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THE MINISTER OF SAFETY AND SECURITY PSIRA TASK TEAM

By e-mail: jaftat@saps.org.za

ATTENTION: Jenni Irish-Qhobosheane

19 March 2009

Dear Madam

WRITTEN SUBMISSION BY SAIDSA ON PSIRA

We thank you for the opportunity in submitting our report on PSIRA. Kindly take note that this report was compiled from submissions from our members which represent more than 90% of the electronic and armed reaction security industry in South Africa.

1. **Background**

The new regulatory dispensation as we know it today came into operation in February 2002, when the then SOB was abolished and the PSIRA established.

Along with the new dispensation came the Private Security Industry Regulatory Act (Act no 56 of 2001) together with the regulations thereto, which in itself at the time created a lot of uncertainty and discontent within the security industry.

Some of the despondencies at the time included *inter alia* the following:

- a) The requirement in terms of Regulation 3(3) that all directors, executives and managers of service providers had to complete grade B training;
- b) That in terms of Regulation 3(2) certain categories of staff had to be registered with at least a grade E qualification, with specific reference to technical and sales staff. Prior to the new dispensation these categories of staff only needed to be registered and there were no qualification requirements.
- c) Sec. 56(5) read with Firearms Control Act (Act no 60 of 2000) determined that by June 2002 all security business had to supply their own firearms were such service is required.

- d) In terms of Sec. 56(9) of the Act all security service providers have to always carry a certificate of identification as contemplated in Sec. 25 of the Act, as issued by the PSIRA.

These were some of the concerns that were raised by the industry at the time, and even 7 years later some of these concerns still remain unresolved, although in some aspects a lot of progress has been made.

With the implementation of the POSLEC SETA, and later the SASSETA a lot of work and effort has gone into the development of training, learnerships and skills development within the industry. Majority hereof went into the development of the unit standards applicable to the use of firearms mainly due to the requirements for competency and renewal of licenses. On the flip side of the coin we saw unit standards for the grade E to A qualification, armed reaction and alarm installers, as we know it, being registered and lapse without any or very few training, learnerships and/or skills development done.

Similarly, the Firearms Control Act provided and is still providing the same frustration to the industry. Despite deadlines published and service providers complying with same, most service providers are still awaiting the renewal of company owned firearms. It is unfortunate that when dealing with the Firearms Control Act one has no choice but to include the PSIRA Act due to the provisions of Sec. 56(5) of the Act.

We wish to deal with the following issues in more detail:

2. **Registration process**

Chapter 3 (Sections 20 – 27) and Regulation 2 deals with the application and registration process of all service providers with the PSIRA.

It is our opinion and submission that the processes within the PSIRA needs to be addressed, as the registration of a new service provider (employees) can take up to 6 months in some instances. Not only is this unfair towards the prospective employee as he/she is not allowed to work or offer a security service during this period, but in a lot of instances companies invest in training these prospective employees having to wait for 6 months before they can be gainfully employed.

It is our suggestion that a process of “provisional” registration be implemented and the employee be allowed to work while the registration is in process, alternatively measures and processes be put in place to ensure almost immediate registration.

3. **Renewal of registration**

Section 22 of the Act makes provision that the Minister may prescribe procedures and principals in respect of periodic applications for the renewal of registration by service providers.

It is our submission that this process should be put in place. It is a known fact that criminals do infiltrate the security industry and that once trustworthy employees might turn to crime after registration. For this purpose it is vital that registration has to be renewed periodically, provided always that such a renewal process is also swift and accurate.

It is suggested that a periodic renewal period of 5 years be implemented.

4. **Withdrawal of registration**

In terms of Sec. 26 of the Act the PSIRA may withdraw the registration of a service provider. This is especially crucial where a service provider has been found guilty of a criminal offence.

In practice we find service providers working within the security industry despite a criminal record received after registration. The renewal process as suggested above should enable the PSIRA to identify such service providers during the renewal application, but this might not be sufficient or timeous enough.

A process needs to be put in place between the PSIRA and SAPS criminal records to immediately identify when a service provider is found guilty of a criminal offence, and registration should be withdrawn immediately, informing also the security company where such service provider is employed.

5. **Updated database**

None of the above will serve any purpose if the database and subsequently the website of the PSIRA is not updated, maintained and functioning at all times.

6. **Registration of certain classification of service providers**

Prior to 2002, technical staff and sales staff only had to register with the PSIRA, but post 2002 these staff members also had to have at least a grade E qualification.

Understanding the requirements and course material for a grade E qualification, it just does not make sense for the above staff classification to undertake these qualifications.

It is understood that with the unit standards of the SASSETA, once in place, this will be taken care of, but until that stage has been reached, it is our submission and suggestion that the PSIRA return to the status quo pre-2002 and that these classifications of service providers only need to register with the PSIRA.

The same argument applies to directors and owners of companies. It is suggested that a specific category or classification of registration be created for directors and/or owners, only requiring them to register without the need of any special qualification. This will especially be necessary if grade E to A is replaced by unit standards. The actual security service is after all provided by the employees and not by management. Where management so chooses to be actively involved in the physical delivery of the security service, then that particular owner or manager must be trained or qualified to provide such a service.

7. **Firearms**

With the implementation of the Firearms Control Act and the PSIRA Act, companies had to obtain their own firearms where such a service is required.

The industry faces severe challenges everyday to register and renew these firearms in terms of the Firearm Control Act, but as mentioned above this cannot be severed from the responsibilities of the PSIRA.

Whenever a company needs to apply for new or additional firearms, the Firearm Registrar of the SAPS request a registry of service providers of the company from the PSIRA. Not only is the amount of firearms to be issued to a company calculated from this registry, but is this registry also used to confirm those employees with competency certificates against the database of the SAPS. These registries (database) are seldom up to date which leads to the delay or non-issue of firearm licenses.

Companies also need to supply the SAPS with competency certificates for all employees who will be using the firearm, and licenses are issued against the amount of competencies submitted. The problem however is the fairly large staff turnover within the industry that by the time the license is issued the specific employee has long left the service of that specific company.

New companies also battle to obtain firearm licenses as they need to first employ service providers before they can obtain licenses, but cannot deploy these service providers until they have the licenses. This in practice means that companies need to employ and pay service providers and not deploy them until they have firearms.

It is our suggestion that the SAPS issue firearm licenses against the competency certificate of the responsible person of the company, in the name of the company, and only based on the amount of staff employed who delivers or is required to deliver an armed service.

8. **Ethics committee**

Prior to 2002 the old SOB had an ethics or "bad practice" committee comprising of SOB inspectors and members from the industry that investigated and discussed complaints and non compliance issues.

This committee was very effective in the identification of non compliant service providers within the industry and it is suggested that the committee be re-established and represented by role players within the industry.

9. **Victimization of compliant service providers**

Although the word "victimization" may be very strong in this context, this is exactly the feeling of our members. Compliant service providers are inspected at least twice a year and a lot of the times summons are issued against these service providers for some or other small transgression, mostly as a result of the antiquated database of the PSIRA, and their failure to timeously register new service providers.

We have also received information from our members that in some instances bribes are invited from inspectors in order to escape these frivolous charges.

This despite the fact that information is given to the PSIRA regarding unscrupulous non-registered service provider that continue to operate as the PSIRA fails to investigate and take actions against such operators.

It is suggested that the PSIRA take a much stronger and vigorous approach against non-registered service providers.

10. **Communication**

Communication at the PSIRA seems to be a huge problem with our members. There seems to be no or very little communication between the branches of the PSIRA. Whenever our members in other areas have a problem they are always referred to Pretoria. It appears that the branches have no need.

Our members battle to obtain answers from Pretoria, as the files are always missing, misplaced or just lost. This is the same for the accounts department.

Even with the website, if and when you can log-in, the information loaded seldom corresponds to the monthly statements and registry provided. It would appear that these systems are not linked? Despite electronic submissions and by fax, service providers are not removed or added for months.

We suggest a more stable updated integrated system and proper training to PSIRA staff operating and using these systems.

We are convinced that the task team will receive many duplications of the above complaints against PSIRA, confirming the reality of the matter, and we hope and trust that these submissions will not be in vain. It is our belief that a structured, focused and dedicated authority is needed within our industry.

With all the expertise within SAIDSA, which has a history of 40 years within this industry, we hereby offer our assistance to the Task Team and PSIRA, should same be needed.

Trusting you find the above in order.

Yours faithfully,
The Executive Committee
SAIDSA

CC: Minister of Safety and Security 012 393 2819/20