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IRIPHABHLIKI YASENINGIZIMU AFRIKA

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THE PRESIDENCY

No. 426 16 May 2011

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 2 of 2011: Civilian Secretariat for Police Service Act, 2011

IHHOVISI LIKAMONGAMELI

Ino. 426 16 May 2011

Ngalokhu kwaziswa ukuthi uMongameli usewuvumile loMetho nosewuzoshicilelelwa umphakathi:—

Ino. 2 Ka 2011: Umthetho weHovisi likaNobhala Labantu Abangeyona Ingxenya yoMbutho wezokuVikela oPhikweni lwezeMisebenzi yamaPhoyisa we-2011

GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President)
(Assented to 12 May 2011)

ACT

To provide for the establishment of a Civilian Secretariat for the Police Service in the Republic; to define the objects, functions and powers of the Civilian Secretariat, and for this purpose to align the operations of the Civilian Secretariat in the national and provincial spheres of government and reorganise the Civilian Secretariat into an effective and efficient organ of state; to regulate the appointment, duties and functions, powers and removal from office of the Secretary for the Police Service and heads of provincial secretariats; to provide for the establishment of a senior management forum and a Ministerial Executive Committee; to provide for co-operation between the Civilian Secretariat and the Independent Police Investigative Directorate; to provide for co-operation between the Civilian Secretariat and the South African Police Service; to provide for intervention into the affairs of provincial secretariats by the Civilian Secretariat; and to provide for matters connected therewith.

PREAMBLE

WHEREAS every person has the right to life and the right to security of the person, which includes, among other things, the right to be free from all forms of violence from either public or private sources;

AND WHEREAS the Constitution places a duty on the State to respect, protect, promote and fulfil the fundamental rights in the Bill of Rights;

AND WHEREAS the adequate protection, promotion and fulfilment of such rights are fundamental to the well-being and social and economic development of every person;

AND WHEREAS the Constitution provides for the police service to combat and investigate crime, to maintain public order, to protect and secure the inhabitants and their property, and to uphold and enforce the law throughout the territory of the Republic;

INCAZELO EJWAYELEKILE:

[ ] Amagama acaciswe ngombhala ogqamile akubakaki abayisikwele abonisa okukhishwayo emthethweni osebenzayo.

Amagama adwetshelwe ngomugqa ogqamile akhombisa okufakelwayo eMthethweni osebenzayo.

(English text signed by the President)
(Assented to 12 May 2011)

UMTHETHO

Ukuhlinzekela ngokusungulwa kweHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela oPhikweni lwezeMisebenzi yamaPhoyisa aseRiphabhuliki; ukuchaza izinjongo, imisebenzi kanye namandla eHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela, futhi ngale njongo kuhanjiswe ngendlela efanayo imisebenzi yeHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ezinhlakeni zikahulumeni kazwelonke nowesifundazwe kanye nokuhlela kabusha iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ukuba libe igatsha lombuso elinempumelelo futhi elinobuchule emsebenzini; ukunquma ukuqoka, izibophezelo kanye nemisebenzi, amandla kanye nokukhishwa esikhundleni kukaNobhala woPhiko lwezeMisebenzi yamaPhoyisa kanye nezinhloko zamahhovisi onobhala bezifundazwe; ukuhlinzekela ngokusungulwa kwethimba labaphathi elisezingeni eliphakeme kanye neKomidi lesiGungu soNgqongqoshe; ukuhlinzekela ngokusebenzisana phakathi kweHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela kanye neHhovisi loMqondisi wezamaPhoyisa Eliphenya Ngokuzimele; ukuhlinzekela ngokusebenzisana phakathi kweHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela kanye noPhiko lwezeMisebenzi yamaPhoyisa aseNingizimu Afrika ukuze kuhlinzekelwe ngokungenelela kweHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ezindabeni zamahhovisi onobhala bezifundazwe; kanye nokuhlinzekela izindaba ezixhumene nawo.

ISANDULELO

NJENGOBA wonke umuntu enelungelo lokuphila kanye nelungelo lokuvikeleka komuntu, elihlanganisa, izinto ezifana nelungelo lokungahlukunyezwa udlame emithonjeni yomphakathi noma kwezimele;

FUTHI NJENGONBA uMthethosisekelo ubeka ijoka kwezoMbuso ukuba uhloniphe, uvikele, ukhuthaze futhi uhlangabezane namalungelo ayisisekelo kusoMqulu wamaLungelo;

FUTHI NJENGOBA ukuvikela ngokwanele, ukukhuthaza kanye nokufezekisa lawo malungelo kusemqoka empilweni nasemphakathini kanye nokuthuthukisa ezomnotho kubantu bonke;

FUTHI NJENGOBA uMthethosisekelo uhlinzekela ngophiko lwezemisebenzi yamaphoyisa ukuba lulwisane futhi luphenye ubulelesi, lugcine ukuthula emphakathini, luvikele futhi luhlenge abahlali kanye nempahla yabo, kanye nokuqhakambisa futhi nokubophezela umthetho ezweni laseRiphabhuliki;

AND WHEREAS there is a need to promote democratic accountability, transparency and openness within the police service and to ensure co-operation between the police service and the communities it serves;

AND HAVING REGARD to section 208 of the Constitution, which stipulates that a civilian secretariat for the police service must be established by national legislation to function under the direction of the Cabinet member responsible for policing,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

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2. Application of Act
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FUTHI NJENGOBA kunesidingo sokukhuthaza ukubhekelela ngentando yeningi, ukuvuleleka ophikweni lwezemisebenzi yamaphoyisa kanye nokuqikelela ukusebenzisana phakathi kophiko lwezemisebenzi yamaphoyisa kanye nemiphakathi olusebenza kuyona;

FUTHI NGOKUBHEKA isigaba sama-208 soMthethosisekelo, esibeka ukuthi ihhovisi likanobhala labantu abangeyona ingxenye yombutho wezokuvikela ophikweni lwezemisebenzi yamaphoyisa kufanele lisungulwe ngomthetho oshayiwe kazwelonke ukuze lisebenze ngaphansi komyalelo welungu leKhabhinethi elibhekele ezokuvikeleka,

NGAKHO-KE UZOMISWA iPhalamende laseRiphabhuliki yaseNingizimu Afrika ngale ndlela elandelayo:—

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1. Izincazelo
2. Ukusebenza koMthetho
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4. Ukusungulwa kweHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela
5. Izinjongo zeHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela
6. Imisebenzi yeHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela

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23. Unobhala kanye nezinhloko zeminyango yezifundazwe 5

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24. Ukusungulwa kwethimba
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Ukungenelela kweHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela

26. Ukungenelela kweHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela

Ingxenye 4 15

IKomidi lesiGungu soNgqongqoshe

27. Ukusungulwa kweKomidi lesiGungu soNgqongqoshe
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Ingxenye 6 25

Ukusebenzisana noPhiko lwezeMisebenzi yamaPhoyisa aseNingizimu Afrika

32. Ukusebenzisana noPhiko lwezeMisebenzi yamaPhoyisa aseNingizimu Afrika

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SCHEDULE

CHAPTER 1

INTERPRETATION, APPLICATION AND OBJECTS OF ACT

Definitions

1. In this Act, unless the context indicates otherwise—

"Civilian Secretariat" means the national Civilian Secretariat for the Police Service established in terms of section 4(1) of this Act;

"Committee" means the Ministerial Executive Committee established under section 27(1);

"Constitution" means the Constitution of the Republic of South Africa, 1996;

"Department" means the national Department of Police;

"Directorate" means the Independent Police Investigative Directorate established in terms of section 3 of the Independent Police Investigative Directorate Act, 2010;

"Executive Director" means the Executive Director appointed in terms of section 6(1) of the Independent Police Investigative Directorate Act, 2010;

"forum" means the senior management forum established under section 24;

"head of a provincial department" means the head of a department responsible for safety and security in a province;

"head of a provincial secretariat" means the head of a provincial secretariat appointed in terms of section 18(1);

"member" means a member as defined in section 1 of the South African Police Service Act;

"MEC" means the Member of the Executive Council of a province responsible for policing in the province;

"Minister" means the member of the Cabinet responsible for policing;

"organ of state" means an organ of state concerned with matters relating to the police service;

"police official" means the police official as defined in section 1 of the South African Police Service Act;

"police service" means the South African Police Service established in terms of section 5(1) of the South African Police Service Act;

"prescribe" means prescribe by regulation;

"provincial department" means the department responsible for safety and security services in a province falling under the relevant MEC;

"provincial secretariat" means a provincial secretariat established in terms of section 16;

"regulation" means a regulation made under this Act;

"Secretariat" means the Civilian Secretariat for the Police Service established in terms of section 4(1);

"Secretary" means the Secretary for the Police Service appointed in terms of section 7(1);

"South African Police Service Act" means the South African Police Service Act, 1995 (Act No. 68 of 1995); and

"this Act" includes the Schedule, regulations and any rules, directives or instructions made under it.

Application of Act

2. All organs of state must accord such assistance as may be reasonably required to ensure the effective functioning of the Civilian Secretariat in terms of this Act.

ISITHASISELO

ISAHLUKO 1

UKUTOLIKWA, UKUSEBENZA KANYE NEZINJONGO ZOMTHETHO

Izincazelo

1. Kulo Mthetho, ngaphandle uma ingqikithi ibeka ngokunye—

"iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela" lichaza iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela oPhikweni lwezeMisebenzi yamaPhoyisa kuzwelonke elisungulwe ngokwemigomo yesigaba se-4(1) kanye nesesi-(2) zalo Mthetho;

"iKomidi" lichaza iKomidi lesiGungu soNgqongqoshe elisungulwe ngaphansi kwesigaba sama- 27(1);

"uMthethosisekelo" uchaza uMthethosisekelo waseRiphabhuliki yaseNingizimu Afrika, we-1996;

"uMnyango" uchaza uMnyango kazwelonke wezamaPhoyisa;

"iHhovisi loMqondisi" lichaza iHhovisi loMqondisi wezamaPhoyisa Eliphenya Ngokuzimele elisungulwe ngokwemigomo yesigaba sesi-2 se-*Independent Police Investigative Directorate Act, 2010*;

"uMqondisi oMkhulu" uchaza uMqondisi oMkhulu oqokwe ngokwemigomo yesigaba sesi-5(1) se-*Independent Police Investigative Directorate Act, 2010*;

"ithimba" lichaza ithimba lezokuphatha eliseqophelweni eliphezulu elisungulwe ngaphansi kwesigaba sama-24;

"inhloko yomnyango wesifundazwe" ichaza inhloko yomnyango ebhekele ezokuphepha nokuvikeleka esifundazweni;

"inhloko yehhovisi likanobhala wesifundazwe" ichaza inhloko yehhovisi likanobhala wesifundazwe eqokwe ngokwemigomo yesigaba se-18(1);

"ilungu" lichaza ilungu njengoba lichaziwe esigatsheni soku-1 se-*South African Police Service Act*;

"u-MEC" uchaza iLungu loMkhandlu weziPhathimandla zesifundazwe elibhekele ezokuvikeleka esifundazweni;

"uNgqongqoshe" uchaza ilungu leKhabhinethi elibhekele ezokuvikeleka;

"igatsha lombuso" lichaza igatsha lombuso elibhekele izindaba ezihlobene nophiko lwezemisebenzi yamaphoyisa;

"iphoyisa" lichaza iphoyisa njengoba kuchaziwe esigatsheni soku-1 se-*South African Police Service Act*;

"uphiko lwezemisebenzi yamaphoyisa" luchaza uPhiko lwezeMisebenzi yamaPhoyisa aseNingizimu Afrika olusungulwe ngokwemigomo yesigaba sesi-5(1) se-*South African Police Service Act*;

"okunqunyiwe" kuchaza okunqunywe ngezimiso zomthetho;

"umnyango wesifundazwe" uchaza umnyango obhekele imisebenzi yezokuphepha nokuvikeleka esifundazweni ewela ngaphansi kuka-MEC oqondene;

"ihhovisi likanobhala wesifundazwe" lichaza ihhovisi likanobhala wesifundazwe elisungulwe ngokwemigomo yesigaba se-16;

"izimiso zomthetho" zichaza izimiso zomthetho ezenziwe ngaphansi kwalo Mthetho;

"uNobhala" uchaza uNobhala woPhiko lwezeMisebenzi yamaPhoyisa aseNingizimu Afrika oqokwe ngokwemigomo yesigaba sesi- 7(1);

"i-*South African Police Service Act*" ichaza i-*South African Police Service Act, 1995 (Act No. 68 of 1995)*;

"lo Mthetho" ubandakanya isiThasiselo, izimiso zomthetho kanye neminye imithetho, iziyalelo noma imiyalelo eyenziwe ngaphansi kwawo.

Ukusebenza koMthetho

2. Wonke amagatsha ombuso kufanele avumelane ngalolu sizo olungadingeka ukuqikelela ukusebenza ngempumelelo kweHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ngokwemigomo yalo Mthetho.

Objects of Act

3. The objects of this Act are to—

(a) give effect to section 208 of the Constitution by establishing the Civilian Secretariat to function under the direction of the Minister;

(b) provide for civilian oversight of the police service;

(c) provide for the functions and powers of the Civilian Secretariat;

(d) provide for the establishment, composition and functions of the ministerial executive committee as required by section 206(8) of the Constitution;

(e) provide for the establishment, composition and functions of the senior management forum;

(f) provide for co-operation with the Independent Police Investigative Directorate and the South African Police Service; and

(g) provide for intervention by the Civilian Secretariat into the affairs of a provincial secretariat.

CHAPTER 2

CIVILIAN SECRETARIAT FOR POLICE SERVICE

Establishment of Civilian Secretariat

4. (1) The Civilian Secretariat for the Police Service contemplated in section 208 of the Constitution is hereby established.

(2) The Civilian Secretariat is hereby established as a designated department at the national level.

(3) The Secretary is the accounting officer of the Civilian Secretariat and must comply with the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999).

(4) The Civilian Secretariat established in terms of subsection (1) must exercise its powers and perform its functions without fear, favour or prejudice in the interest of maintaining effective and efficient policing and a high standard of professional ethics in the police service.

(5) Provincial secretariats contemplated in sections 16 and 17 must assist the Civilian Secretariat to achieve its objects, and perform functions and exercise powers of the Civilian Secretariat in the provincial sphere of government in accordance with the principles of co-operative government and intergovernmental relations contained in Chapter 3 of the Constitution.

(6) The Civilian Secretariat is financed from monies appropriated by Parliament.

Objects of Civilian Secretariat

5. The objects of the Civilian Secretariat are to—

(a) exercise civilian oversight over the police service;

(b) give strategic advice to the Minister in respect of developing and implementing policies;

(c) provide administrative support services to the Minister to ensure South Africa's engagement with relevant international obligations;

Izinjongo zoMthetho

3. Izinjongo zoMthetho uku—

(a) sebenzisa isigaba sama-208 soMthethosisekelo ngokusungula iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ukuba lisebenze ngaphansi kwesiyalelo sikaNgqongqoshe;

(b) chaza imisebenzi namandla eHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela;

(c) hlinzekela ngemisebenzi namandla eHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela;

(d) hlinzekela ngokusungulwa, ukwakheka kanye nemisebenzi yekomidi lesigungu songqongqoshe njengoba kudingeka esigatsheni sama-206(8) soMthethosisekelo;

(e) hlinzekela ngokusungulwa, ukwakheka kanye nemisebenzi yethimba lezokuphatha eliseqophelweni eliphezulu;

(f) hlinzekela ngokusebenzisana neHhovisi loMqondisi wezamaPhoyisa Eliphenya Ngokuzimele kanye noPhiko lwezeMisebenzi yamaPhoyisa; kanye

(g) nokuhlinzekela ngokungenelela kweHhovisi likaNobhala ezindabeni zehhovisi likanobhala wesifundazwe.

ISAHLUKO 2

IHHOVISI LIKANOBHALA LABANTU ABANGEYONA INGXENYE YOMBUTHO WEZOKUVIKELA OPHIKWENI LWEZEMISEBENZI YAMAPHOYISA

Ukusungulwa kweHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela

4. (1) Ngakho-ke sekusungulwe iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela oPhikweni lwezeMisebenzi yamaPhoyisa elivezwe esigatsheni sama-208 soMthethosisekelo.

(2) Ngakho-ke sekusungulwe iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela njengomnyako oqokiwe ezingeni likazwelonke.

(3) UNobhala ubhekele iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela futhi kufanele alandele imibandela ye-*Public Finance Management Act, 1999 (Act No. 1 of 1999).*

(4) IHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela kufanele lisebenzise amandla alo futhi lenze imisebenzi yalo ngaphandle kokusaba, ukukhetha noma ukubandlulula ukuze liqhube ngempumelelo nangobuchule kwezokuvikela futhi ngezinga eliphezulu lenkambiso efanele ophikweni lwezemisebenzi yamaphoyisa.

(5) Amahhovisi onobhala bezifundazwe avezwe ezigatsheni ze-16 kanye nese-17 kufanele asize iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ukuba lifeze izinjongo zalo, lenze imisebenzi futhi lisebenzise amandla eHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ohlakeni lukahulumeni wesifundazwe ngokulandela imigomo yokusebenzisana kwemikhakha kahulumeni kanye nobudlelwano phakathi kohulumeni obuqukethwe isaHluko sesi-3 soMthethosisekelo.

(6) IHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela lithola imali eyabiwe iPhalamende.

Izinjongo zeHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela

5. Izinjongo zeHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela uku—

(a) ngamela abangeyona ingxenye yombutho wezokuvikela ophikweni lwezemisebenzi yamaphoyisa;

(b) nikeza amasu ezeluleko kuNgqongqoshe mayelana nokuthuthukisa kanye nokusebenzisa inqubomgomo;

(c) hlinzekela ngosizo lwezokuphatha kuNgqongqoshe ukuqikelela ukuzibandakanya nezibophezelo eziqondene zamazwe omhlaba;

(d) liaise and communicate with stakeholders;
(e) implement a partnership strategy to mobilise roleplayers and stakeholders to strengthen service delivery by the police service to ensure the safety and security of communities;
(f) implement, promote and align the operations of the Civilian Secretariat in the national and provincial spheres of government;
(g) co-ordinate the functions and powers of the Civilian Secretariat in the national and provincial spheres of government;
(h) promote co-operation between the Civilian Secretariat, the police service and the Directorate; and
(i) provide guidance to community police fora and associated structures and facilitate their proper functioning.

Functions of Civilian Secretariat

6. (1) The Civilian Secretariat must, in order to achieve its objects—
(a) monitor the performance of the police service and regularly assess the extent to which the police service has adequate policies and effective systems and to recommend corrective measures;
(b) monitor the utilisation of the budget of the police service to ensure compliance with any policy directives or instructions of the Minister;
(c) monitor and evaluate compliance with the Domestic Violence Act, 1998 (Act No. 116 of 1998);
(d) make recommendations to the police service on disciplinary procedures and measures with regard to non-compliance with the Domestic Violence Act, 1998;
(e) consider such recommendations, suggestions and requests concerning police and policing matters as it may receive from any source;
(f) conduct or cause to be conducted any research as it may deem necessary;
(g) enter into either memoranda of understanding or agreements or both, in consultation with the Minister, with civilian oversight groups and other parties and engage such groups and parties to strengthen co-operation between the various roleplayers;
(h) advise and support the Minister in the exercise of his or her powers and the performance of his or her functions;
(i) provide the Minister with regular reports with regard to—
(i) the performance of the police service; and
(ii) implementation of and compliance by the police service with policy directives issued or instructions made by the Minister; and
(j) assess and monitor the police service's ability to receive and deal with complaints against its members.

(2) The Civilian Secretariat must, for the purpose of subsection (1), establish competencies and capabilities in its operations in order to—
(a) (i) conduct research into any policing matter and report to the Secretary thereon;
(ii) provide policy advice to the Minister through the Secretary;
(iii) make available recent, relevant and evidence-based research to the Minister and to Parliament;
(iv) create a resource information centre; and
(v) develop at least one civil society reference group;
(b) (i) conduct quality assessment of the police service and monitor and evaluate its performance;
(ii) identify problem areas for early interventions;

(d) xoxisana nokuxhumana nabantu abaqondene;
(e) ukusebenzisa isu lokuhlanganyela ukuhlanganisa abadlala indima ethile nabaqondene ukudlondlobalisa ukunikezela ngezidingo zophiko lwezemisebenzi yamaphoyisa ukuze kuqikelelwe ezokuphepha nokuvikeleka emiphakathini;
(f) sebenzisa, ukukhuthaza kanye nokuxhumanisa imisebenzi yeHhovisi likaNobhala ezinhlakeni zikahulumeni kazwelonke nowezifundazwe;
(g) hlela imisebenzi kanye namandla eHhovisi likaNobhala ezinhlakeni zikahulumeni kazwelonke nowezifundazwe;
(h) khuthaza ukusebenzisana phakathi kweHhovisi likaNobhala, uphiko lwezemisebenzi yamaphoyisa kanye neHhovisi loMqondisi; kanye
(i) nokuhlinzekela ngomhlahlandlela ethimbeni lezokuvikela umphakathi kanye nezakhiwo ezixhumene futhi lenze lula ukusebenza kwawo ngendlela efanele.

Imisebenzi yeHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela

6. (1) IHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ukuze lifeze izinjongo zalo, kufanele—
(a) liqaphe indlela uphiko lwezemisebenzi yamaphoyisa oluqhuba ngayo umsebenzi futhi lihlole njalo izinga lenqubomgomo eyanele yophiko lwezemisebenzi yamaphoyisa kanye nezinhlelo eziyimpumelelo futhi liphakamise nezinyathelo zokuqondisa izinto;
(b) liqaphe ukusetshenziswa kwesabelomali sophiko lwezemisebenzi yamaphoyisa ukuqikelela ukuthi lulandela iziyalelo noma imiyalelo yenqubomgomo kaNgqongqoshe,
(c) liqaphe futhi lihlole ukulandelwa kwe-*Domestic Violence Act, 1998 (Act No. 116 of 1998)*;
(d) lenze izincomo ophikweni lwezemisebenzi yamaphoyisa mayelana nenqubo yokuqondiswa kwezigwegwe kanye nezinyathelo mayelana nokungayilandeli i-*Domestic Violence Act, 1998*;
(e) libheke lezo zincomo, iziphakamiso kanye nezicelo eziphathelene nezamaphoyisa kanye nezindaba zokuvikela elingazithola kunoma omuphi umthombo;
(f) liqhube noma lenze kuqhutshwe uncwaningo elibona lufanele;
(g) lenze isivumelwano sokuqonda noma isivumelwano noma kokubili, ngokuxoxisana noNgqongqoshe, kanye namaqembu aphethe abantu abangeyona ingxenye yombutho wezokuvikela kanye nezinye izinhlangothi futhi lihlanganyele nalawo maqembu kanye nezinhlangothi ukudlondlobalisa ukusebenzisana phakathi kwabantu ababambe iqhaza abaqondene;
(h) liluleke futhi liseke uNgqongqoshe ukusebenzisa amandla akhe noma ekuqhubeni imisebenzi yakhe;
(i) lihlinzekele uNgqongqoshe ngemibiko ejwayelekile emayelana—
(i) nokuqhuba imisebenzi yophiko lwezemisebenzi yamaphoyisa; kanye
(ii) nokusetshenziswa nokulandelwa kweziyalelo zenqubomgomo ezikhishiwe noma imiyalelo eyenziwe uNgqongqoshe ophikweni lwezemisebenzi yamaphoyisa; futhi
(j) lihlole futhi liqaphe ikhono lophiko lwezemisebenzi yamaphoyisa lokwamukela kanye nokudingida izikhalazo ezibhekene namalungu alo.

(2) IHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela, ngokwesigatshana soku-(1), kufanele lisungule ubuchule kanye namakhono ekusebenzeni kwalo ukuze—
(a) (i) liqhube ucwaningo odabeni lwezokuvikela futhi libike kuNobhala ngalo;
(ii) lihlinzekele ngezeluleko ngenqubomgomo kuNgqongqoshe ngokusebenzisa uNobhala;
(iii) lenze kutholakale ucwaningo lwakamuva, oluqondene futhi olufakazelwe kuNgqongqoshe nasePhalamende;
(iv) lisugule isikhungo somthombo wolwazi; futhi
(v) lithuthukise okungenani iqembu lomphakathi elilodwa okuzodluliselwa kulona;
(b) (i) lihlole izinga lophiko lwezemisebenzi yamaphoyisa futhi liqaphe liphinde lihlole indlela eliqhuba ngayo;
(ii) liveze imikhakha eyizinkinga ukuze kusheshe kungenelelwe;

(iii) review police practices and develop best practice models;
(iv) recommend steps for improved service delivery and police effectiveness;
(v) develop frameworks and strategies to ensure improved police accountability; and

(c) (i) facilitate and implement intergovernmental co-operation on safety;
(ii) conduct ongoing interaction with citizens in the manner contemplated by this Act;
(iii) enhance the quality and accessibility of safety programmes through improved participation by the community;
(iv) encourage national dialogue on safety and crime prevention;
(v) facilitate pro-active and interventionist models in communities;
(vi) co-ordinate efforts to deal with challenges faced by the police service as requested by the Minister;
(vii) develop frameworks and strategies to ensure uniformity, accountability and enhancement of community police fora and associated structures; and
(viii) maximise capacity and expertise in the Civilian Secretariat.

CHAPTER 3

SECRETARY FOR POLICE SERVICE

Appointment of Secretary

7. (1) The Minister must, subject to the laws governing the public service, appoint a person as Secretary for the Police Service.

(2) The Secretary is appointed for a term of five years, which is renewable for one additional term only, subject to terms and conditions of service under the laws governing the public service.

(3) The Secretary must be a citizen of the Republic and be a fit and proper person with appropriate knowledge, experience or qualifications.

(4) The Secretary must not be a member or former member of the police service of the Republic contemplated in section 199(1) of the Constitution.

Duties and functions

8. (1) The Secretary—

(a) is responsible for the performance of the functions of the Civilian Secretariat and, for this purpose, is the—
(i) head and accounting officer of the Civilian Secretariat; and".
(ii) adviser to the Minister on police and policing policy matters;

(b) takes all decisions relating to the functions of the Civilian Secretariat referred to in section 6;

(c) performs any function assigned to the Civilian Secretariat in terms of this Act or any other Act or memoranda of understanding or agreement referred to in section 6(1)*(g)*;

(d) monitors and evaluates the activities and performance of the Civilian Secretariat; and

(e) ensure the effectiveness and efficiency of the Civilian Secretariat.

(2) As head and accounting officer of the Civilian Secretariat, the Secretary is responsible for the—

(iii) libuyekeze izenzo zamaphoyisa futhi lithuthukise izindlela zokuzokwenziwa ezishaya emhloleni;
(iv) liphakamise izinyathelo zokuthuthukisa ukunikezela ngezidingo kanye nompumelelo kwezokuvikela;
(v) lithuthukise uhlaka kanye namasu ukuqikelela ukubhekelela okusimeme kwezamaphoyisa; futhi

(c) (i) lenze lula futhi liqale ukusebenzisana nohulumeni kwezokuphepha;
(ii) lihlanganyele njalo nezakhamuzi ngendlela evezwe kulo Mthetho;
(iii) liqhakambise izinga kanye nokufinyelela kwezinhlelo zokuphepha ngokuthuthukisa ukuzibandakanya komphakathi;
(iv) likhuthaze ukuxoxisana ngezokuphepha kuzwelonke kanye nokuqanda ubulelesi;
(v) lenze lula izindlela zokuzinikela kanye nokungenelele emiphakathini;
(vi) lihlele imizamo yokubhekana nezinselelo ezibhekene nophiko lwezemisebenzi yamaphoyisa njengoba kucele uNgqongqoshe;
(vii) lithuthukise izinhlaka kanye namasu ukuqikelela indlela efanayo, ukubhekelela kanye nokuqhakambisa ithimba lezokuvikela umphakathi kanye nezakhiwo ezifanayo; kanye
(viii) nokukhulisa amandla kanye nekhono eHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela.

ISAHLUKO 3

UNOBHALA WOPHIKO LWEZEMISEBENZI YAMAPHOYISA

Ukuqokwa kukaNobhala

7. (1) UNgqongqoshe, ngokwemithetho engamele umsebenzi kahulumeni, kufanele aqoke uNobhala woPhiko lwezeMisebenzi yamaPhoyisa.

(2) UNobhala uqokelwa umkhawulo weminyaka emihlanu, ongavuselelwa ngomunye umkhawulo wokwengeza owodwa nje kuphela, ngokulandela imigomo nemibandela yophiko ngaphansi kwemithetho engamele umsebenzi kahulumeni.

(3) UNobhala kufanele abe isakhamuzi saseRiphabhuliki futhi kube umuntu ofanele futhi okulungele onolwazi olufanele, ulwazi lomsebenzi noma iziqu.

(4) UNobhala akufanele abe ilungu noma kube owayeyilungu lophiko lwezemisebenzi yamaphoyisa eRiphabhuliki njengoba kuveziwe esigatsheni se-199(1) soMthethosisekelo.

Izibophezelo nemisebenzi

8. (1) UNobhala—

(a) ubhekele ukwenziwa kwemisebenzi yeHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela futhi ngale njongo uyi—
(i) nhloko futhi ubhekele iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela; futhi
(ii) ungumeluleki kaNgqongqoshe kwezamaphoyisa nasezindabeni zengqubomgomo yokuvikela;

(b) uthatha zonke izinqumo ezihlobene nemisebenzi yeHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ezishiwo esigatsheni sesi-6;

(c) wenza imisebenzi enikezelwe iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ngokwemigomo yalo Mthetho noma omunye uMthetho noma ukuqonda noma isivumelwano esishiwo esigatsheni sesi-6(1)*(g)*;

(d) uqapha futhi ahlole okwenziwayo nokuqhutshwa iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela; futhi

(e) uqikelela impumelelo nobuchule beHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela.

(2) Njengenhloko futhi njengobhekele iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela, uNobhala ubhekele—

(a) administration and management of the budget of the Civilian Secretariat;
(b) proper and diligent implementation of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
(c) development and organisation of an efficient administration within the Civilian Secretariat;
(d) establishment of the staff component in accordance with the laws governing the public service; and
(e) appointment of such staff as may be necessary to enable the Civilian Secretariat to perform its functions in terms of this Act.

(3) As adviser to the Minister, the Secretary must—
(a) oversee, and advise the Minister on, the implementation of policy directives or instructions issued or made by the Minister;
(b) provide the Minister with the necessary support service to ensure compliance with relevant international obligations;
(c) monitor utilisation of the budget of the police service to ensure compliance with any policy directives or instructions of the Minister;
(d) present legislation in Parliament as determined by the Minister;
(e) perform such functions as the Minister may consider necessary or expedient to ensure police civilian oversight; and
(f) any other function assigned to the Secretary as may be determined by the Minister.

(4) The Secretary must, in consultation with the Minister and subject to the laws governing the public service, appoint employees, either full-time or part-time, to the Civilian Secretariat to assist the Secretary to perform the functions or exercise the powers of the Civilian Secretariat, or both, as may be necessary.

(5) The provisions of this section, in so far as it relates to the Secretary as accounting officer of the Civilian Secretariat, will only come into operation when the Civilian Secretariat becomes a designated department.

Powers

9. The Secretary may do all that is reasonably necessary or expedient to perform the functions of the Civilian Secretariat properly, including—
(a) entering any building or premises under the control of the police service;
(b) requesting and obtaining information and documents relating to any matter under the control of the police service;
(c) requesting, and be entitled to, all reasonable assistance by a member;
(d) obtaining the assistance of any state department, functionary or institution, to perform any specific act or function within the competency of the Civilian Secretariat;
(e) performing any specific act or function within its competence on behalf of any other person, including any state department, functionary or institution; and
(f) performing legal acts, or instituting or defending any legal action in the name of the Civilian Secretariat.

(a) ukuphathwa nokusingathwa kwesabelomali seHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela;
(b) ukusetshenziswa ngokufanele nangenkuthalo i-*Public Finance Management Act, 1999 (Act No. 1 of 1999)*;
(c) ukuthuthukiswa nokuhlelwa kwezokuphatha okunobuchule ngaphakathi eHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela; futhi
(d) ukusungulwa kwethimba labasebenzi ngokulandela imithetho engamele umsebenzi kahulumeni; kanye
(e) nokuqokwa kwalabo basebenzi ngendlela efanele ukusiza iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ukuqhuba imisebenzi ngokwemigomo yalo Mthetho.

(3) Njengomeluleki kaNgqongqoshe, uNobhala kufanele—
(a) angamele, futhi aluleke uNgqongqoshe mayelana nokusetshenziswa kweziyalelo zenqubomgomo noma imiyalelo ekhishiwe noma eyenziwe uNgqongqoshe;
(b) ahlinzekele uNgqongqoshe ngomsebenzi wokuseka ofanele ukuqikelela ukulandela izibophezelo zamazwe omhlaba eziqondene;
(c) aqaphe ukusetshenziswa kwesabelomali sophiko lwezemisebenzi yamaphoyisa ukuqikelela ukulandela inqubomgomo yeziyalelo noma yemiyalelo kaNgqongqoshe;
(d) athule imithetho eshayiwe ePhalamende njengoba kunqume uNgqongqoshe;
(e) enze le misebenzi uNgqongqoshe abone ifanele noma ilungile ukuqikelela ukungamela abangeyona ingxenye yombutho wezokuvikela emaphoyiseni; futhi
(f) nomunye umsebenzi onikezelwe uNobhala njengoba kunqunywe uNgqongqoshe.

(4) UNobhala ngokuxoxisana noNgqongqoshe futhi ngokulandela imithetho engamele umsebenzi kahulumeni, kufanele aqoke abasebenzi, ngokugcwele noma ngokungagcwele, eHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ukuba basize uNobhala ukuqhuba imisebenzi noma ukusebenzisa amandla eHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela, noma kokubili, ngendlela efanele.

(5) Imibandela yalesi sigaba, ehlobene noNobhala njengobhekele iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela, izoqala ukusebenza uma iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela seliba umnyango oqokiwe.

Amandla

9. UNobhala angenza konke abone kunesidingo noma kufanele ukuqhuba imisebenzi yeHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ngendlela efanele, okubandakanya—
(a) ukungena esakhiweni noma endaweni elawulwa uphiko lwezemisebenzi yamaphoyisa;
(b) ukucela kanye nokuthola imininingwane nemiqulu ehlobene nodaba olulawulwa uphiko lwezemisebenzi yamaphoyisa;
(c) ukucela, futhi nokuthola lonke usizo olufanele elungwini;
(d) ukuthola usizo kunoma omuphi umnyango wombuso, igatsha elisebenzayo noma isikhungo, ukwenza noma esiphi isenzo noma umsebenzi owenziwa ngaphakathi eHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela;
(e) ukwenza isenzo esithile noma umsebenzi owenziwa ngaphakathi kwalo wenzelwa omunye umuntu, kubandakanya noma omuphi umnyango wombuso, igatsha elisebenzayo noma isikhungo; kanye
(f) nokwenza izenzo zomthetho, ukuqala noma ukulwela isenzo somthetho egameni leHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela.

Delegation of powers and assignment of duties

10. (1) Subject to subsection (2), the Secretary may—

(a) delegate to any person in the employ of the Civilian Secretariat any power conferred upon the Secretary by or under this Act, excluding the power referred to in this subsection or in section 9*(f)*; and

(b) authorise any person in the employ of the Civilian Secretariat to perform any duty assigned to the Secretary by or under this Act, on such terms and conditions as the Secretary may determine.

(2) A delegation or authorisation in terms of subsection (1)—

(a) must be in writing; and

(b) may at any time be amended or revoked by the Secretary.

Removal from office

11. The Minister may remove the Secretary from office on account of—

(a) misconduct;

(b) ill health; or

(c) inability to perform the duties of that office effectively.

Vacancy

12. (1) When the Secretary is unable to perform the functions of office, or during a vacancy in the office of Secretary, the Minister may designate another person to act as Secretary until the Secretary returns to perform the functions of office or the vacancy is filled.

(2) The provisions of section 7(1), (3) and (4) apply to the designation or filling of a vacancy in terms of subsection (1).

(3) In the case of a vacancy, the Minister must fill the vacancy within a reasonable period of time, which period must not exceed one year.

Reporting

13. The Secretary must submit quarterly reports to the Minister and the parliamentary committees responsible for police on the activities of the Civilian Secretariat.

Finances and accountability

14. (1) The Secretary—

(a) must, subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999)—

(i) be charged with the responsibility of accounting for money received or paid out for or on account of the office of the Civilian Secretariat;

(ii) cause the necessary accounting and other related records to be kept; and

(b) may exercise such powers and perform such duties as may from time to time be conferred upon or assigned to him or her, and in respect thereof be accountable to the Minister.

(2) The records referred to in subsection (1)*(a)* must be audited by the Auditor-General.

Annual report

15. (1) The Secretary must prepare and submit to the Minister an annual report in a form prescribed by the Minister within five months after the end of the financial year.

(2) The annual report referred to in subsection (1) must include the following documents:

Ukunikezela ngamandla nokudlulisela ngemisebenzi

10. (1) Ngokwesigatshana sesi-(2), uNobhala anga—

(a) dlulisela kunoma ubani oqashwe iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela amandla athweswe uNobhala ngalo noma ngaphansi kwalo Mthetho, kodwa akubandakanyi amandla ashiwo kulesi sigatshana noma esigatsheni se-9*(f)*; futhi

(b) gunyaza noma ubani oqashwe iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ukuba enze umsebenzi onikezwe uNobhala ngalo noma ngaphansi kwalo Mthetho, ngaleyo migomo nemibandela enganqunywa uNobhala.

(2) Ukunikezela ngamandla noma ukugunyaza ngokwemigomo yesigatshana soku-(1)—

(a) kufanele kubhalwe phansi; futhi

(b) noma nini kungachitshiyelwa noma kuchithwe uNobhala.

Ukukhishwa esikhundleni

11. UNgqongqoshe angakhipha uNobhala esikhundleni mayelana—

(a) nokungaziphathi kahle;

(b) ukugula; noma

(c) ukuhluleka ukuqhuba imisebenzi yaleso sikhundla ngempumelelo.

Izikhala zomsebenzi

12. (1) Uma uNobhala ehluleka ukwenza imisebenzi yehhovisi, noma ngesikhathi kusenesikhala ehhovisi likaNobhala, uNgqongqoshe angaqoka omunye umuntu ukuba abambe njengoNobhala kuze kubuye uNobhala azokwenza imisebenzi ehhovisi noma kuze kugcwaliswe isikhala.

(2) Imibandela yesigaba sesi-7(1), 3, nesesi-(4) zisebenza uma kuqokwa noma uma kugcwaliswa isikhala somsebenzi ngokwemigomo yesigatshana soku-(1)

(3) Uma kunesikhala, uNgqongqoshe kufanele avale leso sikhala esikhathini esifanele, leso sikhathi akufanele sidlule unyaka owodwa.

Ukubika

13. UNobhala kufanele ahambise imibiko izikhawu ezine zonyaka kuNgqongqoshe nakumakomidi asephalamende abhekele ezamaphoyisa ngokwenziwa iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela.

Ezimali nokubhekelela

14. (1) IHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezoku-Vikela—

(a) ngokwe-*Public Finance Management Act, 1999 (Act No. 1 of 1999)* kufanele—

(i) libhekele imisebenzi yokubhekela ezezimali ezitholiwe noma ezikhokhelwe noma ezikhokhelwa iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela;

(ii) libale ngokufanele futhi ligcine imininingwane eqondene; futhi

(b) lingasebenzisa lawo mandla futhi liqhube leyo misebenzi elingathweswa yona ngezikhathi ezithile noma engadluliselwa kulona, nayo futhi ebhekelwe uNgqongqoshe.

(2) Imininingwane egciniwe eshiwo esigatshaneni soku-(1)*(a)* kufanele icwaningwe uMcwaningimabhuku oMkhulu.

Umbiko Wonyaka

15. (1) UNobhala kufanele ahlanganise futhi ahambise kuNgqongqoshe umbiko wonyaka ngendlela enqunywe uNgqongqoshe zingakapheli izinyanga ezinhlanu ngemuva kokuphela konyaka wezezimali.

(2) Umbiko wonyaka oshiwo esigatshaneni soku-(1) kufanele ubandakanye le miqulu elandelayo:

(a) The audited financial statements prepared in terms of this Act;
(b) the Auditor-General's report; and
(c) a detailed report on the activities of the Civilian Secretariat undertaken during the year to which the audit relates.

(3) The Minister must table in Parliament a copy of the annual report, financial statements and the audit report on those statements within one month after receipt thereof if Parliament is then in session, or if Parliament is not then in session, within one month after the commencement of its next ensuing session.

(4) The Secretary must publish the annual report, financial statements and the audit report on those statements.

CHAPTER 4

PROVINCIAL SECRETARIATS

Constitution of provincial secretariats

16. Subject to section 17, each MEC must constitute a provincial secretariat for that province, within 18 months after the commencement of this Act, to support and align the mandate of that provincial secretariat with the mandate of the Civilian Secretariat: Provided that the date on which a provincial secretariat comes into operation, will be determined by the MEC in consultation with the Minister.

Functions of provincial secretariats

17. (1) In order to support the objects of the Civilian Secretariat referred to in section 5 and subject to the principles of co-operative governance and intergovernmental relations contained in Chapter 3 of the Constitution, each provincial secretariat must—

(a) align its plans and operations at the provincial sphere of government with the plans, policies and operations of the Civilian Secretariat; and
(b) integrate its strategies and systems at the provincial sphere of government with the strategies and systems of the Civilian Secretariat.

(2) The provincial secretariat must, for purposes of subsection (1), establish competencies and capabilities in its operations, to—

(a) (i) monitor and evaluate the implementation of policing policy in the province;
(ii) evaluate and monitor police conduct in the province;
(iii) develop and evaluate safety models and monitoring tools to ensure alignment with the functions of the Civilian Secretariat;
(iv) assist the Civilian Secretariat with any monitoring and evaluation projects; and
(b) (i) promote community police relations;
(ii) establish and promote partnerships; and
(iii) manage the enhancement of community safety structures with the province.

Appointment of heads of provincial secretariats

18. (1) The MEC must, in consultation with the Minister and subject to the laws governing the public service, appoint the head of a provincial secretariat in the province.

(2) The head of a provincial secretariat is appointed for a five-year term which is renewable for one additional term only, subject to terms and conditions of service under the laws governing the public service.

(a) izitatimende zezezimali ezicwaningiwe zahlanganiswa ngokwemigomo yalo Mthetho;
(b) umbiko woMcwaningimabhuku oMkhulu; kanye
(c) nombiko onzulu ngokwenziwe iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ohlanganiswe ngonyaka ohambisana nalolu cwaningo.

(3) UNgqongqoshe kufanele athule ePhalamende ikhophi yombiko wonyaka, izitatimende zezezimali kanye nombiko ocwaningiwe walezo zitatimende ingakapheli inyanga eyodwa ngemuva kokuwuthola uma iPhalamende ngaleso sikhathi lisebenza, noma uma iPhalamende lingasebenzi, ingakapheli inyanga eyodwa ngemuva kokuqala ukusebenza esikhathini esilandelayo.

(4) UNobhala kufanele ashicilele umbiko wonyaka, izitatimende zezezimali kanye nombiko ocwaningiwe walezo zitatimende.

ISAHLUKO 4

AMAHHOVISI ONOBHALA BEZIFUNDAZWE

Ukwakhekha kwamahhovisi onobhala bezifundazwe

16. Ngokwesigaba se-17, u-MEC ngamunye kufanele ahlanganise ihhovisi likanobhala wesifundazwe waleso sifundazwe zingakapheli izinyanga eziyi-18 ngemuva kokuqala ukusebenza kwalo Mthetho, ukuseka kanye nokuhambisa ngendlela efanayo igunya lalelo hhovisi likanobhala wesifundazwe kanye negunya leHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela: Inqobo nje uma usuku okuzoqala ngalo ukusebenza kwehhovisi likanobhala wesifundazwe, lizonqunywa u-MEC ngokuxoxisana noNgqongqoshe.

Imisebenzi yamahhovisi onobhala bezifundazwe

17. (1) Ukuze kusekwe izinjongo zeHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ezishiwo esigatsheni sesi-4 kanye futhi ngokwemigomo yokusebenzisana kwemikhakha kahulumeni kanye nobudlelwano phakatthi kohulumeni equkethwe isaHluko sesi-3 soMthethosisekelo, ihhovisi ngalinye likanobhala wesifundazwe kufanele—

(a) lihlele ngendlela efanayo izinhlelo nemisebenzi ezinhlakeni zikahulumeni esifundazweni nezinhlelo, inqubomgomo kanye nemisebenzi yeHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela; futhi
(b) lihlanganise amasu kanye nezindlela zalo ezinhlaka zikahulumeni esifundazweni namasu kanye nezindlela zeHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela.

(2) IHhovisi likaNobhala wesifundazwe ngokwesigatshana soku-(1), kufanele lisungule ubuchule kanye namakhono emisebenzini yalo, ukuze—

(a) (i) liqaphe futhi lihlole ukusetshenziswa kwenqubomgomo yezokuvikela kuleso sifundazwe;
(ii) lihlole futhi liqaphe ukuziphatha kwamaphoyisa esifundazweni;
(iii) lithuthukise futhi lihlole izindlela zokuphepha namakhambi okuqapha ukuqikelela ukuhambisana nemisebenzi yeHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela;
(iv) lisize iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ngokuqapha nokuhlola imisebenzi eyenziwayo; futhi
(b) (i) lithuthukise ubudlelwano nezokuvikela emphakathini;
(ii) lisungule futhi lithuthukise ukubambisana; futhi
(iii) lisingathe izakhiwo eziqhakambisa ukuphepha komphakathi esifundazweni.

Ukuqokwa kwezinhloko zemahhovisi onobhala bezifundazwe

18. (1) U-MEC ngokuxoxisana noNgqongqoshe futhi ngokwemithetho engamele umsebenzi kahulumeni, kufanele aqoke inhloko yehhovisi likanobhala wesifundazwe esifundazweni.

(2) Inhloko yehhovisi likanobhala wesifundazwe iqokelwa umkhawulo weminyaka emihlanu ongavuselelwa ngomunye umkhawulo wokwengeza owodwa nje kuphela,

(3) The head of a provincial secretariat must be a citizen of the Republic and be a fit and proper person, with appropriate knowledge, experience or qualifications.

(4) The head of a provincial secretariat must not be a member or former member of the police service of the Republic contemplated in section 199(1) of the Constitution.

Duties and functions

19. The head of a provincial secretariat—

(a) is responsible for the performance of the functions of a provincial secretariat as contemplated in section 17 or such duties and functions assigned to the head of a provincial secretariat by the Secretary in terms of section 10;

(b) is responsible for the resources and the employees of a provincial secretariat in the province;

(c) must take all decisions necessary or expedient for performance of the functions of a provincial secretariat referred to in section 17 or otherwise assigned to him or her by the Secretary in terms of section 10 or by the MEC of the province concerned;

(d) must monitor that national policing policies and directives issued or made by the Minister are implemented by the police service in the province and reports thereon are submitted to the head of a provincial department, the MEC and the Secretary;

(e) must evaluate and review practices, methodologies and performance of the police service in the province, submit reports thereon to the head of a provincial department and the MEC and submit copies thereof to the Secretary; and

(f) must perform such functions as the head of a provincial department or the MEC may consider necessary or expedient to ensure civilian oversight over police in the province.

Removal from office

20. The MEC may, after consultation with the Minister, remove the head of the provincial secretariat from office on account of—

(a) misconduct;

(b) ill health; or

(c) inability to perform the duties of that office effectively.

Vacancies

21. (1) When the head of a provincial secretariat is unable to perform the functions of office, or during a vacancy in the office of the head of a provincial secretariat, the MEC may, after consultation with the Minister, designate another person to act as head of the provincial secretariat until the head of a provincial secretariat returns to perform the functions of office or the vacancy is filled.

(2) The provisions of section 18(1), (3) and (4) apply to the designation or filling of a vacancy in terms of subsection (1).

(3) In the case of a vacancy, the MEC must fill the vacancy within a reasonable period of time, which period must not exceed six months.

Reporting and referrals

22. (1) The head of a provincial secretariat in each province must, through the head of a provincial department, submit to the MEC and the Secretary quarterly reports on the activities of a provincial secretariat in the province, and on any matter as or when required by the Secretary.

ngokwemigomo nemibandela yophiko ngaphansi kwemithetho engamele umsebenzi kahulumeni.

(3) Inhloko yehhovisi likanobhala wesifundazwe kufanele ibe isakhamuzi saseRiphabhuliki futhi kube umuntu ofanele futhi okulungele, abe nolwazi olufanele, ulwazi lomsebenzi noma neziqu.

(4) Inhloko yehhovisi likanobhala wesifundazwe akufanele kube ilungu noma owayeyilungu lophiko lwezemisebenzi yamaphoyisa eRiphabhuliki ovezwe esigatsheni se-199(1) soMthethosisekelo.

Izibophezelo nemisebenzi

19. Inhloko yehhovisi likanobhala wesifundazwe—

(a) ibhekele ukuqhutshwa kwemisebenzi yehhovisi likanobhala wesifundazwe njengoba kuveziwe esigatsheni se-17 noma lezo zibophezelo kanye nemisebenzi ethweswe inhloko yehhovisi likanobhala wesifundazwe nguNobhala ngokwemigomo yesigaba se-10;

(b) ibhekele izinsiza kanye nabasebenzi behhovisi likanobhala wesifundazwe esifundazweni;

(c) kufanele ithathe zonke izinqumo ezifanele noma ezinesidingo ekwenzeni imisebenzi yehhovisi likanobhala wesifundazwe eshiwo esigatsheni se-17 noma ethweswe yona uNobhala ngokwemigomo yesigaba se-10 noma ngu-MEC wesifundazwe oqondene;

(d) kufanele iqaphe ukuthi inqubomgomo kazwelonke yezokuvikela kanye neziyalelo ezikhishiwe noma ezenziwe uNgqongqoshe ziyasetshenziswa ophikweni lwezemisebenzi yamaphoyisa esifundazweni futhi nemibiko yazo iyahanjiswa enhlokweni yomnyango wesifundazwe, ku-MEC nakuNobhala;

(e) kufanele ihlole futhi ibuyekeze okwenziwayo, izindlela kanye nendlela uphiko lwezemisebenzi yamaphoyisa oluqhuba ngayo esifundazweni, ihambise imibiko yakho enhlokweni yomnyango wesifundazwe naku-MEC futhi ihambise amakhophi awo kuNobhala; futhi

(f) kufanele iqhube le misebenzi njengoba inhloko yomnyango wesifundazwe noma u-MEC abona ifanele noma inesidingo ukuqikelela ukusingatha abangeyona ingxenye yombutho wezokuvikela emaphoyiseni esifundazwe.

Ukukhishwa esikhundleni

20. U-MEC ngemuva kokuxoxisana noNgqongqoshe, kufanele akhiphe inhloko yehhovisi likanobhala wesifundazwe esikhundleni uma—

(a) ingaziphethe kahle;

(b) igula; noma

(c) ihluleka ukwenza imisebenzi yehhovisi ngempumelelo.

Izikhala zomsebenzi

21. (1) Uma inhloko yehhovisi likanobhala wesifundazwe ihluleka ukuqhuba imisebenzi yehhovisi, noma ngesikhathi kunesikhala ehhovisi lenhloko yehhovisi likanobhala wesifundazwe, u-MEC ngemuva kokuxoxisana noNgqongqoshe, angaqoka omunye umuntu ukuba abambe njengenhloko yehhovisi likanobhala wesifundazwe kuze kubuye inhloko yehhovisi likanobhala wesifundazwe iqhube imisebenzi yehhovisi noma kuze kugcwaliswe isikhala.

(2) Imibandela yesigaba se-18(1), (3) neyesi-(4) isebenza uma kuqokwa noma kugcwaliswa isikhala somsebenzi ngokwemigomo yesigatshana soku-(1).

(3) Uma kunesikhala, u-MEC kufanele agcwalise leso sikhala esikhathini esifanele, leso sikhathi akufanele sidlule izinyanga eziyisithupha.

Ukubika nokudlulisela

22. (1) Inhloko yehhovisi likanobhala wesifundazwe esifundazweni ngasinye, ngokusebenzisa inhloko yomnyango wesifundazwe, kufanele ihambise ku-MEC nakuNobhala imibiko kane ngonyaka ngokuqhubekayo ehhovisi likanobhala wesifundazwe esifundazweni, futhi nangodaba olungadingwa noma uma ludingwa uNobhala.

(2) The head of a provincial department must submit regular reports to the MEC and the relevant committee in the provincial legislature.

(3) The head of a provincial department in each province must—

(a) through the MEC, table an annual report in the provincial legislature on the activities of a provincial secretariat in the province; and

(b) submit a copy of the annual report tabled in terms of paragraph *(a)* to the Secretary.

CHAPTER 5

CO-OPERATIVE FRAMEWORK

Part 1

Secretary and heads of provincial departments

Secretary and heads of provincial departments

23. (1) The Secretary and heads of provincial departments must meet at least on a quarterly basis to—

(a) ensure alignment between the provincial secretariats and the Civilian Secretariat of their respective—

(i) annual strategic and performance plans; and

(ii) priorities, objectives and strategies;

(b) identify any other matter of strategic importance within each province;

(c) discuss performance of the police service in the province in order to identify best practices, to detect failures and to recommend preventative or corrective action when necessary;

(d) ensure regular reporting on matters specific to the performance of the police service in the province; and

(e) prepare for meetings of the Ministerial Executive Committee, the relevant Cabinet cluster committee or any other forum.

(2) The Secretary convenes, determines the agenda for and presides at the meetings referred to in subsection (1), and his or her office is responsible for providing administrative and other support services to the meetings.

(3) The Secretary may invite any person as he or she may consider necessary to attend the meetings referred to in subsection (1).

Part 2

Senior management forum

Establishment of forum

24. There is hereby established a forum to be known as the senior management forum.

Composition and functions of forum

25. (1) The forum established in terms of section 24 consists of—

(a) the Secretary, who is the chairperson of the forum;

(b) the heads of provincial secretariats;

(c) senior management staff from the Civilian Secretariat; and

(d) senior management staff from each provincial secretariat.

(2) The forum meets at least bi-monthly to—

(a) report on the activities of a provincial secretariat in each province; and

(b) facilitate interaction and co-operation amongst the provincial secretariats.

(2) Inhloko yomnyango wesifundazwe kufanele ihambise njalo imibiko ku-MEC kanye nasekomidini eliqondene kusishayamthetho sesifundazwe.

(3) Inhloko yomnyango wesifundazwe esifundazweni ngasinye kufanele—

(a) ngokusebenzisa u-MEC, yethule umbiko wonyaka kusishayamthetho sesifundazwe ngokuqhubekayo ehhovisi likanobhala wesifundazwe esifundazweni; futhi

(b) ihambise ikhophi yombiko wonyaka owethuliwe ngokwemigomo yendima *(a)* kuNobhala.

ISAHLUKO 5

UHLAKA LOKUSEBENZISANA

Ingxenye 1

Unobhala kanye nezinhloko zeminyango yezifundazwe

Unobhala kanye nezinhloko zeminyango yezifundazwe

23. (1) UNobhala kanye nezinhloko zeminyango yezifundazwe kufanele bahlangane okungenani kane ngonyaka uku—

(a) qikelela ukuhambisana phakathi kwamahhovisi onobhala bezifundazwe kanye neHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela mayelana nokuqondene—

(i) namasu onyaka kanye nezinhlelo zokuqhuba umsebenzi; kanye

(ii) nokusemqoka, izinjongo kanye namasu;

(b) thola ezinye izindaba zamasu ezisemqoka esifundazweni ngasinye;

(c) xoxa ngendlela uphiko lwezemisebenzi yamaphoyisa oluqhuba ngayo ukuze kuvezwe izindlela ezishaya emhloleni, ukuthola izinqinamba kanye nokuphakamisa igxathu lokuvikela noma lokulungisa uma kunesidingo;

(d) qikelela ukubika njalo ngezindaba ezithile uphiko lwezemisebenzi yamaphoyisa oluziqhubayo esifundazweni; kanye

(e) nokulungiselela imihlangano yeKomidi lesiGungu soNgqongqoshe, ikomidi lombungazo weKhabhinethi eliqondene noma elinye ithimba.

(2) UNobhala ubamba, anqume okuzodingidwa futhi angamele imihlangano eshiwo esigatshaneni soku-(1), futhi ihhovisi lakhe libhekele ukuhlinzekela ngezomabhalane kanye nosizo lokuseka emihlanganweni.

(3) UNobhala angamema noma ubani uma ebona kunesidingo ukuba athamele imihlangano eshiwo esigatshaneni soku-(1).

Ingxenye 2

Ithimba lezokuphatha eliseqophelweni eliphezulu

Ukusungulwa kwethimba

24. Ngakho-ke sekusungulwe ithimba elizobizwa ngokuthi ithimba lezokuphatha eliseqophelweni eliphezulu.

Ukwakheka kanye nemisebenzi yethimba

25. (1) Ithimba elisungulwe ngokwemigomo yesigaba sama-24 lakhiwe—

(a) uNobhala, ongusihlalo wethimba;

(b) izinhloko zamahhovisi onobhala bezifundazwe;

(c) abasebenzi abangabaphathi abaseqophelweni eliphezulu beHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela; kanye

(d) abasebenzi abangabaphathi abaseqophelweni eliphezulu behhovisi likanobhala wesifundazwe ngasinye.

(2) Ithimba lihlangana okungenani kabili ngenyanga ukuzo—

(a) bika ngokuqhubekayo ehhovisi likanobhala wesifundazwe esifundazweni ngasinye; futhi

(b) nokwenza lula ukuhlanganyela kanye nokusebenzisana phakathi kwamahhovisi onobhala bezifundazwe.

(3) The Secretary convenes, determines the agenda for and presides at the meetings referred to in subsection (2), and his or her office is responsible for providing administrative and other support services to the meetings.

(4) The Secretary may invite any person as he or she may consider necessary to attend meetings referred to in subsection (2).

Part 3

Intervention by Civilian Secretariat

Intervention by Civilian Secretariat

26. (1) Notwithstanding the provisions of this Chapter, the Minister may, after consultation with the relevant MEC, instruct the Civilian Secretariat to intervene in the affairs of a provincial secretariat in accordance with section 100 of the Constitution—

(a) when that provincial secretariat is unable to perform its functions effectively; or

(b) when that provincial secretariat cannot fulfil its obligations in terms of this Act,

and take appropriate steps to ensure proper fulfilment of its functions in terms of this Act.

(2) Nothing in this Part precludes the Minister from instructing the Civilian Secretariat to perform such functions contemplated by this Act in a province.

Part 4

Ministerial Executive Committee

Establishment of Ministerial Executive Committee

27. There is hereby established a Committee to be known as the Ministerial Executive Committee, as contemplated in section 206(8) of the Constitution.

Composition of Committee

28. The Committee consists of—

(a) the Minister, who is the chairperson of the Committee;

(b) the MEC from each province; and

(c) any other member the Minister may consider necessary.

Functions of Committee

29. (1) The functions of the Committee are to—

(a) facilitate close co-operation between the national and provincial spheres of government;

(b) discuss matters of common interest or those emanating from reports of the Civilian Secretariat; and

(c) discuss any other policing matter relevant to the functions of the MEC from each province.

(2) The Secretary or his or her office is responsible for—

(a) providing administrative and other support services to the Committee; and

(b) liaising and consulting with heads of provincial departments to ensure provincial issues are part of the agenda of the Committee.

(3) UNobhala ubamba, anqume ngokuzodingidwa futhi angamele imihlangano eshiwo esigatshaneni sesi-(2), futhi ihhovisi lakhe libhekele ukuhlinzekela ngezomabhalane kanye nolunye usizo lokweseka emihlanganweni.

(4) UNobhala angamema noma ubani abona efanele ukuba athamele imihlangano eshiwo esigatshaneni sesi-(2).

Ingxenye 3

Ukungenelela kweHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela

***Ukungenelela kwe*Hhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela**

26. (1) Nakuba kunemibandela yalesi saHluko, uNgqongqoshe ngemuva kokuxoxisana no-MEC oqondene, angayalela iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ukuba lingenelele ezindabeni zehhovisi likanobhala wesifundazwe ngokulandela isigaba se-100 soMthethosisekelo—

(a) uma ihhovisi likanobhala wesifundazwe lihluleka ukuqhuba imisebenzi ngempumelelo; noma

(b) uma lelo hhovisi likanobhala wesifundazwe lingeke likwazi ukufeza izibophezelo zalo ngokwemigomo yalo Mthetho,

futhi nokuthatha izinyathelo ezifanele ukuqikelela ukufeza imisebenzi yalo ngokwemigomo yalo Mthetho.

(2) Akukho lutho kule Ngxenye okuvimbela uNgqongqoshe ukuba ayalele iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ukuba baqhube imisebenzi evezwe kulo Mthetho esifundazweni.

Ingxenye 4

IKomidi lesiGungu soNgqongqoshe

Ukusungulwa kweKomidi lesiGungu soNgqongqoshe

27. Ngakho-ke sekusungulwe iKomidi elizobizwa ngokuthi iKomidi lesiGungu soNgqongqoshe, njengoba kuvezwe esigatsheni sama-206(8) soMthethosisekelo.

Ukwakheka kweKomidi

28. IKomidi lakhiwe—

(a) uNgqongqoshe, ongusihlalo weKomidi;

(b) u-MEC esifundazweni ngasinye; kanye

(c) nelinye ilungu uNgqongqoshe abona lifanele.

Imisebenzi yeKomidi

29. (1) Imisebenzi yeKomidi uku—

(a) siza ngokusebenzisana phakathi kwezinhlaka zikahulumeni kazwelonke nowesifundazwe;

(b) xoxa ngezindaba ezinentshisekelo efanayo noma ngalezo ezidalwe imibiko yeHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela; kanye

(c) nokuxoxa ngezinye izindaba eziqondene nemisebenzi ka-MEC esifundazweni ngasinye.

(2) UNobhala noma ihhovisi lakhe libhekele uku—

(a) hlinzekela ngezomabhalane kanye nangolunye usizo lokuseka eKomidini; kanye

(b) nangokuxoxisana nokuxhumana nezinhloko zeminyango yezifundazwe ukuqikelela ukuthi izindaba zesifundazwe ziba ingxenye yokuzodingidwa iKomidi.

Meetings

30. (1) The Minister convenes and determines the agenda for meetings of the Committee.

(2) Suggestions for inclusion in the agenda for a meeting may be submitted to the Minister in terms of a framework determined by the Minister.

Part 5

Co-operation with Independent Police Investigative Directorate

Co-operation with Independent Police Investigative Directorate

31. (1) The Civilian Secretariat must consider reports received from the Executive Director in terms section 9 of the Independent Police Investigative Directorate Act, 2010.

(2) The Civilian Secretariat must monitor the implementation by the police service of the recommendations made by the Directorate and provide the Minister with regular reports on steps taken by it to ensure compliance, and a copy thereof must be sent to the Executive Director.

(3) The Secretary and the Executive Director must ensure the necessary co-operation for the proper functioning of the Consultative Forum contemplated in Chapter 4 of the Independent Police Investigative Directorate Act, 2010.

Part 6

Co-operation with South African Police Service

Co-operation with South African Police Service

32. The members must provide their full co-operation to the Civilian Secretariat and where so required to a provincial secretariat, including but not limited to—

(a) assisting the Civilian Secretariat with the necessary information and records in the manner prescribed to perform its monitoring function in relation to oversight of the police service in terms of this Act;

(b) assisting the Civilian Secretariat to monitor and evaluate compliance with the Domestic Violence Act, 1998 (Act No. 116 of 1998); and

(c) any other information or documentation as may be required by the Civilian Secretariat in order to fulfil its functions in terms of this Act.

CHAPTER 6

REGULATIONS, TRANSITIONAL PROVISIONS, AMENDMENT AND REPEAL OF LAWS, SHORT TITLE AND COMMENCEMENT

Regulations

33. (1) The Minister may, after consultation with the Secretary, make regulations regarding—

(a) any matter which in terms of this Act may or must be prescribed;

(b) any action in order to promote compliance with this Act; and

(c) any ancillary or incidental matter that it is necessary to prescribe for the proper implementation or administration of this Act.

Imihlangano

30. (1) UNgqongqoshe ubamba futhi anqume ngokuzodingidwa emihlanganweni yeKomidi.

(2) Iziphakamiso zokuzoba ingxenye yokuzodingidwa emhlanganweni zingahanjiswa kuNgqongqoshe ngokwemigomo yohlaka olunqunywe uNgqongqoshe.

Ingxenye 5

Ukusebenzisana neHhovisi loMqondisi wezamaPhoyisa Eliphenya Ngokuzimele

Ukusebenzisana neHhovisi loMqondisi wezamaPhoyisa Eliphenya Ngokuzimele

31. (1) IHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela kufanele libheke imibiko etholakele evela kuMqondisi oMkhulu ngokwemigomo yesigaba sesi-9(1) soMthetho weHhovisi loMqondisi wezamaPhoyisa Eliphenya Ngokuzimele, wezi-2010.

(2) IHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela kufanele liqaphe uphiko lwezemisebenzi yamaphoyisa ekusebenziseni izincomo ezenziwe iHhovisi loMqondisi futhi linikeze njalo uNgqongqoshe ngemibiko yezinyathelo elizithathile ukuqikelela ukuzibophezela, futhi ikhophi yawo kufanele ithunyelwe kuMqondisi oMkhulu.

(3) UNobhala kufanele ahlinzekele ngokuseka okufanele nangokusebenzisana noMqondisi oMkhulu ukuqikelela ukusebenza ngendlela efanele kweThimba Lokuxoxisana elivezwe esaHlukweni sesi-4 soMthetho weHhovisi loMqondisi wezamaPhoyisa Eliphenya Ngokuzimele, wezi-2010.

Ingxenye 6

Ukusebenzisana noPhiko lwezeMisebenzi yamaPhoyisa aseNingizimu Afrika

Ukusebenzisana noPhiko lwezeMisebenzi yamaPhoyisa aseNingizimu Afrika

32. Amalungu oPhiko lwezeMisebenzi yamaPhoyisa aseNingizimu Afrika kufanele asebenzisane ngokugcwele neHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela uma kunesidingo ehhovisi likanobhala wesifundazwe, kubandakanya kodwa kungagcini ngoku—

(a) siza iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ngolwazi olufanele nangemininingwane egciniwe ngendlela enqunyelwe ukuqhuba umsebenzi walo wokuqapha omayelana nokusingatha uphiko lwezemisebenzi yamaphoyisa ngokwemigomo yalo Mthetho;

(b) siza iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ukuqapha kanye nokuhlola ukulandelwa kwe-*Domestic Violence Act, 1998 (Act No. 116 of 1998)*; kanye

(c) neminye imininingwane noma imiqulu engafuneka eHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ukuze lifeze imisebenzi yalo ngokwemigomo yalo Mthetho.

ISAHLUKO 6

IZIMISO ZOMTHETHO, IMIBANDELA YESIKHASHANA, UKUCHITSHIYELWA NOKUCHITHWA KWEMITHETHO, ISIHLOKO ESIFINGQIWE KANYE NOKUQALA UKUSEBENZA

Izimiso zomthetho

33. (1) UNgqongqoshe ngemuva kokuxoxisana noNobhala, angenza izimiso zomthetho ezimayelana—

(a) nodaba ngokwemigomo yalo Mthetho olunganqunywa noma okufanele lunqunywe;

(b) nezinyathelo ukuze kukhuthazwe ukulandela lo Mthetho; kanye

(c) nolunye udaba lokuseka noma oluhambisanayo okufanele lunqunywe ukuze kusetshenziswe ngendlela noma kusingathwe lo Mthetho.

(2) Regulations with regard to the implementation of this Act must be submitted to the Minister by the Secretary within three months of the commencement of this Act.

(3) The regulations referred to in subsection (1) must be submitted to Parliament for notification purposes before promulgation.

Transitional provisions

34. (1) A Civilian Secretariat for the police service in existence immediately before the commencement of this Act continues as the Civilian Secretariat for the police service contemplated in section 4(1).

(2) Any provincial secretariat structure in existence at the provincial sphere of government immediately before the commencement of this Act continues subject to section 16.

(3) Any person who immediately before the commencement of this Act served in the post of Secretary or head of a provincial secretariat, as the case may be—

(a) must be regarded as having been appointed in terms of section 7(1) or section 18(1); and

(b) continues to serve in that capacity under the terms and conditions of service of his or her existing appointment for the remainder of the period of service in terms of such appointment.

(4) Subject to subsection (1), any personnel who immediately before the commencement of this Act served in any post in the Civilian Secretariat—

(a) must be regarded as having been appointed in terms of sections 8(2)*(e)* and 8(4); and

(b) continue to serve in that capacity under the terms and conditions of service of his or her appointment for the remainder of the period of service in terms of such appointment.

(5) Any assessment, evaluation or project instituted by the Civilian Secretariat in terms of the South African Police Service Act which was pending, continues as if this Act had not been passed.

(6) Decisions of the Civilian Secretariat in force immediately before the commencement of this Act remain in force until amended, replaced or rescinded by the Civilian Secretariat.

(7) The reports of the Secretary in terms of section 13 must include progress made in respect of the establishment of provincial secretariats until such time as provincial secretariats are established and functioning in the provinces.

Amendment and repeal of laws

35. The laws mentioned in the Schedule are hereby amended and repealed to the extent set out in third column of that Schedule.

Short title and commencement

36. (1) This Act is called the Civilian Secretariat for Police Service Act, 2011, and takes effect on a date determined by the President by proclamation in the *Gazette*.

(2) The provisions of sections 4(2) and (3), and 14 shall come into operation on a date determined by the President by proclamation in the *Gazette*.

(3) Different dates may be determined under subsection (2) in respect of different provisions of this Act.

(2) Izimiso zomthetho ezimayela nokusetshenziswa kwalo Mthetho kufanele zihanjiswe kuNgqongqoshe nguNobhala zingakapheli izinyanga ezintathu uqalile ukusebenza lo Mthetho.

(3) Izimiso zomthetho ezishiwo esigatshaneni soku-(1) kufanele zihanjiswe ePhalamende ukuze laziswe ngaphambi kokuba zimenyezelwe.

Imibandela yesikhashana

34. (1) IHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ophikweni lwezemisebenzi yamaphoyisa ngaphandle kokupholisa amaseko uma selisunguliwe ngaphambi kokuqala ukusebenza kwalo Mthetho lizoqhubeka njengeHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ophikweni lwezemisebenzi yamaphoyisa elivezwe esigatsheni sesi-4(1).

(2) Isakhiwo sehhovisi likanobhala wesifundazwe esikhona ezinhlakeni zikahulumeni wesifundazwe ngaphandle kokupholisa amaseko ngaphambi kokuqala ukusebenza kwalo Mthetho sizoqhubeka ngokwesigaba se-16.

(3) Ngaphandle kokupholisa amaseko noma ubani ngaphambi kokuqala ukusebenza kwalo Mthetho obambe isikhundla sikaNobhala noma inhloko yehhovisi likanobhala wesifundazwe, noma omunye wabo—

(a) kufanele athathwe ngokuthi uqokwe ngokwemigomo yesigaba sesi-7(1) noma yesigaba se-18(1); futhi

(b) aqhubeke nokusebenza kulelo zinga ngaphansi kwemigomo nemibandela yomsebenzi wesikhundla aqokelwe sona asasibambile kuleso sikhathi esisasele somsebenzi ngokwemigomo yalokho kuqokwa.

(4) Ngokwesigatshana soku-(1), ngaphandle kokupholisa amaseko noma omuphi umsebenzi ngaphambi kokuqala ukusebenza kwalo Mthetho obesebenza kunoma esiphi isikhundla eHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela—

(a) kufanele athathwe njengowaqokwa ngokwemigomo yesigaba sesi-8(2)*(e)* kanye nesesi-8(4); futhi

(b) uzoqhubeka asebenze kulelo zinga ngaphansi kwemigomo nemibandela yomsebenzi wesikhundla aqokelwe sona asasibambile kuleso sikhathi esisasele somsebenzi ngokwemigomo yalokho kuqokwa.

(5) Ukuhlola, ukuhluza noma umsebenzi oqalwe iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ngokwemigomo ye-*South African Police Service Act* obusaqhutshwa, uzoqhubeka sengathi lo Mthetho awukagunyazwa.

(6) Ngaphandle kokupholisa amaseko izinqumo zeHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela ezisebenzayo ngaphambi kokuqala ukusebenza kwalo Mthetho zizoqhubeka nokusebenza zize zichitshiyelwe, zishintshwe noma zichithwe iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela.

(7) Imibiko kaNobhala ngokwemigomo yesigaba se-13 kufanele ibandakanye inqubekela phambili eyenziwe mayelana nokusungulwa kwamahhovisi onobhala bezifundazwe kuze kube ileso sikhathi okusungulwe ngaso amahhovisi onobhala bezifundazwe nokusebenza kwawo ezifundazweni.

Ukuchitshiyelwa nokuchithwa kwemithetho

35. Ngakho-ke imithetho ebalulwe esiThasiselweni iyachitshiyelwe futhi iyachithwa ngale ndlela eveziwe kukholamu yesithathu yalesi siThasiselo.

Isihloko esifingqiwe kanye nokuqala ukusebenza

36. (1) Lo Mthetho ubizwa ngokuthi uMthetho weHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela oPhikweni lwezeMisebenzi yamaPhoyisa, wezi-2011, futhi uzoqala ukusebenza ngosuku oluzonqunywa uMongameli ngesimemezelo kuSomqulu.

(2) Imibandela yesigaba sesi-3, 8(5) kanye nesesi-14 kufanele iqale ukusebenza ngosuku olunqunywe nguMongameli ngesimemezelo kuSomqulu.

(3) Izinsuku ezihlukene zinganqunywa ngaphansi kwesigatshana sesi-(2) mayelana nemibandela yalo Mthetho.

SCHEDULE

Laws amended and repealed (section 35)

Number and year of law	Short title	Extent of repeal or amendment
Act 68 of 1995	South African Police Service Act	**Amendment of section 1 of Act 68 of 1995, as amended by section 1 of Act 41 of 1997 and section 1 of Act 83 of 1998** **1.** Section 1 of the South African Police Service Act is hereby amended— *(a)* by the substitution for the definition of **"secretariat"** of the following definition: **"secretariat"** means the **[Secretariat for Safety and Security established under section 2(1)]** Civilian Secretariat for the Police Service established in terms of section 4(1) of the Civilian Secretariat for Police Service Act, 2010;"; *(b)* by the substitution for the definition of **"Secretary"** of the following definition: **"Secretary"** means the Secretary **[for Safety and Security appointed under section 2(2)]** for the Police Service appointed in terms of section 7(1) of the Civilian Secretariat for Police Service Act, 2010;". **Repeal of section 2 of Act 68 of 1995** **2.** Section 2 of the Act is hereby repealed.

ISITHASISELO

Imithetho echitshiyelwe nechithiwe (isigaba sama-32)

Inombolo nonyaka womthetho	**Isihloko Esifingqiwe**	**Indlela ochithwe ngayo noma ochitshiyelwe ngayo**
Act 68 of 1995	i-*South African Police Service Act*	**Ukuchitshiyelwa kwesigaba soku-1 soMthetho wama-68 we-1995, njengoba uchitshiyelwe ngesigaba soku-1 soMthetho wama-41 we-1997 kanye nesigaba soku-1 soMthetho wama-83 we-1998** **1.** Ngakho-ke isigaba soku-1 se-*South African Police Service Act* sichitshiyelwe— *(a)* ngokufaka endaweni yencazelo **"yehhovisi likanobhala"** le ncazelo elandelayo: **"ihhovisi likanobhala"** lichaza **[iHhovisi likaNobhala wezokuPhela nokuVikeleka elisungulwe ngaphansi kwesigaba sesi-2(1)]** iHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela oPhikweni lwezeMisebenzi yamaPhoyisa elisungulwe ngokwemigomo yesigaba sesi-3(1) soMthetho weHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela oPhikweni lwezeMisebenzi yamaPhoyisa, wezi-2010;"; *(b)* ngokufaka endaweni yencazelo **"uNobhala"** le ncazelo elandelayo: **"uNobhala"** uchaza uNobhala **[wezokuPhepha nokuVikeleka oqokwe ngaphansi kwesigaba sesi-2(2)]** woPhiko lwezeMisebenzi yamaPhoyisa oqokwe ngokwemigomo yesigaba sesi-7(1) soMthetho weHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela, wezi-2010;"; **Ukuchithwa kwesigaba sesi-2 soMthetho wama-68 we-1995** **2.** Ngakho-ke isigaba sesi-2 soMthetho sichithiwe.

Number and year of law	Short title	Extent of repeal or amendment
		3. The substitution for the words **"Secretary for Safety of Security"**, wherever they occur in the Act, of the words **"Secretary for the Police Service"**.
Act 60 of 2000	Firearms Control Act, 2000	**Amendment of section 1 of Act 60 of 2000, as amended by section 1 of Act 43 of 2003 and Act 28 of 2006** **1.** Section 1 of the Firearms Control Act, 2000, is hereby amended by the substitution for the definition of: **"Secretary for Safety of Security"** of the following definition: **"Secretary for the Police Service"** means the Secretary for the Police Service appointed in terms of section 7(1) of the Civilian Secretariat for Police Service Act, 2010;". **2.** The substitution for the words **"Secretary for Safety of Security"**, wherever they occur in the Act, of the words **"Secretary for the Police Service"**.

Inombolo nonyaka womthetho	**Isihloko Esifingqiwe**	**Indlela ochithwe ngayo noma ochitshiyelwe ngayo**
		3. Ukufaka endaweni yamagama **"uNobhala wezokuPhepha nokuVikeleka"**, noma kuphi lapho evela khona eMthethweni, lawa magama alandelayo **"uNobhala woPhiko lwezeMisebenzi yamaPhoyisa"**.
Act 6 of 2000	i-*Firearms Control Act, 2000*	**Ukuchitshiyelwa kwesigaba soku-1 soMthetho wama-60 wezi-2000, njengoba uchitshiyelwe ngesigaba soku-1 soMthetho wama-43 wezi-2003 kanye noMthetho wama-28 wezi-2006** **1.** Ngakho-ke isigaba soku-1 se-*Firearms Control Act, 2000,* sichitshiyelwe ngokufaka endaweni yencazelo: **"uNobhala wezokuPhepha nokuVikeleka"** le ncazelo elandelayo: **"UNobhala woPhiko lwezeMisebenzi yamaPhoyisa"** uchaza uNobhala woPhiko lwezeMisebenzi yamaPhoyisa oqokwe ngokwemigomo yesigaba sesi-7(1) soMthetho weHhovisi likaNobhala Labantu Abangeyona Ingxenye yoMbutho wezokuVikela oPhikweni lwezeMisebenzi yamaPhoyisa, wezi-2010;". **2.** Ukufaka endaweni yamagama **"uNobhala wezokuPhepha nokuVikeleka"**, noma kuphi lapho evela khona kulo Mthetho, lawa magama alandelayo **"uNobhala woPhiko lwezeMisebenzi yamaPhoyisa"**.