

FOR PSA MEMBERS: EASTERN CAPE DEPARTMENT OF TRANSPORT

20-04-2021

## PSA defends member successfully

The PSA successfully assisted a member at the Department of Transport who was charged with misconduct for failing to comply or contravene the *Firearm Act of 2000*, in that on or around 19 December 2017, the member failed to safeguard the state firearm as mandated by the *Firearms Control Act of 2020* and lost the firearm in her house, endangering the lives of others and self. It was alleged that the member contravened the *Firearms Control Act of 2000*, section 16(8)(b)(i) and (iii), which provides that a person is guilty of an offence if he/she fails to keep the keys of the safe, strong room or devise in safe custody.

The member was charged in December 2017, the disciplinary was only held on 17 February 2021 and finalised in April 2021. During the hearing the PSA raised concerns about the delay in charging the member and argued that the official followed the rules and reported the lost firearm as per the regulation. The PSA further placed on record that the allegation by the employer that the official placed the lives of self and others in danger had no basis and could not be proven on the balance of probability.

The PSA is please to report that after all parties presented their case at the disciplinary hearing, the member was acquitted of allegation and found **not guilty**.

Members are encouraged to contact the Provincial Office on (047) 501 2500 or email [samkelo.mzuku@psa.co.za](mailto:samkelo.mzuku@psa.co.za) for expert labour law advice and representation.

GENERAL MANAGER