**Submission on the Draft Firearms Control Amendment Bill, 2021**

Published by the Civilian Secretariat for Police Service, 21 May 2021

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| **For the attention of:** | Civilian Secretariat for Police Service |
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# **Introduction**

Every day 23 people – fathers and sons, mothers and daughters – are shot and killed in South Africa. I/We want the guns in South Africa to be silenced so we can live without the fear of gun violence. I/We believe the Draft Firearms Control Amendment Bill, 2021 will reduce gun violence in our communities and help make South Africa a safer, more secure country.

# **Overall comments**

Overall I/we support the Draft Firearms Control Amendment Bill because: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# **Detailed comments**

## **STRONGLY SUPPORT**

In particular, I/we strongly support the following clauses in the Draft Firearms Control Amendment Bill, 2021 as they will limit the easy availability of guns and ammunition, reduce the risk of guns in violence against women and reduce the risk of legal guns being stolen and leaking into the illegal pool of guns. Where relevant I/we note where these sections can be strengthened.

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| **Focus** | **Proposed amendment** | **Clause Number** |
| **LIMITS** | **Ammunition**   * Reduced from 200 to 100 bullets * Not allowed to reload own ammunition at home | 54  36 and 55 |
| **Use**   * No guns for self-defence * No private collection guns or ammunition * No public carrying of guns except by police officers and security officers | 15  19  51 |
| **REDUCE RISK OF GUNS IN VIOLENCE AGAINST WOMEN** | **Competency certificate** |  |
| * Permanently disqualifies someone declared unfit to own a firearm from being able to apply for a competency certificate | 10 |
| * The police *may* temporarily suspend processing a competency certificate application if the applicant is issued with an interim protection under the Domestic Violence Act or the Protection from Harassment Act; the suspension remains in place until the interim protection order is confirmed or withdrawn | 10  Change the word “may” to read “must” |
| * No competency certificate to be issued to a person who has been convicted for an offence involving an “element of violence” or sentenced to imprisonment without the option of a fine | 10 |
| **Competency certificate, licence or permit** |  |
| * The police *may* temporarily suspend a licence if the licence holder is charged with any offence that involves an “element of violence” or has been served with an interim protection order under the Domestic Violence Act or the Protection from Harassment Act. A person served with a notice of suspension must surrender all firearms to the nearest police station for safekeeping until the case has been finalised | 60  Change the word “may” to read “must” |
| * Permanently disqualifies someone who has been declared unfit to own a firearm from being able to apply for a competency certificate, licence or permit | 62 |
| **REDUCE RISK OF LEGAL GUNS BEING STOLEN AND LEAKING INTO THE ILLEGAL POOL** | **Ballistic sampling (fingerprinting) of firearms**   * Requires every privately-owned and state-owned firearm to be ballistically sampled, including when licences are renewed or firearms sold | 25 and 58 |
| **Improved control over firearms owned by private security companies**   * Strengthens the working relationship between the Central Firearms Registry and Private Security Industry Regulatory Authority by providing for the establishment of a Consultative Forum and describing the functions and functioning of the Consultative Forum | 21 |
| **Designated Firearms Police Officers (DFOs) must be trustworthy**   * Designated Firearms Officers must be security vetted and provision is made for random integrity testing | 64 |

## **CALL TO STRENGTHEN**

We urge that the following clauses in the Draft Firearms Control Amendment Bill, 2021 be strengthened:

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| **Focus** | **Proposed amendment in the Draft Bill** | **Clause Number** | **Call to strengthen** |
| **LIMITS** | **Age**   * Allows a person between the age of 18 and 21 to be issued with a firearm competency certificate, licence, permit or authorisation *if there are compelling reasons* | 7 and 10 | Call for the age limit to own a gun to be increased to 25 years of age to protect young people from gun violence  Nobody under the age of 25 years must be allowed to own or use a gun so that we can stop youth being groomed for violence |
| * Allows a person who is 21 years of age and the holder of a valid firearms licence for at least three years to let a person aged 16 years and older to use that firearm while under their supervision | 23 |
| **Drunk driving**  No amendment included in Draft Bill | - | Call for anyone found guilty of driving under the influence to be prohibited from ever owning a gun because this action shows that they are not “fit and proper” to be responsible gun owners |
| **Firearm free zones**  Section 140 of the Firearms Control Act allows for the Minister to declare certain premises as Firearm Free Zones; once declared it is a criminal offence to allow, carry or store a firearm in that space | - | Call on the Minister to declare all schools as Firearm Free Zones under Section 140 of the Firearms Control Act to help create safe spaces for learning |

# **Conclusion**

I/We thank the Civilian Secretariat for Police Service for allowing us to raise my/our voice and help silence the guns in South Africa by making a submission on the Draft Firearms Control Amendment Bill, 2021.