have? This will certainly embolden the criminals even more.
- 4.3.13 It is difficult to understand the reasoning on the matter of banning the use of

firearms for self-defence. In many cases housebreakers and home invaders force their way into a victim's property, often with extreme violence or torture.

- 4.3.14 Newspaper reports indicate that a great many cases of robbery and housebreaking feature multiple assailants and extreme violence which often includes torture of the victims but there are also reports of would-be robbers fleeing because the victims were armed and able to fire some shots at them.
- 4.3.15 Banning the use of all firearms for self-defence would seem to be illogical and in some cases positively life-threatening, especially in the case of senior citizens and the partly disabled (a person in a wheelchair, for example, is perfectly capable of defending him/herself if he/she still has the use of at least one arm).
- 4.3.16 It seems clear, therefore, that armed householders are less likely to be murdered or violently robbed, at least partly because of the knowledge that a householder might be armed is actually a real deterrent to criminals in at least some cases.
- 4.3.17 Inability by SAPS to respond to or Prevent Crime. The SAPS has for the past 25 years been woefully unable to respond to cases of crime let alone prevent crime, especially violent crime.
- 4.3.18 Lack of Effective Enforcement. The Bill states that "the Firearms Committee, in its research found that gun violence was one of the main contributors to the cause of death in South Africa and that evidence showed that strengthening national gun laws, coupled with effective enforcement of gun laws, contributed to the reduction of gun deaths as well as violent crimes". The FCA did strengthen the national gun laws but there was virtually no effective enforcement of the law to remove the illegal firearms. It is therefore extremely unlikely that the SAPS will now be in a better position to effectively enforce gun laws and the elimination of illegal firearms about which the SAPS have no idea of the quantity or location.
- 4.3.19 Violent Crime. Throughout South Africa there are ever increasing incidents of
- a. violent hijackings of vehicles and life threatening attacks on the occupants,
 - b. murder,
 - c. rape,
 - d. grievous bodily harm attacks on individuals and communities, and
 - e. arson, looting of property and businesses including local and national state property.
- 4.3.20 Considering that it is impossible that police could protect each and every person in this country around the clock, allowance must be made for the law abiding citizens to protect themselves until law enforcement can take over and protect and serve. This is true for urban areas and even more so for rural areas, where help from police is often not minutes but hours away. This news report from April 2021 (<https://www.iol.co.za/saturday-star/news/enormous-forensic-report-backlog-lambasted-as-a-violation-of-victims-rights-1257f874-0f23-45a2-96c8-00f2a651058c>) shows that over 80% of murders in South Africa go unsolved. Instead of concentrating SAPS's efforts on the solving of murders and violent

crime, it is unbelievable that urgently needed policing man-hours are proposed to be diverted to making the law abiding defenseless and even more vulnerable. Particularly in the face of budget cuts for the police.

- 4.3.21 If more proof of this point is needed, a look at the widespread looting, public violence and insurrection which happened especially in KZN and Gauteng province in the aftermath of the arrest and incarceration of former president Jacob Zuma after the 11th July 2021, shows clearly that SAPS was overwhelmed, ill prepared, ill equipped, had – by the admission of the Ministers in the Security Cluster “no intelligence”, and often stood idly by, watching the mayhem unfold. This insurrection cost many lives, destroyed countless companies and thousands of jobs, caused still ongoing shortage of basic essentials and traumatized wide parts of the population.
- 4.3.22 It was only after private citizens, private security companies, and firearms and ammunition dealers helped SAPS with manpower and resupplied them with ammunition and firearms, stood guard and protected shops, malls, companies and infra structure, that calm could be restored. Government’s decision to deploy soldiers of the SADF happened too late, on a too small scale and in too few areas, to have the intended impact. The deployed soldiers only managed to maintain some calm after order was largely restored, thanks to massive efforts by those law-abiding people who the Bill seeks to disarm.
- 4.3.23 To add insult to injury, through bureaucracy, inability to foresee consequences of inflexible doctrine and bungling at the hands of the SAPS, a container with over 1.2 million rounds of ammunition was forcibly taken from the Durban shipyard, where it was under police guard, and brought to an unsecured warehouse on the insistence of SAPS – and against the pleas of the importer of said ammunition – only for the warehouse to be looted and the ammunition to disappear. All this establishes without any doubt that SAPS is not able to adequately fulfill its mandate of protecting the law abiding in this country and to control violence and crime. Instead, it is proven again and again that elements within SAPS are, deliberately or through incompetence, supplying firearms and ammunition to the criminal elements that plague society.
- 4.3.24 Particularly the most vulnerable of society are facing the brunt of criminals, as can be seen by the figures of Gender Based Violence (GBV). How else than with a firearm would a woman of average or smaller build protect herself against a violent male aggressor? On reflection, the removal of self-defence firearms makes a mockery of any statements by Government condemning GBV and undertaking to eradicate this scourge. If anything, it should be made easier for law abiding people to own self-defence firearms.
- 4.3.25 Our objections to the proposed changes is based further on the fact that no factual evidence exists that the above changes will result in a reduction in crime, and specifically crime committed with firearms.
- 4.3.26 Rather it is based on the hope that making ownership of legal firearms even more onerous will somehow trickle down to limiting supply of the criminal’s tools of their trade, whereas SAPS and government should focus on criminal activity and illegal firearms in the hands of criminals.

- 4.3.27 Finally CFR and SAPS has over a period of more than 17 years now, since the implementation of the FCA on the 1st July 2014, issued many hundreds of thousands, if not close to a million or more, licences for self-defence, and on each occasion the applicant had to show a need for the firearm and further that the applicant could not reasonably satisfy that need other than by means than the possession of the firearm.
- 4.3.28 If CFR and SAPS have many times over recognised and accepted the fact that there were many hundreds and thousands of applicants who were entitled to such firearms for self-defence – what has changed so dramatically that such persons are no longer entitled to a firearm for self-defence.
- 4.3.29 Government and SAPS have given no real explanation herein, and thus the Repeal of section 13 and 14 is unreasonable.

4.4 Ad paragraph 16 Amendment of Section 15

- 4.4.1 The insertion imposes a new burden on applicants for a license under Section 15 who has to either be the owner or lawful occupier of the property where shooting or hunting will take place, or, requires written permission by the owner or lawful occupier of the property to shoot or hunt there.
- 4.4.2 This precludes a situation where licenses are obtained under this section, and the firearms are simply kept and not used. Obviously, once permission is obtained, this situation would disappear. A letter from a farmer or proof of joining a shooting club would probably suffice.

4.5 Ad paragraph 17 Amendment of Section 16 – Dedicated Sports Shooting and Dedicated Hunting

- 4.5.1 Firstly, there is an arbitrary restriction on the number of firearms permitted. For those of our members who participate in multiple and/or different disciplines, the restrictions will effectively lead to the demise of many of the sports and hunting accredited organisations. As an example, someone who shoots four disciplines at a reasonable level of proficiency, especially in more than one division, will not be able to do the same anymore.
- 4.5.2 The Bill takes no cognisance of, and shows little insight into, the various bona fide uses of firearms.
- 4.5.3 This is best illustrated by the below example;

A dedicated hunter, who is also a dedicated shotgunner, as well as a dedicated long range precision shooter, is limited to a total of eight weapons.

As regards hunting, a dedicated hunter requires firstly a dispatch weapon to dispatch wounded animals at close range. This is most often a handgun. Secondly, a weapon for long range hunting in the region of 300 metres and further is required. This needs to be a magnum calibre rifle with the necessary range to effectively and efficiently kill an animal at that range. Thirdly, a heavy calibre rifle for hunting dangerous game such as buffalo is required. The above weapons

are not interchangeable – in other words, the long range weapon cannot be used on dangerous game and vice versa. Fourthly, a lighter calibre weapon for hunting smaller game such as springbok and blesbok is necessary as the long range weapon will unnecessarily damage a significant proportion of the meat. The heavy calibre maybe suited to short distances in the range of 50 to 100 metres. If the hunter also participates in wing shooting he will require a shotgun.

Already the firearm owner has five weapons.

What is he then to do if he is dedicated black powder shooter as well as a clay pigeon shotgunner? He has only one weapon left that he can legally own whereas he requires both a over under shotgun for clay pigeon shooting and a black powder muzzle loader for black powder shooting.

This forces the firearm owner to choose his or her sports and/or hunting activities and is possibly an unconstitutional infringement on his freedom of choice in what he does for sport.

Similarly, a dedicated IPSC sports shooter who hunts and does clay pigeon shooting will experience similar problems.

If the firearm owner is an occasional hunter and sports shooter the limitation is even more stringent.

The consequence of this regulation will effectively mean the death knell for sports shooting [including but not limited to Bench Rest precision shooting; long range precision shooting; clay pigeon shooting; IPSC shooting and black powder shooting].

4.5.4 The economic consequences and loss of jobs will be devastating to the economy.

4.5.5 It is submitted that the current Act and Regulations regarding dedicated shooters are more than adequate to limit firearms bona fide used for sport shooting and hunting. Effective policing will ensure the status quo remains.

4.5.6 Ad paragraph 17 (e) (5) Reduction in Number of Firearms to six (6)

4.5.6.1 This is completely unworkable as many sports shooting organisations and disciplines utilise different sets of firearms for different categories of competition. Some of our members are also members of multiple accredited sports shooting and hunting bodies and so compete in different styles and types of shooting. For example, a member could be involved in cowboy action shooting, then defensive pistol shooting as well as in long range precision shooting. Each accredited sports shooting organisation will require its own set of firearms and has multiple disciplines within the type or style of shooting.

4.5.6.2 Similarly a dedicated hunter often requires a battery of different rifles and shotguns, to deal with different terrains and areas where he or she is hunting, as well as the different types of animals being hunted. Different calibre rifles and shotguns are required as well as certain rifles and shotguns are required for certain types of hunting. Generally smaller calibre rifles (.22, .222- 223, .234) are

required for smaller game, whilst medium calibres (.30-06, .308, 7.7mm) are required for medium sized game, and larger calibres (.375) for larger game, whilst for dangerous game major calibres (.416 – .700) are required.

It's thus impractical to limit the numbers and types of firearms in the circumstances.

4.5.7 Ad paragraph 17 (e) (6) Restrictions on Number of Handguns and Semi-automatic Rifles

4.5.7.1 The restriction on the number of handguns is once more impractical as in many shooting disciplines different types of handguns are used in different categories and disciplines. For example in cowboy action shooting, at least two matched revolvers are required for each category and many competitors compete in a number of categories.

4.5.7.2 The restriction on the number of semi-automatic rifles that a dedicated sports shooter can possess being two, once more is unreasonable and not practical as sports shooters often own semi-automatic rifles in different calibres for different disciplines, additionally with or without optics and scopes, and thus multiple semi-automatic rifles are required.

4.5.8 Ad paragraph 17 (e) (7) Waiting Period of Two Years before applying for Semi-automatic rifles

4.5.8.1 This proposed section is completely impractical and will delay the development of new and up-and-coming sports shooters who wish to compete with semi-automatic rifles, and if this section was passed, this would have a major impact on the development of new sports shooters.

4.5.8.2 There are some accredited sports shooting organisations who, as a main element or aspect of the sports shooting discipline, have the semi-automatic rifle as the main firearm or central firearm for sports shooting, and handguns and shotguns are less prominent while some do not allow bolt action or manual shotguns.

4.5.8.3 Dedicated status is currently tightly controlled by various sporting bodies that depend on adherence to their requirements. They are obligated to report non-compliance to SAPS, and do so on an annual basis.

4.5.8.4 They also review requirements for each application to provide endorsement as to suitability of a firearm for the particular discipline.

4.5.8.5 The Bill appears to give the power to the Registrar to dictate requirements for compliance to the dedicated shooter and hunter, in an area which they have already shown to be completely unfamiliar with the requirements, and adding to an already overburdened administrative capability.

4.5.8.6 Problematic situations could arise where:

- 4.5.8.6.1 A junior shooter has been supervised or coached by a parent, or older shooter, and the latter has not held a license for a similar type of firearm for at least three years.
- 4.5.8.6.2 Examples could be where the junior participates in either small bore or full bore target rifle events and the older shooter possesses a hunting rifle.
- 4.5.8.6.3 This would entail that older persons, complying with these provisions, coaching juniors in a particular discipline, would always have to be available when the junior participated, to comply with this oppressive condition.

4.6 Ad paragraph 18 Amendment of Section 16A – Reduction in Number of Firearms for Professional Hunting

- 4.6.1 The proposed amendment in the reduction in the number of firearms that a Professional Hunter (“PH”) may possess to eight, as well as the restriction within this number to two licences for handguns and two for semi-automatic rifles, once more indicates that the drafter of this amendment has no idea how a PH operates.
- 4.6.2 A PH must possess a battery of hunting rifles for various terrain types and various animals, as well as firearms to suit their clients’ different bodies, capabilities and physiques, and thus would have rifles and shotguns in different calibres and types.
- 4.6.3 The proposed provision would this severely restrict and probably put out of business many PH’s who will no longer be able to assist clients and would lose their profession or suffer a reduction in income as a result of the proposed provision.

4.7 Ad paragraph 19 Repeal of Section 17 and 18 – Collecting

- 4.7.1 Firearm Collectors are already amongst the most law-abiding citizens of this country. Every time a member applies for a new license or to renew a license for a firearm, the member undergoes a criminal background check.
- 4.7.2 The accredited association requires a declaration on joining that members have no criminal record and the association submits annual reports to the Central Firearms Register (“CFR”) indicating which members remain in good standing. If there were any indication of criminality in any of the members’ backgrounds then the members would not have been allowed to license firearms in the first place and would also not be allowed to renew their existing licenses.
- 4.7.3 Given that collectors already have much at stake financially and emotionally in the firearms they collect, we can say with confidence that the typical firearm collector has absolutely no intention of engaging in any criminality for fear of having their firearms confiscated.
- 4.7.4 Furthermore, because firearms are such an important part of collectors’ lives, they go to exceptional lengths to ensure that their firearms are securely stored and well cared for, and that the chances of them ever falling into criminal hands through theft, and thereby being used in the commission of crime, are negligible.

- 4.7.5 Statistically, firearm collectors have never been identified as a problem group, in much the same way as all other licensed and legal firearm owners have never been statistically identified as being a cause for concern when it comes to the commission of crime. The proposed amendments therefore appear to discriminate against lawful firearm collectors with no basis whatsoever.
- 4.7.6 A large proportion of the firearms owned by collectors are historic and have heritage value to South Africa. Due to there being so few museums that hold registered public collections of firearms, it falls upon this pool of private firearm collectors to preserve this aspect of our country's heritage.
- 4.7.7 The valuable contribution made by private collectors in this aspect has been acknowledged by the South African Heritage Resources Agency (SAHRA), who have appointed a number of collectors as agents of SAHRA. One particular collection in South Africa has been recognised by the Imperial War Museum in the United Kingdom as being an International Reference.
- 4.7.8 Collectors thus perform a valuable function to preserve historic and specialist items for future generations. The involvement with SAHRA is well documented from a heritage perspective. In addition the accredited associations promote research, study, restoration and historical fact checking relating to collectable firearms. Nowhere has the collection of firearms been identified in the proliferation of illegal firearms.
- 4.7.9 Some collectors specialise in collecting a certain general type of firearm, such as pistols or rifles of a certain make, or those that have undergone various stages of development.
- 4.7.10 Collections often span a considerable length of time, starting in the late 19th Century and continuing into the first half of the 20th Century. A typical example (one of many) is the Luger pistol, which was first produced in 1898 and continued in service in a number of nations till 1948. Another is the series of Webley service revolvers which originated in 1887 and stayed in official use till the end of World War II in 1945 in some cases. Yet another is the .303 Lee-Enfield rifle, which originated in 1895 and in various configurations was still in use in many Commonwealth armies (including South Africa's) up to the 1960s, and in some cases even later.
- 4.7.11 Collectors are thus the custodians of antique historical firearms and if Section 17 was repealed, this would do irreparable damage to our country's history. Some collectors also have an interest in the technological, scientific and historical aspects of the firearms just like collectors of cars or motorcycles.
- 4.7.12 In addition, collectors have also invested large amounts of money to build these collections and their firearms represent a significant asset class and financial investment.
- 4.7.13 We note that nothing is mentioned about compensation being offered for these valuable assets and this on its own will result in extended and costly legal ramifications for the SAPS and the government of South Africa.

4.7.14 If government wishes to remove the right to collect, government must therefore be prepared to pay billions of Rands to compensate the current owners at prices equivalent to international market prices.

4.8 Ad paragraph 19 Repeal of Section 18 – Cartridge Collecting

4.8.1 The proposed ban on private cartridge collecting is worrisome, apart from the fact that it is also part of the country's firearms heritage.

4.8.2 Collecting cartridges is another historical field of interest which is part of the firearms heritage.

4.8.3 A blanket restriction would mean that another aspect of the country's firearms history would be lost. Historical cartridges such as the Snider and brass foiled Martini cartridges will be destroyed.

4.8.4 Much of what has been said in paragraph number 5 above concerning the repeal of Section 17 pertains to cartridge collecting as well.

It thus makes no sense to repeal Section 18.

4.9 Ad paragraph 20 Amendment of Section 20 – Business Firearms

4.9.1 The proposed amendments will severely affect the many thousands of firearm businesses in South Africa, as well as the hundreds of thousands employed in the industry.

4.9.2 We object to the Bill restricting semi-automatic rifles and shotguns and, although semi-automatic rifles and shotguns may be permitted for use by security companies and in theatrical, film or television productions, if the Bill were passed, same may only now be possessed with prior written approval of the Registrar.

4.9.3 With the current inability of CFR to process such applications timeously, the practical situation is that such special permission would more than likely never happen.

4.9.4 The Effect on Security Companies – Section 20 (2) (a) licences

4.9.4.1 Due to the inability of SAPS to be able to combat crime effectively, private citizens, and those who can afford such services, have had to rely on private security to protect themselves and their neighbourhoods.

4.9.4.2 The Private Security Industry and the persons employed in this industry are more than likely three to four times larger than the SAPS.

4.9.4.3 Part and parcel of the private security industry is that large numbers of security officers must be armed with suitable firearms depending on the contract / job

requirements, to enable such security officers to protect themselves, their clients or important assets such as cash in transit.

- 4.9.4.4 On the face of it, the proposed amendment immediately restricts semi-automatic rifles and shotguns, and will leave security companies naked in the face of criminals who are armed with fully automatic AK47s and R4 or R5 rifles.
- 4.9.4.5 The proposed amendment also does not understand how the business of security companies operate, as well as that security companies operate in a very competitive market.
- 4.9.4.6 The firearms that are required for security purposes must already be registered to the security company for the security company to tender correctly. There is also huge uncertainty as to when a security company may receive further firearms due to the huge backlog at CFR with licence applications is often taking a year or more for such licenses to be granted.
- 4.9.4.7 No potential customer or client would be willing to wait up to two years in some cases, with the average being 12 to 18 months to hear whether the security company now has the requisite types and number of firearms, before a contract is awarded to the security company / applicant.
- 4.9.4.8 The proposed amendment concerning the fact that no license may be issued to the security company until the contract is awarded, is therefore not practical nor feasible and shows a complete lack of understanding on behalf of the drafter of the Bill as to how the process in practice and reality, actually works.
- 4.9.4.9 For the security company there is too much risk involved to base an application on the fact that a contract may be awarded if the firearm licenses are granted because if too much time has passed, the customer will more than likely have cancelled the contract due to the unknown time required to obtain new licenses, and gone elsewhere.
- 4.9.4.10 The proposed amendments are therefore not feasible.

4.9.5 The Effect on Training Providers – Section 20 (2) (b) licences

- 4.9.5.1 Training providers who provide firearm training to both ordinary citizens and firearm businesses, such as security companies and security personal, will be severely affected by the proposals.
- 4.9.5.2 Likewise such training providers will not be automatically entitled to possess semi-automatic rifles and shotguns, which in practical terms will prevent and limit training on such firearms to ordinary citizens, security companies and other firearm businesses.
- 4.9.5.3 Because of the nature of the training they offer, training providers must be entitled to own different types of firearms in different calibres and in different models, and many multiples of the same. For instance when large groups require training – such as the Regulation 21 shoots that security officers have to attend on at least a yearly basis – many firearms will be required for this training depending on the size of the group.
- 4.9.5.4 The training provider can't suddenly try to apply for licenses for such firearms that may be required, as again, the customer / client will go elsewhere to another

training provider that has the requisite number of firearms. The training provider thus operates in a very competitive environment.

4.9.6 The Effect on firearms for use in Theatrical, Film or Television productions – Section 20 (2) (c)

4.9.6.1 The restrictions on the possession of semi-automatic and fully automatic rifles and shotguns on the theatrical, film, and television industry will be severe, as such accredited businesses will be completely hamstrung, as many operating firearms are needed in this industry.

4.9.6.2 In terms of the proposed amendment, semi-automatic or fully automatic firearms will require written permission from CFR to be used on film sets, and this process would almost certainly take an inordinate amount of time. Currently the administration of CFR is in disarray and it's unlikely that matters would improve any time soon, with emails rarely being answered and phone calls often being ignored.

4.9.6.3 In the film industry, time is money and film studios and film productions require certain types of firearms for the film shoot, and these must be on set on time.

4.9.6.4 Production houses have been operating in South Africa for some time and many local and international movies have been filmed in South Africa. If the local industry was incapable of supplying the firearms required for such film productions, the international companies would go elsewhere.

4.9.6.5 This would have a huge knock on effect for the local film industry and many aspects of the industry would close down and jobs would be lost as a result.

4.9.7 The Effect on Game Ranching – Section 20 (2) (d)

Game ranching will be affected by the types of firearms that these businesses may possess.

4.9.8 The Effect on Hunting Businesses – Section 20 (2) (e)

Professional hunters will be affected by the restriction on the number of firearms that they may possess as well as that these business will be restricted by the types of firearms that they may possess.

4.9.9 The Effect on Business Other – Section 20 (2) (f)

The businesses that offer corporate / fun shooting experiences will be severely affected by the type of firearms that they may possess, and that many such firearms are required.

There is a whole local and international clientele that enjoys corporate team building and fun shoots and if such businesses can no longer possess different types of semi-automatic rifles and shotguns, many such businesses will lose substantial business as a result.

4.9.10 In Summation

All of the above businesses employ and create jobs and income for hundreds of thousands of people, either employed in or servicing the various industries, which results in billions of Rands for the South African economy.

4.10 Ad paragraph 21 Consultative Forum – Insertion of new Section 20A, B, C, D

This is a complete misnomer as the only entities that will be consulted with will be government or quasi-government entities such as the SAPS through CFR, PSIRA. So this is not a true Consultative Forum at all and the Bill fails to make provision, which it should, for stakeholders and role players in the firearms industry to partake in such Forum.

4.11 Ad paragraph 22 Amendment of Section 21 – Temporary Authorisations

- 4.11.1 The amendment to this section will severely affect those international hunters and sports shooters who wish to hunt or compete in South Africa, as well as the film industry.
- 4.11.2 Further, in the film industry, applicants have been able to obtain temporary authorisations to possess firearms owned by private individuals when those firearms are rare and needed for a specific production.
- 4.11.3 In the film industry an applicant must be able to apply for temporary authorisations to possess firearms from foreign armoury companies when the local South African industry has been unable to provide firearms for films from local businesses. Additionally, when an international movie is filming a portion of its footage here, it needs continuity of firearms used, so need the temporary authorisations to make this happen.
- 4.11.4 The fact that the validity period of such temporary licences may not be extended does not make sense as in some cases the temporary licence may have to be extended due to unforeseen circumstances.

4.12 Ad paragraph 23 Substitution of Section 22 – Holder of licence may allow another person to use firearm

- 4.12.1 The current Act permits someone who is 21 years and older, to allow another person to use their firearm while under their immediate supervision and where it is safe and lawful to do so.
- 4.12.2 In the Bill, only someone over 21 years who has had a firearm license for 3 years may allow another person, who is over 16 years, to use their firearms under their immediate supervision and where it is safe and lawful to do so.

4.12.3 This has a direct impact on teaching our youth to handle and use a firearm in any way, and for whatever purpose be it hunting or sport shooting or simply just learning gun safety. This is not a good proposal.

4.13 Ad paragraph 24 Muzzle Loading Firearms – Serial number

4.13.1 It makes no sense to mark muzzle loading firearms with serial numbers and there must be thousands of antique firearms that will need to be marked.

4.13.2 This will result on a huge burden on SAPS to suddenly deal with such an influx, as well as many unique and antique firearms may well be damaged in the process, which may affect their intrinsic value.

4.14 Ad paragraph 25 Insertion after Section 23 - Ballistic Sampling of firearms

4.14.1 Draft Section 23A requires that all firearms undergo ballistic sampling and that a programme to achieve this will be published. This will apply on issue; whenever a firearm licence is renewed; or should there be a change of ownership of a firearm, that the firearm must be submitted to the DFO for ballistic sampling.

4.14.2 This new requirement will place incredible stress on the DFOs who will be required to do this sampling immediately so that the firearm can be returned to the owner straight away.

4.14.3 Serious concerns include the safety of persons and their firearms going to the police station because criminals will most certainly turn this requirement into an opportunity for gain.

4.14.4 Lack of manpower and capacity on the part of SAPS at station level is going to make this requirement impossible to manage, never mind the impracticalities of the proposal. To create facilities for ballistic testing of firearms at police stations will be expensive and is unnecessary.

4.14.5 Given the fact that no member of an official institution [SAPS which includes SAPS forensic sciences unit that performs ballistic sampling] is required to be tested for competency as per the previous section how can one be sure that a ballistic tester is competent to load and fire a muzzle loading weapon safely? The private owner is required to undergo competency training and evaluation before being permitted to own a muzzle loading firearm.

4.14.6 Muzzle loading firearms require a separate projectile, wad, powder charge, and percussion cap to enable the weapon to be discharged. The act provides only for the provision of a cartridge. A cartridge is specifically defined. What is the intention with a muzzle loading weapon?

4.14.7 As regards conventional firearms, what safeguards are in place to ensure that a precision weapon such as a bench rest rifle is not negligently damaged during

ballistic sampling? In the event that the weapon is damaged or rendered inoperable, what compensation is payable, given that these specialised weapons can cost in excess of R100 000.00?

- 4.14.8 The requirement that the owner of a firearm provide a cartridge for the ballistic sampling is a problem. Some cartridges are very expensive and others are simply not available. If reloading is prohibited it will be impossible for the firearm owner to supply obsolete ammunition. The onus is on the owner to provide a cartridge, but where ammunition is scarce the State “will, if possible, provide a cartridge”. What happens if the state cannot provide a cartridge? This renders the concept of ballistic sampling nugatory.
- 4.14.9 The notion that ballistic sampling would provide the SAPS with a uniquely identifiable projectile which would be able to tie this so-tested firearm to evidence found on a crime scene of the past or future (similarly to a human fingerprint), is based on Hollywood lore, not on fact. The markings found on a projectile captured in ballistic sampling will change sufficiently after as little as 100 rounds of ammunition fired through that same barrel. The process can be accelerated dramatically if one were to fire rounds through a barrel which has been coated internally with an abrasive compound. SAGA has this information from a presentation and report by Dr. David Klatzow, a forensic scientist who is often called on as an expert witness in criminal trials.
- 4.14.10 It is therefore incomprehensible that this knowledge was not passed on to the committee drafting the Bill, nor why an attempt was made to create the impression that the intended ballistic sampling would have any impact worth mentioning on the solving of crimes. It must be clear to everyone that criminals will not submit their illegal firearms for ballistic sampling. Similarly, in light of the CSPS-WSG Firearms report, it is apparent that the FCA is only relevant to 5% of all crimes reported to the SAPS, not all of which actually involved the use of firearms. A significantly larger problem is the loss of State-owned firearms to the criminal element through theft, negligence and criminal intent (like the wholesale supply of firearms surrendered to the SAPS for destruction, which were sold to criminal gangs in various parts of South Africa).
- 4.14.11 The idea to conduct ballistic sampling at local Police Station level does not take cognizance of the current lack of testing facilities, personnel, knowledge, storage facilities for the samples, additional cost factors. IF all these hurdles could be overcome, the next question would be what to do with all these samples. On 02 March 2021, a forensic evidence backlog of 172 787 cases was reported in the media. (<https://www.news24.com/news24/southafrica/news/forensic-evidence-backlog-stands-at-more-than-170-000-police-committee-horrified-20210302>)
- 4.14.12 The Portfolio Committee on Police chairperson Ms. T Joemat-Pettersson was quoted as saying “We are horrified” when commenting on the report. Considering that the backlog had grown by around 50% in one year, what effect would the planned deluge of sample projectiles have on an already overstretched forensic department? What would be the consequence for the South African justice system, when even now many criminal cases and GBV cases are left unprosecuted due to this backlog?

- 4.14.13 Section 23A (3) is grammatically incorrect. The word is “forthwith” not forthright.
- 4.14.14 While the draft Bill indicates that appointments should be made for the sampling, long delays for an appointment can be expected as have been experienced during the latest amnesty period – in some cases people were not able to take advantage of the amnesty as they could not get an appointment in time. These delays will then cause a knock-on effect and jeopardise renewal applications being made in time.
- 4.14.15 In the event that the ballistics section cannot schedule a timeous test on renewal, transfer or licensing what is the fate of the licence involved? Is the renewal held up until sampling has been performed, in which case is the licence still valid until the entire relicensing process is completed?
- 4.14.16 This provision will also delay private sales as well as sales to a firearms dealer by a private person. Given existing atrocious service delivery by the CFR, this process could delay a sale and application for a license by a private purchaser for months or longer. It would exacerbate delays in the CFR and create a massive backlog.
- 4.14.17 The CFR is currently dysfunctional, so would first require upgrading to cope with this additional workload. The logistics involved to ensure smooth and expeditious functioning of this additional system are mind boggling.

4.15 Ad paragraph 26 Amendment of Section 24 – Renewal of Licences

- 4.15.1 The Bill makes no mention of the renewal of a licence post the expiry date. There are many hundreds, if not thousands, of firearm owners who are in possession of firearms with an expired licence.
- 4.15.2 The Bill could have easily introduced a process of licence renewal post the expiry date with penalty provisions similar to vehicle licences and drivers licences, but completely mist out on the opportunity to do so.

4.16 Ad paragraph 29 Section 27 Licence Validity

- 4.16.1 The changing of the validity period of Sections 15, 16, 16A and 19 from ten years to five years, and business licences from 5 years to two years, is unworkable.
- 4.16.2 Currently new licence applications can take 12 months or longer to process, and renewals take anywhere from 18 months to in excess of two years to be processed.
- 4.16.3 The reduction in the licensing period will increase the workload of the SAPS who, given the current situation and backlog at the CFR, cannot even effectively administrate the current legislation.
- 4.16.4 The CFR was recently in the news about their inability to cope with the

administrative burden of the current FCA, and so the proposal to shorten the validity period of firearms licenses to five and two years makes no practical sense.

- 4.16.5 This will almost double the administrative burden of the CFR and one can, once again, ask the question, would it not be better to spend less on a burdensome administrative system which is very labour intensive and spend more on poverty, inequality, better policing and preventing corruption?
- 4.16.6 With respect to the period of validity of licenses to possess a firearm for business purposes (other than as a game rancher and in hunting) being reduced from five years to two years, specific comment is below on this issue.
- 4.16.7 Currently businesses have to apply for license renewals every 5 years for each individual firearm. These licenses do not run in alignment with each other and therefor there is a constant process going on with renewals continually becoming due. The Bill reduces the time period to 2 years, and the responsible person physically has to go to the police station with the firearm/s to be inspected with all of the paperwork for the application.
- 4.16.8 New license applications and the renewal application paperwork can require approximately 40 to 70 pages, including supporting documentation. With tens if not hundreds of thousands of firearms licensed to businesses being renewed every two years, instead of five years, this administration overload will substantially raise the costs of running a business, as well as creating a further administrative burden on SAPS, and will more than likely collapse the whole system.

4.17 Ad paragraph 30 Section 28 Termination of Firearm Licence

- 4.17.1 As currently drafted in the Bill, this is in conflict with the proposed Section 23A. The latter requires weapons to be surrendered to the DFO for ballistic testing prior to change of ownership.
- 4.17.2 The proposed Section 28 requires surrender to a police station before transfer to a dealer. Legislation cannot contain contradictory provisions.

4.18 Ad paragraph 31 Amendment to Section 31

- 4.18.1 It appears that private sales henceforth can only be through a dealer. This is financially discriminatory, as dealers are well known to only buy in firearms at 50% of the price at which they anticipate they could sell them on.
- 4.18.2 A private seller could reasonably achieve at least what the dealer would sell the firearm for, possibly considerably more, depending upon the firearm and a suitable purchaser being found.

4.19 Ad paragraph 36 Amendment to Section 45 – Manufacturing

4.19.1 This Section makes it an offence to manufacture ammunition, unless you are a Manufacturer.

4.19.2 Read with the removal of reloading by private individuals, this provision is overly restrictive and has the practical effect of excluding persons who cannot afford the prohibitive cost of factory ammunition, which increases exponentially with the concomitant fall in value of the South African Rand against the US Dollar (from which country most ammunition is imported), from the shooting sports in particular as well as hunters and self-defence shooters. This is unreasonably discriminatory and draconian.

4.20 Ad paragraph 41 Amendment to Section 59

4.20.1 The proposed Section 59 prohibits the modification in any manner of the mechanism of a firearm. Mechanism is not defined.

4.20.2 Does this now prohibit the use of a muzzle brake and/or a suppressor? If so, this will adversely impact the hunting industry as a significant number of game farms now require a suppressor to be fitted before hunting is allowed. This will have a negative impact on the business of game farming.

4.21 Ad paragraph 47 -53 Section 73 - Transport of Firearms

4.21.1 Sections 73 and 86 as amended in the Bill contain conflicting provisions. Section 73 provides that no person may transport any firearms or ammunition without a permit. Section 86 provides that no person may transport more than three firearms without a permit. Legislation cannot contain contradictory provisions.

4.21.2 The draft is with respect, totally ludicrous, apart from the glaring anomaly outlined above.

4.21.3 Regulation 68 & 69 of the regulations [2004] lays down the requirements for a transport permit: a two-way communication system, a lockable steel container, details of safety measures fitted to the vehicle and security measures to be in place during the actual transportation.

4.21.4 These provisions in the Bill when read with the Regulations effectively negate the possibility that a legal owner of a firearm can transport his firearm/s to the shooting range, to a competition here or overseas, or even to the farm where he intends to hunt, as the above provisions are onerous in the extreme for a private owner to comply with.

4.21.5 This limit would create problems for hunters and sports shooters who would need more than 3 firearms for a particular trip or sporting event.

4.21.6 Without denigrating the Central Firearms Registry, it is specious to assume that the CFR will be capable of issuing the multitude of transporter's permits necessary.

4.21.7 It is trite that the backlog at CFR is of gigantic proportions and verges on being irredeemable. In this regard the oversight visit and photographs that have been widely published of the Parliamentary visit to the CFR are adequate proof of the insufficiency and incapacity of the CFR.

4.22.1 Ad paragraph 48 Amendment of Section 74 - Importation of Firearms into the Republic

4.22.1 The proposed addition to Section 74 of the principal Act provides for the deposit of a firearm imported into the Republic albeit temporarily, or with the intention of licensing the firearm, with the DFO at the port of entry.

4.22.2 Thereafter application is made for a permit. If the permit is refused the weapon remains with the DFO until disposed of “in accordance with this act”.

4.22.3 The inclusion of this provision will result in the absolute demise of the international hunting income for the Republic. A foreign hunter has a limited time in this country. His hunt is booked in advance. To expect him to kick his heels in the country whilst awaiting a permit issued by CFR who are currently unable to process efficiently, effectively and timeously “routine” applications for competency, new firearms and renewals, is preposterous.

4.23 Ad paragraph 54 Amendment of Section 91 - Limitation on Ammunition

4.23.1 The limitation on ammunition is puzzling. Currently the limit for occasional use is 200 cartridges whilst for dedicated use the limit falls away. Current legislation requires ammunition to be securely locked in a safe, which may be the same safe as that containing the firearm. Reduction in the number of rounds from 200 to 100 across the board achieves nothing save that if the limitation on reloading is passed, the extra administrative load on the dealer will increase out of all proportion.

4.23.2 Occasional hunters and occasional sport shooters may currently possess 200 cartridges for each firearm in respect of which he or she holds a licence but the draft Bill limits this to 100 cartridges for each firearm in respect of which he or she holds a licence. This is going to affect sport shooters particularly as they may use more than 100 cartridges at any one time.

4.23.4 Licence holders can apply to have more than 100 cartridges for each firearm in respect of which he or she holds a licence, but this adds to the already heavy administrative burden of DFOs and licence holders.

4.23.5 It would seem that further restrictions on the number of cartridges that a firearm owner might have in his possession at any one time would not serve any particular purpose, and given the reloading equipment ban, this is unreasonable in respect of firearms owners who live a considerable distance from a gun shop or shooting range, and who may require to practice. An example would be a farmer who is also a competitive shooter and wishes to practice informally on his farm.

- 4.24.1 We object to this proposal as the reason that our members reload for their own use, is to save money on ammunition and improve accuracy.
- 4.24.2 Reloaded ammunition is far more accurate than factory ammunition as you can micro-adjust the load to create the most accurate load for that specific firearm. The current law allows shooters to reload for their own use only. If reloading and the possession of reloading equipment is banned, the government should budget to pay out millions of Rands to buy back all the reloading equipment and accessories at international market prices.
- 4.24.3 It is a matter of record that hunters were reloading ammunition as early as the 1860s, which was when the first breech-loading firearms began to be introduced. This practice largely lapsed after the 19th Century, till it was revived in the 1960s.
- 4.24.4 Reloading has become popular again in South Africa for mainly financial reasons. In former times, few types of ammunition, mainly locally manufactured sporting variants of military ammunition, were quite cheap, as were imported cartridges because of a favourable exchange rate. This has now changed because of the unfavourable exchange rate and the devaluation of the Rand which has vastly increased prices of imported ammunition. Local manufacture has also declined sharply.
- 4.24.5 This is a serious matter for firearm owners of all kinds, because it interferes with their ability to improve their marksmanship; long experience has proved over and over that regular shooting practice is necessary to maintain a high standard of marksmanship because it strengthens/maintains the firearm owners' hand-eye co-ordination.
- 4.24.6 Because of the exorbitant prices of factory ammunition, this places a heavy financial burden on the firearm owner – a serious pistol shooter, for example, might well fire 500 rounds during an average practice session. Reloading is a viable and affordable way out of this problem.
- 4.24.7 A cartridge consists of a brass cartridge-case, a charge of gunpowder, a primer to ignite the powder and a bullet. Of these components the most expensive is the cartridge-case, but with the proper care it can be reloaded up to a dozen times or more. This represents a significant cost reduction, particularly if the reloader also casts his bullets out of scrap lead instead of buying ready-made bullets.
- 4.24.8 Banning all reloading would result in a significant financial loss, particularly for less affluent shooters, not to mention the money they have invested over the years in buying safe and reputable reloading tools (dies, presses, bullet moulds, etcetera).
- 4.24.9 The amendment would affect everyone, from ordinary private firearm owners to precision long-range practitioners, who frequently do South Africa proud in international competitions.
- 4.24.10 Since reloaders are law-abiding citizens because of the existing firearms legislation,

it is surely highly unlikely that such a ban would have any impact on the crime situation.

4.24.11 If reloading of ammunition and possession of reloading equipment by criminals is a concern for the SAPS and government, then effective policing is required and more funding should be granted to SAPS to establish special task force units to combat illegal reloading.

4.24.12 Further Specific Examples

Currently a significant proportion of firearm owners reload their own ammunition. The reasons for this are as follows:

- For precision shooting, factory produced ammunition is not manufactured to the strict tolerances regarding powder charge, bullet weight and concentricity, cartridge case dimensions, and cartridge overall length necessary for bench rest shooters and long-range shooters to be competitive in both local and international competitions.
- Black powder shooters, of necessity, must produce their own projectiles not only to ensure reproducibility as regards bullet weight and concentricity, but primarily because there are no commercial sources for black powder weapon bullets. Criminalising reloading will therefore result in the immediate demise of black powder shooting as well as the demise of South African participation in international black powder competitions in which South Africa has attained significant success.
- Hunters, in particular dedicated hunters, reload their own ammunition to ensure reproducibility of all the above factors to ensure that shot placement, particularly at the longer ranges found in the open bushveld, is consistent and results in a clean kill. The use of commercially available ammunition does not always meet these exacting standards.
- Certain calibres are used so little in South Africa that the owner is forced out of necessity to reload his own ammunition to ensure that he can use his weapon, as firearms dealers either cannot obtain the ammunition or, find that purchasing small amounts thereof, is commercially not viable.
- The definition of “ammunition” in the legislation reads as: “...ammunition means a primer or complete cartridge.” It is common cause that black powder weapons use percussion caps, a species of primer. The Bill criminalises the possession of reloading equipment, and attaches a five-year term of imprisonment thereto. This implies that black powder shooters cannot obtain the necessary percussion caps to allow them to use their weapons.

4.24.13 The ineluctable conclusion is that the above provisions were arrived at without consulting the persons directly affected. The provisions are unworkable, and are strenuously objected to.

4.25 **Ad paragraph 56** **Amendment of Section 96 - Exemption of Official Institutions**

- 4.25.1 Section 96 exempts official institutions from the provisions of the Act. Official institutions are defined as SANDF, SAPS, and Correctional Services.
- 4.25.2 In other words, all regulations and provisions save for those contained in Chapter 11 which deals with exemptions.
- 4.25.3 The implication is that members of the official institutions need not comply with competency requirements, need not have dedicated safes to which they only have the key/combo, and can never be declared unfit to possess a firearm.
- 4.25.4 This is unacceptable. Members of said institutions must be held accountable for transgressions, must have annual competency testing and, in the case of a loss of a firearm, or negligent discharge of a firearm, be charged and prosecuted in the same manner as a member of the civilian population.
- 4.25.5 The objection to this amendment is made in the strongest possible terms. Members of these institutions should, and must be, held to a higher standard than a civilian firearm owner. This is exemplified by the standards set in British Columbia, Canada, before a member of the Police may carry or use a firearm. The standard is significantly more stringent than the civilian requirements. The standards are attached hereto.

4.26 **Ad paragraph 60** **Amendment of Section 102**

- 4.26.1 The provisions of this Section do not apply to Official Institutions. This implies that members thereof can safely transgress the provisions of this section without the Registrar declaring him or her unfit to possess a firearm.
- 4.26.2 This means that the person can be the subject of a protection order, have been convicted of assault, malicious damage to property, breaking and entering, domestic violence, sexual offences etc. but still be deemed fit to possess a firearm as a result of his or her being a member of an official institution.
- 4.26.3 This is impermissible and offends the sense of justice and possibly the Constitution.

4.27 **Ad paragraph 68** **Amendment to Section 128 - Appeal Board**

- 4.27.1 The chairperson and deputy, in addition to being legally qualified, must be registered with the Legal Practice Council of South Africa, and have no previous or pending disciplinary or professional offences. The Appeal board must be above reproach.

4.27.2 Quasi-judicial processes must be open to members of the public and in particular members of the legal professions holding a watching brief on behalf of an appellant or, who have been briefed by the appellant to lodge the appeal.

4.28 Ad paragraph 71 Amendment of Section 130 - Appeal Board Composition

4.28.1 Objection is raised to the board determining its own governance rules and procedure. An appeal in the courts follows a tried and tested procedure that is designed to protect the interests of the Appellant and the interests of justice.

4.28.2 In the case of the appeal board those interests are similar save that it is the interest of administrative justice that must be served. The board must adhere to the procedures of a normal appeal in the courts, and the record of proceedings must be available for scrutiny by the Appellant and his legal representative on demand. Judgments must satisfy the requirements of judgments handed down in the courts of law.

4.29 Ad paragraph 76 Section 145

4.29.1 The requirements for the renewal of a competency are currently the prime cause of the CFR being unable to process renewals timeously. It is ludicrous to require the re-submission of the statement of results of competency testing for a renewal. The statement of results is on file at CFR from the original [first] application as are the other details required. Requiring the re-submission serves no useful purpose other than to burden the CFR with unnecessary volumes of paper.

4.29.2 It is suggested that for renewal, a renewal form together with fingerprints is all that is necessary to satisfy the CFR that the person concerned has no criminal record.

4.30 Ad paragraph 77 Section 147

Section 147 (1) of the Bill: the correct word is “incapacity” not “incapacitation”.

4.31 Ad paragraph 81 Draft Bill Schedule 1

4.31.1 Section 81 1B: There is, and was, no Firearms Control Amendment Act of 2017. This is nonsensical.

4.31.2 81 1B (2) compared to 81 1C (1) (a): there is no logical reason for a cap and ball weapon to be subject to a shorter time frame for application for a licence than a muzzle loading firearm. This is a conflicting and confusing proposal.

4.31.3 Section 81 1D. The correct date is 2021 not 2020.

4.32 New Section 1B – Licensing of Muzzle Loaders

- 4.32.1 We object to this section in its entirety as there is no necessity to licence muzzle loaders. The licencing of muzzle loaders is not necessary, nor practical, and there is in our view no justification for licensing such firearms which are in the main antiques or replicas of antique firearms.
- 4.32.2 No crimes have been committed with, nor are any muzzle loading firearms used in any criminal activity.
- 4.32.3 It's thus highly unlikely – and it's also not practical – for criminals to utilise muzzle loading firearms for criminal activities.
- 4.32.4 There are many muzzle loading firearms that are in museums and public collections, and all of these historical artifacts would have to be at some risk at damage be licensed for no good reason at all.
- 4.32.5 The whole process of licensing many tens of thousands of muzzle loading firearms will be an unnecessary burden on SAPS.

5 Economic – Response to The Socio-Economic Impact Assessment System Repoprt (“SEIAS”)

- 5.1 Firearms represent a significant asset class and financial investment and no compensation is being offered for these valuable assets in terms of the Bill which will result in extended and costly legal ramifications for the SAPS and the government of South Africa.
- 5.2 Firearms have financial value (apart from the satisfaction of ownership). The government should be required to establish international value should they wish for firearms to be surrendered, and should therefore compensate citizens accordingly. Unfortunately, this money will merely be taken from the taxpayer, the person who has just lost an asset.
- 5.3 Further to this, the Bill threatens to destroy livelihoods, and will have a wholly negative effect on the economy and attempts to erase history – specifically when viewing this from a firearm collector's perspective.
- 5.4 We would like to refer specifically to the SEIAS report (July 2016, J A van der Walt) and wish to point out that this document seems to be based entirely on opinion and does not even contain a reference list. Further to this, it refers to case law that has been superseded by the Supreme Court of Appeal findings. This is clearly not a piece of research that stands up to either legal or academic scrutiny, nor peer review – and for that reason, should not be used to shape nor inform policy.
- 5.5 The SEIAS report is also woefully out of date and in terms of the law should have been produced six months prior to the publication of the Bill. Thus this report should have, no bearing on the Bill.

- 5.6 We also object to the fact that thousands of people will be put out of work in the industry from training providers to retail and wholesale operations, and people employed at accredited shooting ranges. The obvious decline in the hunting industry will also result in more job losses.
- 5.7 The consequences of these amendments to the FCA will see many thousands of jobs lost in the firearm related industries – hunting, shooting clubs, gun shops, collectors et cetera.

The Underlying Justification:

- 5.8 The SEIAS Initial Impact Assessment Template (Phase 1) of July 2016, used to motivate the Bill quotes the National Development Plan 2030 (page 334) as stating that access to firearms is one contributing factor to violence and injury. It also names research by the Medical Research Council (MRC) of South Africa, which claims that 75% of femicide involves licensed firearms. It is obvious from the same SEIAS report, that this is not actually what the statistics reveal, yet this claim is repeated on almost every page of the report.
- 5.9 It further creates the blatantly false impression that the pool of illegal firearms in South Africa is originating exclusively from legally licensed firearms which are lost or stolen. Further below we submit that the many of illegal firearms are from SAPS and SADF stock, or in some cases firearms legally handed in to SAPS for destruction which are then sold to criminal elements by members of the SAPS, and there are firearms which are smuggled into the country through its porous borders.
- 5.10 The SEIAS report also asserts that the infrastructure for the implementation of the Bill is in place and that it would add no significant demand with regards to manpower or costs. Sadly, this has no basis in reality, as we state - and support with evidence - further below. Currently, the Central Firearms Register (“CFR”) is in a shocking state of disarray, as has been pointed out by the Portfolio Committee on Police after their visit earlier this year. Not only would the CFR’s workload increase drastically from current levels, the concomitant increase in cost would be significant – at a time when the annual SAPS budget and personnel as a result is being reduced.
- 5.11 The CSOP report “Analysis of the Effect of the Firearms Control Act on Crime, 2000 – 2014”, which was held in secrecy by the Minister of Police since 2015 and only released to the public after legal pressure was brought to bear, in order to comply with obligations of transparency, portrays a wholly different reality. The comprehensive research document, compiled by the Wits School of Governance (“WSG”), examined a staggering amount of data and came to the conclusion that the Firearms Control Act, 60 of 2000, and legally owned firearms in private hands, have a negligible effect on crime, and that strong, effective, sustained policing is clearly the way to reduce violent crime in this country.
- 5.12 This has been proven in particular in the years leading up to the Soccer World Cup hosted by South Africa in 2010. Contrary to the unbalanced, sensationalist emotions that the SEIAS report tried to elicit, the WSG research paper clearly states that “*The FCA is relevant to less than 5% of all crimes reported to SAPS.*”

This percentage refers to violent crimes that could be related to firearms, but do not necessarily entail the use of firearms.”

6 **Response to Ministry of Police Report of the Committee on Firearms Control and Management in South Africa (“The Report”) and CSP Report**

- 6.1 At the outset we reject the Ministry of Police Report of the Committee on Firearms Control and Management in South Africa (“the Report”) completely and the CSOP Report.
- 6.2 There is not only insufficient data and information available, but also a full study of the functioning of the CFR and the Appeals Board was not done.
- 6.3 The WSG report is not quoted in the Report and the Report also fails to note that there is a vast difference between firearm dependent and firearm choice crimes. The statement relating to less fatalities due to knives and knobkieries is not substantiated.

Lack of Stakeholders Engagement in Compiling the Report

- 6.4 Notably no consultation was held with any organisation within the firearms Industry. No mention is made of the nature of the information sourced nor the identity of persons/institutions interviewed. Had the Committee Members gone to the trouble of engaging with stakeholders, they would have realised that all the provisions of the Bill are illogical and not based on empirical data or evidence.

Comparison of South Africa with Other Countries

- 6.5 It is ridiculous to compare South Africa to Australia, where the society is in no way similar to that of South Africa, and one cannot compare South Africa to other countries - besides there is no evidence of this. Much of the statistics that have been relied upon have clearly been manipulated to reach the Report’s conclusions. South Africa, with its ethnic diversity cannot be compared in any logical way to other countries and homogenous societies are in general more law abiding than those that are not. Thus the Report should be discounted completely in this regard.

Reference to International Agreements

- 6.6 Nowhere, in any of the Conventions, Protocols and Provisions mentioned in the Report, is there any mention of private firearm ownership being banned. It refers exclusively to violence against women and other groups, use of force, manufacturing and illicit trafficking in firearms.
- 6.7 The Report quotes sections of the Constitution as though these conventions are binding on South Africa. However, the sections quoted do not use the word “must” as being obligatory as underlined in the text above. That section is misquoted. The word used is “may” which means that there is a discretion. Where the word ”must” appears, is in section 233, which refers to the fact that there is an obligation to prefer a reasonable interpretation that is consistent with international

law over any alternative interpretation that is inconsistent with international law.

- 6.8 The Declaration referred to in the Report, as with the others, is primarily aimed at weapons of war and not what the FCA controls. The aims and objectives of the Declarations, Agreements and Protocols, are also not the responsibility of the FCA but that of the state, the police, and other government departments.
- 6.9 Significantly, the one thing that becomes clear throughout all these protocols is the control of small arms and intent to eradicate illicit firearms. Nowhere does it speak of the destruction or removal of legally held firearms.
- 6.10 The Agreements and Protocols referred to in the Report such as the following:
 - 6.10.1 The Bamako agreement – This refers to military grade firearms not to civilian-type firearms.
 - 6.10.2 The Nairobi Protocol – Also mainly to do with military-grade firearms and the unrestricted civilian possession of firearms. Note the wording “unrestricted”. The FCA in its current form does not allow this. In fact there are severe restrictions on what may be possessed and what may not be and SAPS has the responsibility to enforce the FCA and if they have not done so, they are to blame.
 - 6.10.3 The African Charter on Human and Peoples’ Rights states in Article 4 that every human shall be entitled to respect for his life and integrity of his person. No one may be arbitrarily deprived of this right – which is exactly what the proposed amendments strive to do. Secondly, in Article 6, every individual shall have the right to liberty and to the security of his person.
 - 6.10.4 No mention is made of the “various countries” that were researched.

Enforcement of the Existing FCA

- 6.11 The existing FCA is in all respects geared to deal with all the issues mentioned in this Report, and the FCA should be implemented and managed by a competent, dedicated and professional police service – which it is not.
- 6.12 Cutting down on legally owned firearms is not the answer. The answer is not only to cut down on illegal firearms that flood the country, but also to determine the size and whereabouts of the suspected, and as yet undeclared, arms caches which were used in the armed struggle.
- 6.13 The Report makes no or very little reference to the role that illegal firearms play in regard to crime and that the main reasons for crime in South Africa are socio-economic issues.
- 6.14 The blame for the shortcomings referred to are to be laid at the door of the FCA in particular and the police in general.

Adequate Compensation

- 6.15 Given the enormous monetary value invested in firearms as sporting, hunting and collections, it can safely be said that many billions of South African Rands will have to be spent to adequately compensate owners.
- 6.16 It is the aim of the FCA, if properly and consistently applied, to achieve the objective of keeping firearms out of the hands of those most likely to misuse them. That is the purpose of the FCA.
- 6.17 All societies wish to achieve low levels of violent crime. Guns are not the only instruments that can be used to secure victim cooperation. Knives and other edged weapons as well as blunt instruments achieve the same purpose.
- 6.18 The Report refers to a buy-back scheme and one wonders what the state's definition of "just compensation" will be. Who will determine the value of, for instance heritage arms in private collections, and what will happen to them once they have been obtained by the state? What about extremely valuable hunting rifles as well as the concomitant equipment that will suddenly become redundant? In South Africa there are, according to the Report, more than 4.5 million firearms in the possession of individuals. Where the money will come from to finance such a programme, is not known. It is doubtful whether a buy-back programme will be practical.
- 6.19 The Report, as previously stated, has not taken into consideration nor consulted with any of the stakeholders and organisations.
- 6.20 We are of the view that there is nothing that would support any of the anticipated changes to the FCA. The report is full of inconsistencies, half-truths and wild and unsubstantiated allegations.
- 6.21 Nowhere in the Report is there any reference to who the members of the Ministerial Committee are; what their qualifications are; what their level of expertise in the matter is and, most importantly, reference to associations, organizations, persons or any other part of civil society (with the glaring exception of Gun Free South Africa) with which consultations were held or individuals consulted.
- 6.22 The result is that this Report is unscientific, biased and fanciful in many respects, and should be completely disregarded.

7

Comments on the Wits School of Governance ("WSG") Report

The most significant conclusions of the WSG report are as follows:

For the past 15 years or more, the government and police leaders have equated violent crime with firearms and consequently expressed unconditional support for the FCA. Even today, when crime levels have increased, our leaders rationalise their dissonance by proposing even stronger amendments to the Act. We claim that the faith in the FCA as a major means of addressing crime is misplaced for several reasons:

- *Firstly, our research has shown that violent crime, i.e. crime in which firearms may be involved, is not necessarily dependent on firearms. In fact in murder crimes, firearms are used in only about a third of cases, with sharp objects used more often.*
- *Secondly, in periods of strategic, strong policing, under the FCA conditions, crime drops and the involvement of firearms in firearm related crimes such as murder, attempted murder and robberies at residential premises, drops too. But when strong policing is withdrawn, even under the stringent conditions of the FCA, firearm related crime increases once again and the use of firearms in these crimes tends to increase even more, so that the use of firearms regresses towards its former elevated levels. This finding of the necessity of strong policing for reducing firearm related crime, and firearm usage in these crimes, even under the FCA, has been a consistent pattern in our findings. Credit must go to strong policing, rather than to the FCA, for controlling crime and for reducing the use of firearms in crimes of murder, attempted murder and house robberies.*
- *Thirdly, there are certain violent crimes that are impervious to the FCA. Crimes such as carjackings, truck hijackings, robberies at business premises, cash in transit robberies, and bank robberies are dependent on firearms. Once again, even under the stringent FCA regulations, these crimes decrease only under strong policing conditions and increase when policing is withdrawn. However the level of firearm use does not reduce.*
- *Fourth, the FCA applies to less than 5% of all crimes reported to SAPS when commercial crimes are included. Although these crimes are at a level of violence and trauma that is completely unacceptable, the vast majority of crimes are not firearm related and therefore the FCA is not applicable to them.*
- *Finally, even today and more so as technology improves, techno savvy individuals are able to print 3-D guns that are operational. These weapons will not appear in the CFR and the FCA legislation and its increasingly strict amendments are simply irrelevant to them.*

7.2 Perhaps the most significant comment was: ***“Stop the misplaced, unconditional faith in the ability of the FCA to solve crime; rather concentrate on policing”***

7.3 It appears that the WSG report is correct in its concern that the SAPS believes that banning firearms shall be a substitute for even adequate policing. There have been a number of reports recommending and advising on improved policing, but to no avail. The SAPS appears to have ignored them.

7.4 Inspection of the Committee's ‘Policy Ideals’ shows that these ‘Ideals’ are flawed and that adoption of them shall be counter-productive to the reduction of violence and if implemented, these policies shall act against the well-being of the people of South Africa and have a negative influence upon the Constitutional Rights to Life and Bodily Integrity.

7.5 The Ministry Committee report is thus inconsistent and appears to be an attempt to deny not only the results of the WSG Report but also their own data which was available to them at the time.

8

FINAL SUMMATION

8.1 We propose that the current FCA be replaced by a “license the person, register the

firearm system”.

- 8.2 We already have the basis of such a system in place in the form of the two tier system whereby a person has to be issued with a Competency Certificate by the SAPS prior to their being able to apply for individual licenses for each firearm they wish to own.
- 8.3 Replacing the requirement for each firearm to be licensed separately with a simple system of registering each firearm against a person’s name, would greatly reduce the workload on an already stretched SAPS and allow resources to be redirected to fighting actual crime.
- 8.4 Further, the CFR should move to an online system for all processes and this would streamline the process and reduce the administrative burden on SAPS.
- 8.5 Corruption should be rooted out from within the SAPS, CFR and the SADF, as this will go a long way in reducing the proliferation of illegal firearms from the SAPS and SADF from ending up in criminal hands.
- 8.6 Re-establish the specialized Serious Violent Crimes Units (Murder and Robbery, Firearm Unit, Taxi Violence, et cetera) as closure of these units was a serious mistake that SAPS and government made.
- 8.7 It appears that the Bill is driven by a strong, political desire to eradicate private firearms ownership in South Africa, rather than based on any empirical evidence or research.
- 8.8 The riots, insurrection and looting that has taken place in parts of Kwazulu-Natal and Gauteng in the week of the 11th July 202, caused havoc to South Africa’s international image, and has left malls, shops, factories, warehouses and other infrastructure in ruins. This resulted in thousands of honest, hard-working people losing their jobs, their livelihood and income, leaving them and their families and dependents destitute.
- 8.9 President Ramaphosa reportedly said that he welcomed “ordinary citizens” who had been “defending their areas and assets”. In SAGA’s view, had it not been for such law-abiding and ordinary citizens defending the lives and property of others, using the very firearms that the Bill seeks to take away, the situation would have been very different.
- 8.10 An armed and prepared citizenry is not a threat to our democracy, but a guarantee against those who would wish to overthrow a democratically elected government by force and mayhem. It is clear that firearms do protect the law-abiding citizens of South Africa and that even those who do not own firearms, support those who do, as those who do not own firearms feel safer knowing that there are armed law-abiding citizens amongst them.
- 8.11 By way of example, a poll in 2018 on Gun Free SA’s twitter account resulted in 86% of the respondents advising that they felt safer with someone who had a firearm, while 8% felt unsafe, and the other 6% were unsure. To emphasize this, the TV programme Carte Blanche held a Facebook poll in June 2021, and in terms

of this poll 5% of respondents felt that the scrapping of firearm licences would reduce gun violence whilst 95% felt that it would not.

- 8.12 The Constitution of the Republic of South Africa guarantees the right to life, property, freedom of association and peaceful demonstration. It does not give any person or organisation the right to resort to insurrection, revolution, chaos and anarchy the likes that we have witnessed since 11 July 2021.
- 8.13 If the Firearms Control Amendment Bill, 2021 had already been passed prior to the 11 July 2021, the circumstances may have been entirely different with much more devastation and many more innocent lives being lost as a result.
- 8.14 In the circumstances it would be disingenuous were government to proceed with the Bill, and therefore SAGA requests that the Bill be withdrawn in its entirety.