



SAGA SUBMISSION SUGGESTIONS for the **DRAFT FIREARMS CONTROL AMENDMENT BILL, 2021**

As you already know the Draft Firearms Control Amendment Bill, 2021 is a highly contentious document and it is imperative that you make an individual submission opposing the proposals to which you object.

The majority of the proposals in the Draft Bill will place a heavy burden on law-abiding firearm owners without having any real effect on reducing crime. The administrative burden on the Designated Firearms Officers (DFO) and the Central Firearms Register (CFR) are also much more onerous. Considering that the DFOs and CFR cannot manage their current workload efficiently, the additional tasks required in the draft Bill will just exacerbate an already unacceptable situation.

In an effort to assist SAGA members with their submissions, we have determined that those members with a single self-defence handgun and those who are occasional hunters and sport shooters will need the most guidance. This is because we expect that dedicated hunters, dedicated sport shooters, and collectors, will receive guidance on their submissions from their relevant associations. As a result our focus here is general and aimed at those firearm owners with four or less firearms.

Please note that it is crucial that your submission is personal and not just a copy-and-paste of what appears here. The comments below attempt to raise awareness so you can write your submission.

You do not have to limit your submission to what affects you personally – in fact you are encouraged to also object to other proposals in the draft Bill with which you do not agree and which infringe on the rights of other categories of firearm owners.

We confirm that the formal SAGA submission on the draft Bill will comment on everything contained therein.

Please refer to the *How to Write a Submission* document (attached) before preparing your submission.

GENERAL

In terms of the Act that governs the Civilian Secretariat of Police, one of their objectives is to liaise and communicate with stakeholders. Neither SAGA, nor any of the other firearms organisations or groups, or relevant stakeholders like firearms dealers, was consulted prior to the publishing of the Draft Firearms Control Amendment Bill, 2021.

SELF-DEFENCE LICENCES

One of the most serious problems with the Bill is the total removal of the section allowing for self-defence licences.

Despite the constitutional duty of the police to protect the people of South Africa, this simply does not happen. The police lack the capacity to achieve this and the situation is exacerbated by the ongoing corruption and inefficiencies in their midst. As a result we the people, have to rely on our self-defence weapons for protection. Without the means of self-protection, people will be left defenceless against criminal attacks and innocent lives will be lost.

The crime rate is already out of control in SA and the loss of self-defence firearms as a basic deterrent to crime will provide criminals with a free hand to do as they please.

For those who can afford some form of private security this will be cold comfort as escalating crime will soon overwhelm even that. For the majority of people who cannot begin to afford any form of security, this loss of their ability to defend themselves is a serious infringement on their right to life.

In terms of the South African constitution, citizens have the right to life but without the means to defend ourselves against violent attack this right is being denied.

OCCASIONAL HUNTING AND OCCASIONAL SPORT SHOOTING LICENCES

Membership of an Association

The definition of an occasional hunter and occasional sport shooter has been changed to omit the clause that indicates that these persons do not have to be a member of an accredited association. This removes the right to freedom of association. The implication is that these persons will have to join an accredited association which is also going to add to the cost of something that in itself happens on an ad hoc basis, most probably when these hunters and shooters have available resources. This is not a good proposal and the changes should not be made.

Limit on Licences

Firearm licences for occasional hunters and occasional sport shooters will only be issued if you are the owner or lawful occupier of the property where you will hunt or shoot. By the very nature of "occasional" hunting and sport shooting these activities are irregular and often do not happen in the same places. In very few cases will the participants own the land or be lawful occupiers thereof. The burden of obtaining the required documentation from the land owner, shooting range administrator, etc will directly affect the frequency of persons wanting to practice occasional hunting and shooting.

This in turn will affect the viability of game farms and sport shooting facilities, the staff and families of both, and will have a direct impact on how often these hunters and shooters will actually make use of their firearms. This brings a negative knock-on effect on the firearms

industry as a whole as less firearms, ammunition and accessories will be purchased. The impact of this on the economy is massive. This is not a good proposal and this limitation on these licences should be removed.

Limit on Ammunition

Occasional hunters and 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.

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.

Age Restrictions

The current Act allows persons younger than 21 years to apply for competency certificates and licences should they have compelling reasons for the application. The draft Bill limits this to persons aged 18 to 21 years. This means those youngsters who are up and coming hunters and sport shooters cannot apply for competency certificates or licences for firearms. This will directly affect the ability of our youth to learn about, and participate in, hunting and sport shooting activities and competitions. The tradition of teaching our youth the correct ethics and responsible use of firearms will be lost as they will not be able to pursue their interests. This is not a good proposal.

Should someone who is in the 18 to 21 age bracket wish to apply for a competency certificate and licence, the draft Bill also contains various requirements for supporting affidavits and supervision, all of which place an additional administrative burden on the process both from the applicant and the SAPS perspective. This is not a good proposal.

Allowing Another Person to Use your Firearm

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. In the draft Bill, only someone over 21 years who has had a firearm licence 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. 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.

Licence and Competency Validity

The draft Bill changes the validity of a licence for occasional hunting and occasional sport shooting from 10 years to 5 years. This means the licence renewal process and competency certificate renewal process will have to be done more frequently which is an administrative burden on the licence holder and the SAPS. Considering the current inability of the SAPS to timeously handle these applications, this is not a good proposal.

Ballistic Sampling

The draft Bill requires that all firearms undergo ballistic sampling and that a programme to achieve this will be published.

In addition whenever a firearm licence is renewed, or should there be a change of ownership of a firearm, the firearm must be submitted to the DFO for ballistic sampling.

These new requirements will place incredible stress on the DFOs who will be required to do the sampling immediately so the firearm/s can be returned to the owner straight away.

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.

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. These delays will then cause a knock-on effect and jeopardise renewal applications being made in time.

Further, 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 simply not available.

Lack of manpower and capacity on the part of SAPS is going to make this requirement impossible to manage, never mind the impracticalities of the proposal.

Private Firearm Sales

The draft Bill does not allow for a firearm owner to privately sell his or her firearms. All such sales will have to be done through a dealer. Among other implications this requirement will reduce the value of the sale as additional administrative expenses will be incurred; such sales will be difficult to co-ordinate; and this limitation will affect the market in second hand firearms. This is not a good proposal.

Reloading

In terms of the draft Bill it will be an offence for licence holders to be in possession of reloading equipment so they will not be able to reload ammunition. Many firearm owners reload their ammunition and have invested large amounts in suitable equipment to do this.

The reasons for reloading are varied. Generally people reload so that loads for particular firearms, distances, and applications can be worked up. In some cases ammunition may not be available to purchase and so has to be reloaded in order for these firearm owners to shoot their firearms. For many the reason for reloading is financial as once the initial outlay for equipment has been made, the cost of components is less than purchasing factory-made ammunition. Reloading also means shooters are not affected by the availability of ammunition which is mostly imported. This is not a good proposal and the changes should not be made.

COLLECTORS LICENCES

The total removal of the legislation that allows for licences for collectable firearms and collectable ammunition makes no sense at all.

There are thousands of firearm collectors in South Africa who hold collections that are worth many millions of Rands. Collectable firearms are mostly heritage items that tell the story of their development, history, technological, artistic and financial value, often in the South African context. Many collections hold massive investment value and a change in legislation would render them worthless.

The firearms collectors' fraternity is well organized and is accredited in terms of the current legislation. Its members are well disciplined and comply in all respects with the FCA and the Regulations. There is no logical reason why government would seek to remove these collections from those that preserve these historic items.

DEDICATED HUNTING AND DEDICATED SPORT SHOOTING LICENCES

There are a number of issues of great concern for dedicated hunters and sport shooters in the draft Bill. Some of these include the following:

The wording in the definitions of dedicated hunter and dedicated sport shooter defines these persons as "...a person who *qualifies* to engage in..." and "...in the *prescribed* manner..." (our italics for emphasis) yet there is no indication what determines this qualification or what the prescribed manner is. This lack of information is not acceptable.

The draft Bill imposes restrictions on the number of firearms that dedicated hunters and sport shooters may own. This will have a direct impact on the amount of hunting that can be done as different calibres are required for different game, and for sport shooters who need different calibres for the different disciplines this will mean an end to their sport shooting. The impact this will have on the economy of both spheres is massive as the loss of participation will mean the loss of jobs on many levels.

Another change is the limitation of dedicated person to two handguns. For sport shooters who compete with handguns and handgun hunters who choose to only use handguns, this is effectively taking away their ability to compete and hunt.

There are also numerous additional requirements that have to be met by the accredited associations to which dedicated hunters and sport shooters belong. The accredited associations are already tightly regulated and there is no need for further work load and burden.

SUBMISSION DETAILS:

Submissions should be headed as follows:

WRITTEN SUBMISSION ON THE DRAFT FIREARMS CONTROL AMENDMENT BILL, 2021

Submissions can be sent in one of three ways:

1. By post to:

Secretary for Police Service
Attention Mr M Ntwana
Civilian Secretariat for Police Service
Private Bag X922, PRETORIA, 0001

2. By Email to: comments.fcabill@csp.gov.za

3. By hand delivery to: The Civilian Secretariat for Police Service at Van Erkom Building, Van Erkom Arcade, 7th Floor, 217 Pretorius Street Pretoria.

Deadline for submissions is:

Send your submission by Saturday 3 July 2021.

Contact Information:

Make sure your submission states your full name, postal address, email address, telephone number and, if applicable, your fax number.

Issued by:

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