



8 July 2010

**SECRETARY OF POLICE
JENNI-IRISH QHOBOSHEANE
BY TELEFAX: (012) 393-2538**

Dear Madam

THE SOUTH AFRICAN GUNOWNERS' ASSOCIATION (hereinafter referred to as SAGA)

- 1 We would like to thank the Secretary and the Committee Members for the invitation to make submissions on the Firearms Control Act as per your circular of the 25th June 2010.
- 2 This review process is long overdue. However we have to place on record on behalf of our members our objection to the extremely short notice that has been given, not only to SAGA, but to all organizations to submit representations concerning the chaotic state of the implementation of the Firearms Control Act.
- 3 We do not believe that we can adequately address the shortcomings of the Firearms Control Act in the short time provided, but believe that this submission should constitute the start of the process whereby the Firearms Control Act is thoroughly overhauled to ensure more efficient implementation and more fair and effective treatment of firearm owners through an ongoing process of consultation. Structures need to be implemented and given the requisite status and recognition to achieve this.
- 4 We cannot in the time frame provided, provide specific comments on "gaps and weaknesses" in the legislation with particular emphasis on "regulations", although we will allude to certain gaps and weaknesses, but we do not intend to be comprehensive in this regard.

- 5 We believe that an assessment of the different processes and mechanisms or systems that are in place will be covered by our submissions on and an evaluation of the administrative capacity or lack thereof of the Central Firearms Registry and the South African Police Services in general to administer and implement the Firearms Control Act.
- 6 We once again urge that the Minister implement the Consultative Committee contemplated by Section 132 of the Firearms Control Act that is made up of a fair cross section of interested parties.
- 7 We note the composition of the panel constituted by yourself and we have to raise questions concerning the manner of appointment of persons to this panel and whom has been appointed to this panel.
- 8 We note with pleasure that an independent representative of the firearm community, Dr Herman Els has been appointed to the panel. However he is also an executive member of the South African Hunters and Game Conservation Association and SAGA is of the view that if one representative of one association is appointed to the panel, then other associations should have an equal right. We would therefore urge that any discussions, debates, negotiations, etc, take place in an environment where the panel is fairly constituted and is representative of all interested parties.
- 9 We will not dwell on the dismal manner in which the Firearms Control Act has been implemented, because we believe, as a result of a variety of factors, including court cases, bad press reports and interviews in particular on Carte Blanche and Fokus, that the Secretariat in the past and the Minister is now aware of the problems. However, we must once again place on record that all of the problems specified in this document had been drawn to the attention of the Ministry, the South African Police Services – Legal Services and the Secretariat itself. In this respect we refer to the 2007 Public Protectors Report more specifically pages 48, 49 and 50 thereof attached as Annexure "A" which highlighted the problems in the Central Firearms Registry more than three years ago.

- 10 SAGA has concerns that as a result of the history of the way in which administrative and legal problems have been dealt with, that this current process may prove to be yet another pointless and fruitless exercise and waste of time. The Firearms Control Act has no credibility within the greater community of firearm owners, or the security industry. Because its implementation has been a dismal failure, it is our view that the South African Police Services have less control over legal firearms than those under the Arms and Ammunitions Act 75 of 1969. This is briefly because we now have two systems of law that govern firearm ownership in this country, i.e the new and the so-called old Act, which are vastly different in their legal requirements and have substantial levels of different compliance.
- 11 It is therefore of the utmost importance that if the Ministry and the Secretariat is genuinely intent on a proper, substantive review of the Firearms Control Act as per your circular, that the Minister make a symbolic and effective gesture to firearm owners and to the public in general that indicates his willingness to address the problems arising out of the Firearms Control Act.
- 12 We are of the view that the appropriate gesture would be to immediately suspend the re-licencing process, either permanently or on a temporary basis. The South African Hunters and Game Conservation Association judgment (which all parties are well aware of) has effectively ruled that because all old Act licences are valid, there is no need to continue to process renewal applications and to refuse to renew licences issued in terms of the old Act, which have been declared valid, because the provisions relating to renewals have been temporarily suspended by the decision of Judge Prinsloo. If the renewal process is suspended, this will free up a significant amount of resources, particularly at station and provincial level to allow such resources to be refocused onto the processing of competency and licence applications.
- 13 The review of the Act should be a review of the entire process of firearm licences from the beginning to its very end, including Government policies.
- 14 The first level where attention should be focussed is simply that of training, staffing and resourcing of the South African Police Services. There is a "could not care less" attitude at Firearm Registration Level concerning the processing of competency applications and new firearm licence applications (as well as renewals). There are backlogs of several years in almost all police stations and

an inspection of any of the larger Firearm Registration Centres, even in Gauteng will display this. On this issue, we believe that information provided by the South African Police Services to the Secretariat and/or to the Minister concerning the rate of processing firearm licences, competencies and renewals has been misrepresented. It is essential that a proper statistical overview be obtained of how the South African Police Services have implemented the Firearms Control Act and that such statistical overview be derived by independent parties. Put simply, the self-assessment abilities of the South African Police Services in relation to the implementation of the Firearms Control Act, is not to be trusted.

- 15 In reviewing the Firearms Control Act we believe that Section 2 of the Act needs to be urgently reviewed. The Firearms Control Act has been held by the South African Police Services' (Brigadier Bothma) on Carte Blanche, M-Net on 30 May 2010 as "a magnificent piece of legislation". If threatening, intimidatory and bullying tactics are needed to implement a piece of legislation (and yet it still fails) clearly it cannot be such a magnificent piece of legislation. We are aware of a number of submissions that you would have received by now, clearly objection to the threatening and bullying tactics of the South African Police Services in the implementation of the Act.
- 16 Section 2(b) states that it is intended to prevent the proliferation of illegally possessed firearms. Proliferation is defined as "to reproduce, increase, rapidly in numbers, grow by multiplication" (Oxford Dictionary). Quite clearly the Firearms Control Act in disarming legal firearm owners (and not addressing illegal firearm owners) has failed in its objective. The vast majority of firearms that had been surrendered and destroyed since 2004 had been legal firearms. This is unacceptable, particularly in view of the fact that the Minister has recently admitted in Parliament that the Firearms Control Act has had no discernable impact on violent crime in this country. The issue of payment for compensation for surrendered firearms is in the process of being determined by the Cape Provincial Division of the High Court and SAGA reiterates its stance that compensation should be paid to persons who have surrendered legally licenced firearms.

- 17 It follows that the State has failed to establish a comprehensive and effective system of firearm control or management and to ensure the efficient monitoring and enforcement of legislation pertaining to the control of firearms. It is this particular latter sub-section that we believe empowers the Ministry and the Secretariat to embark upon this process and to implement all of the changes that we suggest.
- 18 There needs to be proper training of all levels of police officers and civilians who deal with the Firearms Control Act and its implementation. This includes a drastic simplification of all the forms and processes necessary to apply for a firearm licence, permit or authorization. This proper training must include a proper and comprehensive policy that is derived through public consultation. The problems with the implementation of the Firearms Control Act begin at the very first levels of implementation, because there is no clear set of policy guidelines or directives that state what information should be submitted by applicants and what procedures should be adopted by the South African Police Services. There is also no recommended time frames (i.e service delivery charter) by which processes should be completed.
- 19 This resulted in a complete and utter lack of consistency in the manner in which applicants are treated and the requirements that they are expected to comply with. It follows that there is also a major lack of understanding of the basic provisions and requirements of the Firearms Control Act. We refer to the refusal of T A Fowler, identity number 821004 5078 083 attached. We refer to the fourth reason which states: *"You mention that you will use the firearm for informal target shooting, however a firearm licence issued in terms of this section cannot be utilized for any other purposes other than its intended purpose."*
- 20 This refusal was made by a Colonel in the South African Police Services in the Central Firearms Registry who is a senior officer who, put simply, does not understand the Firearms Control Act. The Firearms Control Act allows the use of a firearm other than that which is licenced in terms of Section 20 to be used for any lawful purpose where it is safe to do so. This refusal illustrates the lack of understanding of training of the South African Police Services of the Firearms Control Act and how it generates additional paperwork (in this case in

the form of an appeal) to remedy shortcomings and training and understanding of the Act.

- 21 The South African Police Services (Central Firearms Registry) have consistently refused to produce guidelines, simply because they are of the view that if they produce such guidelines, then everybody will comply with such guidelines and it will be mandatory to issue licences. Besides the legal requirement that a policy has to exist to guide administrative officials in how to exercise discretion, nothing could be further from the reality. Not only will this not lead to an increase in the type and number of applications, but the reality is that we must all be governed by laws of general application. Firearm owners cannot be treated any differently to any other citizen in the Republic of South Africa and no exceptions are allowed by law. However, the South African Police Services have placed themselves on a level where they are of the view that they do not have to have a policy that is publically disclosed, although they clearly do have a policy that they apply. Applicants for firearm licences are therefore playing a game where they do not know the rules and where the rules are set (and changed on a regular basis) by the South African Police Services.
- 22 For example, many police stations remove part of or the whole motivation from applications, because they believe that the documentation is not necessary. This in turn results in licence refusals or queries being generated by the Central Firearms Registry that not only delays particular processes, but clogs up the entire firearm licence system. A uniform policy, including provincial structures must exist.
- 23 Another problem is quite simply corruption. Corruption is wide spread throughout South African society and particularly within the civil service. We are not suggesting however for one moment that the public is blameless. We accept and acknowledge that there will always be a corruptor and a corruptee. We are aware of the corruption investigation that is currently being undertaken by the South African Police Services against members of the South African Police Services into corrupt practices, particularly within the Central Firearms Registry. This is once again illustrative of the failure of the legislation, because the delays in the system of implementation have created opportunities to the public to be offered special services in return for payment of a bribe.

24 We now turn to deal with some specific issues.

25 Fingerprints

25.1 It takes on average eight (8) months for a set of fingerprints to be assessed by the South African Police Services to determine whether a person has any criminal convictions.

25.2 Should an individual apply for a Public Drivers Permit, which requires a police clearance, or should an individual apply for a police clearance at any police station, a police clearance which involves exactly the same criminal record check, takes four to six weeks. Likewise the security industry, which has computerized access to the police criminal record data base can complete a criminal record fingerprint check in 48 hours. No explanation has been preferred by the South African Police Services for these delays.

25.3 The single biggest problem that relates to the Central Firearms Registry is the fact that certain officials, particularly senior officials, seem to have unfettered and uncontrolled discretionary powers that are not subject to any form of administrative or political control. There must be greater civilian oversight, involvement and control.

25.4 The single biggest area of delay is in the Central Firearms Registry itself. There is no consistency in the manner in which applications are dealt with and time periods for applications to be assessed vary widely.

25.5 The South African Police Services do not advise an applicant of any shortcomings in their applications, prior to refusing such applications. They merely utilize standardized reasons to refuse applications. These standardized reasons contain requirements that are not contained in

the Act and Regulations and therefore must constitute part of an undisclosed policy, and which the public cannot therefore comply with.

- 25.6 Policies have to be publically accessible and must be derived with public participation in terms of the Constitution. The writer has a multitude of refusals of a standardized nature in his possession, which clearly shows that policy considerations that are not accessible to the public are being utilized to refuse firearm licence applications.
- 25.7 If there was a set of guidelines available that the public could utilize in order to prepare their licence applications and to submit the correct documentation the workload of the South African Police Services would be substantially decreased, because this would reduce administrative queries and appeals.
- 25.8 There are simple logistical problems within the South African Police Services. For example, processes are approved in the form of licences and competency certificates, but cannot be printed, because printing machines are broken, which results in delays of printing for up to three months.

26 The Appeal Board

- 26.1 The Appeal Board is problematic.
- 26.2 It is problematic in that it cannot perform its mandate timeously as required by Regulation 91.
- 26.3 It is also problematic in terms of its impartiality. This impartiality has been compromised by virtue of the fact that it has aligned itself with the general attitude and policies of the Central Firearms Registry. It has stated so publically in court papers and has prejudged issues that it in the normal course of events would have dealt with as an appeal

body. This unfortunately has undermined its credibility and its ability to effectively and independently apply its mind to appeals.

- 27 We refer to the quotation from the decision of Spear Security Services (Pty) Limited & Others v Brigadier Bothma, N.O. & Others wherein the presiding Judge stated "In such circumstances it is clear that it is not open or possible for the court to follow a process whereby the applicants are expected to appeal to an appeal authority (The Appeal Board) that has already sided with the principle administrator and clearly would be biased and have already made a decision on that matter."
- 28 This came about as a result of an affidavit filed by the Chairman of the Appeal Board, aligning itself in *toto* with the decision of Brigadier Bothma, notwithstanding that an appeal had not yet been lodged with the Appeal Board. This as well as many other examples have shown that since the appointment of the current Chairman of the Appeal Board there has been a dramatic shift of policy, in favour of unilaterally upholding decisions of the South African Police Services in a manner that is clearly biased and in contravention of Section 34 of the Constitution. This is a danger inherent in constituting an appeal body, that not only shares its administrative structure with the body that it is expected to review, but where persons are appointed onto the Appeal Board, who clearly favoured the status quo, because they have not been subject to a proper process of selection to ensure their impartiality.
- 29 The Appeal Board needs to be reconstituted and removed out of the umbrella of the South African Police Services.

Firearm Dealers

- 30 We are aware that individual dealers in firearms have made specific representations concerning their difficulties with the Central Firearms Registry.
- 31 In the early stages of the drafting of the Firearms Control Act it was clearly stated that dealers were meant to be an integral part of the implementation process. This would be through linking the dealers with the Central Firearms Registry data base, which has not happened, and which would allow them

access to the data base to reduce the amount of queries and time that the South African Police Services would have to spend on not only updating the data base, but also in preparing correct documentation for submission to the South African Police Services.

- 32 At all points after the promulgation of the Firearms Control Act, the dealers have been frustrated in not only accessing information on the South African Police Services data base, but in attempting to assist the South African Police Services in rectifying incorrect information. The South African Police Services have imposed onerous requirements, alternatively simply ignored requests for the updating of information. The E-connectivity System needs to be implemented as a matter of urgency between dealers and the Central Firearms Registry.
- 33 The deactivation of a firearm is a major problem, because although this would achieve one of the objectives of the Act, it takes up to three years and the South African Police Services have no subject matter experts that are qualified to determine whether a firearm has been properly deactivated or not. The recently introduced policy of refusing deactivation permits for handguns is unlawful and needs to be immediately stopped.
- 34 The paperwork requirements of the Central Firearms Registry, i.e. the forms need to be dramatically simplified and the ability of the South African Police Services to process documentation needs to be radically improved.
- 35 We are of the view (and have always been so) that the Firearms Control Act was intended to licence the person through competency and register the firearm. This is a process that has been successful in numerous overseas jurisdictions, particularly Canada, from where much of the legislation is derived. It is noteworthy that the Canadian legislation has also been effectively withdrawn, due to administrative inability of the Canadian Mounted Police to implement their system. The requirements for competency in the Firearms Control Act are comprehensive. We are of the view that if a person is declared competent, decision making should be devolved to a much lower level than the Central Firearms Registry, preferably to a local level where a police officer who will assess an applicant can have personal interaction with that applicant and can personally investigate the applicant's circumstances. It is impossible for the Central Firearms Registry, which is remote from and completely unassociated with the applicants, to make decisions as to an applicant's

suitability to be granted a competency certificate or a firearm licence. It is noteworthy that the Central Firearms Registry routinely ignores recommendations made by local officials who have direct interaction with applicants, notwithstanding this in fact being one of the purposes of the Act, because it is contained in the forms which constitute part of the Regulations. It follows that the Central Firearms Registry should become a repository of information and should have little or no decision making ability whatsoever. Decision making should be devolved downwards and steps taken to dismantle the pyramid decision making structure that the Central Firearms Registry has become. Bottlenecks have developed in the Central Firearms Registry because of the limitation on the number of persons who have the authority (and the willingness) to make decisions.

36 There are many anomalies in the Regulations. One such anomaly is quite simply that a foreigner can obtain an import permit on his arrival in the Republic of South Africa for a firearm, but a South African citizen or resident cannot and to do so constitutes a criminal offence.

37 We will draw many such other anomalies to the Secretariat's attention in due course when a proper consultative process is embarked upon.

38 Short term immediate recommendations

38.1 It is clear that the South African Police Services cannot currently cope with its administrative burdens. There are a number of simple suggestions that can be made to alleviate this burden without any additional expenditure, need for training or infrastructure.

38.2 It is the writer's view that the decision in the South African Hunters & Game Conservation Association has suspended the re-licencing process.

38.3 Judge Prinsloo has ordered that all licences are valid as at the date of his decision. It follows that thereafter there was no need (and in fact in the writer's opinion it is unlawful) for the South African Police Services to continue to make assessments and to grant or refuse re-

licencing decisions in terms of a process that have been suspended by a court order. This issue has been brought to the attention of the South African Police Services.

- 38.4 Should the re-licencing process be suspended this will release resources, particularly at a station level, to properly process applications for competency certificates in particular and with specific reference to the security industry and it will also allow the Central Firearms Registry to focus on new applications for firearms and competency certificates. It will have the added spin-off benefit in that it will generate goodwill with the firearm owning public and may well reverse the negative attitude towards the Firearms Control Act.
- 38.5 Conversely, should the South African Police Services continue to make decisions in conflict with the South African Hunters & Game Conservation Association decision and to refuse firearm licence renewals, they will be faced with further legal action.
- 38.6 During the genesis of the Firearms Control Act and on a number of occasions thereafter it was argued, and to a great extent gained acceptance within certain representatives of the South African Police Services and the Portfolio Committee, that the focus should be on licencing an individual and registering a firearm. This process needs to be resurrected and examined. The competency process effectively licences the individual and the registration of a firearm can be devolved to a more local level, such as at a Provincial or even a station level. This will free-up substantial resources in the Central Firearms Registry who should be responsible for administration over the control of firearms and not decision making. The Central Firearms Registry should be a repository of knowledge and decision making should be devolved down to more local level, where, in terms of the original intentions of the Act, it was intended that police officers with the requisite training who interact with the members of the public make recommendations that would be followed, as to the suitability of an applicant for a firearm licence, competency certificate, etc.

38.7 There needs to be a radical change in not only the policy of the South African Police Services but that of government. The policy up until now has been to regard licensed firearm owners as some form of threat to stability in society. This is clearly not the case, not only because the Minister has publically acknowledged in Parliament that the Firearms Control Act cannot be demonstrated to have reduced crime but because our High Courts have consistently recognised not only the right to own firearms, but the rights that legal owners have to be treated in a fair administrative fashion.

38.8 Government needs to refocus its energies in controlling illegal firearms, and to recognise that licensed firearm owners constitute a responsible part of society. Government needs to foster cooperation between legal firearm owners and itself and to develop a sense of trust and understanding between these two groups. A failure to do so, can only result in further, costly litigation.

Medium/ Long Term Solutions

39 The Firearms Control Act can be a workable piece of legislation.

40 Its failings are not in its content (although we reserve the right to challenge provisions of the Act, should the need arise) but in the manner in which it has been interpreted and implemented by way of policy.

41 An ongoing consultative process needs to be established where workable solutions can be obtained to fine tune the Act to make it fair and administratively implementable.

42 We do not believe however that medium to long term solutions fall within the purview of the Minister's current instruction due to the urgency of the current review and because amendments to the Act will take some substantial time to promulgate.

43 We hope that the contents of this document will contribute in a positive way towards an effective improvement in the implementation of the Act and we look forward to ongoing engagement with other role players to achieve fair, equitable and efficient legislation.

Yours faithfully

SOUTH AFRICAN GUN OWNERS ASSOCIATION

7. SYSTEMIC AND OWN INITIATIVE INVESTIGATIONS

7.1 Social grants investigation, Eastern Cape

In order to address the identified delays in accessing and processing the applications for social welfare grants in the Eastern Cape, an investigation was undertaken and completed during 2006/07. The report on the investigation will be issued during the 2007/08 financial year.

7.2 RDP housing investigation, Kouga Municipality

A project plan was approved during the 2006/07 financial year to conduct a systemic investigation regarding the delays in provisioning of low cost RDP housing by the Kouga Municipality in the Eastern Cape. The investigation has been finalised and a draft report was submitted for comment to the Special Investigation Unit of the National Department of Housing. After these comments have been received, a final report will be issued during the 2007/08 financial year.

7.3 Investigation into service delivery – provision of identity document and access to a social grant

The Office of the Public Protector initiated an investigation, following a newspaper article published on 5 February 2007. The plight of a person in the Northern Cape who suffered from tuberculosis, was highlighted. This person could not access a social grant because he did not have an identity document. Pursuant to the Office's intervention, the said individual received his identity document on 6 March 2007. His disability grant application was also processed and the first payment was effected from April 2007 (prior to this social relief in the form of food parcels was provided to him).

7.4 South African Police Service – firearms licensing

Report No 10 of 2006/7

This report deals with an investigation conducted by the Office of the Public Protector into the implementation of the Firearms Control Act, 2000 (Act 60 of 2000). The Firearms Control Act, and the Firearms Control Regulations and amendments, had caused much discontent amongst legal gun owners. It was decided to conduct an investigation on own initiative, on the implementation of the Act, in terms of the provisions of section 7(1) (a) of the Public Protector Act, 1994.

The office of the Public Protector received numerous complaints from applicants dissatisfied with the process to obtain firearm licences and the alleged undue delay in the issuing of the licences. The bulk of complaints were about the undue delay in the finalisation of the appeals submitted to the Appeal Board. Some of the complaints related to applicants who were dissatisfied with advice received from the SA Police Service on the procedure to obtain a firearm licence.

The investigation comprised:

- ♦ An evaluation of information obtained from complaints received.
- ♦ Consideration of a number of media articles on the subject.
- ♦ An evaluation of information obtained from the Central Firearm Register.
- ♦ An evaluation of the legislation pertaining to firearms licences.
- ♦ Consideration of the legislative framework pertaining to service delivery in the public service.

FINDINGS

The following conclusions were drawn from the investigation:

- ♦ The purposes of the Firearms Control Act, 2000 were to make ownership of firearms more responsible and to make the process of owning a firearm clear to the user and the police. Responsibility of firearm owners was spelt out clearly. The Act aimed to make the use and storage of firearms safe.
- ♦ The success of the Act did rely on how it was implemented and applied. It was important that the process was continually monitored and, where hitches were identified, corrected either through the amendment of the Act or training of the officers who implemented the Act.
- ♦ Sometimes the public service was slow to adapt to unanticipated issues, did not communicate effectively with the public or failed to recognise the administrative burden that government requirements could impose on people.
- ♦ Public service should try to reduce or eliminate administrative burdens when planning and delivering services.
- ♦ All state institutions and servants, including the SA Police Service were constitutionally obliged to perform in an effective and efficient manner. All state institutions and servants were obliged to properly implement and adhere to the principles contained in the Batho Pele White Paper.
- ♦ Legislation and policies that prescribe and regulate service delivery in the public administration were adequate. Proper implementation and constant control over adherence to the legislation and policies should address problems of undue delays.
- ♦ In order to give practical effect to the relevant legislation and policies relating to service delivery, all public servants were required to comply with the Batho Pele Principles and the Code of Conduct for Public Servants.
- ♦ Service standards defined minimum levels of delivery that should be achieved.
- ♦ The Central Firearms Register had taken measures and continually addressed problem areas to prevent undue delays.

RECOMMENDATIONS

The Public Protector recommended that:

- ♦ An effective complaint handling mechanism should be introduced at the Central Firearms Register to identify problem areas immediately. This would enable the public to seek assistance at an early stage of the application process. An internal complaints process was an informal and flexible process and would also provide an early opportunity for the Central Firearm Register to learn of problems that were arising in the administration process.
- ♦ The Central Firearms Register should publish service standards in respect of timeframes to issue competency certificates and firearm licenses. This would foster good public administration that was acceptable, lawful, fair, transparent and responsive.
- ♦ The Central Firearms Register should ensure that measures and monitoring processes were introduced to address the causes of problems and to prevent a recurrence where problems existed. Good practices would then be identified.
- ♦ The Central Firearms Register should ensure proper compliance by employees with the provisions of the Batho Pele Principles and the Code of Conduct for Public Servants.
- ♦ Training of the personnel at the Central Firearms Registry should be continuous. Specific training on the purpose and aim of the Promotion of Administrative Justice Act (PAJA) and its application should be implemented.

- ♦ The Central Firearm Register should ensure that services were delivered justly in terms of the PAJA. Reasons for decisions should be properly communicated. Services should be provided impartially, fairly, equitably and without bias. The PAJA ensured procedurally fair administrative actions, gave the right to request reasons for actions and the right to have actions reviewed by a court. Procedures followed should be clearly stated and affected people given notice of their rights to review or appeal decisions. The public had the right to be informed of reasons for decisions.

- ♦ A comprehensive communication campaign by the Central Firearms Register on the requirements to obtain a firearm license should be launched to inform the public. It should be remembered that a person's entitlement to a firearm license depended on whether he/she could satisfy the eligibility criteria set out in the legislation.