



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF
ECONOMIC DEVELOPMENT, ENVIRONMENT & TOURISM

FIREARMS POLICY

2020

Firearm Policy

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1. ACRONYMS

- AFCO** : Area Firearms Control Officer
LEDET: Limpopo Department of Economic Development, Environment and Tourism
SIS : Security and Investigation Services
HOD : Head of Department
DFCO : Departmental Firearm Control Officer
DCA : Damage Causing Animal

2. DEFINITIONS

- 2.1 **“ammunition”** means a bullet or a cartridge. It is a complete object consisting of a cartridge case, primer, propellant and bullet point;
- 2.2 **“competency certificate”** means a certificate issued in terms of the Firearms Control Act 60 of 2000 as amended (“the Firearms Control Act”) that allows an employee to be in possession of a firearm;
- 2.3 **“Department”** means the Limpopo Department of Economic Development, Environment and Tourism;
- 2.4 **“employee”** means all male and female persons appointed within the Department in terms of the Public Service Act 103 of 1994, as amended;
- 2.5 **“firearm”** means a device manufactured or designed to propel a bullet or projectile through a barrel or cylinder by means of burning propellant;
- 2.6 **“gunsmith”** refers to any person who repairs firearms and has a gunsmith licence in terms of the Firearms Control Act excluding those that manufacture firearms;

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- 2.7 **“handgun”** means a pistol or revolver which can be held in and discharged with one hand;
- 2.8 **“load”** means the loading of bullets into a firearm;
- 2.9 **“Minister”** refers to the Minister for Safety and Security;
- 2.10 **“Registrar of Firearms”** refers to the National Commissioner of the South African Police Service who is responsible for administering the Firearm Control Act;
- 2.11 **“station”** means the state owned nature reserve or any office of the Department where an employee is stationed to execute his or her duties; and
- 2.12 **“unload”** means removing ammunition from a firearm.

3. BACKGROUND AND INTRODUCTION

3.1 BACKGROUND

The Department has as one of its primary mandate, a responsibility to manage, protect and conserve natural resources including but not limited to fauna and flora. As a result, the Department is obliged to possess firearms for employees attached to the State Owned Nature Reserves, Wildlife Trade and Regulations and Environmental Compliance and Enforcement directorates to carry out their daily duties effectively and efficiently.

The possession of firearms and ammunition places the Department under a legal obligation to ensure an accountable, effective and efficient firearm management system.

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The use of official firearms by employees requires that such employees receive the correct weapons, adequate training and proper standing operating procedures.

3.2 INTRODUCTION

Whilst the departmental policy and procedures provide a fair reflection of the Firearms Control Act and its Regulations, employees are advised to study the aforementioned Act and the Regulations to gain a comprehensive understanding of the implications and responsibilities related to the proper, safe and accountable use of firearms.

The safety of employees during the course of their duties is of high priority to the Department. The Department shall train employees on a continuous basis in the use and application of firearms in order to enhance their skills, safety and right to self-protection.

4. PURPOSE AND OBJECTIVES

4.1 The purpose of this policy is to:

- 4.1.1 promote a culture of accountability in the use of firearms.
- 4.1.2 establish a comprehensive and effective system of firearm control and management.
- 4.1.3 ensure the efficient monitoring and enforcement of legislation pertaining to the control of firearms.
- 4.1.4 control the supply, possession, safe storage, transfer and use of firearms and ammunition.
- 4.1.5 ensure regular firearm training in accordance with the Firearms Control Act in order to minimise the negligent or unlawful use, damage or loss of firearms.

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4.2 The objectives of this policy are to:

- 4.2.1 minimise the risks associated with the handling and safeguarding of firearms.
- 4.2.2 enhance the constitutional rights pertaining to life.
- 4.2.3 guide employees in their conduct towards the use of firearms as a working tool.

5. AUTHORITY OF THE POLICY

This policy is issued under the authority of the Member of the Executive Council as the Executive Authority.

6. LEGAL FRAMEWORK

- 6.1 The Constitution of the Republic of South Africa Act 108 of 1996, as amended.
- 6.2 Firearms Control Act 60 of 2000, as amended.
- 6.3 Firearms Control Regulations, 2005, as amended.
- 6.4 The Criminal Procedure Act 51 of 1977, as amended.

7. SCOPE AND APPLICATION

This policy is applicable to all employees of the Limpopo Department of Economic Development, Environment and Tourism.

8. POLICY PRONOUNCEMENTS

Proper handling of firearms is paramount to the Department. All employees authorised to handle firearms need to be fully acquainted with rules and regulations pertaining to firearms.

8.1 Possession of official firearms and ammunition

- 8.1.1 No employee shall possess an official firearm unless such an employee is in possession of a competency certificate for the specific type of firearm issued

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to him or her.

- 8.1.2 In instances where official firearms are used outside the perimeters of the station, the AFCO need to issue a firearm permit to the employee prior to him or her exiting their work station.

8.2 Accountability on the use of firearms

- 8.2.2 Proper safety precautions should be taken into account before using a firearm.
- 8.2.3 Humanity, good sense and tolerance should be applied before discharging a firearm and sound judgment must be exercised every time a firearm is used.

8.3 Self-defence and firearms

- 8.3.1 At the time an employee is defending himself or herself, there should be reasonable grounds for believing that the employee acting in self-defence is in a life-threatening situation or that he or she is in danger of serious bodily harm.
- 8.3.2 The means used to ward off danger should relate to the nature and extent of the threat and there should be a reason to believe that shooting is the only way to ward off danger.
- 8.3.3 The following aspects need to be adhered to when an employee defends himself or herself:
- (a) The defence must be necessary to prevent or defend the attack;
 - (b) There must be no other way to avoid the attack;
 - (c) The means to prevent the attack must be reasonable; and
 - (d) The force used may not be more than what is necessary to overcome the attack.
- 8.3.4 An employee in possession of a firearm has the same rights when defending or protecting a third party against unlawful attack or serious bodily harm as when such a person acts in self-defence.

8.4 Unfitness to possess a firearm

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- 8.4.1 An employee shall be unfit to possess a firearm if:
 - 8.4.1.1 declared unfit by the Firearm Registrar on the basis of reported or established transgressions in terms of the Firearms Control Act.
 - 8.4.1.2 upon conviction of certain offences specified in the Firearms Control Act.
- 8.4.2 The employee shall be expected to do the following if found unfit to possess a firearm:
 - (a) Consider all qualifications or certificates, licenses, authorisations and permits invalid.
 - (b) Surrender all official firearms and ammunition in his or her possession within 24 (twenty-four) hours to the DFCO or delegated official.

8.5 Conditions in respect of acquisition, safeguarding and disposal of official firearms

- 8.5.1 After procuring firearms, the Department shall submit prescribed application forms and supporting documents to the Registrar and on approval of the application, collect the firearms from the supplier.
- 8.5.2 Firearms must be stored in a safe or a strong room that is meeting the standards prescribed in the Firearms Control Act and Regulations.
- 8.5.3 The Department shall only dispose of official firearms after approval by Asset Management.
- 8.5.4 The Department shall endeavour not to dispose damaged firearms that can be repaired, especially those with minor damages.

8.6 Information required on permits issued in terms of the Firearms Control Act

Firearm permits are issued by the responsible AFCO to all employees authorised to handle firearms. A permit issued under the Firearms Control Act must contain the following details:

- (a) The name of the official and station;

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- (b) The initials, surname, personnel number and signature of the permit holder;
- (c) Full particulars of the firearm (including the make of the firearm);
- (d) The date the permit was issued and the expiry date;
- (e) Whether the employee has been authorised to have the firearm in his or her possession after working hours or when travelling for official purposes;
- (f) Whether the employee has been authorised to safeguard the firearm at his or her place of residence (in a safe); and
- (g) The signature of the authorising employee.

8.7 Firearm training and shooting practises

- 8.7.1 The Department must ensure that employees who are required to use firearms receive the necessary practical and theoretical training before a firearm is issued to them.
- 8.7.2 All practical training or testing, which will involve the actual firing of firearms shall be conducted at a shooting range that complies with the applicable specifications.
- 8.7.3 The training and testing of an employee for the safe use of firearms must comply with the prescribed provisions in the Firearms Control Act and Regulations.
- 8.7.4 The Department endeavours to conduct emotional debriefing and counselling to all employees who would be subjected to trauma relating to firearm incidents.

8.8 Firearms and ammunition database

- 8.8.1 The DFCO shall keep a database in respect of all firearms and ammunition allocated to the Department.
- 8.8.2 The database shall be in a manual and an electronic form and shall be updated by the DFCO on a monthly basis.
- 8.8.3 The departmental database needs to be regularly reconciled with the Central Firearm Control database kept by the South African Police Service.

8.9 Control of firearms and ammunition

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- 8.9.1 A policy of zero tolerance will be followed where officials are found to be negligent or unfit to use or to be in possession of official firearms. In such instances, the authority to use a departmental firearm will be withdrawn until the investigation and disciplinary processes are finalised.
- 8.9.2 An employee is guilty of an offence should he or she neglects to secure a firearm in his or her lawful possession, or neglect to take reasonable steps to secure such a weapon when not carried on his or her possession or under his or her direct control.
- 8.9.3 No employee may possess any ammunition unless he or she holds a permit in respect of a firearm capable of discharging such ammunition.

8.10 Compliance with request of police official or authorized person

- 8.10.1 Any employee who is in possession of an official firearm must at the request of a police official or any other person authorised by the Registrar, produce the firearm, permit or authorisation, as the case may be, in respect of such firearm for inspection purposes.
- 8.10.2 An employee must, on the request and to the satisfaction of the said police official or person authorised by the Registrar, identify himself or herself.
- 8.10.3 If such an employee fails to comply with the inspecting official's requests, such inspecting official may seize the firearm without a warrant and keep the firearm in custody until the permit or authorisation is produced in terms of the Firearms Control Act.
- 8.10.4 The police official or authorised person must identify himself or herself to the employee under scrutiny and provides to such an employee his or her appointment certificate or authorisation if requested by the employee.

8.11 Protection of firearm and strong room keys

- 8.11.1 When not in use, all official firearms and ammunition need to be locked in a prescribed safe or strong room.
- 8.11.2 Employees responsible for firearm safe keys and strong room keys need to

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ensure that such keys are not accessible to unauthorised employees.

- 8.11.3 Failure to properly safeguard the said keys, jeopardizes the proper safeguarding of official firearms and ammunition and in turn constitute negligence and misconduct.

8.12 Maintenance of firearms

- 8.12.1 Firearms should be in a good working condition at all times.

- 8.12.2 Employees entrusted with official firearms should protect such firearms against damages. In instances, where firearms are damaged in a negligent manner, disciplinary steps will follow and if found guilty such an employee shall be liable to compensate the Department for the loss incurred.

- 8.12.3 Official firearms that get damaged or that require maintenance need to be repaired by a Gunsmith appointed through the normal procurement processes of the Department.

8.13 The use of firearms during culling operations

- 8.13.1 The Department issues culling quotas on an annual basis to some pre-identified State Owned Nature Reserves.

- 8.13.2 Unless outsourced by the Accounting Officer, these culling operations are conducted by employees of the Department.

- 8.13.3 In order to prevent wildlife from running when they see motor vehicles and humans, it is recommended that culling be done at night.

- 8.13.4 A culling operation requires a team consisting of a driver, a spotter, a shooter, staff to collect and load the killed animals onto a suitable motor vehicle, staff that skin and weigh the animals and staff that sell the meat.

- 8.13.5 Safety of employees and tourists are of the utmost importance during such operations.

- 8.13.6 Only employees mentioned in the hunting permit are allowed to shoot during culling operations.

- 8.13.7 Unless outsourced by the Accounting Officer, it is strictly forbidden to allow private individuals to shoot during culling operations.

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- 8.13.8 All motor vehicles used for culling should be equipped with hunting frames.
- 8.13.9 An employee responsible for shooting during a culling operation need to be well trained on the use of firearms and in possession of a firearm competency certificates.
- 8.13.10 A competent hunter will not only enhance the safety of the culling team and other persons in the vicinity but will also preserve carcasses with clean shots.

8.14 Shooting of damage cause and/or dangerous animals

- 8.14.1 The Directorate: Wildlife Trade and Regulations are responsible to respond to complaints regarding DCA within communal and private areas.
- 8.14.2 If unable to chase such animals back to where they belong or if unable to capture them, the employees attending to the complaint will be left with no other option but to shoot such DCA.
- 8.14.3 Due to the serious nature of the work, an employee need to be accompanied by at least one back up shooter when engaging a DCA.
- 8.14.4 When responding to such complaints, employees need to be in possession of the correct calibre firearm, the correct ammunition and having applicable training and experience for the task at hand.
- 8.14.5 Employees serving at State Owned Nature Reserves hosting dangerous animals such as Buffalos and Elephants require applicable firearm, ammunition and training on the appropriate use of firearms.

8.15 Types, calibre and purpose of firearms

- 8.15.1 Handguns, revolvers, shotguns and semi-automatic rifles are issued to staff for purposes of self-defence and environmental law enforcement duties.
- 8.15.2 Small calibre rifles such as .22, .223, .243 and .270 are issued for killing of small animal species (including dogs).
- 8.15.3 Medium calibre rifles such as .30-30, .30-06, .308 are issued for killing of medium animal species such as kudu and impalas.
- 8.15.4 Heavy calibre rifles such as .375 and .458 are issued for killing of big species

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such as elephants, hippopotamus, buffalos and lions.

9. ROLES AND RESPONSIBILITIES

9.1 The Director: Security and Investigations Services

The Director SIS has the following roles and responsibilities:

- (a) Oversees all aspects related to the management of official firearms and ammunition.
- (b) Coordinates practical and theoretical training for employees who are required to use firearms.
- (c) Manages the procurement, maintenance and disposal of official firearms.

9.2 The DFCO

The DFCO is appointed by the HOD and has the following roles and responsibilities:

- (a) Controls and manages all firearms and ammunition allocated to the Department.
- (b) Conducts refresher trainings (shooting practises) to all departmental firearm users once per quarter.
- (c) Facilitates firearm training for departmental employees.
- (d) The DFCO shall appoint the respective AFCO's, in writing.
- (e) Keeps and updates a database of all firearms and ammunition.
- (f) Manages and coordinates all repairs and maintenance of firearms.
- (g) Hands in the identified redundant firearms to the South African Police Service for disposal purposes, in line with the relevant legal prescripts.

9.3 The AFCO

The AFCO is appointed by the DFCO and has the following roles and responsibilities:

- (a) To manage all firearms and ammunition allocated to the particular station where such an employee is serving.
- (c) To allocate firearms and ammunition to employees, manages and controls the respective Firearm and Ammunition Registers.
- (d) Updates a database on firearms and ammunition after each shift, especially with regards to the use of ammunition.

9.4 Employees authorised to handle firearms

Departmental employees who are authorised to handle firearms have the following roles and responsibilities:

- (a) To safeguard and manage firearms and ammunition issued to them for purposes of carrying out their daily duties.
- (b) To ensure that firearms and ammunition are handled in line with all the legal prescripts regulating the handling and use of firearms.
- (c) To renew their competency certificates before expiry dates.

10. DEFAULT

Failure to comply with the provisions of this policy shall be dealt with in terms of the Public Service Disciplinary Code and Procedure as amended.

11. INCEPTION DATE

The inception date of this policy is 30 (thirty) days after approval by the Head of Department.

12. REVIEW OF THE POLICY

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This policy shall be reviewed every 36 (thirty-six) months.

13. TERMINATION OF THE POLICY

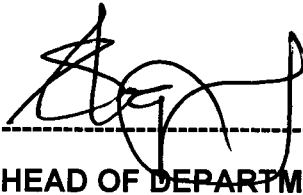
This policy will remain in force until and unless it has been withdrawn or terminated by the Member of the Executive Council or delegated official.

14. ENQUIRIES

Enquiries regarding the policy shall be directed to the Director: Security and Investigations Services.

15. APPROVAL

Approved by:



HEAD OF DEPARTMENT: LEDET



DATE