



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

OFFICE OF THE EXECUTIVE MAYOR

Monique Scharffenorth
PA to the Executive Mayor
Manager: Mayoral Administration

T: 021 400 2525 F: 021 400 1313
E: Monique.scharffenorth@capetown.gov.za

Attention: Mr V. Ramaano
Portfolio Committee on Justice and Correctional Services
Parliament of the Republic of South Africa
3rd floor, 90 Plein Street
CAPE TOWN
8000

Via: E-mail: vramaano@parliament.gov.za

Dear Sir

Re: CITY OF CAPE TOWN COMMENTS ON THE CRIMINAL MATTERS AMENDMENT BILL, 2015

I refer to the invitation for the submission of written comment on the Criminal Matters Amendment Bill published on 27 August 2015. I herewith submit the following comments on behalf of the Municipality of the City of Cape Town.

The Criminal Matters Amendment Bill is supported and is a step in the right direction to combat crime that has a significant impact on service delivery in the City and the country as a whole. Opening the net wide to include persons who collude with and assist perpetrators in this industry is welcomed. The theft and/or tampering of equipment such as metal drain covers and cables from the City and Public Enterprises impact on businesses and communities reliant on *inter alia* electricity and transport.

The success of the proposed Bill, will however, be conditional upon the rate of convictions and rigorous enforcement thereof. Because of the tremendous strain on the SAPS, its insufficient resources and understaffing, the City has since 2013 and on numerous occasions, requested the then Minister of Police, Minister Mthetwa and the current Minister Nhleko for an extension of powers under the Second Hand Goods Act. The City believes that with such an extension in terms of section 31, it could better collaborate with the SAPS to address the theft and or tampering of metal and infrastructure.

Also, in relation to subparagraph (c) under clause 4, which refers to sections 36 and 37 of the General Law Amendment Act, 1995, the following: Law Enforcement Officers of the City do not possess powers of arrest as contemplated under section 40(1)(e) of the Criminal Procedure Act, 1977. This presents an unnecessary challenge when there is an opportunity to curb the behaviour on suspicion and creates an unwarranted administrative burden to formally communicate and report such suspicion to the SAPS. This causes unnecessary delays to the detriment of the will to curb the suspicious behaviour.

CIVIC CENTRE IZIKO LOLUNTU BURGERSENTRUM
12 HERTZOG BOULEVARD CAPE TOWN 8001 P O BOX 298 CAPE TOWN 8000
www.capetown.gov.za

Making progress possible. Together.

I therefore urge you to consider the above submission and make the recommendations for such extension of powers.

SPECIFIC COMMENT

Ad definitions

Definition of "basic services": cognisance should be taken of the definition of "municipal service" as already defined in Chapter 1 of the Local Government: Municipal Systems Act, No. 32 of 2000 and consideration should be given to the incorporation thereof into this definition.

Definition of "essential infrastructure": what is meant by the word "essential" and this definition should be compared with the definition of "infrastructure" and "public infrastructure" in the Infrastructure Development Act, No. 23 of 2014. One uniform definition is recommended.

Ad to Clause 2 and 3

The restriction and limitation of bail procedures to section 60 of the Criminal Procedures Act, 1977 is welcomed.

The esteemed move away from reliance on common law offences and penalties to ensure harsher sentences by emphasising the possibility of a severe penalty of 30 years is also welcomed.

Lastly, it is recommended that the offences under the various pieces of legislation be written into this Bill in order to promote ease of reference.

I trust you find the above in order.

Yours faithfully,



PATRICIA DE LILLE
EXECUTIVE MAYOR

Date: 29.09.2015