



PSiRA
Private Security Industry Regulatory Authority

PROVINCIAL INDUSTRY COMPLIANCE FORUM

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1. Introduction

The private security industry in South Africa enjoyed a period of extensive growth over the last three decades. In view of the size of the private security industry and the high number of disciplines it represents, it poses a challenge for the Private Security Industry Regulatory Authority to ensure effective management and control over all registered active and inactive security service providers and security officials.

The Authority therefore encouraged co-operation between the Private Security Regulatory Authority (PSIRA) and its stakeholders to improve compliance in terms of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001). A need was thus identified for improve collaboration between the Authority and its national and provincial stakeholders to enhance co-operation in dealing with non-compliance as well as sharing information in this regard.

2. Name

The Forum will be referred to as the Provincial Industry Compliance Forum (PICF).

3. Application and interpretation

- 3.1 This terms of reference contains principles and procedures regarding aspects of the manner in which the Provincial Industry Compliance Forum (PICF), must function.
- 3.2 This terms of reference does not detract from the applicable legal requirements resting on the Authority to perform statutory functions or the work of the Authority.
- 3.3 Every word or expression used in this terms of reference to which a meaning has been assigned in the Private Security Industry Regulation Act 56 of 2001, will bear such meaning unless the context indicates otherwise.

- 3.4 Accountability for decision making will remain with the Private Security Industry Regulatory Authority.

4. Purpose and scope of the PICF

- 4.1 The PICF serves to uphold the objects of the Authority in promoting a legitimate private security industry in terms of the Private Security Industry Regulation Act 56 of 2001.
- 4.2 Provide an active channel of communication between the Authority's stakeholders and partners on a national and provincial level.
- 4.3 To assist in properly addressing and reducing non compliance in the private security industry through the activities of different stakeholders.
- 4.4 To undertake or facilitate proper communication on regulatory matters between the Authority and stakeholders on national and provincial level.
- 4.5 To improve relations with stakeholders and to initiate collaboration and co-operation with stakeholders in respect of the regulation of the private security industry.
- 4.6 To provide or disseminate information promoting and encouraging compliance with the Act and regulations.
- 4.7 To interact with other Government Departments / Law Enforcement agencies in respect of the regulation of the private security industry.
- 4.8 To identify areas of concerns and initiate joint measures to properly address and reduce non-compliance in the private security industry through a co-operative approach between different stakeholders.
- 4.9 To initiate educational programmes for consumers of security services as well as the private security industry.

5. Membership of the PICF

5.1 The PICF members shall be organizations from within the private security industry or who have a direct interest in the regulation of the private security industry.

5.2 The PICF may comprise of representatives from the following organizations:

- 5.2.1 Private Security Industry Regulatory Authority;
- 5.2.2 South African Police Service;
- 5.2.3 Dept of Labour;
- 5.2.4 Dept of Home Affairs;
- 5.2.5 Private Security Sector Provident Fund;
- 5.2.6 Employer Organisations;
- 5.2.7 Organised Labour;
- 5.2.8 Organised Consumers;
- 5.2.9 Consumer Protection Commission;
- 5.2.10 Security Managers Forum (Government);
- 5.2.11 Government Security Regulator;
- 5.2.12 South African Revenue Service;
- 5.2.13 Local Authorities;
- 5.2.14 Institute of Municipal Public Safety of South Africa;
- 5.2.15 Commission for Conciliation, Mediation and Arbitration;
- 5.2.16 State Security Agency (Observer);
- 5.2.17 National Prosecuting Authority;
- 5.2.18 Safety and Security Sector Education and Training Authority;
- 5.2.19 Chambers of Commerce;
- 5.2.20 Civil Society; and
- 5.2.21 Public Protector.

5.3 The forum shall be composed of a balanced representation of the categories above, avoiding participation of organizations covering the same areas or overlapping areas.

- 5.4 Representatives of member organizations attending the PICF meetings represent their organizations and are not attending the forum in their individual capacity. A representative of member organisations must identify and appoint a proxy to represent the organisation in the case where he /she is unavailable.
- 5.5 The terms of reference of the PICF in respect of membership will be reviewed by the Authority on a regular basis according to the principles of transparency and equal treatment.
- 5.6 The PICF may establish, subject to the approval of the Authority, one or more sub-committees to focus on areas within the purpose and scope of the PICF. The terms of reference of any sub-committee will be determined by the PICF.

6. Chairperson and Vice Chairperson

- 6.1 The Chairperson of the PICF must ensure effective governance and administration of the forum.
- 6.2 The Chairperson will be a permanent staff member of the Private Security Industry Regulatory Authority, elected by the Director to represent the Authority.
- 6.3 The Vice Chairperson will be appointed through nomination and election from the members of the PICF on a rotational basis and his/her appointment is subjected to remaining a representative of the organisation he/she represents.
- 6.4 The Vice Chairperson will serve for a period of 12 months and may be re-elected for a further term by the members, subject to him or her continuing to meet the requirements for such appointment.
- 6.5 In the case of a sub-committee established in terms of paragraph 5.6, the PICF will designate a PICF member as the chairperson of the committee.

7. Meetings

- 7.1 The PICF will meet on a quarterly basis at a venue determined by the Authority. Additional meetings might be organised if required.
- 7.2 Sound meeting procedures will be followed during a meeting.
- 7.3 Logistical support for the meetings will be provided by the Authority.
- 7.4 The Authority will issue a formal notice of the meetings and determine the agenda in consensus with the members of the PICF.
- 7.5 A quorum for any meeting of the PICF is a simple majority of the member organizations and in terms of the member organisation represented in the particular provincial forum.
- 7.6 The PICF is a stakeholder platform and not a statutory body and as a result its recommendations cannot be binding on the Authority or its management. The PICF can therefore not take decisions on behalf of PSIRA nor speak on its behalf or take views that could be construed or perceived as a reflection of the official position of the Authority.
- 7.7 Members of the PICF are expected to declare any conflicts of interest and excuse themselves from matters where they have a direct conflict.

8. Minutes and register

- 8.1 The Authority will provide secretarial support for the forum which includes minutes of meetings held.
- 8.2 Minutes of the meeting will be available prior to the meeting and circulated to all members of the PICF.
- 8.3 An attendance register will be kept for all PICF meetings held and members and others attending will be required to sign the register.

9. Disclosure of information and confidentiality

- 9.1 Members of the PICF are privy to information or to materials that may be confidential in nature. Where relevant, confidentiality needs to be maintained by members of the PICF. This paragraph will not apply to public information made available by the Authority or a member of the PICF.
- 9.2 On request, a representative's contributions or submissions in the meeting will be treated as confidential and so minuted in order to protect his / her identity.
- 9.3 Any submissions in respect of allegations of non-compliance to be investigated by a member organization must be supported by *prima facie* evidence.

10. Observers

- 10.1 Observers (including the media) may not attend the meetings of the PICF unless written authorization was given by the Chairperson of the PICF.
- 10.2 Authorised observers shall not participate in the discussions unless expressly invited by the Chairperson to do so.
- 10.3 Permanent observer status may be granted to particular organizations or individuals with an ongoing interest in the work of the PICF. Permanent observer status must be requested in writing to the Director of the Authority and such status may be granted and / or revoked.

11. Costs

- 11.1 The Private Security Industry Regulatory Authority will cover the expenses of the logical support of the PICF only.
- 11.2 The costs of participation in the meeting of the PICF will be borne by each individual member and / or his/her organization.

12. Dispute Resolutions

- 12.1 Should any dispute, disagreement or claim arise between the member(s) (hereinafter referred to as "the dispute") concerning this forum or its functioning, the disputing member(s) shall attempt to resolve the dispute by negotiation.
- 12.2 In such event and as and when the dispute arises, the member(s) may invite the other in writing to meet and to attempt to resolve the dispute within 14 (fourteen) days from date of the written invitation.
- 12.3 Should the procedure as described in clause 12.2 above fail and the dispute remain unresolved within 21 (twenty one) days of the date of either member(s) written invitation to meet in terms of 12.2, then in such event the matter shall be referred to the Director of PSIRA and the executive officer of the member organization and a meeting shall take place between such persons with a view to resolving same. Such meeting must take place within 7 (seven) days after the expiry of the aforementioned 21 (twenty one) day period.