

# FISH HOEK VALLEY RATEPAYERS & RESIDENTS ASSOCIATION

*(Incorporating Fish Hoek, Clovelly and Sun Valley)*

Central Circle, Fish Hoek 7975

Web: <https://www.fhvrra.org.za/> Facebook: [www.facebook.com/FHVRRRA/](https://www.facebook.com/FHVRRRA/)

Heritage Western Cape: Conservation Body

TO: PORTFOLIO COMMITTEE ON POLICE  
[POCDATARAamendmentbill@parliament.gov.za](mailto:POCDATARAamendmentbill@parliament.gov.za)  
[bmbengo@parliament.gov.za](mailto:bmbengo@parliament.gov.za)

SUBJECT: COMMENTS ON PROTECTION OF CONSTITUTIONAL DEMOCRACY  
AGAINST TERRORIST AND RELATED ACTIVITIES AMENDMENT BILL  
B15-2022 <sup>1</sup>

DUE DATE: 18 OCTOBER 2022

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The Fish Hoek Ratepayers and Residents Association (FHVRRRA) has just noticed that in terms of the Act #33 of 2004 <sup>2</sup>, municipal mayors according to Section 1. (1) (xxv) (a) “any act committed” ... (vi) “is designed or calculated to cause serious interference with or serious disruption of an essential service. facility or system, or the delivery of any such service. facility system, whether public or private,” and especially (ff) “an essential infrastructure facility”, such as sewage treatment or water plant, is guilty of committing terror activity and thus, should be charged. Many non-Western Cape mayors have done exactly this either deliberately or by their unintended actions due to their lack of experience or political will.

Also, Labour Unions will be just as guilty of terrorist activity from their unsupported strike action disrupting (gg) any essential service as proposed in this Bill and the Act's (viii) “creates a serious public emergency situation or a general insurrection in the Republic”,

Our President or Health Minister would be committing a terrorist activity in terms of (vii) “causes any major economic loss or extensive destabilisation of an economic system or substantial devastation of the national economy of a country” by declaring a State of Disaster and halting economic activities as was done during the Covid lockdowns.

The Bill's proposed insertion of “joining, supporting or in any other manner” to the Act's Section 3. (1) (c) needs to be defined, especially as said person can merely be “suspected”. The whole concept of “knows or ought reasonably to have known” is too vague for enforcement.

The trouble with adding “other lethal device” in the training insertion (3) is that handguns and rifles are considered to be lethal weapons. Although the intention may have been to label training in the use of handguns and rifles as terrorist activities, handguns and rifles that conform with the Firearms Control Act 60 of 2000 allows for the possession of said firearms and associated training for the compulsory competency test. Many civilians and private security company personnel could be labeled as terrorists as a result of this bill.

<sup>1</sup> <https://www.parliament.gov.za/bill/2304183>

<sup>2</sup> <https://www.bing.com/search?q=PROTECTION+OF+CONSTITUTIONAL+DEMOCRACY+AGAINST+TERRORIST+AND+RELATED+ACTIVITIES+ACT+2004&qsn&form=QBRE&sp=-1&pq=protection+of+constitutional+democracy+against+terrorist+and+related+activities+act+200&sc=0-87&sk=&cvid=7A2E57882F4B49948DD939F8E5268C98&ghsh=0&ghacc=0&ghpl=>

Section 5's "discharges" a "lethal device", such as a firearm, may be acting in self-defence and should not be labeled a terrorist.

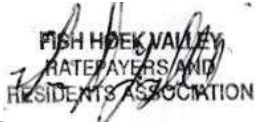
The bill's ammendment of Section 23's Freezing Order is particularly troublesome in that the terms for a High Court assuming or taking control care of a property are unclear. Conditions need to be specified.

The bill's insertion of Section 24B is problematic in its specification for demanding a decryption key for "detecting any crime" falls on the side of discovery and poor investigative work. This is an invasion of privacy as this section could be invoked on behalf of a competitor to discover trade secrets for their profit. This section would not be upheld in an international court of law.

## SUMMARY

We support the premise of anti-terror activities, but we are concerned with the definition of terrorist activities overlapping normal, legal civilian duties (municipal mayors, labour unions, our President and Health Minister). That is, this bill allows for citizens to be labeled as criminals by using the term "indirect" when referring to "political, religious, ideological or philosophical" views as in Sections 2, 3 and 17 (2). That is, there is no distinction between mainline religions and religions that promote terror.

This instrument (bill) is too blunt (lethal devices, freezing orders) and needs more refinement. Police need to investigate properly (suspected) and not rely upon divulging of encryption keys for discovery purposes.

NAME & SURNAME	<i>Brian Youngblood, Chair: Fish Hoek Valley Residents and Ratepayers Association (FHVRRRA)</i>
CONTACT NUMBER	<i>Cell: 084 3 99 99 33</i>
E-MAIL ADDRESS	<a href="mailto:FishHoekRRA@gmail.com"><i>FishHoekRRA@gmail.com</i></a>
SIGNATURE	
DATE	13 October 2022