

## SARPA report on the Criminal Amendment Bill

The Criminal matters Amendment Bill is the latest talking point between the role players involved in the theft and vandalism of infrastructure more commonly known as “cable or non-ferrous metal theft”.

This bill is the latest success story of positive interactions by Associations like SARPA and AMEU with political structures, which has turned into something good for the country as a whole.

Parastatels and Utilities have since last year been campaigning that the focus be shifted from “copper theft” to “infrastructure theft”. It must be noted that these crimes are going way past the stealing of mere cables, as all infrastructure of the various Service Providers are targeted on a daily basis by organized groups.

It seems the AMEU Plenary session before the 2014 Convention has produced the goods this time around. During this session Mr Andries Nel, Deputy Minister for Co-operative Governance & Traditional Affairs took part in the discussion with other experts to discuss the challenges and determine the way ahead, in order to find solutions for this ever increasing threat in South Africa.

During the discussion, the urgent need to find more effective ways and means of prosecuting culprits was discussed. It was pointed out that criminals come away with no or light sentences and mostly never appear in court, due to bail conditions and the fact that the courts see these acts as “petty crimes”. It is very clear that the perpetrators or organized groups are not scared of the law, as they pay the bail out of their back pockets and would be back the very next night to steal again.

After the session the discussion was taken further with the Deputy Minister and he promised to look into the abovementioned unsatisfactory state of affairs and come up with some solutions. Shortly after the event, Mr Nel established a Political Task Group and their goal was to come up with serious proposals to remedy these challenges.

Little was heard about this matter until middle August 2015, when the media all of a sudden contacted SARPA and other role players to give feedback on the proposed “Infrastructure Amendment bill” that was apparently discussed in Parliament. SARPA refrained from making any comment, as at the time it was unknown what the Bill consisted of.

The SAPS Legal Department was contacted and they could not yield any clarity on the matter as well. The SAPS Law Department confirmed however at the time that SAPS had put forward proposals to parliamentary sub committees with regard to Legal assistance regarding the combatting of non-ferrous thefts, but it seemed they were not interested. However, at the end of 2014 all of a sudden the interest flamed up again and legal experts were roped in to assist in finding ways to deal with this matter.

The Draft Bill was distributed by SAPS at the August National NFMCCC meeting, with the instruction that since it has now been published in the Government gazette, comments on the bill are required from all the role-players.

The only conclusion we can come to is the fact that our interaction with the Minister at the Plenary Session was “the flame that started the fire” to draft this Bill. We would hereby like to say “well done” to everyone involved in setting up that session and participating in it. Once again we have proven that if you make an effort to face up to your challenges, you will get results. This draft bill has really put the smile back on the faces of all the role players involved in combatting infrastructure crimes.

The Draft Bill is available on the SARPA webpage. It has been proposed to hold a webinar in the near future. Please make a special effort to take part in this event, as the SAPS Legal Department and Judicial Department will take part and all comments will be forwarded to the right channels.

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