

FISH HOEK VALLEY RATEPAYERS & RESIDENTS ASSOCIATION

(Incorporating Fish Hoek, Clovelly and Sun Valley)

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Heritage Western Cape: Conservation Body

**TO: OFFICE OF THE DIRECTOR: PRIVATE SECURITY INDUSTRY REGULATORY
AUTHORITY, Howard.THWANE@psira.co.za**

SUBJECT: AMENDMENTS TO THE PRIVATE SECURITY INDUSTRY REGULATIONS

DUE: 30 JUNE 2019

1. DISCUSSION

Bheki Cele, Minister of Police, acting under section 35 of the Private Security Industry Regulation Act, 2001 (Act No 56 of 2001) has stated his intention to make amendments to the Private Security Industry Regulations, Government Notice #190 of 14 February 2002, affecting firearms and uniforms, ¹ subject to public participation. As an organisation representing citizens of South Africa, we feel that we are an Interested and Affected Person.

Regarding Notice 292, in order that the members of the South African Police Service (SAPS), etc. do not become targets by omission, we suggest that these police officers also wear at least two prominently visible uniform 10cm x 1.5cm badges stating POLICE, DEFENCE FORCE or CORRECTIONAL SERVICE, as appropriate and as is customary in most countries. Ambiguity in law is never ideal. What should be required of Municipal Law Enforcement Officers (LE officers)?

The amendment of Regulation 13 (b) (3) (f) relating to camouflage design or pattern is problematic for us. Many in our military forces and even anti-rhino poaching SAN Parks officials or privately funded security services wear camouflage to conceal themselves from the enemy in the appropriate environment of the bush. Many foreign visitors think it fashionable to wear camouflage designer items of clothing. Are they to be arrested upon disembarking from planes at our national airports?

Provision has been made for the initial registration of a security company's uniform (3A) (b), but what about updating after the initial registration? Sometimes fabrics or dyes become unavailable over time. There needs to be a mechanism for updating the original photo. Due to the high initial costs and loss of usefulness, we feel that an adequate change over period of two further years needs to be incorporated before the requirement for all personnel in a security company to switch over to a uniform of a different colour than blue.

We support that all police, LE officers and security personnel should wear their name and registration number visibly on the front of their uniforms.

Our concern with the requirement that security service personnel only carry firearms provided by their employer is the time between work and home when they are unarmed, but still wearing the security company's uniform. Couldn't they be easy prey for anyone with a grudge against the company? Some Police, Defence Force or Correctional Services personnel also carry more than one weapon, which could arguably be planted at a crime scene to draw attention away from the real killer, one of said personnel.

¹ <https://dearsouthafrica.co.za/wp-content/uploads/2019/06/42496gen292.pdf>

Regarding Notice 295, the problem with Section 13A Firearms (8) and (9) is that security services might require semi-automatic weapons at times other than “protecting valuables while being transported”. Just one example is when an private anti-poaching unit is under attack by illegal hunters bearing fully automatic military grade weapons. Cash is never more important than life. As security officers are very often the first to come into contact with assault rifles armed gangs, they need to protect themselves and the public, according to Dave Campbell of Marshall Security.² Tactical intervention, anti-hijacking and close-protection will also require semi-automatic weapons or risk facing loss of life.

We trust that audits conducted on security company firearm and ammunition stocks as contemplated in Section 13, can decrease the number of illegal weapons and ammunition in the hands of criminals, especially those that go missing without adequate explanation or too often.

Several references are made to firearm licences for the security service company and security officer. Our concern from several in our valley is the time required to process renewal firearm licences for individuals. We hope such long delays (over one year for some individuals) are not the case faced by security service companies and security officers.

On 30 October 2018, the police National Commissioner Kehla Sitole told parliament that it is “impossible” for the SAPS to fulfil its constitutional mandate. Due to the chronic failure of the SAPS to do its job, citizens have become increasingly reliant on private security for their safety and security. This has resulted in the South African private security industry becoming multiple times larger than the state security forces.³ It is the mandate of every country to protect its citizens. Please fix SAPS.

2. RECOMMENDATIONS

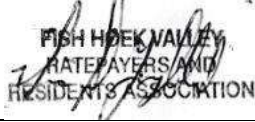
It is recommended, for the reasons set out in this report, that:

- All services (security service, Municipal Law Enforcement, South African Police Services, South African National Defence Force and Correctional Services) personnel should be required to wear two 10cm x 1.5cm badges stating their branch of service;
- That Municipal Law Enforcement officers also be allowed to wear blue uniforms as they have some powers of arrest now;
- The removal of the camouflage restriction;
- The provision for updating of security company uniform designs and fabrics;
- The addition of a phasing-in period for the non-blue uniform requirement of security service companies;
- That further thought be given to uniformed, but unarmed security personnel as they travel between work and home;
- That all service personnel carry one weapon only at a time;
- That all life should also be provided protection of semi-automatic weapons;

² <https://www.iol.co.za/mercury/news/government-to-police-security-companies-25674938>

³ <https://www.politicsweb.co.za/politics/govt-trying-to-hamstring-private-security-industry>

- That adequate administrative staff are appointed to properly deal timeously with all firearm licences and renewals; and
- That the broken SAPS is fixed.

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DATE	17 June 2019