

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**INDEPENDENT POLICE
INVESTIGATIVE
DIRECTORATE AMENDMENT
BILL**

[B 21—2023]

(As agreed to by the Portfolio Committee on Police)

[B 21A—2023]

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AMENDMENTS AGREED TO

INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE AMENDMENT BILL [B 21—2023]

CLAUSE 1

1. On page 3, after line 9, to insert the following paragraph and to renumber paragraphs (e) to (i) accordingly:

“(e) by the deletion of the definition of “fixed date”.”
2. On page 3, in line 20, to omit “definitions, respectively” and to substitute “definition”.
3. On page 3, from line 21, to omit “ **‘Programme Manager’** means a person appointed to head a Unit or Programme of the Directorate;”.

CLAUSE 4

1. Clause rejected.
2. That the following be the new clause:

“Appointment, remuneration and conditions of service of Executive Director

- 6. (1) The Minister must—**
- (a) appoint a panel to assist the Minister to identify suitably qualified candidates for appointment as the Executive Director, in accordance with a procedure determined by the Minister; and

(b) nominate a suitably qualified person and submit the name of such person to the relevant Parliamentary Committee.

(2) The relevant Parliamentary Committee must, within a period of 30 parliamentary working days from the date of the submission of the name of the suitably qualified person contemplated in subsection (1)(b), confirm or reject such nomination.

(3) (a) In the event of the nomination made in terms of subsection (1)(b) being confirmed by the relevant Parliamentary Committee, the Minister must appoint the nominated person as the Executive Director to head the Directorate in accordance with the responsibilities listed in section 7, for a non-renewable period of seven years.

(b) The person to be appointed as Executive Director must—

 - (i) be a South African citizen;
 - (ii) be a fit and proper person;
 - (iii) possess an appropriate qualification in law, safety and security, or in administration of criminal justice or forensic investigation;
 - (iv) have knowledge of safety and security, the policing environment and public administration for a cumulative period of between eight to 10 years at senior management level, at least three years of which must be within an organ of state as defined in the Constitution; and
 - (v) with due regard to his or her experience, demonstrate high levels of conscientiousness, integrity and commitment to human rights.

(4) The remuneration, allowances, benefits and other terms and conditions of service of the Executive Director must be determined by the Minister, with the concurrence of the Minister responsible for Finance.

(5) (a) When the Executive Director is unable to perform the functions of office, or when the Executive Director position is vacant, the Minister may,

with the concurrence of the relevant Parliamentary Committee, designate another person to act as Executive Director until the Executive Director returns to perform the functions of office, or until the vacant post is filled; and

(b) In the event of the Executive Director position being vacant, the position must be filled within six months from the date of such vacancy in accordance with the process contemplated in subsections (1) to (4).

(c) If the vacant Executive Director position is not filled within a period of six months, the Minister must provide the relevant Parliamentary Committee and the Minister for Public Service and Administration with reasons for the delay and request an extension of the period which must not exceed a further period of six months.”.

CLAUSE 5

1. On page 4, in line 41, to omit “complaints” and to substitute “recommendations”.
2. On page 4, in line 47, to omit “complaints” and to substitute “recommendations”.
3. On page 5, in line 8, to omit “municipal police [**services**] service” and to substitute “[**Municipal Police Services**] municipal police service”.

CLAUSE 6

1. On page 5, in line 13, to omit “of the heading for” and to substitute “for the heading of”.
2. On page 5, in line 16, to omit “of subsections (3), (4), (5), (7) and (8) for” and to substitute “for subsections (3), (4), (5), (7) and (8) of”.
3. On page 5, in line 18, to underline “(a)”.
4. On page 5, in line 22, to omit “Once” and to substitute “once”.
5. On page 5, from line 30, to underline “pre-employment”.
6. On page 5, in line 38, to underline “if” after the comma.
7. On page 5, in line 39, to omit “causes [**him or her**]” and to substitute “[**causes him or her**]”.
8. On page 5, in line 40, to omit “to believe” and to substitute “[**to believe**] believes”.

CLAUSE 8

1. On page 5, in line 55, to omit “[**(9)**]” and to substitute “[, **(9)**]”.

CLAUSE 10

1. On page 6, in line 8, to omit “**Amendment**” and to substitute “**Repeal**”.

CLAUSE 12

1. On page 6, after line 14, to insert the following paragraph:

“(a) by the substitution for subsection (1) of the following subsection:

‘(1) The Executive Director, in consultation with the relevant provincial head, must, in the prescribed manner, appoint a fit and proper person as an investigator of the Directorate, subject to subsections (2), (3) and (4).’ ”.
2. On page 6, in line 15, to omit paragraph (a).
3. On page 6, after line 15, to insert the following paragraph:

“(b) by the substitution in subsection (2) for paragraph (a) of the following paragraph:

’(a) must have at least a grade 12 or equivalent certificate [**or**] and a relevant diploma or degree; and’ ”.
4. On page 6, in line 16, to omit “(b)” and to substitute “(c)”.
5. On page 6, in line 22, to omit “(c)” and to substitute “(d)”.

CLAUSE 14

1. On page 6, in line 42, to omit “of paragraph (a) for” and to substitute “for paragraph (a) of”.
2. On page 6, after line 49, to insert the following paragraph:

“(c) by the deletion of subsection (5); and”.
3. On page 7, in line 1, to omit “(c)” and to substitute “(d)”.
4. On page 7, in line 2, after “must” to insert “, where the person is not cooperative,”.
5. On page 7, in line 5, to omit “director” and to substitute “head”.
6. On page 7, in line 8, to omit “director” and to substitute “head”.
7. On page 7, in line 10, to omit “director” and to substitute “head”.
8. On page 7, in line 29, to omit “Programme Manager,”.
9. On page 7, in line 29, to omit “director” and to substitute “head”.

CLAUSE 16

1. On page 7, in line 45, after “a” to insert “member of a”.
2. On page 7, in line 50, to omit “];” and to substitute “;]”.
3. On page 8, in line 6, to omit “and” and to substitute “or”.
4. On page 8, in line 13, after “service” to insert “₂”.
5. On page 8, in line 22, after “firearm” to insert “, or through the use of any weapon or instrument,”.

6. On page 8, from line 25, to omit paragraph (h) and to substitute the following paragraph:
- “(h) any other matter referred to it as a result of a decision by the Executive Director, or a provincial head, or if so requested by the Minister, an MEC, National Commissioner, or the appropriate Provincial Commissioner, National Head or the appropriate Provincial Head of the Directorate for Priority Crime Investigation, executive head of the relevant municipal police service, municipal manager, or the Secretary, as the case may be, in the prescribed manner.’; and”.

CLAUSE 17

1. On page 8, in line 43, to omit “[or municipal police service]” and to substitute “[or **Municipal Police Service**]” and to underline “a”.

CLAUSE 18

1. On page 8, in line 59, to omit “(7)], must” and to substitute “[, **must**]”.
2. On page 9, in line 2, to omit “only” and to substitute “may”.
3. On page 9, in line 5, to omit paragraph (c).
4. On page 9, after line 5, to insert the following paragraph:
- “(c) by the substitution for paragraph (b) of the following paragraph:
 (b) must quarterly submit a written report to the Minister on the progress regarding disciplinary matters made in terms of paragraph (a) and provide a copy thereof to the Executive Director and the Secretary; **[and]** ”.
5. On page 9, in line 6, to omit “of paragraph (c) for” and to substitute “for paragraph (c) of”.
6. On page 9, in line 7, before “immediately” to insert “must”.
7. On page 9, in line 11, to omit “and”.
8. On page 9, in line 12, to omit “paragraph” and to substitute “paragraphs”.
9. On page 9, in line 17, to omit “;.” and to substitute “; and”.
10. On page 9, after line 17, to insert the following paragraph:
- “(e) where the sanction is considered inappropriate the Directorate may request the National Commissioner, or the appropriate Provincial Commissioner, National Head or the appropriate Provincial Head of the Directorate for Priority Crime Investigation, or the executive head of the relevant municipal police service to review the sanction.”.

CLAUSE 19

1. On page 9, in line 20, to omit “of paragraph (b) for” and to substitute “for paragraph (b) of”.

NEW CLAUSE

1. On page 9, after line 23, to insert the following new clause:

“Amendment of section 33 of Act 1 of 2011

20. Section 33 of the principal Act is hereby amended—

- (a) by the substitution for subsection (3) of the following subsection:
 ‘(3) Any **[police officer]** member of the South African Police Service or a member of a municipal police service who fails to comply with section 29 is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.’; and
- (b) by the addition of the following subsection:
 ‘(6) The National Commissioner, or appropriate Provincial Commissioner, national Head or appropriate Provincial Head of the Directorate for Priority Crime Investigation or the Executive Head of the relevant municipal police service who fails to comply with section 30 is guilty of an offence and liable to a fine or to imprisonment for a period not exceeding two years.’”.

CLAUSE 20

1. On page 9, in line 25, to omit “**20.**” and to substitute “**21.**”.
2. On page 9, in line 26, after “deletion” to insert “in subsection (1)”.
3. On page 9, from line 26, to omit “of subsection (1)”.
4. On page 9, in line 31, after “format” to insert “and time-frames”.
5. On page 9, after line 37, to insert the following paragraph:
 “(oE) the criteria to be followed in appointing investigators;”.
6. On page 9, in line 38, to omit “(oE)” and to substitute “(oF)”.

CLAUSE 21

1. On page 9, in line 41, to omit “**21.**” and to substitute “**22.**”.

CLAUSE 22

1. On page 9, in line 49, to omit “**22.**” and to substitute “**23.**”.

CLAUSE 23

1. On page 10, in line 6, to omit “**23.**” and to substitute “**24.**”.

LONG TITLE

1. On page 2, in line 9 of the long title, to omit “complaints” and to substitute “recommendations”.

