



civilian secretariat
for police service

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Civilian Secretariat for Police Service
REPUBLIC OF SOUTH AFRICA

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Mr D Knoetze
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Dear Mr Knoetze

**MEDIA QUERY TO THE SECRETARY FOR POLICE SERVICE REQUESTING AN UPDATE
ON CSPS' REVIEW OF SOUTH AFRICAN POLICE SERVICE DISCIPLINE REGULATIONS**

The above matter has reference.

In response to your email correspondence dated 26 October 2021, wherein a number of questions have been raised, I wish to provide you with the following background to contextualize the responses to your questions.

In terms of the Labour Relations Act, 1995 (Act No. 66 of 1995) matters of mutual interest are subject to negotiation between the Employer and Trade Union representatives in a relevant Bargaining Council.

On 7 November 2012, the Employer and Trade Unions admitted to the Safety and Security Sectoral Bargaining Council ("SSSBC") signed an agreement to adopt the South African Police Service ("SAPS") Discipline Regulations as SSSBC Resolution 1 of 2012. Parties agreed that the SAPS Discipline Regulations would come into effect on a date of proclamation by the Minister of Police.

On 1 November 2016, the Minister of Police proclaimed the SAPS Discipline Regulations in the *Government Gazette*.

As the SAPS Discipline Regulations is a collective agreement, the Minister of Police does not have the power to review or to amend the said Regulations. A motion to this effect has to be tabled in the SSSBC, after which the relevant collective negotiation processes applicable in the SSSBC will be followed, in order for the parties to enter into a new agreement.

An analysis of the current challenges in the application of the SAPS Discipline Regulations has been completed and a proposal has been made to the Minister of Police, who will ensure that the matter is tabled in the SSSBC for further attention. The duration or outcome of this process cannot be predicted. I can therefore at this stage, respond to your questions as follows:

1. Since June 2021, when the review was started, what progress has been made?

Answer: A joint decision was taken between the CSPS and the Independent Police Investigate Directorate that the matter of review of the SAPS Discipline Regulations should be tabled at the SSSBC for attention.

2. What has the review process entailed? Who is working on it? What is their methodology? What outcomes do they hope to achieve?

Answer: When tabled at the SSSBC the review process will be dictated by the procedures of the SSSBC.

3. Has the review resulted in the publication of any report/ recommendations etc. albeit provisional?

Answer: No.

4. Has the CSPS provided the Minister or SAPS Management with any update on this review, to date? Have any provisional recommendations been made? If not, when does the CSPS intend to engage the Minister?

Answer: The Minister of Police has been requested to ensure that the review process of the SAPS Discipline Regulations is tabled in the SSSBC by the National Commissioner: South African Police Service.

5. When is review expected to be completed?

Answer: The expected completion date is uncertain.

6. Is the CSPA looking into possible interventions or remedies for improved police DC functioning, other than amendment to discipline regulations?

Answer: The outcome of the review of the SAPS Discipline Regulations is awaited to inform other possible interventions.

Kind regards,



MR A P RAPEA

SECRETARY FOR POLICE SERVICE

Date: 29/10/2021