

SOUTH AFRICAN INTRUDER DETECTION SERVICES ASSOCIATION (NPC)

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Registered as a security service provider by the Private Security Industry Regulatory Authority,
Registration Number 1347967

PORTFOLIO COMMITTEE ON POLICE

BY E-MAIL: jshonhiwa@parliament.gov.za & mbuthelezi@parliamnet.gov.za

Attention: MR. J. SHONHIWA

Your ref:
Our ref: SAIDSA/

5 October 2012

Dear Sirs,

SUBMISSION ON THE PRIVATE SECURITY REGULATIONS AMENDMENT BILL [B27-2012]

We thank you for the opportunity to submit our comments herein.

SAIDSA (South African Intruder Detection Services Association) is a registered employer organization with the Department of Labour, and is also registered as a non-profit organization.

We currently represent over 220 active and PSIRA registered security service providers in South Africa, including the large national companies. We represent security service providers active within the electronic security installation -, control room -, and armed reaction disciplines within the security industry. In light hereof, SAIDSA is representing approximately 80% of the security service providers active within these disciplines in South Africa.

We are therefore of the view that we represent majority of the security service providers, duly registered and active within the electronic security industry.

Our comments to the proposed amendments are as follows:

Amendments of Section 1 of Act 56 of 2001

1(g) The definition of "Security Officer" includes any person including those employed by an organ of state.

"Organ of state" is defined in the Act as such "organ of state as defined in section 239 of the Constitution, 1996, but does not include the security services referred to in section 199 of the Constitution. This therefore excludes inter alia the Service and the National Defense Force.

Section 20(1)(a) of the Act clearly stipulates that "NO person except a Security Service contemplated in section 199 of the Constitution (Act No. 108 of 1996), may in any manner

render a security service for remuneration, reward, a fee or benefit, unless such a person is registered as a security service provider in terms of this Act.

From the above it is therefore evident that ALL employees employed by any organ of state, and the organ of state itself providing a security service has to be registered with the authority as a service provider.

- 1(j) With regards the substitution of paragraph (h) of the definition of "security service", we are of the view that the manufacturing of security equipment should also be included. Ultimately these local manufacturing companies also employ several employees with knowledge on how security equipment function and it is paramount that these employees must also be registered with the Authority in order to maintain a better control over these employees.

NOTE: Several manufacturers and distributors were provided exemption for registration in the past by the Authority. It is important that ALL exemptions be withdrawn and that these manufacturers and distributors be required to register in terms of the Act.

Amendments of Section 3 of Act 56 of 2001

This is indeed a very contentious amendment [section 3(bA)] being proposed and raises a lot of Concern and should the same to parliament. The memorandum on the objects of the Act is also very vague on the proposed amendment, the reasons thereof and the implementation thereof:

These concerns include the following:

- a) Following the definition of a service provider above and in the Act, the organ of state entering into such partnership with a private security service provider needs to be registered with the Authority. A private security service provider, in terms of the Act, may not enter into a partnership with any person, if such person is not registered as a security service provider.
- b) The Act does not clearly define the object of these partnerships;
- c) Organs of state are funded by all tax payers, whilst private security service providers are remunerated by individuals ("the consumer") to whom the service provider delivers a service;
- d) The infrastructure of the security service provider, such as manpower, vehicles and communication is therefore funded and utilized for the exclusive use of the paying consumer.
- e) How and on what basis will the private security service provider be remunerated for the use of their resources and participation in these partnerships?
- f) Will the organ of state remunerate the private security service provider for resources used in these partnerships, and if so at what rate?
- g) The act is not clear if these partnerships will be compulsory or on a voluntary bases.
- h) It is also not clear if these partnerships refer to partnerships between the Authority and the organs of state?

Amendments of Section 14 of Act 56 of 2001

The proposed amendment to section 14(3) of the Act in that "the director of the Authority may in writing, with the approval of the Council, delegate any of his or her powers, and assign any of his or her duties, to a staff member of the Authority" is indeed problematic.

This in essence entails that the director may or can delegate or assign power or duties to any staff member, even if such staff member is not suitably qualified. It is suggested that a provision be entered to ensure that a suitable and experienced staff members for the specific

duty or power is appointed.

Amendments of Section 26 of Act 56 of 2001

The amendments proposed to section 26(5)(b) has the effect that the registration of a security service provider will summarily lapse if any amount payable in terms of section 2 of the Levies Act are not paid to the authority within three months.

What would be the case if there is a dispute declared regarding payments due? It might be that the service provider makes payment of all levies except only one, due to a despite, and failing the Authority's duty to resolve same within three months, the registration of the service provider lapses automatically.

We believe that this clause is *contra* the provisions of the Constitution and the Promotion of Administrative Justice Act.

We believe that there are workable solutions regarding the above concerns, and should the Committee require oral submissions on the above, we are more than willing to address the committee herein.

Trusting that our concerns and comments will be taken into consideration.

Regards,

A handwritten signature in blue ink, appearing to be 'Johan Krogh', with a long horizontal flourish extending to the right.

**Johan Krogh (B.Proc)
National Chairperson**