



Southern African Catholic Bishops' Conference
PARLIAMENTARY LIAISON OFFICE



**Submission to the
Portfolio Committee on
Police

on the**

**DANGEROUS WEAPONS BILL
(B7 – 2012)**

Introduction

1. The Southern African Catholic Bishops' Conference welcomes the opportunity to comment on this legislation. As is noted in the memorandum to the Bill, "a huge number of murders and robberies, as well as other violent crimes, are being committed annually with dangerous weapons such as knives." The fact that so many South Africans feel the need to carry a dangerous weapon is a sad commentary on the level of violence in our society, and any legislation that aims to clamp down on the use of such weapons is to be welcomed.

Specific points

2. While we offer our support for the objects of the Bill, we wish to note two reservations.

2.1. Factors determining unlawful use

The first four factors set out in clause 2(2) are reasonable, and may well indicate an unlawful intention connected with the possession of a dangerous weapon. However, the same cannot be said about the factor mentioned in 2(2)(e) – whether the person possessing the weapon was in the company of others also in possession of such weapons. The mere fact that a number of people may gather, and that all of them possess dangerous weapons, does not mean that they have, or share, an unlawful intention. The obvious example is that of a group of weapon collectors or enthusiasts, but the same consideration applies to groups who gather for traditional cultural purposes.

We suggest that what is important is not that a number of people, all possessing dangerous weapons, gather together, but rather that some or all of them behave in an intimidatory, threatening or otherwise unlawful manner. In the absence of such behaviour, the fact that an individual with such a weapon was part of a group also possessing such weapons should not be held against him or her.

2.2. Parliamentary procedure

It is abundantly evident that many customary and/or traditional practices, rituals and occasions in South Africa involve the carrying and display of dangerous weapons. Whatever opinions may be held about this, it is widely regarded as a legitimate exercise of the cultural heritage of traditional communities and, consequently, any legislation that potentially interferes with such exercise ought to be referred to the National House of Traditional Leaders.

It is surprising that the State Law Advisers do not consider it necessary to refer the Bill to the National House of Traditional Leaders. In the absence of such a referral, we would encourage this committee to ensure that representatives of traditional leaders are given every opportunity to comment on it.

Conclusion

3. We do not specifically want to make an oral presentation, but we are willing to do so should the Honourable Chairperson of the Committee wish us to. We wish the Committee well in its deliberations.

For further information please contact

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