

**PRESS RELEASE BY THE SOUTH AFRICAN INTRUDER
DETECTION SERVICES ASSOCIATION (SAIDSA)**

SOUTH AFRICAN INTRUDER DETECTION SERVICES ASSOCIATION –
FIREARMS CONTROL ACT – COMPETENCY CERTIFICATES

- 1 On Friday the 15th April 2011 the North Gauteng High Court issued a High Court order of which a copy attached, in relation to an urgent High Court application for processing of competency certificates.
- 2 This court order was issued by agreement between SAIDSA and The Minister of Police and the National Commissioner of the South African Police Services.
- 3 In terms of this order the Respondents conceded that the South African Police Services had not complied with the requirements set out in the Firearm Control Act for the issue of competency certificates and that such non-compliance fell short of the minimum standards for just and reasonable administrative action as set out in the Promotion of Administrative Justice Act.
- 4 The Minister of Police and the other Respondents agreed that the approximately 4500 applicants in this matter as well as all other applicants for competency certificates are entitled to have their competency certificates issued and/or their applications processed within four months in order that the police comply with reasonable administrative action requirements.
- 5 The Minister of Police was directed to issue competency certificates for all of the Applicants, the vast majority of whom are security officers

employed in the security industry within 30 days, or to provide reasons why such security officers do not qualify to be granted competency certificates.

- 6 The Respondents were also ordered to pay the costs of the application, including the costs of a senior and a junior advocate.
- 7 Johan Krogh of SAIDSA said "We were forced to take legal action after all attempts to negotiate with Government failed. The industry as a whole has been engaged in discussions and consultations with the police and Government for a period of 18 months. We have drawn to the attention of the police their administrative shortcomings and their unlawful actions, but to no avail. Security officers without competency certificates have been harassed and even arrested in circumstances that are not legally justified, simply because they did not have competency certificates and through no fault of their own. Our members and their employees have been unable to obtain firearm licences or to render security services as required by their clients. Security officers have lost their jobs, because they did not have competency certificates or have been denied promotions or pay increases as a result of the police's inability to comply with the Firearms Control Act and the Promotion of Administrative Justice Act. The situation was reaching a crisis point and Government ignored our pleas for help."
- 8 This court order does not only benefit the individual applicant security officers, but benefits everybody who has or who will apply for a competency certificate, because the police are now obliged to make a decision within four months of the application being lodged.

- 9 It also sets a precedent for all other areas of State administrative activities that they have to improve service delivery and comply with the Promotion of Administrative Justice Act or face similar legal actions.
- 10 For further information contact Johan Krogh of SAIDSA on cellular telephone number 082 495 1650.

IN THE NORTH GAUTENG HIGH COURT, PRETORIA
(REPUBLIC OF SOUTH AFRICA)

Case No: 828/2011

In the matter between:

SOUTH AFRICAN INTRUDER DETECTION SERVICES ASSOCIATION	First Applicant
CHUBB ELECTRONIC SECURITY AND 30 OTHER PRIVATE SECURITY COMPANIES	2 ND to 31 st Applicant
MG ADENDORPH AND 1 446 OTHER SECURITY OFFICERS	32 nd to 1445 th Applicant

and

HEAD OF THE OFFICE OF THE CENTRAL FIREARMS REGISTER	First Respondent
FIREARMS APPEAL BOARD	Second Respondent
NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICES	Third Respondent
MINISTER OF POLICE	Fourth Respondent
SECRETARY OF POLICE (JENNI IRISH QHOBOSHEANE N.O.)	Fifth Respondent

DRAFT ORDER

HAVING HEARD counsel(s) for the parties, having read the documents filed and by agreement between the parties, the following order is granted:

1. (i) A declaration is issued that:
 - (a) the failure and/or conduct on the part of the First and/or Second Respondent amounts to non-compliance with Section 9 of the FCA;
 - (b) the failure and/or conduct falls short of the minimum standards for just and reasonable administrative action required by PAJA;
 - (c) the individual Applicants and indeed all people who have applied for competency certificates, are entitled to have their competency certificates issued and/or their application processed within 4 months in order to comply with reasonable administrative action.

(ii) It is directed that:-

(a) the First and/or Second Respondents issue the 32nd to 1146th Applicant and the Fidelity employees listed in Schedule FG1 with the competency certificates that they have applied for within 30 days unless they do not meet the requirements set forth in Section 9 of the FCA;

(b) the specific Applicants who do not meet the requirements of Section 9 in the FCA be given, within 30 days, case-specific reasons for their non-compliance with Section 9 of the FCA.

2. Respondents are ordered to pay the costs of the application, such costs to include the costs consequent upon the employment of two Counsel.

BY THE COURT

REGISTRAR