

## Ministerial Consultation Meeting

2005-09-02

The Minister of Safety and Security, Charles Nqakula, called a meeting of representatives of various accredited associations under the Firearms Control Act. The exact purpose of the meeting was not clear beforehand. The initially scheduled date was unavoidably postponed due to 11<sup>th</sup> hour Ministerial obligations.

About 60 delegates attended the session at the SAPS Logistics head quarters in Silverton, Pretoria. They included sports shooting associations, collectors, hunters and SAGA. I did not see anyone from GFSA.

The Minister addressed the meeting and then allowed some questions. This summary is not a full transcript of the session, but rather a summary of what I considered important to note. It is more or less chronological, except where some issues were updated later in the session, generally during Q&A. The meeting opened at 10h10.

The Minister promised to convene a National Consultative Forum – NCF.

- His initial idea was to have 3 representatives from each province at the session. These three representatives would be elected / selected by the province to represent the province based on the relevant topic under discussion (hunting, self defence, etc.) This would obviously imply different representation at each session. [JMF: I believe that this would be quite ineffective as there would be zero continuity.]
- Several of the associations requested that the NCF comprise the representatives of the accredited national associations, most of whom were present, rather than provincial representatives. The Minister agreed to the request. [JMF: I believe that this will be better since continuity can be ensured and your association will be fully represented]
- The next NCF meeting was scheduled to take place during November. This could be moved earlier due to the impending deadline of 31 December for the first batch of licence renewals.

During his address the Minister indicated that he wants to interact to revise the FCA and its implementation to achieve a better overall legislation.

He also addressed the concept that the FCA is a tool for disarmament. As it passed through the Constitutional Court, he is of the opinion that it does not “trample on constitutional rights” (his words).

The Minister also suggested that there might be another amnesty, since the last one was very successful.

In the event that interested / affected parties cannot successfully resolve issues at lower levels (such as CFR and the appeal board), legislation provides that they may petition the Minister for intervention. This has already happened successfully.

The following issues, *inter alia*, were raised from the floor, and the Minister requested that formal, written submissions be made before the next meeting on these and any other matters.

The hunters association [not sure which one] requested relief for hunting rifles in terms of the legislation, since these are not really used in crime in South Africa. [JMF: This illustrates the problem in effectively fighting the legislation. One category tries to get a concession just for them, without looking at the bigger picture affecting all gun owners. Many of the queries, like this one, are valid and applicable for each of the various associations making them. However, without the Joe Soap gun owner, the man in the street, the supply to these associations will soon dwindle. Somehow, someone (SAGA?) must ensure that this supply chain is maintained. The “how” is the difficult part.] They also requested the minister to consider a “time out”, to allow proper implementation of the FCA to be put in place. This is urgent due to the pending deadline of 31 December for the first batch of licence renewals.

Martin Hood of SAGA raised the following crucial issues:

- There is a lack of service delivery from all levels of SAPS with respect to firearms, but the appeal board is to be congratulated for improving their throughput.
- According to education legislation SAS SETA certification is only required for training providers and not for the trainee. The FCA regulations should be amended to only require a certificate from the training provider, and not the SAS SETA one, so that this particular bottleneck can be removed. SAS SETA would then only focus on assuring the credibility and quality of the training providers, as is the case in the rest of the education sector.

- The legislation should be amended to empower the various accredited associations to approve / certify their members, including all particular firearm licenses (in the applicable categories)
- SAGA suggested that the Minister sets up a dedicated task team to actively work on legal amendments to the FCA and FCR.

The Metallic Silhouette Association explained that the legislation is negatively impacting on the ability of amateur associations to perform since resources are drained by the bureaucratic requirements of the FCA.

Andrew Soutar of the dealers association, SAAADA, also stressed the lack of service delivery, especially at CFR. He also requested that dealers be involved, and party to, any / all proposed amendments to the legislation. The Minister promised that there would be a round of public hearings for future amendments. [JMF: I got the feeling that Andrew was asking for participation even before this stage, especially in the light of potential impact of some amendments to dealer stock value. An example is the value of airguns that would plummet to zero should they be re-regulated.]

Safari Club International made the point that hunting brought in some 90% of South African tourism revenue, amounting to \$42 million annually. The minister was surprised at this amount. They requested relief for hunting rifles in terms of the legislation, since these are not really used in crime in South Africa, and emphasized this requirement for international hunters. Many of these are turning to neighbouring countries rather than suffer the delays and difficulties of bringing their guns into the country.

Carvel Webb, of NAACCSA (collectors), suggested increasing the scope of consultation, and:

- He illustrated the need to set up a mechanism to achieve consistency between the various DFOs nationwide, specifically in terms of the requirements of collectors.
- He requested more interaction at all levels, especially with the Appeals Board and the Ministry. This is to be able to educate and illustrate to those role players what collecting, hunting and sports shooting is about.

The Free State chapter of SAAACA stressed that heritage firearms are being destroyed and that mechanisms need to be properly implemented to stop this. The Minister denied that heritage guns are being destroyed, but requested that mechanisms be improved if this is not the case. The SAHRA (heritage resources agency) chairman suggested deactivating heritage guns to protect the heritage for future generations, while still ensuring safety and security. [JMF: It was not clear if this intention is only applicable to relevant firearms handed in for destruction, all even heritage firearms in private collections. It is clear, however, that there is very little concept at SAHRA and the SAPS as to the fact that much of the heritage value lies in the functionality of these guns. Much of the heritage value will be lost with deactivation. Do those collectors believing that collectable firearms should not be shot exacerbate this problem?]

The Minister responded that the various queries could be grouped into three categories.

1. Implementation issues
  - This could best be addressed through written submissions, received before the next meeting.
2. Exemptions with respect to certain categories.
  - The Minister stressed that no exemptions would be made in contravention with legislation, but that such exemptions would require an amendment to the law.
3. The Act and Regulations, and possible amendments

The meeting closed at 11h55, and lunch was available.

JMF comment:

I guess that this meeting is the start of some progress toward getting legislation in place that actually has a chance of working. How much change will come? I've no idea, but it will be great if the Minister is serious and not just offering some more lip service. There has been plenty of that from CFR so far. By all accounts the head of CFR, Jaco Bothma, operates on the "talk is cheap" principle as very little action follows out of the numerous discussions he holds and promises he makes. Let's all hope that the Minister is prepared to, and in fact wants to, walk the walk and not just talk the talk.