



SAGA Media Release – 15th December 2025

REPORT BACK 2 : NEDLAC & the Firearms Control Amendment Bill : What You Need to Know about their involvement.

Issued by SAGA Board of Trustees

The NEDLAC “Hybrid Dialogue Session” held on 4 December 2025 in relation to the Firearms Control Amendment Bill (FCAB 2025) confirmed a deeply troubling reality: a recycled Bill with a predetermined outcome is being advanced through a process that lacks lawful mandate, transparency and evidentiary integrity.

This briefing addresses a critical question for firearm owners and stakeholders alike: **what NEDLAC is, what it is not and why its involvement in firearm legislation should concern every South African.**

1. What is NEDLAC supposed to be?

The National Economic Development and Labour Council (NEDLAC), established under the NEDLAC Act of 1994, is a consultative forum intended to facilitate dialogue between government, organised business, organised labour and selected community constituencies - the so called four “social partners”.

NEDLAC’s role is limited to:

- Promoting inclusive dialogue;
- Considering socio-economic implications of policy; and
- Facilitating discussion.

NEDLAC does not draft legislation, approve legislation or legitimise predetermined policy outcomes. It has **no constitutional or statutory authority** to write, amend, or steer legislation.



2. Who sits at NEDLAC and who does not

NEDLAC's recognised social partners are government, organised business (BUSA), organised labour and selected community organisations.

During the 4 December hybrid session:

- **No** formal introductions were made;
- **No** clarity was provided regarding representation or mandates; and
- Firearm technical experts, rural safety bodies, women's self-defence organisations, industry specialists and many directly affected associations were **absent or not invited**.

For a process dealing with national security and public safety, this absence of relevant expertise and affected stakeholders is **indefensible**.

3. Why is NEDLAC involved in firearm policy at all?

South African law establishes a clear and non-negotiable framework:

- Firearms policy development falls exclusively under the mandate of the **Civilian Secretariat for Police Service (CSPS)**;
- CSPS is responsible for policy formulation, legislative drafting and advising the Minister of Police; and
- **Parliament alone** is empowered to conduct meaningful public participation on legislation.

NEDLAC's role - if invoked at all - is limited to **non-binding socio-economic commentary**. It cannot replace lawful policy development, substitute for parliamentary oversight, or cure defects in a flawed legislative process.

4. SAGA's Position and Expectations

SAGA's position remains unequivocal:

- NEDLAC has **no authority** to steer firearm legislation;
- CSPS remains the sole lawful custodian of firearm policy development; and
- Parliament must conduct **open, inclusive and meaningful public participation** before any amendments are considered.

South Africans deserve lawful process, transparency, and evidence-based policymaking - **not recycled legislation repackaged through staged consultation exercises**.

A further update (**Report Back 3**) will follow, providing a structured synopsis of the hybrid session itself.





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Acknowledgements:

- Drafted by Shaun Lyle (SAGA Trustee & Nedlac delegate),
- Approved by the Board of Trustees

Annexure: Statutory & Constitutional References

1. NEDLAC Act, 1994

Section 5 – Functions of NEDLAC

“NEDLAC shall—

- (a) consider all proposed labour legislation relating to labour market policy before it is introduced in Parliament;*
- (b) consider all significant changes to social and economic policy before they are implemented or introduced in Parliament;*
- (c) encourage and promote the formulation of coordinated policy on social and economic matters;*
- (d) consider such other matters as may be referred to it by the Minister; and*
- (e) conclude agreements on matters pertaining to social and economic policy.”*

Comment: Nowhere does the Act empower NEDLAC to draft or certify legislation.

2. Civilian Secretariat for Police Service Act, 2011

Section 6 – Functions of the Secretariat

“The Civilian Secretariat must—

- (a) advise the Minister in the development of policing policies and strategies;*
- (b) advise the Minister on legislation;*
- (c) monitor the implementation of policy and legislation by the Police Service;*
- (d) conduct research; and*
- (e) perform such functions as may be determined by the Minister.”*

Section 7 – Powers

- *“The Secretary may, as determined by the Minister, present legislation, policy or strategy in Parliament.”*

Comment: Firearms legislation is anchored in the Police Ministry and CSPS, not in NEDLAC.

3. Cabinet & Drafting Process

- Drafting of Bills rests with the **line department** (CSPS/Police Ministry).



- Bills are certified by the **State Law Advisers**, accompanied by a **SEIA** impact assessment, approved by **Cabinet**, and only then tabled in Parliament.

Comment: NEDLAC is not part of this constitutional pipeline.

4. Parliament's Constitutional Duty of Public Participation

Doctors for Life International v Speaker of the National Assembly (CCT 12/05)

- The Constitutional Court held that Parliament has a **duty to facilitate public involvement** in its legislative processes.
- Delegating consultation elsewhere does **not discharge Parliament's obligation**.

Matatiele Municipality v President of the Republic of South Africa (CCT 73/05)

- Court struck down legislation because the KwaZulu-Natal legislature failed to hold adequate public consultations.

Comment: Even if NEDLAC consults, Parliament must still run its own open, inclusive process.

1. Implications for the Firearms Control Amendment Bill (FCAB)

- **Policy owner:** CSPS/Minister of Police.
- **Optional dialogue forum:** NEDLAC (only for socio-economic implications).
- **Formal drafting route:** State Law Advisers → Cabinet → Parliament.
- **Mandatory public participation:** Parliamentary committees under NA & NCOP.

Comment: Any attempt to use NEDLAC as the primary vehicle for FCAB development is ultra vires (beyond its legal powers) and constitutionally challengeable.

