

Monday, 6 May 2024]

No 66—2024] SIXTH SESSION, SIXTH PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

MONDAY, 6 MAY 2024

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ANNOUNCEMENTS

National Assembly

The Acting Speaker

1. List of nominees for appointment to the Electoral Reform Consultation Panel

- (1) A letter from the Minister of Home Affairs to the Acting Speaker of the National Assembly, submitting a list of nominees for appointment to the Electoral Reform Consultation Panel in terms of the Electoral Amendment Act, 2023 (Act No. 1 of 2023).

Referred to the **Portfolio Committee on Home Affairs** for consideration and report.

2. Referral to Committees of papers tabled

- (1) The following papers are referred to the **Portfolio Committee on Public Enterprises** for consideration and report. Report of the Auditor-General on the Financial Statements and Performance Information is referred to the **Standing Committee on Public Accounts** for consideration:

- (a) Integrated Report and Financial Statements of Alexkor SOC Limited for 2022-23, including the Report of the Auditor-General on the Financial Statements and Performance Information for 2022-23.
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TABLINGS

National Assembly and National Council of Provinces

1. The Acting Speaker and the Chairperson

- (a) Fourth Quarterly Performance Report of Parliament for 2023-24, tabled in terms of section 54(1) of the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act No. 10 of 2009).

2. The Minister of Public Enterprises

Please note: The following entry replaces entry No 1(a) in the name of The Minister of Public Enterprises, published in ATC (Announcements, Tablings and Committee Reports) dated 3 May 2024.

- (a) Integrated Report and Financial Statements of Alexkor SOC Limited for 2022-23, including the Report of the Auditor-General on the Financial Statements and Performance Information for 2022-23.

National Assembly

1. The Acting Speaker

- (a) Report of the Public Service Commission on Qualifications of Senior Managers in the Public Service – April 2024.

COMMITTEE REPORTS

National Assembly

1. LEGACY REPORT OF THE PORTFOLIO COMMITTEE ON POLICE ON ITS ACTIVITIES UNDERTAKEN DURING THE 6TH PARLIAMENT (MAY 2019 – MARCH 2024)

Adopted by the Committee on 27 March 2024

EXECUTIVE SUMMARY

KEY CHALLENGES

COVID-19 Pandemic: Parliament faced unprecedented challenges with the COVID-19 pandemic. In March 2020, Parliament announced the indefinite suspension of the programme of both its Houses as a precautionary measure to limit the spread of the COVID-19 virus. On 15 March 2020, President Ramaphosa declared the Covid-19 pandemic a national disaster under the Disaster Management Act, 2002 (DMA) (Act 57 of 2002) and on 23 March 2020, the President announced a national lockdown. The lockdown included a strict curfew and restricted the movement of all goods and people to confinement, except specified sectors rendering essential services. The South African Police Service (SAPS) had to enforce the lockdown restrictions. During this period, the Portfolio Committee on Police discharged its mandate to oversee the readiness of the SAPS to enforce the lockdown and later the deployment of the SAPS.

During the closure, Parliament benchmarked best practices from other legislatures and put in place the necessary information and communication technology infrastructure to ensure its readiness for virtual meetings. In addition, Parliament adopted guidelines and rules on how to conduct virtual Committee meetings, plenaries and voting in both Houses. Parliament resumed in April 2020 and Committee meetings continued on virtual platforms. Members of Parliament and Parliamentary staff had to adapt quickly to virtual meetings, which had initial struggles. The National Assembly had its first hybrid sitting on 27 May 2020 during which Ministers and Deputy Ministers in the Cluster responsible for Government's response to the COVID-19 pandemic responded to written and oral questions.

Prior to the suspension of Parliament's programme, the Portfolio Committee on Police met with the SAPS Management on 04 March 2020 to discuss Government's readiness for the pandemic. Immediately after the resumption of Parliament's programme, the Portfolio Committee on Police met with the



Minister of Police and Senior Management of SAPS on the management of the COVID-19 lockdown (which was still in place) on 29 April 2020 and again on 08 May 2020 to discuss reported misconduct by police members during the enforcement of lockdown restrictions.

Fire at Parliament and the destruction of the National Assembly: As COVID-19 restrictions started to ease towards late-2021, Parliament planned to resume normal functioning across the Parliamentary precinct from 2022. However, on 01 January 2022, a devastating fire destroyed most of the National Assembly and large parts of the Old Assembly-building complex. This once again forced Parliamentary Committees to resume meetings on virtual platforms.

COMMITTEE'S FOCUS AREAS DURING THE 6TH PARLIAMENT

Processing of legislation:

- Criminal Law (Forensic Procedures) Amendment Act, 2022 (Act No 08 of 2022).
- Protection of Constitutional Democracy against Terrorist and Related Activities Amendment Act, 2022 (Act No 23 of 2022).
- Independent Police Investigative Directorate Amendment Bill, 2023 [B21-2023].

Budget hearings

- Oversaw three Departmental Budget Votes, including main appropriations, adjustments, and expenditure. The Votes include Vote 28: South African Police Service (SAPS), Vote 24: Independent Police Investigative Directorate (IPID), and Vote 21: Civilian Secretariat for Police Service (CSPS). The Committee also considered the budget and expenditure of the Private Security Industry Regulatory Authority (PSIRA), as a Schedule 3 Public Entity. The Committee adopted twenty budget reports during its term.

Annual Performance Plan and Strategic Plan hearings

- In conjunction with budget hearings, the Committee considered the Annual Performance Plans and Strategic Plans of the SAPS, the IPID, the CSPS, and the PSIRA. The Committee adopted twenty budget reports during its term.

Annual Report hearings

- The Committee considered the Annual Reports of the South African Police Service, the Independent Police Investigative Directorate, the Civilian Secretariat for Police Service, and the Private Security Industry Regulatory Authority and published its respective Budget Review and Recommendations Reports (BRRRs). The Committee adopted 20 BRRRs during its term.

Oversight visits

- Oversight visits focussed on specialised areas such as firearm control, capacitation of forensic science laboratories countrywide, SAPS basic training, capital works projects and illegal mining. The Committee conducted thirteen oversight visits during the term.

Firearm control

- Digitisation of firearm-related applications (including ownership and competency).
- Clearing the backlog in firearm applications.
- Relocation of staff working in the Veritas building
- Approved two Firearms Amnesties, one in 2019/2020 and the other in 2020/2021.

Forensic Science Laboratories and DNA Backlog

- Clearing the backlog in DNA analysis and capacity of Forensic Science Laboratories.

Statutory appointments

- Appointment of the Executive Director of the IPID.
- Appointment of the Critical Infrastructure Council.

KEY AREAS FOR FUTURE WORK

- Processing legislation in need of amendment: (1) South African Police Service Act, 1995, (2) Firearms Control Act, 2000 (3) Stock Theft Act, 1959 (4) Second-hand Goods Act, 2009, (5) Civilian Secretariat for Police Service Act, 2011, and (6) Critical Infrastructure Protection Act, 2019.
- Strengthen the discipline ecosystem of the SAPS through the review of the SAPS Act, 1995 and the SAPS Disciplinary Regulations.
- Building the legislative drafting capacity in the Civilian Secretariat for Police Service.
- Digitisation of firearm license applications through the development, finalisation, and installation of the Firearm Control System (FCS).
- Construction and maintenance of police stations through the devolution of functions from the Department of Public Works and Infrastructure (DPWI) to the South African Police Service.
- Support the SAPS to pursue its exemption from the State Information Technology Agency (SITA) Act, 1998 (Act No 88 of 1998) including the establishment of internal capacity to manage functions taken over from SITA and the exploration of other service provisioning models such as Public-Private Partnerships and Build Own Transfers.
- Capacitation of Public Order Police (POP) Units, incorporating the recommendations of the Farlam Panel of Experts, Presidential Panel of Experts on the 2021 July Unrest and South African Human Rights Commission (SAHRC) Investigative Report on the July 2021 Unrest.



- Conduct a Parliamentary Inquiry into the 2021 July Unrest or oversee the implementation of recommendations.
- Increased role of private security service providers as force multipliers in crime intelligence and visible policing in structured collaboration with the SAPS.
- Capacitate all divisions of the SAPS Forensic Science Laboratories (FSL), including Biology, Chemistry, and Ballistics.
- Facilitate a multi-disciplinary Parliamentary approach to consider the obligations under the Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment (OPCAT) and the National Preventive Mechanism (NPM), with the relevant Portfolio Committees, including Health, Justice and Correctional Services and Defence.

KEY CHALLENGES EMERGING

- The delays in drafting of legislation for introduction to Parliament have been an ongoing challenge since the establishment of the Civilian Secretariat for Police in 2011.
- Third party dependencies experienced by the SAPS on other Government Departments, notably the Department of Public Works and Infrastructure, and the State Information Technology Agency, have a devastating impact on service delivery to bring policing services closer to communities and digitalisation of police services, notably firearm license applications.
- Lived experiences of citizens are not sufficiently incorporated in, and measured by, the performance indicators of the SAPS.
- The capacity and performance of the Detective Services Programme have declined consistently, notably in Crime Detection and Forensic Science Laboratories resulting in significantly low performance in both divisions.
- The IPID has accumulated a significant case backlog, which must be addressed as a matter of urgency.

Committee: 7th Parliament

- The Committee should be allocated additional meeting days and support staff due to the nature and workload of the Policing Portfolio.\
- Underutilisation of the Parliamentary Legal Services to develop and draft Committee Bills to process necessary legislation.

KEY RECOMMENDATIONS

The Departments should provide feedback on the recommendations below by 15 May 2024. These will be made available to the 7th Parliament to further guide oversight.

6.1 South African Police Service (SAPS)

- The SAPS should find solutions to address their third-party dependencies on the Department of Public Works and Infrastructure, and the State Information Technology Agency. These are having a severely negative impact on the quality of police services rendered by the SAPS. This includes the digitalisation of firearm licence applications, increased/improved digital policing solutions, and authority to build and maintain police stations, staff accommodation and office accommodation.
- The capacity and budget allocation to all divisions/subprogrammes in the Detective Services Programme must be reviewed, predominantly the investigative capacity/detectives (including remuneration, retention of skilled detectives, caseloads, quality of investigations, to ultimately result in higher detection rates and conviction rates), and the forensic science laboratories (including all divisions such as chemistry, biology and ballistics). The detection of crime and associated evidentiary exhibits are the crux of the criminal justice value chain, without which the system collapses.
- An interim solution should be finalised to support and resource Community Police Forums (CPFs) while awaiting the CPF funding model to be included in the South African Police Service Amendment Bill. While acknowledging that the service of CPF members is rendered on a voluntary basis under the SAPS Act, these structures should be resourced as a key pillar in the community-orientated policing paradigm adopted in South Africa in 1995 to transform the SAPS.
- The Department should balance and prioritize the three aspects of its Constitutional mandate to prevent, combat and investigate crime equally. No one of these should attract priority resourcing and/or capacitation.
- The discipline ecosystem of the SAPS must be improved through the review of the SAPS Act and SAPS Disciplinary Regulations and capacitating the IPID.
- The SAPS must present the revised Promotion Policy to the Committee once finalised in the Safety and Security Sectoral Bargaining Council (SSSBC). The lack of promotions and career progression in SAPS are affecting the moral of police members negatively and must be addressed as a matter of priority.



6.2 Directorate for Priority Crime Investigations (DPCI)

Negotiations with National Treasury should resume to establish the DPCI as a separate budget programme of the SAPS. This requires a legislative amendment to the SAPS Act to clarify the wording in the establishment of the Directorate. This will offer a greater independence to the DPCI to conduct investigations without fear or favour.

6.3 Independent Police Investigative Directorate (IPID)

The IPID must demonstrate improved capacity to fill its vacant funded posts and reduce its underspending on compensation of employees to enable the Committee to support recommendations to National Treasury for additional funding. This demonstration will allow the Department to appoint more investigators, resulting in increased performance especially in the Department's core service delivery programme, *Investigation, and Information Management*. It is futile to recommend that performance targets must be increased, when there is no capacity to investigate cases reported to the IPID. The increasing caseload of the Directorate, including backlog cases, post-decision ready cases, and active/new intake cases, must be addressed as a matter of urgency.

6.4 Civilian Secretariat for Police Service (CSPS)

The legislative drafting capacity of the Secretariat should be increased to effectively deal with an increasing demand for the review of legislation in the police portfolio. The impact of the Department should be increased.

6.5 Private Security Industry Regulatory Authority (PSIRA)

The review of the Authority's funding model should be prioritised through the review and tabling of the Private Security Industry Levies Act, 2002. As this is a Money Bill, the onus rests on National Treasury and Minister of Finance to table the review.

6.6 Parliament/Committee

- The Committee should be allowed additional meeting days to address the significant scope of the portfolio and be allocated more oversight visits.

- During orientation workshops to Committee Members of the 7th Parliament, a five-year crime statistics trend analysis should be presented to Members by external criminology experts such as the presentation by Dr Jean Redpath on 29 November 2023.
- The Committee should use the Parliamentary Legal Services to develop and draft Committee Bills to amend priority legislation instead of depending on the Executive Authority to submit such legislation in Parliament.
- Parliament should prioritise the appointment of parliamentary researchers to support the Committee as these posts were vacant by the end of the 6th Parliament.

1. INTRODUCTION

Section 55(2) of the Constitution provides for Parliament and its committees to have oversight over the executive and any state organ. Parliament's committees are the engine room that gives effect to that constitutional imperative and section 56(a) provides for the National Assembly or any of its committees to summon any person to appear before it to give evidence on oath or affirmation, or to produce documents. Section 56 (b) provides for any person or institution to report to it.

During the 6th Parliament (2019-2024), the Portfolio Committee on Police gave effect to those provisions through its role in legislating, oversight and hearing public submissions on the role of the South African Police Service (SAPS), Civilian Secretariat for Police Service (CSPS), Independent Police Investigative Directorate (IPID), the Directorate for Priority Crime Investigations (DPCI/Hawks), the National Forensic Oversight and Ethics Board (DNA Board), the Office of the DPCI Judge and the Private Security Industry Regulatory Authority (PSIRA).

As part of its oversight role, the Portfolio Committee visited police stations, specialised units, forensic science laboratories, IPID provincial offices and received submissions on legislation and service delivery. It also convened hearings on the annual budgets, performance plans, strategic plans, and annual reports of the IPID, SAPS, CSPS and PSIRA.

2. DEPARTMENTS, ENTITIES AND STATUTORY BODIES: POLICE PORTFOLIO

2.1. South African Police Service (SAPS)

Core mandate/strategic objectives: The SAPS derives its mandate from Section 205 of the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996). The objectives of policing are to -

- prevent, combat, and investigate crime;
- maintain public order;
- protect and secure the inhabitants of the Republic and their property; and
- uphold and enforce the law.

2.2. Civilian Secretariat for Police Service (CSPS)

Core mandate/strategic objectives: The mandate of the Civilian Secretariat for Police Service is derived from the Civilian Secretariat for Police Service Act (No. 2 of 2011) Section 208 of the Constitution of the Republic of South Africa, 1996:

- Provide the Minister with policy advice and research support;
- Develop policy through qualitative and evidence based research;
- Provide civilian oversight of the Police Service through monitoring and evaluating overall police performance;
- Mobilise role-players, stakeholders, and partners outside the department through engagements on crime prevention and other policing matters; and
- Provide other support services to the Minister in pursuit of achieving his/her mandate.

2.3. Independent Police Investigative Directorate (IPID)

Core mandate/strategic objectives: The IPID Act No. 1 of 2011 gives effect to the provision of section 206(6) of the Constitution, ensuring independent oversight of the SAPS and Municipal Police Services. The IPID resides under the Ministry of Police and functions independently of the SAPS. The objectives of the Act include, amongst others:

- Align provincial and national strategic objectives to enhance the functioning of the Directorate;
- Provide for independent and impartial investigation of identified criminal offences allegedly committed by members of the SAPS and the Municipal Police Services;
- Make disciplinary recommendations to the SAPS resulting from investigations conducted by the Directorate;
- Provide for close cooperation between the Directorate and the Secretariat; and

- Enhance accountability and transparency of the SAPS and the Municipal Police Services in accordance with the principles of the Constitution.

2.4. Entities

Name of Entity	Role of Entity
Private Security Industry Regulatory Authority (PSIRA)	The Mandate of the PSIRA is derived from the PSIRA Act (No 56 of 2001). The primary objectives of PSIRA are to regulate the private security industry and to exercise effective control over the practice of the occupation of security service providers in the public and national interest and in the interest of the private security industry itself.

2.5. Statutory structures reporting to Parliament

National Forensic Oversight and Ethics Board

Section 15V of the SAPS Act, 1995 establishes the National Forensic Oversight and Ethics Board (colloquially and hereafter referred to as the “DNA Board”) and assigns various responsibilities to the Board including the requirement to ensure the full implementation of the Criminal Law (Forensic Procedures) Amendment Act, 2013 (Act No 37 of 2013).

Section 15AC provides that the Board must annually report to Parliament on the performance of its functions.

Office of the Directorate for Priority Crime Investigation (DPCI) Judge

The O/DPCI/J is established under section 17L of the SAPS Act, 1995 and is headed by a retired judge appointed by the Minister of Police, after consultation with the Minister of Justice and the Chief Justice to investigate complaints from:

- Any member of the public who can provide evidence of a serious and unlawful infringement of his or her rights caused by an investigation by the DPCI, or
- Any member of the DPCI who can provide evidence of any improper influence or interference, whether of political or any other nature, exerted upon him or her regarding the conducting of an investigation.

Section 19L(9) provides that the judge must annually report to Parliament on the performance of his or her functions.

3. FUNCTIONS OF THE COMMITTEE

Parliamentary committees are mandated to:

- Monitor the financial and non-financial performance of government departments and their entities to ensure that national objectives are met;
- Process and pass legislation; and
- Facilitate public participation in Parliament relating to issues of oversight and legislation.

4. METHOD OF WORK OF THE COMMITTEE

The Portfolio Committee on Police has over the term of the 6th Parliament established its working relationship with Departments and entity and established the principle of inquisitorial oversight through accountability. The Committee used several methods to complete its oversight work over Departments. The Committee has been able to involve partners in civil society and academics to present evidence prior to engaging the Departments and entity in its hearings on the budget and annual reports. It has also been able to examine documents and conduct its own research to examine Departmental Annual Reports and Strategic Plans. The Committee also called special hearings and briefings when required to, investigated different aspects of departmental units and budgets, and has jealously guarded its right to receive the necessary answers from the departments and entity.

The Committee's work is normally supported by four Parliamentary Officials, including a Content Advisor, Committee Secretary, Committee Assistant and Researcher. During the 6th Parliament (February 2022), the Content Advisor left the employment of Parliament. The Committee Researcher acted as Content Advisor before being appointed as permanent Content Advisor (September 2022) while also resuming the research functions. The researcher position has not yet been filled. This has placed significant strain on the operations of the Committee as the Committee Researcher prepares the Committee for its work and engagement with the Departments and entity by providing research papers prior to all engagements of the Committee. Due to the high workload of the Committee, a second Secretary and Committee Assistant should be allocated to the Committee and should be actively pursued by the 7th Parliament. The Committee also worked in a joint manner with other Portfolio Committees of Parliament. These included the Portfolio Committees on Women in the Presidency, Justice and Correctional Services, and Public Works and Infrastructure.

5. PURPOSE OF THE REPORT

The purpose of this report is to provide an account of the Portfolio Committee on Police's work during the 6th Parliament and to inform the members of the new Parliament of key outstanding issues pertaining to the oversight and legislative programme of the SAPS, IPID, CSPPS, DPCI, PSIRA, DNA Board and Office of the DPCI Judge.

This report provides an overview of the activities the committee undertook during the 6th Parliament, the outcome of key activities, as well as any challenges that emerged during the period under review and issues that should be considered for follow up during the 7th Parliament. It summarises the key issues for follow-up and concludes with recommendations to strengthen operational and procedural processes to enhance the Committee’s oversight and legislative roles in future.

6. KEY STATISTICS

The table below provides an overview of the number of meetings held, legislation and international agreements processed, and the number of oversight trips and study tours undertaken by the committee, as well as any statutory appointments the committee made, during the 6th Parliament:

Activity	2019	2020	2021	2022	2023	2024	Total
Meetings held	22	29	30	36	34	7	158
Legislation processed	-	-	-	2	1	-	3
Oversight visits undertaken	1	-	2	7	3	-	13
Study tours undertaken	-	-	-	-	-	-	0
International agreements processed	-	-	-	-	-	-	0
Statutory appointments made	-	-	1	1	-	-	2
Interventions considered	-	-	-	-	-	-	0
Petitions considered	5	1	1	1	0	-	8

7. MEMBERSHIP OF THE COMMITTEE

Original membership of the Committee at the start of the 6th Parliamentary term:

- 1) Ms Joemat-Pettersson (ANC)
- 2) Mr Maphatsoe (ANC)
- 3) Ms Molekwa (ANC)
- 4) Ms Mofokeng (ANC)
- 5) Ms Patrein (ANC)

- 6) Ms Peacock (ANC)
- 7) Mr Whitfield (DA)
- 8) General Terblanche (DA)
- 9) Mr Shembeni (EFF)
- 10) Mr Mafanya (EFF)
- 11) Ms Majozi (IFP)
- 12) Dr Groenewald (FF Plus)
- 13) Mr Thring / Rev Meshoe (ACDP)
- 14) Mr Galo (IAC)

Names as published in the ATC No 14-2019, dated 27 June 2019

Members who serve on the Committee for the duration of the 6th Parliamentary term:

- 1) Ms Molekwa (ANC)
- 2) Ms P Peacock (ANC)
- 3) Mr Whitfield (DA)
- 4) Gen. Terblanche (DA)
- 5) Ms Majozi (IFP)
- 6) Dr Groenewald (FF Plus)
- 7) Rev. Meshoe (ACDP)
- 8) Mr Shaik-Emam (NFP)

Changes to Committee membership:

- Mr Maphatsoe passed away on 31 August 2021.
- Ms Faku (ANC) who served as an alternate members left the Committee in October 2021 and became the Deputy Major of the Buffalo City Metropolitan Municipality.
- Ms Mofokeng (ANC) served on various committees, including Police until April 2021, whereafter she became a full member of the Portfolio Committee on Justice and Correctional Services and passed away on 21 April 2021.
- Mr Shembeni (EFF) was discharged as a Full Member on 28 February 2023 and appointed as an Alternate Member.

- Mr Khoza (EFF) was appointed as a Full Member on 28 February 2023.
- Ms Moss joined the Committee on 03 November 2020 and left on 02 March 2023.
- Ms Tarabella Marchesi (DA) was appointed as an Alternate Member on 3 May 2023.
- Ms Tina Joemat-Pettersson (Chairperson of the Committee) passed away on 05 June 2023.
- Mr Golding (DA) was appointed as an Alternate Member on 6 June 2023.
- Mr Seabi was elected as Chairperson of the Portfolio Committee on Police on 6 September 2023.
- Mrs Gomba (ANC) was appointed as a Full Member on 23 August 2023.
- Mrs Tarabella Marchesi was discharged as an Alternate Member on 24 August 2023.
- Mr Khoza (EFF) was discharged as a Full Member of the Committee on 29 August 2023.
- Mr Gericke (EFF) was appointed as a Full Member on 31 October 2023.
- Ms Marekwa (ANC) joined the Committee as a Full Member on 22 February 2022.
- Mr Masuku (ANC) was appointed as a Full Member on 8 November 2023.
- Ms Patrein was discharged as a Full Member and appointed as an Alternate Member on 8 November 2023.

8. STAKEHOLDERS

The Committee engaged with the following stakeholders:

- 1) Commission for Gender Equality
- 2) South Africa Human Rights Commission
- 3) Congress of South African Trade Unions (COSATU)
- 4) Police and Prisons Civil Rights Union (POPCRU)
- 5) South African Police Union (SAPU)
- 6) Independent Policing Union of South Africa (IPUSA)
- 7) Rape Crisis Cape Town Trust
- 8) African Criminal Justice Reform (ACJR) / Dullah Omar Institute
- 9) Gun Free South Africa (GFSA)
- 10) Ms Vanessa Lynch
- 11) Institute for Security Studies (ISS)
- 12) Legal Aid South Africa
- 13) African Policing Civilian Oversight Forum (APCOF)
- 14) Judicial Inspectorate for Correctional Services (JICS)

- 15) DNA Project
- 16) Ms Diana Thomson
- 17) Ms Laura Heathfield
- 18) Afriforum
- 19) Banking Association of South Africa (BASA)
- 20) International Committee of the Red Cross (ICRC)
- 21) Sussex Terrorism and Extremism Research Network (STERN)
- 22) Fish Hoek Valley Ratepayers and Residents Association
- 23) Dear South Africa
- 24) Freedom of Religion
- 25) Khoisan House of Traditional Leaders
- 26) Ms Mary de Haas
- 27) Financial Intelligence Centre (FIC)
- 28) Office of the Auditor-General of South Africa (AGSA)
- 29) US Consul General
- 30) Consul General of the Peoples Republic of China
- 31) Mr Daneel Knoetze (Ground Up)
- 32) Adv Martin Hood
- 33) Helen Suzman Foundation
- 34) FW de Klerk Foundation
- 35) Freedom of Expression Institute (FXI)
- 36) Ndifuna Ukwazi
- 37) Western Cape Government
- 38) Action Society
- 39) Centre for Criminology
- 40) Association for the Prevention of Torture (APT)
- 41) Southern Africa Bishop's Conference Parliamentary Liaison Office (CPLO)

9. KEY ACHIEVEMENTS

Throughout the 6th Parliamentary Term, the Portfolio Committee has achieved numerous successes, some of which are listed below:

Unqualified financial statements of SAPS: The South African Police Service received qualified audit opinions from the Auditor-General on their financial statements for four consecutive financial years from 2016/17 to 2019/20. Through the persistent monitoring of the Department's Audit Action Plan, the Department received an unqualified audit opinion in 2020/21 and every year following (2021/22 and 2022/23).

Reducing the DNA Backlog: In 2020, reports emerged that the SAPS had accumulated a significant backlog in DNA analysis at its Forensic Science Laboratories (FSL) countrywide. At that time, the backlog stood at more than 240 000 DNA samples not analysed, most of which related to Gender-Based Violence cases including rape, abuse, and murder (of women). Since, the Committee had exerted sustained pressure on the SAPS to reduce the backlog, including regular meetings with the SAPS and the DNA Board, quarterly progress reports (written) and an oversight visit to the Gauteng SAPS FSL in August 2021. In February 2023, the Minister of Police announced that the backlog has been reduced to 1 600, which is a reduction of 99.3%. The reduction was a result of the oversight role played by the Portfolio Committee on Police. The commitment by the Committee in its oversight role contributed greatly to Government's fight against Gender-based Violence and Femicide.

Functioning of the DNA Board: Through the Committee's intense focus on the DNA analysis backlog and regular meetings with the DNA Board, the effective functioning of the DNA Board has improved.

Full implementation of the Criminal Law (Forensic Procedures) Amendment Act of 2022 (DNA Amendment Act): The Portfolio Committee on Police exerted sustained pressure on the Minister of Police and Civilian Secretariat for Police Service to table the Criminal Law (Forensic Procedures) Amendment Act of 2022 to address a significant challenge (gap) in the transitional arrangements of the Principal Act that allowed already incarcerated Schedule 8 offenders to be released from prison without having a DNA sample being taken. Through the processing of the Act, this gap has been closed and allows for the taking of DNA buccal samples of already incarcerated Schedule 8 offenders.

The processing of the Criminal Law (Forensic Procedures) Amendment Act of 2022 further contributes greatly to Government's fight against Gender-based Violence and Femicide.

Strengthening the global fight against terrorism and terrorist financing: The Protection of Constitutional Democracy against Terrorist and Related Activities Amendment Act updated the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004 (No. 33 of 2004) ("principal Act") to:

- developments in international law;
- give effect to certain Constitutional Court judgments; and
- address challenges experienced with conducting investigations and prosecutions.

During a compliance visit by United Nations Counter-Terrorism Executive Directorate (UNCTED) to South Africa in 2018, the need to make provision in respect of Foreign Terrorist Fighters in the principal Act was expressed by the UNCTED. This included:

- The disparity between the sentencing regime in terms of which a more severe penalty may be imposed in respect of money laundering as opposed to terrorist financing;
- The lack of any reference to administrative sanctions for violating asset-freezing orders issued pursuant to section 23; and
- Clarification of the applicability of the *aut dedere aut judicare* principle with respect to all terrorism-related offences, particularly those contained in the principal Act.

Provisions have been inserted to cater for foreign terrorist fighters, to address the sentencing of the financing of terrorism, and the extension of the Extradition Act, 1962 (Act No. 67 of 1962), as required by the report of the UNCTED.

The POCDATARA Amendment Act was instrumental in addressing technical compliance deficiencies as highlighted by the Financial Action Task Force (FATF) in its mutual evaluation conducted in 2019 of its Anti-Money Laundering and Combating of the Financing of Terrorism system. South Africa rated poorly in the Mutual Evaluation Report (MER) published in October 2021. The speedy consideration of the POCDATARA Amendment Act, concurrent to the Omnibus Act being processed by the Standing Committee on Finance, was essential in South Africa's endeavors to avoid being grey listed.

Although the FAFT ultimately grey listed South Africa in early 2023, the Committee assisted greatly in addressing issues identified in the Principal Act, which will allow greater compliance to international norms and strengthen South Africa's ability to fight terrorism and terrorist financing.

IPID Amendment Bill: The review of the IPID Act has been a priority of the Committee since 2019 and throughout the 6th Parliamentary term. The Committee exerted significant pressure on the CSPS and Minister of Police to introduce the Bill in Parliament. The Bill was tabled in August 2023, which placed pressure on the Committee's programme. The Bill was not certified by the Office of the State Law Advisor as constitutionally sound as required by National Assembly Rule 279(2) due to clause 4 of the Bill being in contradiction with the Constitutional Court in the judgement of *McBride v Minister of Police and Another* ([2016] ZACC 30) ("*McBride* judgement") relating to the structural and operational independence of the IPID. The Committee amended clause 4 to include Parliamentary oversight in the appointment process of the IPID Executive Director in compliance with the *McBride* Judgement. Further thereto, the revised Bill addresses deficiencies in the method of reporting, disciplinary proceedings, and security of tenure of the Executive Director.

Police training: The significant lack in training capacity in the SAPS was highlighted by the Portfolio Committee on Police and brought to the attention of the State President. The recruitment of additional police capacity is severely undermined by the lack of trainers to effectively train police recruits. This is addressed through the efforts of the Committee to bring this challenge to light.

Police staff morale: The Committee uncovered significantly low staff morale in the SAPS that is having a devastating impact on policing in South Africa. The discussions on the morale survey turned out to be a contentious issue as the survey was inadvertently shared with the Committee. The Committee brought together the SAPS management and police unions to discuss the findings of the survey and factors leading to a low morale in an open and transparent platform.

Gender-based Violence and Femicide: The Committee has continuously focussed on key aspects of Gender-based Violence and Femicide through the consideration of implementation reports on the Domestic Violence Act, crime statistics, roll out and implementation of Gender Desks, and the National Strategic Plan on GBVF. The processing of the Criminal Law (Forensic Procedures) Amendment Act of 2022 closed a significant gap in DNA analysis which disproportionately affected the prosecution of perpetrators of GBVF, including the murder and rape of women. The same is applicable to the reduction in the DNA backlog, which was significantly reduced through the efforts of the Committee.

Release of crime statistics: Through continuous pressure on the Minister of Police, quarterly statistics are released in Parliament (through Committee meetings) before being released to the public.

Firearm Amnesties: The Committee approved two separate firearm amnesties, in 2019/2020 and 2020/2021. Both amnesties were declared for a period of six months and commenced from 1 December 2019 to 31 May 2020 and from 1 August 2020 to 31 January 2021 respectively. A total number of 166 077 amnesty applications were handed in for both amnesties.

Information gathered by the Committee: Matters of concern highlighted by the Portfolio Committee on Police affecting the policing sector, and information gathered (and made public) have a significant impact in terms of transparency and accountability. The information is used in a variety of ways, including by internal and external researchers to increase and enhance the body of knowledge in the policing sector.

July 2021 Unrest: In 2021, the Committee met on the development of a Terms of Reference to conduct a Parliamentary Inquiry into the factors that led to the widespread unrest and inability of the SAPS to contain the violence that ensued. At the time, the President appointed an Expert Panel to investigate these factors and to make recommendations on addressing the shortcomings identified during the investigation. The South African Human Rights Commission (SAHRC) also launched an investigation in the unrest and specifically the impact on human rights. The Committee resolved to conduct the proposed inquiry after the publication of both the aforementioned reports to avoid a duplication of efforts to investigate the contributing factors that led to the unrest and the failure of the state security apparatus. While the Presidential Panel of Experts Report was published in February 2022, the SAHRC Report was only tabled in January 2024.

While awaiting the SAHRC Report, the Committee requested a detailed implementation plan from the SAPS on the Presidential Panel of Experts Report. The Committee deliberated on the implementation and requested regular updates on progress with the further implementation of relevant recommendations.

Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State: In June 2023, the Committee met with the SAPS, DPCI and IPID on the progress of investigations emanating for the State Capture Report. This was a key achievement to adhere to Parliament's Implementation Plan on the State Capture Report, as tabled in Parliament on 31 January 2023. The report was referred to 17 Parliamentary Committees. The Portfolio Committee on Police has submitted two quarterly reports on this matter.

10. BRIEFINGS AND/OR PUBLIC HEARINGS

The Committee had several hearings into critical matters during its term which included matters of national importance. In this respect the Committee endeavoured to appraise itself of the facts through relevant research prior to calling the Departments and external role-players and stakeholders such as civil society and experts to present their views. Included in its briefings and hearings are the following:

- Processing of the DNA Amendment Bill
- Processing of the POCDATARA Amendment Bill
- Briefing by the Institute for Security Studies (ISS) on Evidence-based Policing
- Western Cape Community Policing Forums and Neighbourhood Watches
- Panel of Experts on Policing and Crowd Management (Farlam Commission/Marikana)
- South African Human Rights Commission
- South African Commission on Gender Equality
- Ground Up: Daneel Knoetze
- Cape Town Law Enforcement

11. KEY CHALLENGES

SAPS Infrastructure Development, Maintenance and Lease Management: The Committee has highlighted the significant challenges experiences in the development of infrastructure and maintenance thereof in the SAPS. The state of disrepair of many police stations countrywide has a negative impact on the morale of the police and portrays an unprofessional image to the communities the police serve. The SAPS is heavily dependent on the Department of Public Works and Infrastructure for the construction, upgrade, and maintenance of police infrastructure. The deficiencies in the DPWI must be addressed at a National Government level.

Digitation of firearm licensing: The Committee has engaged with the SAPS on the enhancement of firearm control on several occasions and issues, including the approval and monitoring of firearm amnesties, ineffectiveness of the Central Firearm Register; lost and stolen firearms; and the proliferation of illegal firearms in South Africa. The effectiveness, or ineffectiveness, of the Central Firearm Registry has a significant impact on effective firearm control and suffers from significant dependencies on the State Information Technology Agency (SITA), which are experienced across all Government Departments. The deficiencies in the SITA must be addressed at a National Government level.

SAPS staff establishment and organisational structure: The capacity of the SAPS in terms of service delivery and staff establishment has been a recurring theme for the Committee as several communities have corresponded with the Committee to complain about the lack of service delivery and shortages in personnel. The SAPS has two separate employment categories under the SAPS Act (police personnel) and the Public Service and Administration Act (administrative personnel). The ratio of police members to population is measured only on the number of operational police members. Over the past 10 years the overall fixed establishment of SAPS has been declining. In 2011/12, the SAPS had 157 518 SAPS Act members, which had decreased to 140 048 in 2022. Importantly, the SAPS has developed and refined a model to calculate the human resource needs of each police station taking into consideration the minimum number of police officers needed to render an effective police service and the population density of the policing area of each police station.

In 2022, the SAPS embarked on Project 10 000, under which 10 000 police candidates were recruited and trained. The project was repeated in 2023. Both these interventions were announced by the President during his 2022 and 2023 State of the Nation Address (SONA). On 20 March 2024, the Committee received a presentation on the Business Case developed by SAPS for additional resourcing.

Community Policing Forums (CPFs): The Committee highlighted the necessity of CPFs as a crucial element in a holistic approach to crime prevention. The reactive nature of policing was highlighted during the 6th Parliamentary term. Effective CPF structures can assist in a proactive role in the early identification of community dissatisfaction. While being mindful of the fact that CPFs are voluntary structures, the landscape of crime has changed significantly since the establishment of these structures under the 1995 SAPS Act. There must be a balance struck between theory and practice. While the SAPS continuously report that all functional police stations have functional CPFs, the reality on ground level is quite different in that CPFs are dysfunctional and using their own resources to fulfil their services. The Committee requests a clear roadmap on how CPFs will be established, become fully functional and resourced until such time as the SAPS Act is amended to give effect to the new funding model of CPFs. These concerns are currently addressed on an ad-hoc basis by different provinces and police stations resulting in wide discrepancies across CPFs countrywide. In 2023, the Minister of Police allocated R80 million to the capacitation of CPFs. A formalised solution must be found to address the capacitation of CPFs.

Review of legislation: The Civilian Secretariat for Police Service was established as a Government Department on 01 April 2014 and is responsible for the drafting of all legislation within the police portfolio. The delays in introducing legislation in Parliament have been highlighted as a concern since the 4th Parliament (Legacy Report of the 4th Parliament (May 2009 to March 2014) dated 3 April 2014) and repeated in the Legacy Report of the 5th Parliament. Over

the past nine years, it has become clear that the CSPS lacks sufficient legislative drafting capacity to deal with the review of legislation in the police portfolio. Serious attention should be given to increasing the legislative drafting capacity of the Secretariat. Consideration could be given to appoint drafters on a contract basis to clear the backlog in legislation that needs urgent amendments.

Focus should be placed on the:

- South African Police Service Amendment Bill
- Second Hand Goods Amendment Bill
- Firearms Control Amendment Bill
- Stock Theft Amendment Bill
- Civilian Secretariat for Police Service Amendment Bill
- Critical Infrastructure Protection Act, 2019

Critical Infrastructure Council: The appointment and operationalisation of the Critical Infrastructure Council under the Critical Infrastructure Protection Act, 2019 (Act No 8 of 2019) proved to be a key challenge faced by the Committee due to time delays in the finalisation of vetting investigations to issue top secret security clearances. The guiding legislation should be amended to simplify the Parliamentary interview and appointment processes, especially on security clearance prior to Parliamentary interviews.

Discipline Management in the SAPS: The Committee highlighted the significant challenges in the discipline management process of the SAPS, particularly the lenient sentences attached to serious offences committed by SAPS Officers. The mandatory implementation of disciplinary recommendation by the IPID should be considered for inclusion in the review of the IPID and SAPS Acts.

Promotion policy: The lack of promotions and career progression in SAPS are negatively affecting the morale of police members and must be addressed as a matter of priority. The policy is currently before the SSSBC for negotiations between SAPS and the two main labour unions (POCRU and SAPU).

Appointments by the Minister of Police: The Minister of Police is responsible for various appointments in the police portfolio. The guiding legislation within the portfolio is clear on the timeframes in which appointments should be made. The timeframes of many appointments were not met by the Minister of Police. These include:

- Appointment/nomination of the Executive Director of IPID
- Appointment of the Secretary of Police
- Appointment of the DNA Board and Board's Chairperson
- Appointment of the DPCI Judge

- Appointment of the PSIRA Council

12. LEGISLATION PROCESSED BY THE COMMITTEE

The following pieces of legislation were referred to the committee and processed during the 6th Parliament:

Year	Name of Legislation	Tagging	Objectives	Completed/Not Completed
2022	Criminal Law (Forensic Procedures) Amendment Bill [B25-2021]	S75	<p>The objectives of the Amendment Bill are to amend the Criminal Law (Forensic Procedures Act, 2013, so as:</p> <ul style="list-style-type: none"> • to make provision for the full implementation of certain transitional arrangements contained in the Criminal Law (Forensic Procedures) Amendment Act, 2013; • to provide for the enforcement of the obligation to submit to the taking of a buccal sample; and • to provide for matters connected therewith. 	<p>Completed</p> <p>Criminal Law (Forensic Procedures) Amendment Act, 2022 (Act No. 8 of 2022)</p>
	Protection of Constitutional Democracy against Terrorist and Related Activities Amendment Bill [B15 – 2022]	S75	<p>The objectives of the Amendment Bill are to amend the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004, so as:</p> <ul style="list-style-type: none"> • to delete, amend and insert certain definitions for purposes of alignment with international instruments adopted upon the implementation of the Act; • to provide for offences related to terrorist training and the joining and establishment of terrorist organisations; • to provide for offences related to foreign travel and attempts to leave the Republic under certain circumstances; • to provide for offences in respect of the possession and distribution of publications with unlawful terrorism related content; 	<p>Completed</p> <p>Protection of Constitutional Democracy against Terrorist and Related Activities Amendment Act, 2022 (Act No. 23 of 2022)</p>

Year	Name of Legislation	Tagging	Objectives	Completed/Not Completed
			<ul style="list-style-type: none"> • to provide for authorisation to be obtained from the Director of Public Prosecutions in respect of the investigation and prosecution of certain offences; • to provide for the issuing of warrants for the search and cordoning off vehicles, persons, and premises; to provide for a direction requiring the disclosure of a decryption key and the effect of a direction to disclose a decryption key; • to provide for the removal of, or making inaccessible, publications with unlawful terrorism related content; and • to provide for matters connected therewith. 	
2023	Independent Police Investigative Directorate (IPID) Amendment Bill, 2023 [B21-2023]	S75	<p>The objectives of the Amendment Bill are to amend the Independent Police Investigative Directorate Act, 2011, to:</p> <ul style="list-style-type: none"> • amend and insert certain definitions; • provide for the Directorate’s institutional and operational independence; • provide that the Directorate must be independent, impartial and must exercise its powers and functions without fear, favour, prejudice, or undue influence to give effect to the judgment of the Constitutional Court in the case of <i>McBride v Minister of Police and Another</i>; • amend the provisions relating to the appointment of the Executive Director of the Directorate; • broaden the Executive Director’s responsibilities in respect of the referral of complaints regarding disciplinary matters; • provide for pre-employment security screening investigations to be conducted by the Directorate; • provide for the conditions of service of investigators to be determined by the Minister; 	Completed

Year	Name of Legislation	Tagging	Objectives	Completed/Not Completed
			<ul style="list-style-type: none"> • provide for the Directorate to investigate any deaths caused by the actions of a member of the South African Police Service or a member of a municipal police service, whether such member was on or off duty; • provide for the Directorate to investigate a rape by a member of the South African Police Service or a member of a municipal police service, whether such member was on or off duty; • strengthen the provisions relating to the implementation of disciplinary recommendations; • provide for a savings provision regarding the conditions of service of existing investigators and provincial heads; • amend other provisions of the Independent Police Investigative Directorate Act, 2011, to ensure that the Directorate executes its mandate effectively and efficiently; and to provide for matters connected therewith. 	

Challenges emerging

The following challenges emerged during the processing of legislation:

Technical/operational challenges

- The periods for processing legislation were limited due to the urgency of Bills processed by the Committee.
- Extensions allowed for public participation on the POCDATARA Bill jeopardised the processing of the Bill.
- Limited public submissions were received on the POCDATARA and DNA Bills due to the technical nature of amendments.
- Extensions to the scope of amendments proposed in legislation should be considered within the confines of Parliamentary Rules.

Content-related challenges

- The amendments to the POCDATARA were technical in nature and not always well understood by the Committee.

Issues for follow-up

The 7th Parliament should consider following up on the following concerns that arose:

- Legislation should be introduced in Parliament timeously.
- Departments should remain cognisant of the Parliamentary processes to process legislation.
- The Committee should adhere to timeframes for public participation.

13. OVERSIGHT VISITS UNDERTAKEN

The following oversight trips were undertaken:

Date	August 2019
Area Visited	Cape Town
Objective	Joint Oversight visit with the Portfolio Committee on Defence and Military Veterans to areas in Cape Town where the South African National Defence Force (SANDF) was deployed.

Date	August 2021
Area Visited	Pretoria (Gauteng)
Objective	Central Firearm Registry (CFR) and Forensic Science Laboratories in Pretoria
Recommendations	<p>The Committee made various recommendations, including:</p> <ol style="list-style-type: none"> 1) The relocation of CFR personnel working in the Veritas; 2) An investigation to be conducted into corruption associated with the continued renewal of the Veritas lease; 3) The efficiency of SAPS facility management strategy; 4) Ministerial intervention to address the challenges between the SAPS and the DPWI; 5) Fast tracking the modernisation of the CFR into a digital system; 6) Presentation on the envisaged features of the digital CFR platform;

	7) Monthly progress reports to the backlog in firearm-related applications; 8) Completion of all maintenance contracts for DNA analysis machines; 9) Procurement contracts for DNA consumables must be effectively managed; 10) SITA to appear before the Committee to explain the different implementation phases of the FEM System; 11) Monthly progress reports on the DNA analysis backlog in the FSL: Biology Division; and 12) Crime combatting initiatives implemented by SAPS Gauteng should be emulated in all other provinces.
Responses to recommendations	Responses were received
Follow-up issues	The following issues should be followed-up: <ul style="list-style-type: none"> • Relocation of CFR Personnel • Presentation on the envisaged features of the digital CFR platform • Completion of all maintenance contracts for DNA analysis machines
Status of report	Report was adopted and published in the ATC

Date	August 2021
Area Visited	KwaZulu-Natal and Gauteng
Objective	July 2021 Unrest
Recommendations	The following recommendations were made: <ol style="list-style-type: none"> 1) Intelligence structures should have anticipated the unrest that happened, and measures should have been taken to pre-empt and avoid what happened; 2) POPs need to be capacitated as it became clear that they were not up to the task when violent protests started. 3) Relations between police and communities needs to improve as the lack of trust in the Police by the communities gave rise to community mobilization which ended up sparking racial tensions in some parts of KZN. 4) Other departments such as Social Development have a role to play in bringing about social cohesion amongst communities in KZN. 5) Issues of budget and improving working conditions, investment in the use of technology in fighting crime should be done without further delays. 6) Police stations must be empowered with more resources to respond to protests as failure by the police may lead to communities resorting to vigilantism.

	<p>7) The IPID should speed up the investigation of private security companies that broke the law through actions that exceeded their mandate. The Committee will request a comprehensive report once investigations are completed.</p> <p>8) Recruitment of new officers not taking place for two financial years, coupled by high turnover rate is a fundamental problem that needs to be addressed as soon as possible.</p> <p>9) The police-population ration is not practical for effective policing. Engagement with the National Treasury must be a priority to ensuring that adequate resources are provided.</p> <p>10) The SAPS has a lot to do in regaining the confidence of the citizens. The CSPS has a key role to play in this regard.</p> <p>11) The Committee remains eager to see the outcome of the investigations and whether any high-profile politicians or businesspeople will be prosecuted for instigating the violent protests.</p> <p>12) The Police must do everything in their power to ensure that all those who broke the law are prosecuted.</p>
Responses to recommendations	Responses were received
Follow-up issues	<p>The following issues should be followed-up:</p> <ul style="list-style-type: none"> • Implementation of the Panel of Experts' Report into the July 2021 Unrest. • Investment in technology. • Investigations by IPID on private security companies that broke the law through actions that exceeded their mandate.
Status of report	Report was adopted and published in the ATC

Date	March 2022
Area Visited	Norwood and Tembisa Police Stations
Objective	Stolen evidence firearms
Recommendations	<p>The Committee made several recommendations, including that:</p> <ol style="list-style-type: none"> 1) Provincial stakeholders such as the CPFs, Metro Police, the Department of Social Development, and the SAPS should collaborate in efforts to deal with the challenge of substance abuse; 2) SAPS must focus on intelligence-led policing to ensure that acts of crime are pre-empted; 3) <i>Operation Okae Molao</i> should be strengthened; 4) SAPS should provide quarterly update reports on progress made in relation to the investigation of the firearms theft from the Norwood Police Stations; 5) Operations aimed at retrieving the stolen Norwood firearms must be intensified to prevent them from being used in committing crimes in the country;

	6) All law enforcement agencies must collaborate with the DPCI to speedily finalise investigations; 7) SAPS should provide quarterly update reports on progress made in addressing high crime rates reported in the Tembisa Police Station; 8) SAPS conduct a countrywide audit of all SAPS 13 stores to ensure that no firearms were stolen from other evidence stores; 9) The ownership of municipal buildings, that is used as police stations, should be transferred to the SAPS; 10) The Ekurhuleni Municipalities must prioritise the maintenance of buildings being used by the SAPS; 11) The Minister of Police engage with his counterpart in the Department of Public Works and Infrastructure to address the serious challenges relating to office accommodation of the SAPS; 12) The Gauteng Liquor Board should review its processes for issuing licences for taverns and shebeens primarily because substance abuse is one of the causal factors to the high crime rate in the Tembisa and Norwood areas; 13) The Minister of Police should engage his counterpart in the Department of Trade and Industry to urgently amend the Liquor Act, 2003 (No. 59 of 2003) and its associated regulations to specifically limit the number of liquor outlets and the transfer of licences between different premises; 14) The number of Liquor Inspectors must be increased to ensure compliance to liquor licensing conditions and investigate complaints relating to liquor licencing; and 15) The Provincial Liquor Boards and the Department of Home Affairs should accompany the Committee on future oversight visits to address specific concerns relating to the approval of liquor licenses and illegal foreigners in specific areas.
Responses to recommendations	Responses were received
Follow-up issues	The following issues should be followed-up: <ul style="list-style-type: none"> • The Committee should schedule a meeting with the National and Provincial Liquor Boards to discuss the impact of alcohol on crime (Department of Trade and Industry). • Status of the audit on SAPS 13 Stores.
Status of report	Report was adopted and published in the ATC
Date	October and September 2022
Area Visited	1) North West province (Klerksdorp, Orkney, Steelfontein, Haartebeespoort, Rustenburg) 2) Gauteng province (JHB CBD, Kimberley Reef Outcrop, Alberton, Roodekop, Spring Gold 1 Gedex, Benoni Snake Road) 3) Mpumalanga province (Barberton, Witbank)

	4) Gauteng province (Roodepoort, Florida, Soweto) 5) Free State province (Welkom) 6) Limpopo province (Burgersfort, Steelpoort, Polokwane, Bergnek)
Objective	Joint oversight: Illegal Mining
Recommendations	1) Urgent amendment of the mentioned sections of the following pieces of legislation in response of the challenge of illegal mining: Immigration Act, 200 (Act No.13 of 2002); Mineral and Petroleum Resources Development Act No. 28 of 2002; Diamonds Act, 1986 (Act No. 56 of 1986); Precious Metals Act, 2005 (Act No. 37 of 2005); Hazardous Substances Act, 1973 (Act No. 15 of 1973); and Customs and Excise Act, 1964 (Act No. 91 of 1964) 2) The Department of Home Affairs should increase the capacity of Immigration Services dealing with undocumented illegal miners. 3) Police capacity, training and the skills of members dealing with illegal mining must be strengthened at local, provincial, and national level. 4) Specialised policing resources to target illegal mining at the local policing structures must be strengthened to neutralise illegal mining. 5) The Civilian Secretariat should address the resourcing of CPFs effectively in the amendment to the SAPS Act, 1995. 6) The PSIRA should implement a campaign focusing investigations on private security providers employed by mines, especially in terms of training, registration, and firearm compliance. 7) There needs to be an intervention which will deal with the judiciary granting lenient sentences to accused persons convicted on such offences as this is now a priority crime. 8) The success of the multidisciplinary approach in tackling illegal mining in Free State should be replicated in other provinces experiencing the same challenge. 9) The DMRE should submit to Parliament a report on the status of all the mining rights/permits granted in the Vogelstruisnek farm or between Vogelstruisnek/Witrantjies village and Moloagane Village, in Rustenburg. 10) The DMRE should intensify the training of Traditional Leaders regarding land ownership versus mining rights. The purpose of the workshops/training sessions would be to capacitate Traditional Leaders on what they can and what they cannot do, relating to mining activities. 11) The DMRE need to address the monopoly of mining rights in the Burgersfort area relating to Samancor Chrome Ltd, Glencore and Anglo American. 12) Linked to the above, the DMRE should expedite the implementation of its Small Scale and Artisanal Mining Policy. Regulations on gold as a market should be strengthened, and there should be a consideration to make gold a strategic resource mineral.

	<p>13) CGS and Mintek should collaborate with the SAPS to use the technologies developed to track illegal miners as a prevention measure.</p> <p>14) Budget allocation for the closure of Derelict and Ownerless mines should be increased to address the pull factors.</p> <p>15) The DMRE, in collaboration with relevant stakeholders, should ensure that old mine shafts are demolished and rehabilitated.</p> <p>16) The DMRE, to submit progress report on this by the end of January 2023, particularly in relation to a commitment that was made in the North West Province.</p> <p>17) A follow-up oversight by the Committee on Mineral Resources and Energy must be conducted, particularly to the North West Province, to ensure that recommendations on collaboration are being addressed and proper closure of mines.</p> <p>18) All provinces should consider construction and economic activity as rehabilitation of mines which creates employment.</p> <p>19) There needs to be far better collaboration between the Department of Justice and Correctional Services, SAPS, and DMRE, to better address illegal mining.</p> <p>20) There should be consequence management for the Government officials who are found to be involved in corrupt activities relating to illegal mining.</p> <p>21) There should be profiling of illegal mining roles in terms of the role-players such as the beneficiaries, kingpins to better address the crime.</p> <p>22) Business rescue practitioners must be more investigated in terms of their role in adding to illegal mining.</p> <p>23) The DMRE should do an assessment of the extent of the damage caused by illegal mining activities and put measures in place to fix the problem.</p>
Responses to recommendations	Received responses from Minister of Police.
Follow-up issues	<p>Most recommendations were made to the Department of Mineral Resources and Energy.</p> <p>Regarding the police portfolio, the following should be followed-up:</p> <ul style="list-style-type: none"> • Specialised policing resources to target illegal mining at the local policing structures must be strengthened to neutralise illegal mining. • Resourcing of CPFs must be addressed in the amendment to the SAPS Act, 1995. • The PSIRA should implement a campaign focusing investigations on private security providers employed by mines, especially in terms of training, registration, and firearm compliance.
Status of report	Consolidated report was adopted and published in the ATC.

Date	March 2023
Area Visited	Amanzimtoti (KZN) Ggeberha (EC)
Objective	The aim of the visit was to assess the extent of flood damage to the KwaZulu-Natal Forensic Science Laboratory located in Amanzimtoti. The Eastern Cape Forensic Science Laboratory, located in Ggeberha, was recently refurbished and is now a so-called 'state of the art' facility. The Committee also visited the New Brighton Police station, being number six among the Top 30 Police Stations with the highest murder rates in the country.
Recommendations	<p>The Committee recommends the following:</p> <ol style="list-style-type: none"> 1) The Forensic Science Laboratories in KwaZulu-Natal should be in state-owned buildings. 2) The SAPS should focus on owning its buildings to reduce funds spent on private leases. 3) The SAPS should continue engagements with DPWI to make additional floors available for the occupation of the FSL. 4) The SAPS should provide recreational and cafeteria facilities at the laboratory building. 5) The Chairperson of the Portfolio Committee on Community Safety in the Eastern Cape Legislature should monitor the progress made by the Provincial Department on issues raised by the CPFs. 6) The CSPS should create a national database to capture all members of CPFs. 7) The SAPS should consider providing unmarked transport to CPFs. 8) The SAPS should improve the communication with the CPFs to perform functions. 9) The SAPS should make resources available to CPFs to avoid a situation where CPF members use their own resources to executive the duties. 10) The Community-in-Blue concept should be fully implemented in all police stations in the Gqeberha area and that CPF members must be issued with the required resources such as bibs. 11) The SAPS engage the Eastern Cape Liquor Board to strengthen its licensing processes to prevent further proliferation of taverns in residential areas. 12) The SAPS engage the Eastern Cape Liquor Board to strengthen its licensing processes to prevent further proliferation of taverns in residential areas. 13) The Victim Friendly Room at the New Brighton Police Station be resourced and issued with toys for children, a bed, and care-packs for female victims, including feminine sanitary products. <p>The New Brighton Police Station should be prioritised for the installation of CCTV cameras and other security measures.</p>
Responses to recommendations	Received

Follow-up issues	Further monitoring of progress on recommendations
Status of report	Published in ATC 66-2023

Date	May 2023
Area Visited	3 South African Infantry (3 SAI) Battalion in Kimberley Kimberley Central Police Station Central Firearm Register (CFR) Tshwane Training Academy
Objective	Assess the capacity and capabilities at SAPS Basic Training Academies Assess progress made at clearing the backlog at the CFR
Recommendations	The Committee recommends the following: <ol style="list-style-type: none"> 1) The Committee recommends that a fully-fledged SAPS Training Academy should be established in the Northern Cape. 2) The Committee recommends that more efforts should be made to ensure gender parity in recruits and trainees in future years. 3) The Committee recommends that more attention should be paid to recoup funds from trainees that do not complete their training. 4) The Committee recommends that the Minister of Police must engage with his counterpart in the Department of Trade, Industry and Competition to address the proliferation of taverns, and the impact thereof on crime. 5) The Committee recommends that the Sol Plaatje Municipality should enforce its bylaws and ensure that taverns comply with operating hours. The Municipality should further consider the impact of alcohol abuse on crime. 6) The Committee recommends that the digitation of firearm application must be fast-tracked while complying meticulously with all legislative prescripts.
Responses to recommendations	Received
Follow-up issues	Further monitoring of progress on recommendations
Status of report	Published in ATC 76-2023

Date	December 2023
Area Visited	<ul style="list-style-type: none"> • Muyexe Police Station • Boladedu Police Station

	<ul style="list-style-type: none"> • Mankweng Police Station
Objective	Assess the capacity and capabilities of SAPS to construct police stations.
Recommendations	<p>The Committee recommended the following:</p> <ol style="list-style-type: none"> 1) The DPWI must ensure that the completion of construction projects remain on schedule and be completed within the set timeframes. 1) The building of police stations must include accommodation for officers attached to the station. 2) The SAPS should finalise standardised plans for the construction of police stations to minimise time-delays in the planning and design phases of construction projects. 3) More functions should be devolved from the DPWI to the SAPS to enable them to take ownership and control of their building and maintenance projects. 4) The SAPS should make resources available to CPFs to support their activities, including suitable transportation. 5) Supply Chain Management Divisions should adhere to policies that are prescribed for awarding of tenders to contractors. The Committee further recommends that thorough background checks must be conducted prior to the appointment of contractors to ensure that projects can be finalised. 6) Mitigating steps must be implemented to avoid the escalation of cost-overruns due to prolonged construction times. 7) The DWPI must submit a comprehensive report on the Mankweng project. 8) The SAPS should develop National Water Plan/Strategy to ensure that police stations countrywide have access to water.
Responses to recommendations	On 06 March 2024 the Committee convened a meeting with the SAPS and DPWI to assess progress made. Follow-ups should be made on dates provided for the finalisation of construction and expenditure.
Follow-up issues	
Status of report	Published in ATC 18-2024

<p>Challenges emerging</p> <p>The following challenges emerged during the oversight visit:</p> <p>Technical/operational challenges</p> <ul style="list-style-type: none"> • Dependencies on outsourced travel agents for quotations delays applications for oversight.

- The Parliamentary approval process is lengthy and adequate time should be allowed for these processes when planning oversight visits.

Content-related challenges

- Given the vastness of the provinces visited, the Committee was always challenged with respect to travelling vast areas, especially in the bigger provinces, which impacted on the time of the Committee to be spent at police stations and specialised units. Most police stations prepare well when there are announced visits, and it sometimes defeats the purpose of the oversight visit as areas of oversight are brushed up on. The unannounced visits in this respect are more productive to check up on service delivery because the police are unaware of the visit. It is a matter that should be considered by the new incoming Committee in the 7th Parliament.

Issues for follow-up

The 7th Parliament should ensure that logistical planning of oversight visits is completed well in advance to enable effective oversight visits.

14. STUDY TOURS UNDERTAKEN

The Committee did not undertake any international study tours during the 6th Parliament. The 7th Parliament may consider a Study Tour on one of the following matters where international best practices would aid in improving service delivery in the police portfolio:

- Visit authorities with strong and established Independent Civilian Oversight Bodies (ICOBs) to strengthen the mandate, independence, and binding implementation of recommendations of IPID.
- Visit authorities to focus on policy development for police services and how the implementation thereof is monitored. This should focus on international structures like the CSPS.
- Visit authorities to learn about strengthening the regulatory framework for the private security industry and interplay between private security and the police.
- Visit authorities to learn about ways to strengthen discipline in police services.

It is important that countries with similar socio-economic factors and crime rates to South Africa be chosen for study tours.

15. INTERNATIONAL AGREEMENTS

The Committee did not process international agreements.

16. STATUTORY APPOINTMENTS

The following appointment processes were referred to the committee and the resultant statutory appointments were made:

Date	Type of appointment	Period of appointment	Status of Report
15 July 2020	Executive Director: IPID	Five-years	The term of office expires in July 2025
July 2021	Members of the Critical Infrastructure Council	Five-years	Not yet fully appointed

While only two appointments are within the direct mandate of the Committee, it must ensure that all relevant Accounting Officers, Heads of complaint mechanisms and Board/Council Members are appointed timeously by the Minister of Police.

Challenges emerging

The following challenges emerged during the statutory appointments:

Technical/operational challenges

- Executive Director of IPID:** The employment contract of the previous Executive Director of the IPID expired at the end of February 2019. The IPID Act, 2011 states that the Minister of Police must fill the vacancy within a reasonable period not exceeding one year. On 30 June 2020, the Minister wrote to the Speaker of the National Assembly to nominate Ms Jennifer Dikeledi Ntlatseng as the preferred candidate for the appointment to the position of Executive Director of the IPID. On 02 July 2020, the matter was referred to the Committee for consideration. On 15 July 2020, the Committee confirmed the nomination of the new Executive Director. The IPID was without a permanent Head for 16 months.
- Critical Infrastructure Council:** The vetting investigation for the issuing of top-secret security clearance took an exorbitant time. More than two years after the list of nominated candidates to serve on the Critical Infrastructure Council, vetting investigations have not been completed. The Council holds office for a period not exceeding five years. There is a possibility that the term of office can expire before the Council Members officially take office.

Accounting Authorities, complaints mechanisms and Boards/Councils Members:

The Minister of Police is mandated to appoint most Accounting Authorities in the police portfolio. The exception is the appointment of the National Commissioner of Police, who is appointed by the President. The structures below had acting or no heads for longer than one year:

- **Executive Director or IPID:** The employment contract of the previous Executive Director of the IPID expired at the end of February 2019. On 30 June 2020, the Minister wrote to the Speaker of the National Assembly to nominate Ms Jennifer Dikeledi Ntlatseng as the preferred candidate for the appointment to the position of Executive Director of the IPID. On 15 July 2020, the Committee confirmed the nomination of the new Executive Director. The IPID was without a permanent Head for 16 months.
- **Secretary of Police:** The Secretary of Police (Head of the CSPPS) position has been vacant since December 2021 and was only filled in March 2024. The CSPPS was without a permanent Head for more than two years.
- **DPCI Judge:** The previous DPCI Judge's term ended on 06 October 2022 and has not yet been filled. According to the Minister of Police, the challenges with the appointment resulted from an inability to secure meetings with the Chief Justice. The Office of the DPCI Judge had been without a permanent Head for more than a year.
- **National Forensic Oversight and Ethics Board (DNA Board):** The Chairperson of the DNA Board resigned in November 2022 and the position was only filled on 16 February 2024. The DNA Board was without a permanent Head for more than a year.
- **PSIRA Council:** The previous PSIRA Council's term expired in January 2020. The Minister of Police only appointed a new Council in January 2021. PSIRA was without a Council (Accounting Authority) for a full year.

Issues for follow-up

The 7th Parliament should consider following up on the following concerns that arose:

- **Critical Infrastructure Council:** Section 4(7) of the Critical Infrastructure Protection Act, 2019 (Act No. 8 of 2019) should be reviewed to simplify the Parliamentary process of identifying and interviewing candidates to serve of the Critical Infrastructure Council. Section 4(7)(b) and (c) provides that Parliament must compile a shortlist of not less than 20 persons, which must be submitted to the State Security Agency for consideration and

issuing a top-secret security clearance before interviews can commence. In practice, this is not practical and/or possible due to significant capacity constraints in the SSA and the length of time to conduct a vetting investigation.

The Act should be amended to reduce the number of shortlisted candidates and provide that the shortlisted candidates must undergo a basic pre-employment background screening prior to interviews being conducted by Parliament, and that only the suitable candidates must undergo vetting investigations by the SSA for the issuing of a top-secret security clearance.

- **Regular monitoring of senior vacancies:** The Committee should regularly engage the Departments and entity on senior vacancies and have pre-emptive discussions with the Minister when the terms of office of senior managers and departmental heads end.

17. INTERVENTIONS

In 2020, reports emerged that the SAPS had accumulated a significant backlog in DNA analysis at its Forensic Science Laboratories (FSL) countrywide. At that time, the backlog stood at more than 240 000 DNA samples not analysed, most of which related to Gender-Based Violence cases including rape, abuse, and murder (of women). Since, the Committee had exerted sustained pressure on the SAPS to reduce the backlog, including regular meetings with the SAPS and the DNA Ethics Board, quarterly progress reports (written) and an oversight visit to the Gauteng SAPS FSL in August 2021.

In February 2023, the Minister of Police announced that the backlog has been reduced to 1 600, which is a reduction of 99.3%. The reduction was a result of the oversight role played by the Portfolio Committee on Police. The commitment by the Committee in its oversight role contributed greatly to Government's fight against Gender-based Violence and Femicide.

18. PETITIONS

The following petitions were referred to and considered by the committee:

Title	Date referred	Status
Mr Basson requested Parliament to intervene as his son was killed and he did not receive progress reports or feedback from the SAPS.	25 July 2019	Concluded

Title	Date referred	Status
Petition from the residents of Kempton Park, calling on the National Assembly to investigate chronic inadequate visible policing and the shortage of vehicles, at the Kempton Park Police Station.	12 November 2019	Concluded
Petition from the residents of Actonville, calling on the National Assembly to investigate the high crime rate and drugs, the provision of police kiosks and police vehicles in their area.	12 November 2019	Concluded
Petition from the residents of Wattville, Actonville calling on the National Assembly to address the escalation of crime, including gender-based violence and violence against children, and the need for a police station in their area.	12 November 2019	Concluded
Petition from the residents of Kokomeng; call upon the Committee and the Minister of Police to investigate and priorities the reopening of the Kokomeng Police Station.	12 November 2019	Concluded
The widow of Lieutenant Colonel Charl Kinnear, Mrs Nicolette Kinnear, submitted an unsolicited petition to the Speaker of the National Assembly on 28 October 2020.	13 November 2020	Concluded
Petition from residents of Leondale, Germiston, Ekurhuleni, calling on the Assembly to investigate the provision of a police station or satellite police station to combat the high crime rate in their area.	8 July 2021	Concluded
A signed memorandum from the Secretary General of the Western Cape Operation Dudula, Alutha Mthimkhulu, was delivered to Parliament on 25 August 2022. The memorandum express discontent at Government failing to curb violence against women and children committed by “illegal immigrants” and South African men. The Speaker of the National Assembly referred the submission to the Portfolio	27 September 2022	Concluded

Title	Date referred	Status
Committee of Police to deal with the manner it deems appropriate (Letter dated 27 September 2022).		

<p>Challenges emerging</p> <p>The following challenges emerged during the statutory appointments:</p> <p>Technical/operational challenges</p> <ul style="list-style-type: none"> • Petitioners were not always available to the Committee and had challenges attending the hearings. Members of Parliament represented the petitioners in the hearings on the petitions. • Petitioners did not always understand the Parliamentary process in dealing with petitions. <p>Issues for follow-up</p> <p>The 7th Parliament should consider following up on the following concerns that arose:</p> <ul style="list-style-type: none"> • Progress on the investigation of the death of Lt. Colonel Kinnear.

19. OBLIGATIONS CONFERRED ON COMMITTEE BY LEGISLATION

The Committee has a constitutional responsibility to:

- 1) Pass legislation.
- 2) Scrutinise and oversee executive action and organs of state such as the Department of Police, Civilian Secretariat for Police Service, Independent Police Investigative Directorate, and the Private Security Industry Regulatory Authority.
- 3) Facilitate public participation and involvement in the legislative and other processes.
- 4) Engaging, participating in, and overseeing international treaties and protocols.
- 5) Oversight over the Executive.
- 6) Review annual budgets, annual performance plans, strategic plans together with annual report information.
- 7) Monitoring the effects of the implementation of legislation.

Section 5 of the **Money Bills Amendment Procedures and Related Matters Act, No. 9 of 2009**, states that:

- (1) The National Assembly, through its committees, must annually assess the performance of each national department, with reference to the following:
- (a) The medium-term estimates of expenditure of each national department, its strategic priorities, and measurable objectives, as tabled in the National Assembly with the national budget;
 - (b) Prevailing strategic plans;
 - (c) The expenditure reports relating to such department published by the National Treasury in terms of section 32 of the Public Finance Management Act (in-year monitoring or quarterly performance and expenditure reports);
 - (d) The financial statements and annual report of such department;
 - (e) The reports of the Committee on Public Accounts relating to a department; and
 - (f) Any other information requested by or presented to a House or Parliament.

In addition to the above, the Committee must assess the following reports tabled in Parliament created under legislation:

Domestic Violence Act, 1998 (Act No 118 of 1998) and Civilian Secretariat for Police Service Act, 2011 (Act No 2 of 2011)

- The DVA, 1998 (Act no 116 of 1998), through Section 18(5)(c) provides that the Civilian Secretariat must submit a six-monthly report to Parliament regarding the number and particulars of matters reported to it in terms of any member of SAPS who fails to comply with an obligation imposed by the DVA (Section 18(4)(a)) and setting out the recommendations made in respect of such matters.

Independent Police Investigative Directorate Act, 2011 (Act Ni 1 of 2011)

- **Bi-annual report on investigation cases:** Section 9(n) further obliges the national office to provide a bi-annual report to Parliament on the number and type of cases investigated, the recommendations, the detail and outcome of those recommendations.

Challenges emerging

The following challenges emerged:

- Due to limited time, the Committee was unable to consider the IPID Section 9(n) bi-annually. The Committee focussed on Annual Reports.
- Due to limited time, the Committee was unable to regularly consider the bi-annual reports on the implementation of the DVA.

Technical/operational challenges

- Reports were often not tabled within the allocated time limits.

Content-related challenges

- None

Issues for follow-up

The 7th Parliament should consider following up on the following concerns that arose:

- The Budgetary Review and Recommendations Reports should be better utilised to make financial recommendations on the forward allocation of Departmental budgets, as the Money Bills Amendment Procedures and Related Matters Act obliges National Treasury and the Minister of Finance to publish responses to the recommendations in the Budget Review.
- The consideration of IPID Section 9(n) reports and DVA compliance reports should be prioritised.

20. SUMMARY OF OUTSTANDING ISSUES RELATING TO THE DEPARTMENT/ENTITIES

The following key issues are outstanding from the Committee’s activities during the 6th Parliament:

Department	Issue(s)
<p>South African Police Service</p>	<ul style="list-style-type: none"> • Remuneration Scales for National Head, Deputy National Head and Provincial Heads of the Directorate for Priority Crime Investigation (DPCI), submitted in terms of section 17CA (9) of the South African Police Service Act, 1995 (Act No.68 of 1995). • Full implementation of the Critical Infrastructure Protection Act, including the appointment and operationalisation of the Critical Infrastructure Council. • Full implementation of the July 2021 Unrest recommendations.
<p>Civilian Secretariat for Police Service</p>	<ul style="list-style-type: none"> • Prioritised Legislation: <ul style="list-style-type: none"> – SAPS Amendment Bill – Stock Theft Amendment Bill – Firearms Control Amendment Bill – Second Hand Goods Amendment Bill

Department	Issue(s)
	<ul style="list-style-type: none"> - CSPS Amendment Bill - Critical Infrastructure Protection Act, 2019
Independent Police Investigative Directorate	<ul style="list-style-type: none"> • Reduce the backlog and active caseload under investigation. • Finalise investigations emanating from the State Capture Report on alleged SAPS criminality. • Preventative inspections at police holding cells to prevent torture of persons deprived of their liberty under the OPCAT.
Private Security Industry Regulatory Authority	<ul style="list-style-type: none"> • Review and re-tabling of the Private Security Industry Levies Act, 2002 as a Money Bill under section 77 of the Constitution by National Treasury, to update the Authority’s funding model.
Parliament/Portfolio Committee on Police	<ul style="list-style-type: none"> • Conduct an inquiry into the July 2021 Unrest or focus on monitoring the implementation plan of the SAPS to implement recommendation.

21. LEGACY REPORT RECOMMENDATIONS

This section provides recommendations to the Departments and the 7th Parliament. The Departments should provide feedback on the recommendations below by 15 May 2024. These will be made available to the 7th Parliament to further guide oversight.

21.1. South African Police Service (SAPS)

The Committee recommends:

- 1) The Department should consider alternative methods of infrastructure and lease management to lessen the dependency on the Department of Public Works and Infrastructure to bring policing services closer to communities (construction of police stations) and improve the working condition of employees (maintenance).
- 2) The Department should prioritise pursuing its exemption from the State Information Technology Agency (SITA) Act, 1998 (Act No 88 of 1998) including the establishment of internal capacity to manage functions taken over from SITA and the exploration of other service provisioning models such as Public-Private Partnerships and Build Own Transfers to digitalise policing.
- 3) The SAPS should include and enforce penalty clauses in all contracts. Financial penalties in the Service Level Agreement with SITA should be enforced in terms of the agreement when deliverables are not fulfilled within the agreed timelines.

- 4) The SAPS must increase the capacity of Public Order Police (POP) Units with due regard to the recommendations contained in the Reports of the Farlam Commission of Inquiry and the Panel of Experts into the July 2021 Unrest.
- 5) The SAPS must research impact of illegal foreigners on crime to enable the Department to make informed decisions on methods to deal with the challenge.
- 6) The Department should be able to adapt to changing crime patterns to deal with such effectively and speedily. Specific note is made to the capacitation of the Cybersecurity Divisions of the SAPS and DPCI to address emerging threats in commercial crime, and others such as mass-shootings and kidnappings.
- 7) The SAPS must review its discipline management structure to hand down stricter sanctions to officers in breach of the law and guilty of criminal offences, notably murder, attempted murder, and rape.
- 8) The SAPS must conduct regular lifestyle audits and security vetting on Senior Management and Officers serving in sensitive divisions such as the CFR, and others that are susceptible to corruption.
- 9) The DPCI should be adequately resourced and capacitated and must become either a separate Budget Programme of the SAPS or a Designated Department.
- 10) The Integrated Justice System (IJS) Revamp budget and programme implementation be closely monitored by the 7th Parliament.
- 11) The Department should review, refine, and reduce their annual performance indicators to focus on apex priorities and the achievement of the Department's Constitutional mandate. The Department should ensure alignment between the achievement of targets in the Annual Report and lived experience of citizens over the MTSF.
- 12) The Department should ensure full implementation of critical systems and infrastructure (i.e. 10111 function and ICDMS) to enhance crime prevention and response strategies.
- 13) Funding to CPFs must be spread equitably across provinces and expenditure should be monitored to ensure value for money and return on investment.
- 14) The SAPS must present the revised Promotion Policy to the Committee once finalised in the Safety and Security Sectoral Bargaining Council (SSSBC). The lack of promotions and career progression in SAPS are affecting the moral of police members negatively and must be addressed as a matter of priority.
- 15) Security measures at police stations and self-defence methods to protect police members must be improved to decrease the number of killings of police members.
- 16) A coordinated plan should be developed to address the delivery of alternative services by the SAPS, including the provisioning of water and sustainable/alternative power sources, such as solar power and generating capacity. These have a significant impact on the budget of the SAPS and should not be implemented on an ad-hoc basis.
- 17) Cooperation with local municipal authorities should be improved to encourage the enforcement of municipal by-laws, especially related to the business hours of shebeens and all liquor outlets.

- 18) The capacity of specialised Anti-Gang Units must be strengthened to effectively address gang violence and the devastating impact of this on communities. The SAPS should engage the SANDF to assist in these efforts.
- 19) The Departments should investigate alternative methods of career progression for police officers. This is especially in Detective Service to avoid experienced Detectives leaving the Division for more favourable career opportunities, both inside and outside the SAPS.
- 20) Consideration should be given to the improvement of allowances afforded to police members including danger and housing allowances.
- 21) The mental wellness of SAPS members should be prioritised.
- 22) The capacitation of SAPS garages must be enhanced to ensure the effective repair and maintenance of SAPS vehicles to enable greater visible policing and response to crime.
- 23) The implementation of high-density operations should be sustained countrywide.

21.2. Civilian Secretariat for Police Service (CSPS)

The Committee recommends:

- 1) The Department should increase its legislative drafting capacity to finalise all outstanding policies and legislation to be tabled in Parliament, and have been outstanding for extended periods, key amongst which is the SAPS Amendment Bill. The Department should consider the appointment of legislative drafters on contract basis until the backlog in legislation is cleared.
- 2) The Department should develop strategies to drive a bigger impact on police performance and professionalism.
- 3) The Department's guiding legislation should be strengthened to bind SAPS to the implementation of recommendations and policy directions developed by the CSPS.
- 4) The Department should improve its marketing strategies to the public to bring about awareness of the role that the CSPS plays in police accountability.

21.3. Independent Police Investigative Directorate (IPID)

The Committee recommends:

- 1) The filling of vacancies, especially in core service delivery programmes, must be prioritised.
- 2) Performance targets, especially in the Investigation and Information Management programme must be increased.
- 3) The development and implementation of the Department's new Case Management System should be prioritised. The new system will enable information sharing and collaboration on investigations with other law enforcement agencies.

- 4) Investigations related to recommendations emanating from the Judicial Commission of Enquiry into allegations of State Capture must be prioritised and finalised.
- 5) Efforts to decrease the accumulated case backlog should be intensified, including outstanding toxicology reports.
- 6) Disciplinary recommendations made to the SAPS must be monitored and reviewed is deemed necessary.
- 7) Consultations with the NPA should be increased to secure a higher conviction rate on criminal referrals.

21.4. Private Security Industry Regulatory Authority (PSIRA)

The Committee recommends:

- 1) The role of private security in crime prevention should be further researched and formalised. Lessons learnt from the Eyes and Ears Project (E² Project) and the Rural E² Project should be studied and best practices implemented countrywide.
- 2) The Minister of Police must prioritise engagements with his counterpart in National Treasury to re-introduce the Private Security Industry Levies Act, 2002 in Parliament.
- 3) Mechanisms should be prioritised to encourage the entrance of female security officers to the private security industry.
- 4) The Authority should fast-track amendments in the PSIRA Amendment Act. Section 22 that deals with percentage of ownership and by resolving other concerns outlined by stakeholders relating to exemption on 51% ownership.
- 5) Mechanism must be found to minimise litigation against the Authority to curb legal costs resulting from judgements and audit findings against PSIRA.
- 6) Security companies must be empowered through workshops and education awareness regarding its regulations to minimise the violation of security officers' rights, especially working conditions and wages.
- 7) An emerging threat is that private security service providers front as criminal organisations leading to the proliferation of illegal firearms and increase in violent crime. Closer monitoring of firearm ownership by private security service providers should be implemented.
- 8) The proliferation of private security service providers should be closely monitored, and the application and approval process should be strengthened to avoid the potential for the misuse of powers conferred on private security service providers. This is especially related to private security service providers in the armed guarding sector.

21.5. Portfolio Committee of the 7th Parliament

- 1) The Budgetary Review and Recommendations Reports should be better utilised to make financial recommendations on the forward allocation of Departmental budgets, as the Money Bills Amendment Procedures and Related Matters Act obliges National Treasury and the Minister of Finance

to publish responses to the recommendations in the Budget Review. Serious attention should be given to increase the budget allocation of the SAPS to enable adequate resourcing.

- 2) The Committee should make better use the Parliamentary Legal Services to develop and draft Committee Bills to amend priority legislation instead of depending on the Executive Authority to submit such legislation in Parliament.
- 3) Continue monitoring the implementation of recommendations and progress on investigations emanating from to the State Capture Report and Parliamentary Implementation Plan thereof.
- 4) Conduct a Parliamentary Inquiry into the July 2021 Unrest or monitor the implementation of recommendations by the SAPS and CSPS.
- 5) The Committee should schedule regular engagements with counterpart portfolio committees and their departments, such as DPWI and SITA, to assess progress on service delivery to the SAPS.

22. MASTER ATTENDANCE LIST

The attendance list is attached as a separate document.