



**REPORT OF THE
ENGAGEMENT SESSION ON THE DRAFT FIREARMS CONTROL AMENDMENT
BILL BY THE DEPARTMENT OF CIVILIAN SECRETARIAT FOR POLICE SERVICE
HELD ON 17 AUGUST 2022, FROM 14H00-16H00
ON MS TEAMS**

Chairperson: Ms. Nolwazi Mthembu-Makaula

1. OPENING AND PURPOSE OF THE MEETING

- 1.1. The acting senior manager in the Nedlac Labour and Development unit, Ms. Nolwazi Mthembu-Makaula, opened the session and welcomed everyone present.
- 1.2. In the 2022-2023 financial year, Nedlac requested the Department of Civilian Secretariat for Police Service to make the presentation to the Development Chamber for engagement on the Firearms Control Amendment Bill.
- 1.3. The Chairperson appreciated the Department of Civilian Secretariat for Police Service for honouring the invitation to engage social partners on the draft firearms control amendment bill.
- 1.4. The invitation for the session was also extended to the board members from Gun-free South Africa to attend the meeting with observer status, given the extensive work done by the organization on the reduction of gun violence in our country.

2. ADOPTION OF THE AGENDA

- 2.1. The agenda was adopted as presented without any amendments.

3. INTRODUCTION TO THE DISCUSSION

- 3.1. Dr. Phillip Jacobs, from the Department of Civilian Secretariat for Police Service, made a presentation on the Firearms Control Amendment Bill, and stated the following process matters followed by Government:
 - 3.1.1. The purpose of the presentation was to brief the Nedlac's Development Chamber on the provisions of the Firearms Control Amendment Bill as published for comment in May 2021.
 - 3.1.2. Department received around 118 000 (one hundred and eighteen thousand) comments during the public consultation process. Over 90% of the comments received from the public did not agree with the clause on "self-defence" including a number of other sections proposed in the Bill.
 - 3.1.3. The Portfolio Committee on Police was briefed on the public consultation process undertaken by the Department. The Portfolio Committee further recommended that the Department should consider undertaking further consultation and also convene bilateral meetings with organisations and individuals that have made substantial comments on the Bill to understand the different perspectives and viewpoints on the provisions of the Bill. In light of the recommendations, the Department embarked on a consultation drive to solicit more input on the Bill.
 - 3.1.4. The Department saw it important to consult with the Nedlac social partners on the same version of the Firearms Control Amendment Bill as gazetted in May 2021, with the view to obtaining preliminary views from the Nedlac social partners on the Bill.
 - 3.1.5. The Minister of Police is yet to be briefed by the Department on the findings arising from the bilateral meetings, and consultation drive. A report in this regard will be finalized and the same will incorporate input obtained from the Nedlac social partners.
 - 3.1.6. The Department hoped to brief the Minister during the second quarter of the current financial year 2022-2023. Government will share with the Nedlac social partners, the outcome of the meeting with the Minister of Police. In addition, it can also make available the list of stakeholders that were consulted should this be required by the social partners.

3.2. The full copy of the presentation on the draft Firearms Control Amendment Bill made by Government is attached as **Annexure 2** of this report.

3.2.1. The purpose of the Act is to restrict firearms to civilians and to comply with regional and international instruments.

3.2.2. The objects of the Act include the prohibition and use of prohibited firearms, the establishment of an integrated firearms licensing and registration system, and the safe storage of firearms.

4. RESPONSES OF SOCIAL PARTNERS TO THE DRAFT FIREARMS CONTROL AMENDMENT BILL.

4.1. Organized Business inputs:

4.1.1. It stated that one of the media reports indicated that the Office of the Chief State Law Advisor (OCSLA) was still considering the Bill and was yet to provide a response to whether the proposed amendment Bill met all the Constitutional requirements. Business sought clarity as to whether the process was undertaken and requested Government to provide feedback on the outcome.

4.1.2. Subsequent to the bilateral meetings with all the relevant stakeholders, Business inquired whether Government intended to amend the Bill and re-publish it for the second round of public comments or if the intention would be to amend the Bill and thereafter be tabled in Parliament for further processing.

4.1.3. Business stated that at this meeting, it was not in a position to make any substantive comments on whether it agreed or disagree with a certain provision of the Bill. It stated that it would prefer a process where it would draw in its team of technical experts in the area. It recommended that it be afforded an opportunity for a detailed engagement for its experts to make further comments on the Bill.

4.1.4. Business recognized the need for agility and indicated their interest to explore other ways to assist to speed up the process. Business was in support of the call from Community of supporting Government and there had to be other ways to find agility considering that Business was a huge Constituency.

- 4.1.5. Furthermore, Business indicated that it would be great if Government considered formally tabling the Amendment Bill to Nedlac for further engagements, and further supported that there was no need to subject the engagements to a standard six-month process. The terms of reference of the task team can be amended to state that discussions will not be done line by line and that the process should be concluded on an expiated basis. Business made an undertaking to submit written submissions by 31 August 2022.

4.2. **Community Constituency inputs:**

- 4.2.1. It welcomed the presentation made by the Department and noted the processes and steps needed to be taken by Government to conclude consultations on the Bill.
- 4.2.2. Community emphasized the importance and the urgency of amendments to the Bill, it noted the imperatives key issues that were pertinent to the members of the community. It noted that there were a number of red flags on the principal Act and supports the move by Government to amend the Bill. Community also expressed the same issues raised by Business and that the process of engagements needed to be expiated.
- 4.2.3. It further indicated that there was still negligence in terms of firearms control in the country and the engagements would enable social partners to submit proposals on the best way to address the concern.
- 4.2.4. Community stressed the need to ensure that no processes were bypassed in ensuring that the Bill is given the attention it needs. When there is an urgency of any kind, Community is always prepared to work within a certain timeframe to validate the support of this Bill.

4.3. **Labour Constituency inputs:**

- 4.3.1. Labour welcomed the presentation made by Government and stated that it waited for a long time for this Bill to be presented at Nedlac and that it was long overdue. It viewed the proposed amendments contained in the Bill as a fair compromise.
- 4.3.2. The country was battling with violent crimes such as Gender Based Violence and Femicide (GBVF), drunkenness, domestic violence, violent gangs, etc. Labour stated that on average, a member of the SAPS is shot and killed due to gun violence, every week.

- 4.3.3. People who own licensed firearms are targeted by criminals and there are significant abuses by certain companies. Labour did not observe any red flags on the provisions of the Bill, its views were that the possession of firearms could be disbanded and only police officers must be allowed to transmit firearms.
- 4.3.4. COSATU members have been on the receiving end of the misuse of firearms as a result, POPCRU issues statements and letters of support to police members who are murdered, every week. COSATU was in support of this Bill and that its provisions needed to be urgently enforced.
- 4.3.5. It signaled to Government that if it wished to get the Bill promulgated by the current administration, Government needed to table the Bill for Parliamentary processing by Christmas this year. In an event this target was not met, the Bill could only be addressed by the next administration which it believed presented a possibility of delaying this Bill for another five to ten years. Labour reasoned that there was a possibility of there being a new Police Minister, who may be less sympathetic to the objectives and provisions of this Bill.
- 4.3.6. In expediting the Nedlac process, Labour undertook to provide written submissions to Government with the view to strengthen the comprehensive provisions of the Bill.
- 4.3.7. Labour raised a concern that there are only three months to the end of the year and that Government would still need to undertake a consultation process on the revised Bill with the other fellow Departments, DG clusters, the Cabinet sub-committees, etc.

5. RESPONSE OF THE DEPARTMENT OF CIVILIAN SECRETARIAT FOR POLICE SERVICE TO SOCIAL PARTNERS

- 5.1. It was Government's standard procedure to first obtain pre-certification on any legislation from the OCSLA before any publication for public comment in the Government Gazette could be undertaken. Government obtained an opinion from the OCSLA; however, it was not at liberty to disclose the specific details. It further indicated that this was one of the reasons it was avoiding consultation with the stakeholders before it could obtain mandate from the Minister on the best way to proceed on the matter. Because social media usually misquote the Departments position.
- 5.2. Government indicated that the outcomes of the engagement with the Minister of Police would give mandate and would provide definite answer on the best way to proceed further. At this stage, it was uncertain whether it would obtain instructions to re-publish the Bill or to incorporate the submissions obtained during the public consultation process. The final mandate will be received from the Minister.

- 5.3. Government welcomed the suggestion for Nedlac social partners to submit written comments by 31 August 2022. It stated that it intends to finalize the consultation process and get a mandate to provide feedback to Nedlac social partners, thereafter approach Parliament. The sooner the Department gets written proposals from the social partners the better in order to conclude this process timeously.
- 5.4. Government confirmed that the Firearms Control Amendment Bill was one of the Bills that have been prioritized by both the Department and Parliament. It further noted the input made by Labour regarding the Bill being long overdue, was as a result of Government wanting to first address the estimated 118 000 comments received and ensure that all necessary consultation processes were undertaken and that the contents of the Bill were understood by members of the public and any other relevant stakeholder.
- 5.5. Government could not commit to the Bill possibly being submitted by Christmas this year. The department indicated that it was important to note that it is currently dealing with four Bills that are currently before Parliament and this did not mean that Government was neglecting the Firearms Control Amendment Bill.
- 5.6. It welcomed the Nedlac directive, that once the Bill was formally tabled to Nedlac it would not be subjected to the line-by-line process of engagement. The Bill would be dealt with in an expedited manner and this will be provided for in the terms of reference of this process. It also expressed appreciation and the support it obtained from the social partners on the Bill.

6. WAY FORWARD

- 6.1. It was agreed that Government would provide feedback on the outcomes of engagement with the Minister of Police on the Bill. The Nedlac process to be followed would be clarified and determined through a task team's terms of reference. This would only be done once the necessary feedback has been obtained from Government..
- 6.2. It was agreed that Nedlac social partners would submit written positions for their respective Constituencies to Government by 31 August 2022.

7. CLOSURE

- 7.1. The Chairperson officially closed the engagement session.

ATTENDANCE REGISTER FOR THE SESSION ON THE DRAFT FIREARMS CONTROL BILL HELD ON THE 17TH OF AUGUST 2022

Business	Community	Labour	Department of Civilian Secretariat for Police Service	Nedlac Secretariat
Siobhan Leyden Sanelisiwe Jantjies Kgauhelo Qwabe	Lucas Qakaza Laura Kganyago Lawrence Bale	Matthew Parks Boitumelo Molete Sipho Ndhlovu	Philip Jacobs Dawn Bell Milton Ntwana	Nolwazi Mthembu-Makaula Priscilla Mashabane Busisiwe Milisi-Mngese Bongani Mahlalela

