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## Firearms – The right to fair administration.

Firearm owners have a constitutional right to fair and efficient administrative service. This right is entrenched in the Constitution, in the Promotion of Administrative Justice Act (Act 3 of 2000), the Interpretation Act (Act 33 of 1957) and the Cabinet approved guidelines “Code of Good Administrative Conduct”. There is an obligation on the police to create an administrative environment that will comply with the relevant legislation and provide a **balance** between the intention of the Government to better regulate firearms on the one hand, and provide law-abiding citizens with fair and efficient administration on the other.

Hunting associations have, against this background, engaged in ongoing negotiations with the command of the Central Firearms Control Registry (CFR). The objectives are

- to get clarity on the **interpretation** of the Act and the regulations,
- to get an intimate understanding of the **administrative processes** and influence it where necessary,
- and to ensure that **consideration** decision-making criteria is transparent, fair and derived from the Act and the Regulations only.

### Interpretation

Clarity was received on a number of issues and the ruling interpretations communicated to the industry. We now have certainty for example that a person may:

- be a PH or outfitter and license a rifle for business purposes under Art. 20 and
- obtain DH status and license other rifles under Art. 16 and
- license handguns for occasional sport shooting under Art.15 and
- license a self defense weapon under Art. 13.

Regulation 4(1)e(ii) is now also clear to mean that a Professional Hunter (PH) can be given Dedicated Hunter (DH) status if he or she has completed the ‘CHASA course’ and also that a DH may not misuse his DH status to conduct business in hunting (i.e. pose as a PH).

### Administrative processes

A number of concessions with regards to the transition period were negotiated. For the very first round of licence renewals it is only necessary to undergo the theoretical part of the required Sasseta (Poslec) training and the certificates from the training service providers would be sufficient. Professional Hunters and the old bona-fide hunters who have not completed the ‘CHASA course’, have been accommodated by being allowed DH status now, on the proviso that they complete the DH training before 31 December of the year in which they are due for renewal.

Channels of communication between hunters and the CFR have been established for cases where a local DFO cannot solve a problem. The hunter’s first resort is the 24hr call centre at 012 353 6111 and if that may prove unfruitful, associations will supply the member with the number of the superintendent in charge of the applicable problem. A further avenue has also been established with the handing of a monthly report by CHASA to the commanding officer.

### Consideration process

The Hunters Forum, which includes the CFR and all the accredited hunting associations, have reached consensus on a number of issues applicable to the consideration process.

There are now three criteria to a successful motivation.

- **Proven hunter.** The ability to safely and lawfully engage in hunting; indicated by hunting experience, knowledge of hunting, and possible membership of an accredited hunting association.
- **Purpose.** The nature of the hunting that is intended; including type of game and terrain.
- **Suitability.** Description of how the attributes of the firearm suits the intended hunting purpose.

Endorsement by an accredited hunting association is viewed as sufficient evidence in respect of all three. Special provision has further been made for novices, where access to a **mentor** replaces the need to demonstrate 'proven hunter'. A mentor could be a PH, a DH or an accredited hunting association.

The CFR further acknowledge that some species may be lawfully hunted with rimfires and that .22 rifles have huge value in the training of youngsters in safe and responsible firearm ownership. .22's will not be viewed differently from any other caliber during licensing applications. The dubious image of applications for similar calibers has also been laid to rest. It is acknowledged that .308's can e.g. be used for springbuck culling on plains as well as hunting kudu in thick bush, as long as it is clearly indicated that the one will be fitted with a 9X scope and be used with 150gr bullets, while the other might be fitted with a 4X scope and zero'ed with 180gr bullets – or whatever.

A concession has been made for occasional hunters who already possess four firearms and have the need to 'replace' one. The applicant can apply for the fifth licence with an undertaking to dispose of an existing firearm, **should the application be successful**. If the outcome of the application is positive, the applicant will be informed such and be given an opportunity to dispose of the existing firearm, in order to be issued with the new licence.

The majority of licence refusals seem to be a result of vague or incomplete motivations. The CFR have committed to the establishment of a review process. Should an application, after it was accepted, be deemed to contain elements perceived to be vague or unclear; or should the application lack information necessary to be properly considered, the DFO will inform the applicant such and facilitate the necessary correction to be made. This should bring about a dramatic increase in the success rate of applications.

The Hunters Forum has now been meeting monthly for eleven months, lately until ten at night. The CHASA leadership is excited that our approach of first securing long term successes has been worth every effort. In this top down process we have now personally experienced the commitment to service delivery by the Director and his departmental heads. The new act has provided the CFR with a challenge of gigantic proportions – process as well as competence wise. We accept that the SAPS are no longer run on a military style command structure. Implementation of decisions need time to filter through to the operational levels. The challenge therefore, is to now ensure that the agreements that have been reached, are channeled down to provincial and eventually DFO level. **If this fails to happen, the industry will not hesitate to engage the courts in order to enforce administrative justice.**

We are proactively preparing for such action. Yet I am convinced that it will not be necessary.

Regards

Ludolph Swanevelder  
National Chair: **CHASA**